

Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 25, 2017 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, October 25, 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.

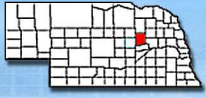
Motion made by Luettel, second by Rasmussen to approve the County Payroll Claims filed for payment from the various funds: General \$90,531.95, BCBS \$49,966.14, Ameritas Ret \$6,280.61, EFTPS \$6,719.89, Section 125 Fees \$15.00, Wellness Program \$103.46; Road \$50,533.73, BCBS \$30,495.80, Ameritas Ret \$3,411.03, EFTPS \$3,803.42; Ambulance \$997.00, Ameritas Ret \$39.97, EFTPS \$76.26; and Public Defender Contract \$3,120.00. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Motion made by Maricle, second by Luettel to approve the County Board Proceedings of October 16, 2017 as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Motion made by Luettel, second by Rasmussen to approve the four County Board Zoning Public Hearing Proceedings of October 16, 2017 as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. 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. The firm emphasized that the County of Boone should have a Business Associate Agreement between the County of Boone, Nebraska d/b/a Boone County Ambulance Service and the Boone County Health Center. The Business Associate Agreement is for the purposes of complying with the Health Insurance Portability and Accountability Act (HIPPA). Motion made by Luettel, second by Rasmussen to approve and authorize the Board Chairman to sign the Business Associate Agreement between County of Boone, Nebraska d/b/a Boone County Ambulance Service and the Boone County Health Center as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. 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, advertised for sealed bids to be opened at the Board meeting on October 25, 2017, for the following property owned by the county to be operated and leased as a fitness center, specifically Lots 6, 7, and 8, Block 9, Mansfield's Second Addition to Albion, Boone County, Nebraska. Jeff Jarecki, Attorney representing Boone County Fitness Center, Inc., was present for the opening of the sealed bids. The Board received one sealed bid. The submitted sealed bid complied with the bid specification terms. Motion made by Luettel, second by Rasmussen to accept the three year renewable lease bid with an annual rental of One Dollar (\$1.00) from Boone County Fitness Center, Inc., with the terms of the Lease to be finalized on November 13, 2017. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.



Boone County Board Minutes



The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 29, 2017. The road closure is for 140th Street, located between Sections 19 and 30, all in Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska; commencing at the junction of 220th Avenue and 140th Street, thence east one mile on 140th Street and terminating at the junction of 140th Street and 230th Avenue. Motion made by Luettel, second by Maricle to approve Resolution No. 2017-40 for a temporary road closure relating to the Petersburg Community Club Punkin' Chunkin' event as presented. Roll call vote: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Stacey Robinson, Boone County Highway Superintendent, submitted a resolution for the Board to review in regard to NDOR Project Number: HRRR-STWD(128), County Bridge and Culvert Object Markers. The County of Boone and State of Nebraska, Department of Roads entered into an agreement entitled "LPA High Risk Rural Road County Bridge and Culvert Object Markers Project Program Agreement" in February 2016. The County Highway Superintendent has informed the Board that the project has been completed by the County in accordance with the terms of the Project Agreement. Motion made by Maricle, second by Rasmussen to approve Resolution No. 2017-41, Certificate of Completion of the State of Nebraska, Department of Roads Project Number: HRRR-STWD(128) as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Frontier Communications, requested permission to install a telecommunications cable and associated equipment along and across a county road commonly known as 240th Street/255th Avenue and in the county road right-of-way of 255th Avenue in Sections 15 and 22, all in Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. The telecommunications cable will primarily be placed by vibratory plow and the paved surfaces will be directionally bored along and/or across county controlled roads and county road right-of-way. Frontier Communications attached work prints to the applications showing the installation routes of the cable. Motion made by Maricle, second by Luettel to approve Resolution No. 2017-42, granting permission to Frontier Communications to install a telecommunications cable and associated equipment along and across a county road commonly known as 240th Street/255th Avenue and in the county road right-of-way of 255th Avenue as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Frontier Communications, requested permission to install a telecommunications cable along and across a county road commonly known as 255th Avenue/250th Street and in the county road right-of-way of 250th Street in Sections 15, 22, and 23, all in Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. The telecommunications cable will primarily be placed by vibratory plow and the paved surfaces will be directionally bored along and/or across county controlled roads and county road right-of-way. Frontier Communications attached work prints to the applications showing the installation routes of the cable. Motion made by Rasmussen, second by Maricle to approve Resolution No. 2017-43, granting permission to Frontier Communications to install a telecommunications cable along and across a county road commonly known as 255th Avenue/250th Street and in the county road right-of-way of 250th Street as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.



