



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 14, 2016 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 14, 2016, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Luettel called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer, Hilary K. Maricle and Ken Luettel. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Luettel acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed several Accounts Payable Vendor Claims filed for payment on the various county funds. Motion made by Luettel, second by Maricle to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$59,787.26; Road - \$111,922.85; Boone County Visitor's Promotion - \$1,100.86; Inheritance Tax Fund - \$2,245.00; 911 Emergency Management (2910) - \$737.21; 911 Wireless Service (2913) - \$677.44; Ambulance - \$1,376.32. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Maricle to approve an Accounts Payable Vendor Claim filed for payment on the Road fund for Vendor ID No. 801 in the amount of \$2,339.70, a non-exclusive contract for services to back-haul aggregate for the county. Roll call vote: Yeas: Tisthammer and Maricle. Nays: None. Abstain: Luettel. Motion carried.

Motion made by Luettel, second by Maricle to approve the County Board Proceedings of October 31, 2016 as presented. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

Motion made by Maricle, second by Luettel to approve the following reports of the County Officials as presented for October 2016:

- Clerk - \$10,402.50 (State of Nebraska \$5,825.92) (County of Boone \$4,576.58)
- Clerk of the District Court - \$703.85 (State of Nebraska \$328.00) (County of Boone \$375.85)
- Sheriff - \$1,238.16
- County Planning & Zoning - \$457.25
- Treasurer - Treasurer's Fees - \$4.00; Miscellaneous Receipt Nos. 15307-15363 - \$316,716.87; Total Collections - \$583,549.97

Roll call vote: Yeas: Maricle, Luettel and Tisthammer. Nays: None. Motion carried.

The Board and Denny Johnson, Sheriff, held a lengthy telephone conference with Don Prochaska and Bill Huey, Prochaska and Associates of Omaha, Nebraska, regarding possible renovations to the law enforcement building on October 11, 2016. Prochaska works with the State of Nebraska, Jail Standards Division, to make sure that the renovation project satisfies the requirements for security and safety issues following the review/study of the county jail facility by the State of Nebraska, Jail Standard Division. The Board received a Letter Agreement to review that describes the contractual terms under which Prochaska & Associates will provide Architectural/Engineering services to Boone County for addressing the safety issue upgrades to the jail identified by Nebraska Jail Standards. Motion made by Tisthammer, second by Maricle to approve and authorize the Board Chairman to sign the Letter Agreement with Prochaska & Associates, not-to-exceed a cap



Boone County Board Minutes



of \$25,000.00, plus out-of-pocket reimbursable expenses as presented. Roll call vote: Yeas: Tisthammer, Maricle and Luettel. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Albion Area Arts Council requested assistance to advertise the String Beans Concert and Daniel Christian Concert scheduled for December 3 and 4, 2016. Motion made by Tisthammer, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Maricle. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report for the Board to review. There were twenty distress warrants delivered to the Boone County Sheriff on November 1, 2016 for collection of unpaid 2015 personal property taxes. The amount of uncollected 2015 personal property taxes, not including penalties is \$3,004.03. The total to be collected on distress warrants, with penalties is \$3,162.42. Motion made by Luettel, second by Maricle to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

The County of Boone DBA Boone County Ambulance Service has an Agreement with EMS Billing Services, Inc. of Omaha, Nebraska to provide billing and collection services for the county ambulance services. The EMS Billing Services mail three billing statements to the patient for their ambulance service. If EMS Billing Services does not receive payment they send the file information to the Boone County Ambulance liaison. The Boone County Ambulance liaison mails three billing statements to the patient for the ambulance service with the third billing request saying, if no payment is received in 30 days the billing will be turned over to the County Attorney for collection. The Boone County Ambulance Service submitted an uncollectible ambulance account for a November 2015 ambulance service in the amount of \$2,245.00, as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to remove the \$2,245.00 from the EMS Billing Services account for purposes of bookkeeping and turn the account over to the County Attorney to attempt further collection. Motion made by Tisthammer, second by Maricle to turn the November 2015 County Ambulance Service account balance of \$2,245.00 over to the County Attorney for further collection. Roll call vote: Yeas: Tisthammer, Maricle and Luettel. Nays: None. Motion carried.

The State of Nebraska, Department of Roads needs the county board to designate the official county newspaper(s) in order to comply with the state statute when advertising their projects for bids in the county. The Cedar Rapids Press no longer has their legal status. Motion made by Luettel, second by Maricle to designate the official county newspapers for 2017 to include the Albion News, Petersburg Press and The St. Edward Advance. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his October report for the Board to review. In addition, the following topics were discussed:

- Thorin updated the Board regarding road/bridge maintenance, materials and projects.
- Thorin updated the Board regarding the county bridges that are showing structure deficiency according to the latest Nebraska Department of Roads bridge inspections.
- Thorin informed the Board that LTAP will be in Boone County on Wednesday, November 16, 2016 for hands on motor grader operator instructions. Thorin plans to have all the county employee motor grader operators to participate in the training.



Boone County Board Minutes



- Thorin informed the Board that he plans to notify the truck drivers that signed a non-exclusive contract for services to back-haul aggregate for the county, that the county will not need the back-haul services again until in the spring of 2017.

