



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 16, 2017 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 16, 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 Hilary K. Maricle, Alan Rasmussen and Ken Luettel. 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 Maricle to approve the County Board Proceedings of October 10, 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 Levy Proceedings and County Board of Equalization Proceedings of October 10, 2017 as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The firm of Schumacher, Smejkal, Brockhaus & Herley, P. C. of Norfolk, Nebraska are providing audit services for the County of Boone, Nebraska's fiscal year end June 30, 2017. A Business Associate Agreement between Schumacher, Smejkal, Brockhaus & Herley, P. C. and County of Boone, Nebraska was submitted for the Board to review. The Business Associate Agreement is for the purposes of complying with the Health Insurance Portability and Accountability Act (HIPPA). Motion made by Rasmussen, second by Luettel to approve and authorize the Board Chairman to sign the Business Associate Agreement between Schumacher, Smejkal, Brockhaus & Herley, P. C. and the County of Boone, Nebraska as presented. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. 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 Bald Mountain Rounders concert scheduled for November 12, 2017. Motion made by Rasmussen, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

A Recreational Trails System Committee discussed a potential trails project with the Board on June 19, 2017, August 21, 2017, August 28, 2017, and September 18, 2017. The trails committee had presented a map of a proposed Boone County Recreational Trails System project around the Albion City Park, County Fairgrounds and the County owned property south of the present fairgrounds. The proposed trail is for the area around the City of Albion Fuller Park and extending south along Eighth Street, thence west to connect to County property at the southeast corner of the property the County purchased in November 2016, running thence west to the Fairgrounds Road, thence North along the County property and County Fairgrounds property, thence East through the County Fairgrounds property to Fuller Park. The Board and Recreation Trails System Committee discussed maintenance when there is inclement weather, upkeep/replacement of concrete, liability insurance and ownership agreement of the recreational trail at prior meetings with decisions to be made at a later date. The Board discussed funding for the Boone County Recreational Trails System and the Boone County Board of Commissioners do not plan to contribute tax funds for the trail project.



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The Board approved allowing a citizens committee to raise funds for a Boone County Recreational Trails System and to build a walking trail on the property known as the Boone County Fairgrounds and County of Boone, Nebraska property connected to the south of the Boone County Fairgrounds at their September 18, 2017 Board meeting. The trails project will be part of the 2017 Big Give in December to be known as the Boone County Trails System-Fairgrounds and Fuller Park Loop. The Board received information that the Nebraska Community Foundation wants an edited Board motion in order to open the sub account for the 2017 Big Give trails project. Motion made by Rasmussen, second by Maricle to not contribute tax funding to the Boone County Recreational Trails System, but to approve the construction of a Boone County Recreational Trails System on the County of Boone, Nebraska property to be located on a fractional part of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska presently referred to as the county fairgrounds and the cropland acreage south of the present fairgrounds, with such improvements to be owned and maintained by the County of Boone, Nebraska subject to a group of citizens raising sufficient funds for construction of the improvements. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Jack Dailey and Mark Niewohner met with the Board to discuss their concerns in regard to Zoning Conditional Use Permit applications for residential housing/acreages in the A-1, Agricultural Primary District (A-1 Zones). The Board is faced with four Zoning Conditional Use Permit Application Public Hearings today in regard to residential property in the A-1, Agricultural Primary District. Dailey asked the Board if the County Zoning Comprehensive Plan is for guidelines or regulations that are to be enforced and followed. Dailey said that the purpose of the A-1 Zones is to protect agriculture and allowing all the conditional uses for residential dwellings limits agricultural operations and expansion. Niewohner said that we are not opposed to any of these specific proposals we just want protection for agricultural uses in the A-1 Zones and that agriculture is the main resource for Boone County, Nebraska. Mark Wagner, County Planning and Zoning Commission Board member, informed the group that the push is to have the new residential housing built in the A-2, Agricultural Secondary District. Wagner pointed out that the County Zoning Comprehensive Plan allows twenty acres to be sold/split off in the A-1 Zones and that any acreage less than the twenty acres needs an application for a waiver through the Conditional Use Permit process. In addition, the current regulations require rectangular shaped lot splits and that this requirement has not been enforced in the past, but is still part of the regulations. Discussion included that if the Conditional Use Permit rectangular shape requirement is not going to be enforced, then the shape requirement should be eliminated from the regulations. Commissioner Maricle distributed zoning information for the Board and interested individuals to review from the counties of Adams, Cuming and Knox and a March 20, 2008 study by Chris Henry, Extension Engineer, University of Nebraska, regarding the impact of arbitrary setback distances on the land available for livestock siting and expansion. The group discussed what zoning regulation formality could be used in going forward to capture both livestock and residential development in order to stay ahead/continue the growth of the County both residentially and agriculturally, but still protect the livestock growth. The Board plans to seek a legal opinion in regard to applicants being required to sign waivers/easements and if such document(s) are enforceable and binding to the real estate.

