



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 15, 2018 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 15, 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 Hilary K. Maricle, Ken Luettel 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.

Motion made by Rasmussen, second by Maricle to approve the County Board Proceedings of October 9, 2018 as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to approve the County Board of Equalization Proceedings of October 9, 2018 as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

On September 17, 2018 the Board accepted and recommended approval of the A & R Construction Co. of Plainview, Nebraska bid for \$130,880.02, dependent upon full review of numbers in Group 1 and 4 in regard to the construction plans for Bridge Project No. C-6 (391), Albion East. The Board received the Notice to Proceed and Agreement documents prepared by Brian McDonald, JEO Consulting Group, Inc. of Norfolk, Nebraska, for their review and signature. Motion made by Maricle, second by Rasmussen to approve and authorize the Board Chairman to sign the Agreement and related documents between Boone County, Nebraska and A & R Construction Co. of Plainview, Nebraska for \$130,880.02, for Bridge Project No. C-6 (391), Albion East as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The County Highway Superintendent and Board discussed the wind damaged building located on County property by the Boone County Road Department Dist. #3 shop in Petersburg at the September 26, 2018 Board meeting. The Board authorized the County Highway Superintendent to seek local bids for removal of said storm damaged building. The Highway Superintendent received two bids as follows: \$3,100.00 – Bygland Dirt Contracting, Inc. and \$2,784.00 – Seda Land Handling, LLC, both of Albion, Nebraska. Both bids included building demolition, landfill disposal, asbestos testing and leaving concrete in place. Motion made by Maricle, second by Rasmussen to approve and accept the building demolition bid of the wind damaged building in Petersburg for \$2,784.00 from Seda Land Handling, LLC as presented. Roll call vote: Yeas; Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Stacey (Robinson) Ziemba, Boone County Highway Superintendent, updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed:

- The County Highway Superintendent and Board Chairman plan to interview the four applicants for the advertised full-time position in County Road District #2, Albion.
- The County Highway Superintendent and Board discussed the quality of the gravel that is being purchased for use by the County.



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The new propane heating system for County Road Shop District #1, Cedar Rapids building has been installed. A small office/break room is attached to the north side of the shop building and the new heating system was not installed in the office/break room area. The Board and County Highway Superintendent held a lengthy discussion on December 27, 2017 in regard to the need to either repair or replace the present office/break room area that is attached to the shop building and/or a new lean-to office/break room area to be attached to the present shop building. The discussion on February 20, 2018 included the mold test results (non-dangerous type) within the current office/break room area, different heating unit for the shop building, and other issues in regard to the Road District #1 Cedar Rapids Shop building. A portable electric heater may possibly be used to heat the office/break room area for now. Motion made by Maricle, second by Rasmussen to authorize the County Highway Superintendent to prepare specs and advertise for bids for a new office/break room building to either stand alone or to be a lean-to building to be attached to the west side of the county shop building known as the County Road Shop District #1, Cedar Rapids. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The heating costs for the road shop building located at Cedar Rapids has been very high over the past years in comparison to the other County road shop buildings. With the installation of the new propane heating system in the County Road Shop District #1, Cedar Rapids, it was suggested to insulate the roof/ceiling and possibly the walls to help lessen the heating costs. The County Highway Superintendent and the Board discussed the estimates that were presented for the 50' x 60' shop building for two and three inch closed cell foam insulation and paint for roof/ceiling and two inch foam on walls. The consensus of the Board to insulate the roof/ceiling at this time and possibly insulate the walls at a later date. The roof/ceiling closed cell foam insulation estimates are as follows: 2 inches - \$5,565.00, 3 inches - \$7,950.00, paint estimate - \$200.00, Murphy Brothers Insulation, LLC of Spalding, NE; 3 inches - \$9,000.00, no paint estimate, Mid States Sprayfoam, LLC of Saint Edward, NE; and 3 inches - \$9,072.00, paint estimate - \$3,500.00, Superior Foam and Coatings of Scotia, NE. Motion made by Maricle, second by Rasmussen to approve and accept the Murphy Brothers Insulation, LLC estimate for the roof/ceiling of 3 inches closed cell spray foam insulation of \$7,950.00 with added paint cost of \$200.00. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Dan and Tiffany Preister would like to build a new residential dwelling on land with a driveway access off of 260<sup>th</sup> Street that is currently an existing classified Minimum Maintenance roadway that has a dirt surface. The Board, Mary Ziembra, Zoning Administrator, Dan Preister and Tim Preister discussed the regulations and requirements regarding county road services to a residential dwelling on July 25, 2018. The Board, County Highway Superintendent, Brian McDonald of JEO Consulting Group, Inc., Tim Preister and Dan Preister discussed an engineering proposal for upgrading 0.6 miles of a classified Minimum Maintenance roadway on 260<sup>th</sup> Street to an improved Local Classification gravel surfaced roadway on September 17, 2018. The Board, County Highway Superintendent, Brian McDonald of JEO Consulting Group, Inc., County Zoning Administrator, Steve Bygland, Bygland Dirt Contracting, Inc., and Dan and Tiffany Preister discussed County Zoning and State of Nebraska, Department of Roads regulations on October 15, 2018.