Boone County Board Minutes

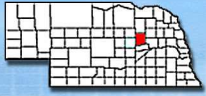


Frontier Communications, requested permission to install a telecommunications cable and associated equipment along a county road commonly known as 290th Street and in the county road right-of-way of 290th Street in Section 1, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. The telecommunications cable will primarily be placed by vibratory plow and the paved surfaces will be directionally bored along and/or across county controlled roads and county road right-of-way. Frontier Communications attached work prints to the applications showing the installation routes of the cable. Motion made by Luettel, second by Rasmussen to approve Resolution No. 2017-44, granting permission to Frontier Communications to install a telecommunications cable and associated equipment along a county road commonly known as 290th Street and in the county road right-of-way of 290th Street as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Frontier Communications, requested permission to install a telecommunications cable along a county road commonly known as 260th Street and in the county road right-of-way of 260th Street in Section 22, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. The telecommunications cable will primarily be placed by vibratory plow and the paved surfaces will be directionally bored along and/or across county controlled roads and county road right-of-way. Frontier Communications attached work prints to the applications showing the installation routes of the cable. Motion made by Maricle, second by Luettel to approve Resolution No. 2017-45, granting permission to Frontier Communications to install a telecommunications cable along a county road commonly known as 260th Street and in the county road right-of-way of 260th Street as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Stacey Robinson, County Highway Superintendent, updated the Board regarding road/bridge maintenance, materials and bridge/culvert projects. In addition, the following topics were discussed:

- The installation/completion of the new waste oil heater/furnace system in the County Road District Shop #2, Albion.
- The attached office space located at the County Road District Shop #1, Cedar Rapids has mold and is in very poor condition.
- Robinson informed the Board of the action taken regarding an ongoing driveway issue in the county road right-of-way west of Albion.
- Robinson and the Board discussed disposal procedure(s) of road equipment.
- Robinson and the Board discussed the condition of the asphalt portion of a county road known as 145th Street west of Petersburg.
- Robinson informed the Board that the county road employees will be attending a Nebraska Local Technical Assistance Program (LTAP) sponsored snow removal training in Norfolk on Monday, October 30, 2017.
- Robinson and the Board discussed the information they have received in regard to a recent inquiry of the possibility to obtain an easement from the County to transfer lagoon effluent by pipe to be buried in a county road right-of-way to an irrigation pivot and possibly a natural gas line in the same trench. The Board said that they have received several calls asking the Board not to allow such buried pipe in the county road right-of-way(s). Robinson has visited with DEQ, NIRMA and other counties in regard to the request. The information received from the research was not favorable for the County to allow said buried pipe transporting effluent in the County road right-of-way(s) due to liability risks. In addition, permission through a signed document will be needed from the adjacent landowners to the County road right-of-way(s) that a buried pipe would be placed in.



Boone County Board Minutes



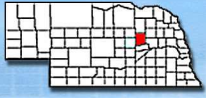
At their June 28, 2017 meeting, the Board made a motion to support the Boone County Agricultural Society, Inc. in moving forward to seek an architect/engineering firm to design a new building to replace the existing livestock facility located on the fairgrounds property. At their October 10, 2017 meeting, the Board; Chuck Rolf, Boone County Agricultural Society, Inc.; Kurt Kruse of Albion, Bill Robinson of Cedar Rapids, and Kevin Rasmussen of Albion, fairgrounds building committee; Steve Pritchard, UNL Extension; Andy Forney, D.A. Davidson & Co.; and Ryan D. Stearns, Joseph R. Hewgley and Associates, reviewed a proposed new livestock building for the Boone County Fairgrounds to replace the existing arena and livestock facility. The proposed all enclosed facility includes space of 220' x 250' for the UNL Extension office, a conference room, restrooms, concession stand, show arena, 100 large animal stalls, 100 small animal stalls. The plans would include a dirt floor for the show arena and concrete floor for the animal stalls. The Board received a resolution as an agenda item to discuss at their October 25, 2017 meeting, authorizing the issuance of limited tax building bonds for the purpose of a new county owned livestock building for the Boone County Fairgrounds as an agenda item. The Board; Chuck Rolf, Boone County Agricultural Society, Inc.; Kurt Kruse of Albion, Bill Robinson of Cedar Rapids, and Kevin Rasmussen of Albion, fairgrounds building committee; Steve Pritchard, UNL Extension; Josephine Weltruski, Boone County Extension office; Kristine Schrad, Boone County 4-H Council; Karen Benes; Andy Forney, D.A. Davidson & Co.; Ryan D. Stearns, Joseph R. Hewgley and Associates; and by telephone Mike Rogers, Gilmore & Bell, held a lengthy discussion regarding the Boone County Agricultural Society, Inc. and fairgrounds building committee request to build a new building to replace the present livestock facility.