The Board held a meeting with the department heads:

- County officials/department heads reported on activities with regard to their respective office.
- Boone County Government Day is scheduled for Wednesday, November 8, 2017.
- A Fire Drill Exercise for the Courthouse and Law Enforcement Building is scheduled for Friday, October 27, 2017 at 8:30 A.M.
- A reminder that the Boone County Health Center is sponsoring “Know Your Numbers” wellness blood profile on November 7, 8, and 9, 2017 between 6:30 a.m. and 8:30 a.m. for all interested individuals.
- A new defibrillator has been installed in the County Sheriff/Law Enforcement building.



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Tom Smith, Region 44 Emergency Manager, Rod Nelson, Maintenance, and the Board reviewed and discussed the Courthouse Emergency Action Plan. Smith plans to schedule a date in January 2018 to review the safety plan with current employees. The Courthouse Emergency Action Plan will become a handout to new employees when they receive the County Employee Handbook. Each office will receive a condensed version of the safety plan to post on their office doors. Smith said that the Courthouse Emergency Action Plan is to be reviewed annually and updated every five years. The Board thanked Smith and the committee for their time and preparation of the Courthouse Emergency Action Plan. Rod Nelson, Maintenance, is the Courthouse Emergency Coordinator. Motion made by Maricle, second by Rasmussen to approve the Courthouse Emergency Action Plan as presented. Roll call Vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The Board approved the request from Jim Ely, County Attorney, at their Board meeting on September 18, 2017, to allow him to receive assistance from Rodney Wetovick, Nance County Attorney, to help him defend a juvenile parental rights case. Ely asked to be on the October 16, 2017 Board meeting in order to update the Board in regard to the appointment of Wetovick on September 18, 2017, as a special Boone County Prosecutor. The judge denied the County Attorney's Applications for Appointments of a Special Prosecutor. The proper procedure for Ely to ask for assistance in regard to the juvenile cases, is Nebraska State Statute §23-1204. Motion made by Rasmussen, second by Maricle to approve Resolution No. 2017-38, that Rodney Wetovick is appointed Deputy Boone County Attorney, for the purpose of assisting James W. Ely, Jr. in regard to two juvenile cases filed in the Boone County Court at \$95.00 per hour as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

County of Boone has been a member of the Nebraska Intergovernmental Risk Management Association (NIRMA) pool since the agreement for the formation of the pool was signed in November 1987. NIRMA was formed pursuant to the Intergovernmental Risk Management Act (Neb. Rev. Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801 et seq.); and counties and other public agencies as defined in Neb. Rev. Stat. §44-4303 are allowed to participate in said cooperative undertakings. The current Intergovernmental/Interlocal Agreements (NIRMA and NIRMA II) will expire on June 30, 2018. The Board discussed the NIRMA insurance renewal and prior local insurance agencies requests to submit proposals. The Board acknowledged that NIRMA is focused on county government insurance needs and dividends received by County of Boone from NIRMA is a cumulative sum of \$288,786.00. Motion made by Maricle, second by Luettel to approve and adopt Resolution No. 2017-39 to extend Boone County's commitment to participate in NIRMA and NIRMA II for the period July 1, 2018 through June 30, 2021 as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Public Comments:

- Meetings: Boone County Ag Society, Inc. – October 16, 2017, BCDA, Inc. – October 18, 2017 and Boone County Health Center – October 24, 2017.
- Meetings: Albion Planning Commission – November 6, 2017 and Albion City Council – November 14, 2017, regarding a tract of land to be known as Fairgrounds 1st Subdivision.
- Congratulations to Tom Smith, Region 44 Emergency Manager, received a Special Recognition Award from NIRMA.

Chairman Maricle declared the meeting adjourned at 1:15 P.M., with the next Board meeting scheduled for Wednesday, October 25, 2017.

Kathy Thorberg,
Boone County Clerk