An annual certification of a County Highway Superintendent is due each year by December 31st to the Nebraska Department of Roads per Nebraska Revised Statutes §39-2501 through §39-2505. The performance of the duties listed in the certification determines federal highway allocation funds incentive payments. Motion made by Luettel, second by Maricle to approve and authorize the Board Chairman to sign the Certification for the Nebraska Department of Roads of Darrel Thorin, Boone County Highway Superintendent, for the calendar year 2016 as presented. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

On October 26, 2016 the Board; Darrel Thorin, County Highway Superintendent; Denny Johnson, Sheriff; Brent Lipker, Albion Police Department; Tom Smith, Region 44 Emergency Manager; Jay Olson, Cargill Northwest Region Operations representative; Jonathan Petersen and Terry Reicks, Cargill representatives; and Andy Roberts and Michael Pugh, Valero Renewables representatives, met to discuss safety concerns. The hazardous safety issues discussed were in regard to when truck traffic is staging on State Highway 14-39 and County Road known as 260th Street while waiting to unload grain at Cargill.

The Board invited Kevin Domogalla, Nebraska Department of Roads (NDOR) District 3 Highway Engineer, to participate in the ongoing discussion of safety concerns and possible solutions for truck staging on the state highway during certain times of the year. The following participated in the discussion: Board of Commissioners; Darrel Thorin, County Highway Superintendent; Denny Johnson, Sheriff; Brent Lipker, Albion Police Department; Jonathan Petersen and Terry Reicks, Cargill representatives; and Andy Roberts and Michael Pugh, Valero Renewables representatives, and Kevin Domogalla, District 3 NDOR Highway Engineer.

Domogalla said that the trucks are not allowed to stage on the highway and that the southbound lane or west side of Highway 14-39 has been posted for no parking. Domogalla said the enforcement of the no parking signs is up to local law enforcement. Discussion was held on a possible safety improvement to eliminate trucks staging on the southbound side of State Highway 14-39 by using the highway junction and connecting spur to the south. Trucks could use that as a turn-around area, so that all grain trucks would be northbound and staging on the east edge of the highway as they wait to turn onto 260th Street. The short turning radius onto 260th Street was listed as a drawback to the plan, although it could be safer because there are fewer driveways south of the 260th Street intersection. Domogalla reiterated that the state cannot allow trucks staging on the highway, no matter the location. Getting the staging trucks off the highway is ultimately the best solution. Cargill noted they have added more staging area within its facility and have room for 40 semi-truck/trailers. Cargill noted that they unload about 96 percent semi-truck/trailers and only about four percent straight trucks.

The group referenced a traffic study that was completed in 2009. The group discussed a possible reduction of the speed limit in the vicinity of State Highway 14-39 and 260th Street. It is currently 45 mph in that area and also noted that there are more businesses in the area than there were when the last traffic study was completed in 2009. A suggested reduction to 35 mph would reduce the danger from lack of visibility at the intersections when trucks are staging on the highway. Domogalla said that the 2009 traffic study did not indicate sufficient traffic to reduce the speed limit. The group believes that the traffic volume on the highway is higher than it was in 2009 and that a new traffic study would prove that. Other suggestions were to add a flashing amber light at the intersection and install an electronic roadside speed monitor sign in that area to notify drivers of their speed. It was suggested that this could be done as a cost share project between the city and county. Plans for possibly widening the turning radius at the intersection of State Highway 14-39 and County Road 260th Street was



Boone County Board Minutes



discussed. The right-of-way is owned by the State of Nebraska, but Domogalla said this is a county road intersection, so a widening construction project would be at the county expense.

At the conclusion of the meeting, Domogalla said he will check into a new traffic study of the area and gather traffic data from Cargill and Valero. Domogalla said the waiting time for a traffic study is usually four to six months.

The Board served a written notice to Sequoia Consulting Group, terminating the agreement regarding Indirect Costs Allocation for fiscal year ending June 30, 2017, effective October 11, 2016. The Board and Wesley J. Ehlers, Sequoia Consulting Group, discussed the Indirect Costs Allocation services via telephone conference. The County of Boone, Nebraska has received a letter from the Nebraska Department of Health and Human Services (DHHS) denying the requests dated September 15, 2014 and September 21, 2015, for payment for office space in regard to indirect costs. There is confusion regarding what allocation funds were recently denied by DHHS that the Sequoia Consulting Group submitted for Indirect Costs Allocation services reimbursement for the county. In January DHHS finance department and internal audit reviewed DHHS practice of receiving invoices from counties for free space, running the costs through a cost allocation plan, and reimbursing counties for the space with federal dollars. DHHS concluded that it was not able to properly claim federal funds for this space for the current and future cost allocation plans. Ehlers expressed his thoughts on the recent action by DHHS and asked the Board to reconsider continuing to use Sequoia Consulting Group services. Ehlers said that that the consulting groups are possibly proposing legislation to clear up the issues that recently surfaced following an internal audit of the DHHS finance department. The Board made no decision at the meeting and plan to call Wesley Ehlers, Sequoia Consulting Group, on Monday, November 21, 2016 to further discuss the issue.

Open Discussion and miscellaneous public comments:

- The Board discussed various meetings scheduled this week.
- The Board, Denny Johnson, Sheriff, and Rod Nelson, Maintenance, discussed the generator inspections conducted by NMC. The generator located at the County Communications Tower and the generator located at the Sheriff's office are both in need of some maintenance repairs. The consensus of the Board was to have the necessary repairs completed on both generators.

Commissioner Luettel declared the meeting adjourned at 12:20 P.M. with the next Board meeting scheduled for Monday, November 21, 2016.

Kathy Thorberg,
Boone County Clerk