

Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 12, 2018 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 12, 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 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 Luettel acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 1599 in the amount of \$66.31 submitted for reimbursement of meeting meals. The Board approved the meal reimbursements that included the itemized receipts in accordance with the County Employee Handbook in the amount of \$35.74. The Board partially rejected payment of Vendor ID No. 1599 in the amount of \$30.57, the County does not reimburse for meals submitted for the day/evening travel before a meeting and two of the reimbursement requests did not include an itemized receipt. Motion made by Luettel, second by Rasmussen to partially reject Vendor ID No. 1599, the \$30.57 submitted without itemized receipts and evening meal of day before meeting in accordance with the County Employee Handbook. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

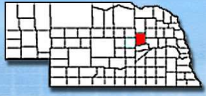
Motion made by Luettel, second by Rasmussen to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$43,198.58; Road/Weed - \$48,554.46; Boone County Visitor's Promotion - \$403.70; Inheritance Tax - \$55,217.88; 911 Emergency Management (2910) - \$640.42; 911 Wireless Service (2913) - \$1,026.14; Ambulance - \$699.33. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Motion made by Maricle, second by Rasmussen to approve an Accounts Payable Vendor Claim filed for payment on the Road fund for Vendor ID No. 801 in the amount of \$2,881.25, a non-exclusive contract for services to back-haul aggregate for the county. Roll call vote: Yeas: Maricle and Rasmussen. Nays: None. Abstain: Luettel. Motion carried.

Motion made by Maricle, second by Rasmussen to approve the County Board Proceedings of February 26, 2018 as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Rasmussen to approve the County Board of Equalization Proceedings of February 26, 2018 as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Jacqueline Wells, Veteran Service Officer, has registered to attend a County Veteran Service Officers meeting in Grand Island, Nebraska on March 14, 2018. The Board received information that the Burt County Veteran Service Officer may carpool with Boone County to Grand Island. Motion made by Luettel, second by Maricle to approve the Burt County Veteran Service Officer to occupy/operate the Boone County vehicle that is being used to carpool to a meeting in Grand Island, Nebraska on March 14, 2018. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.



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Motion made by Rasmussen, second by Luettel to approve the following reports of the County Officials as presented for February 2018:

- Clerk - \$9,089.00 (State of Nebraska \$5,111.90)(County of Boone \$3,977.10)
- Clerk of the District Court - \$1,021.01 (State of Nebraska \$503.00)(County of Boone \$518.01)
- County Planning and Zoning for January and February - \$134.50
- Sheriff - \$1,596.66
- Treasurer - Treasurer's Fees - \$90.00; Miscellaneous Receipt Nos. 16185-16233 - \$415,998.13; Total Collections - \$833,102.98

Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

The Board received the second application payment request from the contractor for the renovation of the Boone County Law Enforcement Building to review. The payment request consists of the contractor's costs for permits, mobilization, and construction work completed through February 26, 2018. Motion made by Rasmussen, second by Maricle to approve the second payment request of \$55,217.88 submitted by Prochaska & Associates, Architect, for the contractor RaDec Construction Co., Inc. as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

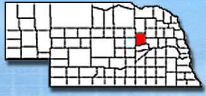
The Board and Rod Nelson, Maintenance, discussed courthouse lawn care for 2018. The 4-Step Lawn Care Application has been alternated between the two local businesses for the last several years. The Board discussed consistency and advertising for proposals in the event there may be additional lawn care services in the area. Motion made by Maricle, second by Luettel to advertise for one week in the four county newspapers for the 2018 courthouse lawn care with sealed proposals accepted until 4:00 p.m. on Friday, March 23, 2018 with said proposals opened and reviewed on March 26, 2018 at 10:00 a.m. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. 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 three requests for advertisement funding.

The Cedar Rapids Community Club requested assistance to advertise the Cedar Rapids Community Club Melodrama event scheduled for April 6, 7, 8, 13, and 14, 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.

The Boone County Agricultural Society, Inc. requested assistance to advertise the Boone County Fair, Chris Lane Concert, scheduled for July 7, 2018. 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.

The Boone County Home, Farm and Garden Show, LLC requested assistance to advertise the Boone County Home, Farm and Garden Show event scheduled for March 23 and 24, 2018. Discussion regarding the application was that approvals have been for organizations such as community clubs, church groups, fire departments, etc. that are for non-profit. The record research did not show a non-profit status for the above mentioned LLC. The consensus of the Board was to deny the request to keep consistency with the prior approval/denials of applications. Motion made by Luettel, second by Rasmussen to deny the application



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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.