The group discussed the issuance of bonds upon the taxable property in the County to build a new proposed building at the fairgrounds to be known as the Agricultural and Educational Activities Building. The group discussed other possibilities of funds, grants and fund raising events for the new building to help offset the project from being all funded through tax bonding. In accordance with State Statute the County of Boone, Nebraska (Board of Commissioners) would need to approve the issuance of tax bonds for the new building, the Boone County Agricultural Society, Inc. cannot issue bonds statutorily. The Board asked that there be a general public meeting outside the Board of Commissioners meeting for the public to have input and to answer questions. In addition, the Board asked that the architect and fairgrounds building committee/Agricultural Society put together an informational brochure, black/white plan of the building and cost of building so that everyone is answering questions with the same material. Motion made by Maricle, second by Rasmussen to table approval of a parameters resolution to their November 13, 2017 Board meeting. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to recess said meeting at 12:15 P.M. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Motion made by Maricle, second by Luettel to reconvene said meeting at 12:54 P.M. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

On October 16, 2017 the Board tabled their decision(s) to their October 25, 2017 meeting on three separate public hearings regarding Zoning Conditional Use Permit Applications. The Board received legal opinions regarding some of the concerns and what changes may/may not be made to the zoning regulations that were discussed on October 16, 2017. The following attended the public Board meeting in regard to the County Zoning Regulations and to discuss the information that the Board received: Mary Ziemba, County Planning and Zoning Administrator; James Ely, County Attorney; Jeff Jarecki, Attorney; Jim Dickerson, Albion News; Jack Dailey; Delmer Pelster; and Tiffani Stegemann.



Boone County Board Minutes



Commissioner Maricle and Zoning Administrator Ziemba made several contacts in regard to zoning regulations following the public hearings discussions. The County Planning and Zoning Comprehensive Plan needs to be reviewed and discussed thoroughly during a moratorium. Several of the same issues were discussed on October 16, 2017 in regard to the precedence that has been set through the past years in regard to the present County Zoning Regulations. The group asked the Board to stop, review, update and then stick to the regulations that are adopted for the County Planning and Zoning Comprehensive Plan going forward. The Board is asking all interested agricultural and individuals with residential acreages in the A-1, Agricultural Primary District to be at the November 27, 2017 Zoning Commission Board meeting.

Kevin Kunzman and Mary Ziemba, Boone County Zoning Administrator, appeared before the Board regarding the Conditional Use Permit Application currently before the Board that was tabled from the Zoning Public Hearing held on October 16, 2017. The group discussed several items regarding the Boone County Zoning Comprehensive Plan and Zoning Conditional Use Permits. Motion made by Rasmussen, second by Luettel to approve the Conditional Use Permit submitted by James and Denee Kunzman and waive the County Zoning rectangular shape regulation to divide 5.62± acres from a parcel of farm land to construct a new residential home in a fraction of the SE1/4SW1/4 of Section 13, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska, with a condition to maintain the existing trees on the east border fence line. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

Brock and Alison Kuester; Mark Palmer; and Mary Ziemba, Boone County Zoning Administrator, appeared before the Board regarding the Conditional Use Permit Application currently before the Board that was tabled from the Zoning Public Hearing held on October 16, 2017. The group discussed several items regarding the Boone County Zoning Comprehensive Plan and Zoning Conditional Use Permits. Motion made by Luettel, second by Maricle to approve the Conditional Use Permit submitted by Brock and Alison Kuester and waive the County Zoning rectangular shape regulation to divide 5.67± acres from a parcel of farm land to construct a new residential home in a fraction of the N1/2 of the NE1/4 of Section 34, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

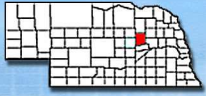
Jeff Jarecki and Mary Ziemba, Boone County Zoning Administrator, appeared before the Board regarding the Conditional Use Permit Application currently before the Board that was tabled from the Zoning Public Hearing held on October 16, 2017. The group discussed several items regarding the Boone County Zoning Comprehensive Plan and Zoning Conditional Use Permits. Motion made by Luettel, second by Rasmussen to approve the Conditional Use Permit submitted by Jeffrey C. and Lindsey M. Jarecki and to waive the County Zoning rectangular shape regulation to divide 6.86± acres from a parcel of farm land to construct a new residential home in a fraction of the NE1/4SE1/4 of Section 1, Township 19 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Public Comments:

- The Board discussed which meeting(s) they plan to attend this week.
- Commissioner Maricle updated the Board in regard to the recent BCDA, Inc. meeting.

Chairman Maricle declared the meeting adjourned at 2:25 P.M., with the next Board meeting scheduled for Monday, October 30, 2017.

Kathy Thorberg,



Boone County Board Minutes



Boone County Clerk