



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 27, 2017

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, September 27, 2017 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Luettel, second by Rasmussen to approve the County Payroll Claims filed for payment from the various funds: General \$95,523.53, BCBS \$51,758.56, Ameritas Ret \$6,613.41, EFTPS \$7,101.76, Section 125 Fees \$15.00, Wellness Program \$103.46; Road \$59,247.11, BCBS \$30,495.80, Ameritas Ret \$3,999.19, EFTPS \$4,470.03; Ambulance \$2,143.01, Ameritas Ret \$58.12, EFTPS \$163.95; and Public Defender Contract \$3,120.00. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to approve the County Board Proceedings of September 18, 2017 as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Motion made by Maricle, second by Rasmussen to approve the County Board of Equalization Proceedings of September 18, 2017 as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Donny Baker, Farm 4 A Cure, Inc., presented an application for a Special Designated License (SDL) for September 30, 2017. The Board reviewed the application for a Special Designated License (SDL) for a cancer fundraiser event scheduled for Saturday, September 30, 2017 at 3386 360th Street, St. Edward, Nebraska. Baker informed the Board that the event includes several activities such as a silent auction, mud run and four bands. Motion made by Maricle, second by Luettel to approve, as presented, the Application for a Special Designated Liquor License request from Donny Baker, Farm 4 A Cure, Inc., for a cancer fundraiser event on September 30, 2017 as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

The Boone County Board of Commissioners, in accordance with Nebraska State Statute Chapter §23-107.01, real estate owned by county, held a public hearing on August 14, 2017. The County Board of Commissioners has power to lease or sell real estate owned by the county, specifically Lots 6, 7, and 8, Block 9, Mansfield's Second Addition to Albion, Boone County, Nebraska. Jeff Jarecki, Attorney representing Jay Wolf and Boone County Fitness Center (BCFC) board members, and BCFC employees expressed their concerns and opposition to a lease agreement. Jarecki suggested an indemnification agreement between the County and BCFC instead of a lease agreement as discussed in December 2016. The Board informed Jarecki that they will not sign an agreement until it has been reviewed and agreed upon by Vince Valentino, Attorney at Law. The County signed an Agreement for Legal Services with Vince Valentino regarding the drafting of legal documents between the County of Boone, NE and BCFC. The Board asked Jarecki to converse with Valentino and to have the County/BCFC documents ready to review for the September 27, 2017 Board meeting.



Boone County Board Minutes



The following were present at the September 27, 2017 Board meeting regarding the leasing of the Boone County Fitness Center, Inc. (BCFC): Jeff Jarecki, Attorney representing Jay Wolf and BCFC; Jay Wolf, Wolf Foundation and BCFC board member; Anji Kendrick, BCFC Manager; Melinda Johnson, BCFC Assistant Manager; Denny Johnson, Sheriff; Bryce Spann, BCFC board member and insurance provider; David Skillstad, BCFC board member; Dennis Tyson, former BCFC board member; and Todd Kramer. Their opposition concerns to the government statutorily lease requirements were similar to what was expressed at the August 14, 2017 Public Hearing.

Valentino drafted a Lease and Bid Specification for Jarecki and the Board to review in accordance with state statute. Jarecki presented an Indemnification Agreement for the Board to review and sign. The Indemnifications Agreement was not forwarded to Valentino prior to the Board meeting for review.

The Board contacted Valentino by telephone during the Board meeting. Valentino explained to the group the statute that the county government entity needs to follow, the bid specifications are well written to limit it to an operator who is qualified, the Board can accept any bid, an agreement/lease may be for 1, 2, or 3 years due to one Board cannot bind a future Board and explained the process of a lease renewal at the end of the third year as a Board agenda item unless there is questionable changes in the operation of the facility. The Board, Jarecki and Valentino held a lengthy discussion exchanging questions and opinions.

Commissioner Luettel said that we have the information regarding state statutes, documents and dates in order to publish for bids. Commissioner Maricle felt that the Indemnification Agreement looks like a really good fit for Boone County. Commissioner Rasmussen said that he needed more time to review both documents. Commissioner Maricle asked that Valentino and Jarecki correspond with each other regarding what the County can or cannot do statutorily and agree on a document. Motion made by Maricle, second by Rasmussen to table a decision to the October 10, 2017 Board meeting. Roll call vote: Yeas: Maricle and Rasmussen. Nays: Luettel. Motion carried.

Motion made by Luettel, second by Rasmussen to go into executive session at 10:00 A.M., per the Open Meeting Act §84-1410, §84-712.05(8) pertaining to the protection of the security of public property with Terry Baxter, NIRMA, following a safety walk through of the county courthouse. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried. The Board met with the Terry Baxter, NIRMA, Tom Smith, Region 44 Emergency Manager, Denny Johnson, County Sheriff, and Rod Nelson, Courthouse Maintenance, to discuss the security assessment conducted on May 23, 2017. Motion made by Rasmussen, second by Maricle to come out of the executive session at 11:23 A.M. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried. No action was taken by the Board at this time.

The Board discussed the County employee health insurance premiums at previous meetings. The Board approved NACO Benefits to provide a stand-alone BCBS Health Insurance quote through the employee application procedure at their May 30, 2017 Board meeting. Judd Allen, NACO Benefits representative, presented to the Board for their review the results of the application procedure for a stand-alone BCBS Health Insurance policy that was provided by the BCBS underwriters. The Board discussed the premium differences between the group policy and a stand-alone policy with Judd Allen. Allen answered the Board's questions in regard to health insurance policy questions. Commissioner Maricle felt the Board did their due diligence in receiving comparable policy information. The Board expressed their appreciation to NACO Benefits for the work on the application process in order to obtain premium quotes. The Board may have NACO Benefits return in early November to conduct a health insurance policy education seminar with the county employees.