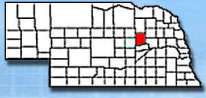
Stacey Robinson, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to back-haul aggregate for the County. The contracts are for the year 2018 with the contractor compensation being \$7.00 per ton for road gravel and \$11.00 per ton for other aggregate. The interested truckers needed 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 the Non-Exclusive Contract for Services submitted by Allen Primrose/PPK Transportation LLC and Allen Primrose/PPK Two Transportation LLC. Motion made by Maricle, second by Rasmussen 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: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Denny Johnson, Sheriff, presented a Contract Change Proposal (CCP) for the Board to review from the contractor for the law enforcement building renovation project. The CCP No. 8 is for \$80.00 for two stainless steel combination push-pull plates to be installed on cell doors. Motion made by Maricle, second by Luettel to approve and authorize the Board Chairman to sign the Contract Change Proposal (CCP) No. 8 for \$80.00 as submitted by RaDec Construction Co., Inc. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Denny Johnson, Sheriff, presented a Contract Change Proposal (CCP) for the Board to review from the contractor for the law enforcement building renovation project. The CCP No. 9 is for \$6,795.00 for a desktop turret for two door control and three DPS indication and provide/install wire in empty conduit. The Board and Johnson contacted William R. Huey, III, Prochaska & Associates, by speaker phone to discuss the CCP No. 9. The control system for the cell doors was discussed at length as to why it was not included in the original contract proposals. It appears to be a communication breakdown between the companies involved in the renovation project and was overlooked during planning. Following the lengthy discussion the Board decided to allow additional time for Johnson to make some local contacts in regard to the installation of wire for the CCP No. 9 renovation change request. Motion made by Luettel, second by Maricle to table the Contract Change Proposal (CCP) No. 9 decision to the March 19, 2018 Board meeting. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Tobin Buchanan, First National Capital Markets of Kearney, Nebraska introduced their bank services to the Board. Buchanan provided information in regard to different types of bonds, lease purchase programs, tax exempt direct loans and general obligation. Buchanan answered questions from the Board and those present at the meeting.

In August of 2012 the Boone County Board of Commissioners appointed Jeff Jarecki, Public Defender, for Boone County. Jarecki reported that the cases assigned in 2012 through 2016 are all completed. Jarecki presented a report to the Board regarding the status of the forty-nine court cases he was assigned to in 2017, with nineteen of the cases remaining open. Jarecki explained that twelve of the nineteen cases remaining open from 2017 are juvenile cases. Jarecki explained to the Board that some juvenile cases take a long time to complete. Juvenile cases may remain open until the court case is resolved or the age of nineteen. Jarecki reported that he has been assigned fourteen cases to date for 2018. Jarecki said that three of the 2018 cases are closed and that he had one conflict of interest to date in 2018. 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. The Board thanked Jarecki for the updated report and his diligent services. Jarecki thanked the Board and is very appreciative of the contract for



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public defender 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.

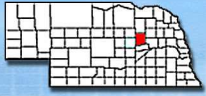
The County of Boone and the City of Albion Police Department has had an Interlocal Agreement for several years with regard to a one-mile radius jurisdiction of the city limits of the City of Albion. It is a joint jurisdiction of the two law enforcement agencies for the one-mile radius outside the City of Albion. This agreement is reviewed on an annual basis. Motion made by Maricle, second by Rasmussen to approve and authorize the Board Chairman to sign Resolution No. 2018-07 an Interlocal Agreement between the County of Boone and City of Albion for law enforcement purposes commencing on April 1, 2018 as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The County of Boone, Nebraska owns and operates the Boone County Ambulance Service. The County Ambulance unit is being housed at the Albion Fire Station building. The City of Albion shall pay for all costs of utilities and maintenance to the building and all costs to provide oxygen gas supply to the Boone County Ambulance. The County shall pay to the City of Albion \$300.00 per quarter for rental space for the Boone County Ambulance unit. Motion made by Rasmussen, second by Maricle to approve and authorize the Board Chairman to sign Resolution No. 2018-08 an Interlocal Agreement between the County of Boone and City of Albion for rental space for the Boone County Ambulance unit as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Andy Devine and Darren Wright, City of Albion representatives, Chuck Rolf, Boone County Agricultural Society, Inc., and the Board, discussed water and well testing on County owned property south of the present fairgrounds (formerly known as the Kohtz property). There is a water well located beside a hydrant on the County owned property being a tract of land comprising a part of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Devine asked the Board for permission to test the existing well on said property. Devine said that the findings would be shared with the County. Motion made by Maricle, second by Luettel to approve/allow the City of Albion access to test the existing water/well on said County property. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

