

Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JANUARY 29, 2018 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 29, 2018 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 Alan Rasmussen, Ken Luettel and Hilary K. Maricle. 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.

Due to inclement weather (winter blizzard) conditions on January 22, 2018 the courthouse was closed and the Board of Commissioners meeting was cancelled. The Board of Commissioners agenda items were moved to their January 29, 2018 Board meeting at the same scheduled times. A "Notice of Public Hearing Date Change to January 29, 2018" was posted in the Boone County Courthouse and the post office lobbies of Albion, Cedar Rapids, Petersburg and St. Edward. A notice of the cancelled January 22, 2018 Board meeting appeared in the area newspapers of the Albion News, Petersburg Press and St. Edward Advance. Motion made by Luettel, second by Maricle to acknowledge the cancellation of the January 22, 2018 scheduled Board meeting due to inclement weather with the agenda items moved to the January 29, 2018 Board meeting at the same scheduled times. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

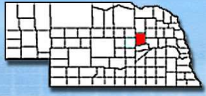
Motion made by Rasmussen, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$96,150.05, BCBS \$52,013.60, Ameritas Ret \$6,674.27, EFTPS \$7,151.81, Section 125 Fees \$10.00, Wellness Program \$88.68; Road \$55,974.07, BCBS \$30,495.80, Ameritas Ret \$3,778.23, EFTPS \$4,211.90; Ambulance \$5,132.40, Ameritas Ret \$161.78, EFTPS \$392.62; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

Motion made by Maricle, second by Rasmussen to amend a sentence in the January 16, 2018 Board proceedings from "The Inheritance Tax Fund is considered the reserve for the county to help keep the levy lower" to read "The Inheritance Tax Fund has been previously used in the past to help keep the county levy lower." Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Rasmussen, second by Maricle to approve the County Board Proceedings of January 16, 2018 with the above amended sentence as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

The Nebraska State Auditor's Office has audited several counties in 2016 and 2017. The State Auditor's Office is making County Government aware that the counties are not to be making a vendor payment to another entity without actual supporting documentation. A County must be able to point to a statute that allows a procedure to occur before the county can perform such procedure. Constitution XIII-3 outlines that subdivisions of the State cannot expend public money for private purposes. A non-profit is not a public entity. The County has to restructure the manner in which it distributes funds to other agencies. The County has supported the five public libraries for several years with an annual amount to purchase books/media for the respective libraries. The library support for books/media continued following the closing of the rural mobile libraries (bookmobiles on wheels). The County has no supporting documentation such as a procedure (agreement) in place or copies of invoices showing how the money was spent.

At the December 27, 2017 Board meeting the Board approved a motion that the libraries will be required to submit paid itemized receipts showing the purchase of books/media material for the year 2017 with the



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reimbursement support to be in the amount of the itemized receipts and will not exceed the annual support threshold. The Board has been asked to define what will qualify for “media” reimbursement. The Board discussed the request of defining media reimbursement to be Web-based research subscriptions (Ex. EBSCO), magazine/newspaper subscriptions, and academic videos. The consensus of the Board is that this is not an inclusive list and that they will review each reimbursement request.

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.

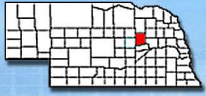
The Cedar Cares for Kids requested assistance to advertise the annual Toma Rutten Memorial Polar Bear Dip fundraiser event scheduled for February 17, 2018. Motion made by Maricle, second by Rasmussen to approve the application requesting funding assistance for advertisement from the Visitor’s Promotion Fund as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The Faith Lutheran Church of St. Edward requested assistance to advertise the Steak & Burger Feed fundraiser event scheduled for February 24, 2018. Motion made by Maricle, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitor’s Promotion Fund as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, presented a resolution to place an extended moratorium on any new conditional use applications for small parcel splits in the A-1 Agricultural-Primary District. The Board approved a moratorium resolution on October 30, 2017 with an effective date of October 31, 2017 through January 31, 2018. Ziemba indicated that it would be best to work on the implementation of new and/or revised regulations without the threat of new applications. Motion made by Maricle, second by Luettel to approve Resolution No. 2018-03, to place an extended moratorium on any new small parcel split, conditional use applications effective January 29, 2018 through April 16, 2018 and/or until such time the approval of the new and/or revised zoning regulations are finalized. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Stacey Robinson, County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. Robinson and the Board discussed the heating unit and needed repairs to the Road District #1 Cedar Rapids Shop building. Robinson plans to research options for heating the Road District #1 Shop building.

Stacey Robinson, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to back-haul aggregate for the County. The contracts are for the year 2018 with the contractor compensation being \$7.00 per ton for road gravel and \$11.00 per ton for other aggregate. The interested truckers need to attach a copy of the truck driver’s CDL and insurance coverage to the contract. In addition, the back-hauler is to contact the County Highway Superintendent before any load is accepted by Boone County. The Board reviewed Non-Exclusive Contract for Services submitted by Jason Hoefer Trucking; Duane Kuhlman/Kuhlman Bros LLC; Rollie C. Huffman/RCH Transfer and Randy Schlecht/Schlecht Trucking, LLC. Motion made by Rasmussen, second by Maricle to authorize the Board Chairman to sign the Non-Exclusive Contracts for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.