McDonald explained that the Nebraska Department of Roads regulations require involvement of a licensed engineer to provide hydraulic/hydrology studies before a decision can be made to reclassify a minimum maintenance road to a local county road. As it stands today the County Zoning regulations states that the burden of the cost to upgrade a county road from minimum maintenance to local, is on the individual who wants to build on land off of a classified minimum maintenance road, and said road upgrade needs to meet the Nebraska Department of Roads standards. McDonald said that at some point a classification change would need to be requested from the Nebraska Department of Roads Classifications and Standards Board because this road is classified Minimum Maintenance and a residence cannot have its only access be a minimum maintenance roadway.



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Discussion was held on the following: county zoning regulations; share of all the cost 50/50 between county and individual for road upgrade; set a percentage share of all cost between county and individual for road upgrade; signed agreement between county and individual regarding shared costs and use of individuals land/road right-of-way during construction; possibly cut back on some of the costs by having county road employees do some of the work; the first step for road/bridge project upgrades is to be placed on the Boone County One & Six Year Road Improvement Program; and that an upgraded road meets the Nebraska Department of Roads standards and certification.

The Board was reminded of setting a precedence when the regulations are not in black and white and that it is important to remain consistent moving forward. The consensus of the Board is to set guidelines/procedures for requests to change classifications of county roads and cost share to upgrade a county road.

Brian McDonald, JEO Consulting Group, Inc., per request by the Board, prepared an engineering proposal for upgrading 0.6 miles of 260<sup>th</sup> Street starting at 300<sup>th</sup> Avenue and extending east. The engineering document proposal is in regard to an existing classified Minimum Maintenance roadway that has a dirt surface and to improve it to a Local Classification roadway that would have a gravel surface. The current regulations do not allow residential construction to be located on/accessed from a minimum maintenance classified roadway. Motion made by Luettel, second by Maricle to table the Agreement between Boone County, Nebraska and JEO Consulting Group, Inc. for engineering services for the upgrading 0.6 miles of 260<sup>th</sup> Street starting at 300<sup>th</sup> Avenue and extending east to a later date. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Jeff Jarecki was appointed Boone County Public Defender in August of 2012. Jarecki reported that the cases assigned in 2012 through 2017 are all completed. Jarecki reported that he has been assigned forty-six cases to date for 2018. Jarecki said that twenty-eight (two were conflicts) are closed and eighteen cases remain open of which seven 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 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 public defender services. Motion made by Luettel, second by Maricle to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Will McInnis and Caitlin Schneider, East-Central District Health Department (ECDHD), presented a report of public health activities in Boone County for April 2018 through September 2018. ECDHD has provided a number of different services to the residents of Boone County. Some of the services provided were: My Health My Choice Day for 5<sup>th</sup> graders from Boone and Nance Counties who were educated on the danger of tobacco and alcohol; the WIC program; student health screenings in area schools; disease investigations; and substance abuse coalition in partnership with Boone County Health Center. The Boone County 2018-2021 CHIP priorities are obesity and substance abuse. Schneider said that Certified Application Counselors (CAC's) are available at the Boone County Health Center usually on Thursday's to assist county residents in applying for WIC programs, health care services and/or insurance.



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The Board approved to move forward with the Boone/Nance 911 Communications merger, with the Boone and Nance County Sheriffs and Attorneys to prepare a three year Interlocal Agreement with a December 1, 2018 effective date at their September 17, 2018 Board meeting. Johnson and Nance County reviewed the Interlocal Agreement draft last week. Johnson and the Board discussed the revisions to the original draft. Johnson informed the Board that he would like to discuss a few more items with Nance County before final approval. Motion made by Luettel, second by Rasmussen to table approval of the Boone/Nance 911 Communications merger Interlocal Agreement to a later date. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – October 15, 2018; Boone County Planning and Zoning Commission – October 22, 2018.

Chairman Luettel declared the meeting adjourned at 12:17 P.M., with the next Board meeting scheduled for Monday, October 22, 2018.

Kathy Thorberg,  
Boone County Clerk