An updated Interlocal Agreement/resolution was submitted in regard to an agreement dated February 16, 1961 between the City of Albion (City) and County of Boone, Nebraska (County). The 1961 agreement referred to the drilling of a well and installed adequate pumping facilities upon the land that the County owned, presently known as the county fairgrounds. There is a 1978 Lease Agreement between the County of Boone and Boone County Agricultural Society, Inc. for the County owned property known as the fairgrounds. In 1961 the City agreed to furnish free water to the fairgrounds for reasonable and normal functions and the County agreed to grant a permanent easement to the property for the city water wells (Well #2 and Well #3) as long as the same existed as a well. Andy Devine, Albion City Administrator, explained that Well #2 has been decommissioned and capped and the Well #3 on the fairgrounds property is considered moderate emergency status and cannot be used by itself. The City of Albion's new water Well #4 is located southeast of the County owned property. Devine said that the City may be considering a transmission line from Well #4 in order to combine the sources of the new generator and well house to the Well #3. In addition, within the resolution the City is asking the County for permission to access the County property (formerly Kohtz property) to test and possibly develop a municipal Well #5 site.

Chuck Rolf, Boone County Agricultural Society, Inc., expressed his concerns of paragraph four of the revised resolution where it refers to the County transferring ownership of the site of the existing wells and associated



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ingress and egress easements located upon Lots 2, 3, and 4 and those portions of Fairview, South, Park View and 11th Streets, Fairgrounds 1st Subdivision to the City of Albion. Rolf also expressed concerns of paragraph six of the revised resolution where it referred to the City for any reason, fails to develop a municipal well upon the site, or abandons and decommissions any and all wells developed upon same site, water service to the fairgrounds will be charged based on the City utilities rate schedule as established annually. Rolf said that the language in the revised resolution needs to guarantee continued free water for the fairgrounds (Ag Society) in the event that there is no city water well on county property.

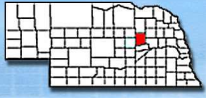
Rolf and Commissioner Maricle felt that free water for the fairgrounds (Ag Society) should be locked in with an exchange for the Lots 2, 3 and 4, Fairgrounds 1st Subdivision, City of Albion, Boone County, Nebraska in the event that there is no city well on county property in the future. In addition, Rolf and Maricle would like the City to build a restroom facility on Lot 4 for use during the seasonal events, but it would not be a facility opened all year round. In addition, Rolf was wanting the City to provide electrical only hookups for three to five camper sights to the west of Lot 3 in order for the Ag Society to control some camper hookups and guarantee vendors a place for their campers during fair week. The City has plans to develop more camper sites on Lot 4 and Lot 3 if the area is feasible. There was a suggestion that possible electrical only hookups could be placed on Lot 3 and the City would hold rental position on them during fair week for the fair vendors.

Devine said that the City will try to make revisions to paragraphs four and six to better reflect the water situation. The County and City goal is to reach a mutual beneficial arrangement for all parties, liability protection for both the County and City and work together for the betterment of the tax payers. The survey and annexation plat of the Fairgrounds 1st Subdivision preparation/intention is to clarify/straighten out the property lines, ownership and areas of responsibility between the governmental entities. Motion made by Luettel, second by Maricle to table Resolution No. 2018-09, Interlocal Agreement with the City of Albion regarding municipal well test sites and free water for the fairgrounds to the March 19, 2018 Board meeting. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Public Comments:

- Meetings: Albion City Council Board – March 13, 2018; County Planning and Zoning Commission – March 14, 2018 and March 26, 2018; Boone County Recreational Trails System Project – March 14, 2018; Northeast Nebraska Association of County Officials – March 16, 2018; BCDA – March 21, 2018..
- Commissioner Luettel updated the Board regarding the Boone County Health Center board meeting.
- Commissioner Maricle updated the Board regarding the BCDA, Inc. board meeting.
- Commissioner Maricle updated the Board regarding the County Planning & Zoning Commission board meeting.
- The Board received a thank you from the Village of Cedar Rapids/ Cedar Rapids Library.
- Commissioner Maricle responded to Ed Braun's questions in regard to alcohol possibly being served in the current proposed building if the County Extension office is in part of the proposed building and who is paying for the 4-H shooting sports supplies/activities.
- Ed Braun asked the Board whose insurance covers the shooting range at the fairgrounds in case of an accident? Commissioner Maricle said that the 4-H Clubs carry insurance for their groups, but not sure how other groups are covered that use the shooting range.
- Ben Rutten, County Commissioner District #1 candidate, introduced himself and observed the Board meeting.

Chairman Luettel declared the meeting adjourned at 12:15 P.M., with the next Board meeting scheduled for Monday, March 19, 2018.



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Kathy Thorberg,
Boone County Clerk