



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 18, 2017 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 18, 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, Alan Rasmussen and Hilary K. Maricle. 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.

Jeff Jarecki, Public Defender, presented a report to the Board regarding the status of court cases since his appointment to the position in August 2012. Jarecki reported that he believes that the cases assigned in 2012, 2013, 2014, 2015 and 2016 are all completed. Jarecki reported that he has been assigned forty-seven cases to date in 2017 with thirty-three cases remaining open. Jarecki answered the Board's questions regarding conflict of interest and closed/open cases. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved. Jarecki explained to the Board that some juvenile cases take a longtime to complete. Juvenile cases may remain open until the court case is resolved or the age of nineteen. The Board thanked Jarecki for the updated report and his diligent services. Motion made by Rasmussen, second by Maricle to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Jarecki was appointed Public Defender in August of 2012. The Board and Jeff Jarecki, Public Defender, reviewed and discussed the Public Defender Agreement that commenced January 1, 2016 through January 1, 2018. Jarecki and the Board discussed the changes to item numbers 11, 17 and 18 of the prior agreement. The Public Defender Agreement proposes a monthly compensation of \$3,213.60 and limitation appointment to seventy-two cases annually. The initial term of the Agreement shall commence on January 1, 2018 and continue through January 1, 2020. Motion made by Luettel, second by Maricle to approve and authorize the Board Chairman to sign the Public Defender Agreement commencing on January 1, 2018 through January 1, 2020. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Motion made by Maricle, second by Rasmussen to go into executive session at 9:14 A.M., per the Open Meeting Act §84-1410 (1a), strategy session threatened litigation. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried. Motion made by Maricle, second by Luettel to come out of the executive session at 9:26 A.M. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried. No action was taken by the Board.

Motion made by Luettel, second by Rasmussen to approve the County Board Proceedings of December 11, 2017 as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

As provided by State Statute, Section 23-1302, the County Clerk shall certify to the County Treasurer as of June 15 and December 15 each year the total amount of unpaid claims of the county. Motion made by Maricle, second by Luettel to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.



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The Board; Chuck Rolf and Dave Noble, Boone County Agricultural Society, Inc.; Amanda Mogensen, Boone-Nance Extension Board; Steve Pritchard, UNL Extension; and Janice Rasmussen of Albion, discussed a new fairgrounds building to be known as the Agricultural and Educational Activities Building. Rasmussen asked the Agricultural Society Board members if they had a business plan in place in order to obtain a loan for the proposed building project. Rolf answered Rasmussen stating that there is no set business plan in place to date. The group discussed various aspects of the building project and Rolf said that they would like to form a seven to twelve member building committee this week. One member of the Board of Commissioners will serve on the building committee. The consensus of the Board is that Commissioner Maricle will serve as a member on the building committee and the Board will include the building committee appointment at their reorganizational meeting. In addition, the group discussed the Fairgrounds 1<sup>st</sup> Subdivision property and upcoming negotiation of the property with the City of Albion. The Agricultural Society has not been paying for water for the fairgrounds due to the City of Albion wells that were on county property. One of the wells is now capped and the other well is within the Fairgrounds 1<sup>st</sup> Subdivision property that the Board planned to deed ownership to the City of Albion. Rolf said that the Board should negotiate with the City of Albion so that the fairgrounds continues to receive free water. The Board plans to meet with the City of Albion and Boone County Agricultural Society, Inc. on January 16, 2018.

The Boone County Board of Commissioners met on December 11, 2017 and authorized the Boone County Agricultural Society, Inc. to proceed to execute a document regarding a design for the proposed Agricultural and Educational Activities Building at the fairgrounds with Ryan D. Stearns, Architect with Joseph R. Hewgley and Associates. The Board agreed to provide the sum of \$1,300,000.00 from the County Inheritance Tax Fund for use towards the proposed new Agricultural and Educational Activities Building at the fairgrounds in lieu of the issuance of bonds. The Boone County Agricultural Society, Inc. shall obtain a loan for the approximate amount needed to complete the project in the sum of \$2,950,000.00, with loan payments to be paid through an additional building levy not to exceed an additional levy of three and five-tenths cents on each one hundred dollars of taxable valuation. Motion made by Luettel, second by Maricle to approve Resolution No. 2017-50, funding of the proposed new Agricultural and Educational Activities Building at the Boone County Fairgrounds as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

The Nebraska Revised Statutes 23-1114 provides that “The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.” The Board reviewed the financial situation of County Government; the Nebraska Association of County Officials’ (NACO) salary study; employee benefits; and salaries of comparable positions in other governmental sectors. The Board and elected county officials present at the meeting discussed the NACO salary study, percentage of 1.5% - 3% of the 2018 elected official salaries and flat dollar amount salary increases for the elected officials 2019-2022 term. The Board plans to set the elected officials 2019-2022 salaries at their December 27, 2017 Board meeting.

Rod Nelson, Courthouse Maintenance, presented a repair estimate from NMC for the WINCO generator located at the Boone County Law Enforcement Building. The new supply pressure is limited to 5 psi due to a code change. The estimate to repair engine for a low power issue caused by different gas pressure regulator installed on fuel tank is \$4,075.00. The estimate repair is above the NMC yearly maintenance agreement. Motion made by Rasmussen, second by Luettel to approve and authorize the Board Chairman to sign the repair estimate of \$4,075.00 from NMC for the WINCO generator located at the Boone County Law Enforcement building. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.



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Denny Johnson, County Sheriff, requested an exception in regard to the compensatory (overtime) policy for an employee in the sheriff's office. Johnson and the Board discussed payroll policy of the norm is what an employee earns (comp, vacation, and sick) during the pay period is available for use by the employee in the next pay period. Motion made by Luettel, second by Rasmussen to approve this one time unique exception for the requesting employee to use the compensatory time in the same pay period as when it was earned. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Motion made by Luettel, second by Rasmussen to recess said meeting at 11:36 A.M. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Motion made by Maricle, second by Luettel to reconvene said meeting at 1:18 P.M. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

The Board of Commissioners attended the Boone County Planning and Zoning Commission meeting scheduled for 1:30 P.M. on December 18, 2017 at the Boone County Courthouse. The Board of Commissioners and the County Planning and Zoning Commission Board discussed possible changes that would allow for growth of livestock operations and other types of agriculture in the A-1 Agricultural-Primary District. The group discussed setback distances that are different for enclosed vs. open facilities; lot split requirements differ for farm families vs. non-farm residential applicant; different lot split regulations for existing homes vs. new construction; and several other County Zoning Comprehensive Plan changes/regulations are being reviewed and discussed.

Commissioner Alan Rasmussen excused himself at 3:41 P.M.

#### Public Comments:

- Meetings: BCDA, Inc. – December 20, 2017.
- Commissioner Luettel updated the Board regarding the Northeast Nebraska Juvenile Services meeting.

Chairman Maricle declared the meeting adjourned at 3:58 P.M., with the next Board meeting scheduled for Wednesday, December 27, 2017.

Kathy Thorberg,  
Boone County Clerk