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The agenda item regarding a Non-Exclusive Contract for Services referencing the Resolution No. 2018-01, with Jack Dynamic LLC/Ken Luettel to back-haul aggregate for the County was not presented for review. Motion made by Maricle, second by Rasmussen to table the Non-Exclusive Contract for Services for Jack Dynamic LLC to the February 20, 2018 Board meeting. Roll call vote: Yeas: Maricle and Rasmussen. Nays: None. Abstain: Luettel. Motion carried.

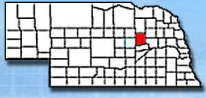
Each county is to annually prepare and file on or before the anniversary date of the filing of its One and Six Year Road Improvement Program, a plan for specific road improvements for the current year. Motion made by Maricle, second by Luettel to approve Resolution No. 2018-04, to set a public hearing for 10:00 A.M. on Tuesday, February 20, 2018 for the County One and Six Year Road Improvement Program. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Stacey Robinson, County Highway Superintendent, advertised for sealed bids for gravel belly dump semi-trailer(s) for the county road department. Robinson and the Board discussed trading in a semi-trailer that was purchased in 2017. A representative was present from Murphy Tractor & Equipment Co. to answer any questions in regard to the company bid and product. Robinson received three sealed bids for new gravel belly dump semi-trailer(s) as follows: Iowa Trailer Manufacturing Co LLC, Storm Lake, IA, ITM-\$53,455.00 with no trade-in allowance; Murphy Tractor & Equipment Co., Grand Island, NE, Ranco - \$54,915.00 with trade-in allowance of \$26,000.00; RDO Truck Centers, Lincoln, NE, R-Way - \$50,012.00 with no trade-in allowance. The Board and Highway Superintendent reviewed and discussed the submitted bids. Robinson and the Board decided that only one bid submitted a trade-in allowance and that the \$26,000.00 was not justifiable for the trailer that was purchased new in 2017. Motion made by Luettel, second by Maricle to reject all bids due to the trade-in allowance not being justifiable for the 2017 belly dump trailer and continue to use the semi-trailers the county owns. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The Boone County Veteran Service Officer submitted the name of William Loeffler of Cedar Rapids, Nebraska for the Board to consider for appointment to the Boone County Veterans Service Committee. Motion made by Maricle, second by Rasmussen to appoint William Loeffler to complete the five-year term of the late Ronald Braun on the Boone County Veterans Service Committee effective January 29, 2018 through June 30, 2022. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Rasmussen, second by Luettel to advertise in the four county newspapers the week of January 29, 2018 to accept lease bids for the 2018, 2019, and 2020 crop years ending December 31, 2020 for approximately 24.68 acres, according to FSA records, of dry cropland following the public hearing on January 29, 2018. Sealed bids will be accepted until 4:00 P.M. on Friday, February 9, 2018, at the office of the Boone County Clerk and will be opened and reviewed at 11:00 A.M. at the County Board meeting scheduled for Monday, February 12, 2018. Roll call vote: Yeas: Rasmussen, Luettel and Miracle. Nays: None. Motion carried.

The Board; Chuck Rolf, Boone County Agricultural Society, Inc.; Jeff Jarecki, Attorney representing Boone County Agricultural Society, Inc.; Kurt Kruse, fairgrounds building committee; Steve Pritchard, UNL Extension; Kristine Schrad, Boone County 4-H Council; Linda Rasmussen; Ed Braun; and Patricia Neidhardt discussed the proposed \$4,250,000.00 building project for the Boone County Fairgrounds. The prior resolutions have been rescinded in regard to the financing of the proposed project. Following a lengthy discussion in regard to the pros, cons and alternatives of the proposed building project, the consensus of the group is to seek legal opinions in regard to the financing of the proposed building project.



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Rolf suggested including the legal counsel for the Nebraska Association of Fair Managers. Jarecki suggested attorneys representing all pertinent organizations could discuss the matter together on a conference call in order to provide a joint opinion for the legal procedure of financing the proposed project. Motion made by Maricle, second by Luettel for legal counsel on behalf of the County of Boone/County Board of Commissioners and Boone County Agricultural Society, Inc. to discuss the legality of financial statutes/procedures in order to obtain a joint opinion for the legal procedure of financing the proposed building project to be presented at the February 20, 2017 Board meeting. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Public Comments:

- Meetings: Region 44 Emergency Services Supervisory Committee – January 30, 2018; BCDA, Inc. – February 7, 2018.
- The Board acknowledge Paul VanDeWalle for 40 years of service as a board member of the Boone County Agricultural Association, Inc.
- The Board acknowledged the positive comments received from county residents on the work of the county road personnel in opening of the roads after the January 21-22, 2018 blizzard. In addition, Ed Braun commended the road crew on opening of the roads and that the snow blowers worked great.
- Commissioner Luettel updated the Board regarding the NIRMA board meeting.
- Commissioner Maricle updated the Board regarding the Greater NE Workforce Development board meeting.
- Commissioners Luettel, Maricle, Rasmussen and Sheriff Johnson attended the Senior Official Training and Table Top Exercise on January 24, 2018. The disaster training session/exercise instructors were from the Nebraska Emergency Management Agency. Tom Smith, Region 44 Emergency Manager coordinated the event.
- Commissioner Maricle informed the Board that she will be attending the National Grocers Association Show and apologized for not being present for the February 12, 2018 Board meeting.

Chairman Luettel declared the meeting adjourned at 12:29 P.M., with the next Board meeting scheduled for Monday, February 12, 2018.

Kathy Thorberg,
Boone County Clerk