Boone County Board Minutes



The department heads meeting with the Board to discuss a fire drill exercise was not held. Tom Smith, Region 44 Emergency Manager, and Rod Nelson, Courthouse Maintenance, informed the Board that the previous scheduled date of October 5, 2017 for a fire drill exercise is not a workable date. The department heads meeting with the Board will be rescheduled for Monday, October 16, 2017 at 11:30 A.M. to discuss the department head responsibilities during a fire drill and set a fire drill exercise date.

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 two requests for advertisement funding.

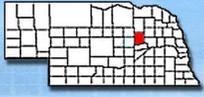
The Petersburg Community Club requested assistance to advertise the Petersburg Punkin' Chunkin' event scheduled for October 29, 2017. Motion made by Luettel, second by Rasmussen to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

The Boone County Agricultural Society, Inc. requested assistance to advertise the Murder Mystery Dinner Show event scheduled for February 10, 2017. Motion made by Rasmussen, second by Maricle to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Groeteke Farms, Inc., C/o Paul T. Groeteke, requested permission to trench an electrical line and water line in the same trench across a county road commonly known as 300th Street running east and west between Sections 7 and 18, all in Township 19 North, Range 8 West of the 6th P.M., Boone County, Nebraska. The electrical line will commence from a power pole located on the North side of 300th Street, running south to the NW1/4 of Section 18 and the water line will commence from a well located in the SW1/4 of Section 7, running south to the NW1/4 of Section 18, all in Township 19 North, Range 8 West of the 6th P.M., all in Boone County, Nebraska, for agricultural use to water down feed and electrical for plugging in equipment. Motion made by Luettel, second by Rasmussen to approve Resolution No. 2017-34, granting permission to Groeteke Farms, Inc. to trench an electrical line and water line in the same trench across a county road known as 300th Street to the NW1/4 of Section 18, Township 19 North, Range 8 West of the 6th P.M., Boone County, Nebraska, for agricultural use as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Jim Zoucha, Ag & Industrial Equipment of Orchard, Nebraska, presented and discussed information regarding a waste oil heater/furnace system on September 11, 2017 with the Board and Stacey Robinson, County Highway Superintendent. The Board and Highway Superintendent discussed the waste oil heater/furnace quote that had been presented on September 11, 2017 and the best road shop building to try this type of heater/furnace. Motion made by Rasmussen, second by Maricle to purchase a waste oil heater/furnace system for approximately \$9,700.00 from Ag & Industrial Equipment of Orchard, Nebraska for use in the County Road Shop District #2, Albion. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Stacey Robinson, County Highway Superintendent, updated the Board regarding road maintenance, hauling of aggregate materials, bridge projects and equipment repairs. Robinson said that the road department plans to work on tree removal within the county road right-of-ways with first priority on the trees/shrubs that are sight and safety concerns.



Boone County Board Minutes



Stacey L. Robinson, County Highway Superintendent, submitted for review and approval the annual Standardized System of Annual Reporting (SSAR). The annual report is submitted to the Board of Public Roads Classification and Standards pursuant to Neb. Rev. Stat. 39-2120 and 39-2510. The report includes administrative/operating expenses and cost per mile/hour for the road department equipment. Motion made by Rasmussen, second by Luettel to approve and authorize the Board Chairman to sign the annual SSAR report for fiscal year ending June 30, 2017 as presented. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

The Board appointed Stacey Robinson, County Highway Superintendent, at the September 18, 2017 Board meeting to complete a feasibility study regarding the vacation of a portion of county road known as 190th Street. Robinson presented the feasibility study for the Board to review. The feasibility study is in regard to a portion of a county road known as 190th Street, commencing at the SW corner of the SW1/4 of Section 14 and the NW corner of the NW1/4 of Section 23, all in Township 21 North, Range 6 West of the 6th P.M., Boone County, Nebraska, running thence east one-half (1/2) mile. The road is classified as a minimum maintenance road and the maintenance requirements on a minimum maintenance road are to only blade the road six times per year. The maintenance that is required on this one-half mile of road is greater than what the county can provide due to the minimum maintenance road classifications. There are safety concerns on this one-half mile of road not only for the general public and the employees of the company, but as well as for the safety of the county motor grader operator. Robinson recommends that the one-half mile of 190th Street be vacated and all right-of-way rights revert back to the adjacent landowners, thirty-three feet on each side as long as all landowners adjoining said road are in agreement. Motion made by Maricle, second by Luettel to approve Resolution No. 2017-35, to set a public hearing to be held on Wednesday, October 25, 2017 at 10:00 A.M. to hear comments in favor of or opposition to the vacation of said road known as 190th Street as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Public Comments:

- Commissioner Maricle updated the Board in regard to the recent Recreational Trails System Committee's meeting.
- Commissioner Maricle updated the Board in regard to the recent Central Nebraska Joint Housing Authority meeting.
- The Board reminded those present at the meeting of the October 3, 2017 Nebraska Attorney General's office press conference at 1:00 p.m. on the courthouse lawn regarding the resolution of the Smoyer-Wathen shootings that occurred June 17, 1937.
- Meetings: BCDA, Inc. – October 4, 2017.

Chairman Maricle declared the meeting adjourned at 12:53 P.M., with the next Board meeting scheduled for Tuesday, October 10, 2017.

Kathy Thorberg,
Boone County Clerk