



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 10, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 10, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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. 149 in the amount of \$3,620.75 submitted for reimbursement for sand, rock and road maintenance by others. The Board and County Highway Superintendent discussed the use of private owned equipment and labor hours that were not approved in advance for services by the County Highway Superintendent. Motion made by Rasmussen, second by Rutten to partially approve Vendor ID No. 149 for the reimbursement of the sand and rock material in the amount of \$980.75 and partially reject Vendor ID No. 149 in the amount of \$2,640.00 for services that were not approved in advance by the County as stated above. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the change to Vendor ID No. 149 as stated above: General - \$187,713.03; Road/Weed - \$170,859.50; 911 Emergency Management (2910) - \$58,409.02; 911 Wireless Services (2913) - \$10,176.11; 911 Wireless Service Holding (2914) - \$25,337.87; Fair Building (4025) - \$49,464.06; and Ambulance - \$1,774.93. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Proceedings of May 28, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the following reports of the County Officials as presented for May, 2019:

- Clerk - \$7,554.00 (State of Nebraska - \$3,396.85/County of Boone - \$4,157.15)
- Clerk of the District Court - \$1,641.51 (State of Nebraska - \$906.00/County of Boone - \$735.51)
- Sheriff - \$3,414.90
- Treasurer – Misc. Receipt Nos. 17078-17139 - \$485,543.33; Total Collections - \$1,547,675.90.

Roll call vote: Yeas: Rutten, Temme 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 two requests for advertisement funding.

The Petersburg Community Club requested assistance to advertise the Bash in the Burg event scheduled for July 27, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Bash in the Burg event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



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The St. Edward Community Club requested assistance to advertise the Beaver Valley Days event scheduled for July 26, 27 and 28, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Beaver Valley Days event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board received Payment Application No. 7 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete and electrical system work. Motion made by Rasmussen, second by Rutten to approve payment number seven for \$49,464.06 from Rathman Manning Construction as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. 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 had been assigned forty-seven cases in 2018. Jarecki said that forty-three of the cases are closed; two of the cases were conflicts; and two cases remain open. Jarecki reported that he has been assigned fourteen cases to date for 2019. Jarecki said that of the 2019 cases to date, five are closed; one of the cases was a conflict; and eight cases remain open. 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 Rasmussen, second by Rutten to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, LLC (Applied), the Board and Denny Johnson, County Sheriff, discussed the Communications Tower located next to the County Law Enforcement building at prior Board meetings. Knott presented to the Board a Lease Agreement for the Board to review. Knott said that the Lease Agreement for the Communications Tower next to the County Law Enforcement building is very similar to the Lease Agreement that was approved on May 13, 2019 in regard to the County Communications Tower located at the county fairgrounds. Knott asked the Board if they would consider leasing space on the Communications Tower located next to the County Law Enforcement building for Applied to install their equipment that services the area. Knott informed the Board that Applied would have less equipment installed on said tower. The Board acknowledged that the County has current agreements with the privately owned entity, Applied Connective Technologies, LLC, for the courthouse and law enforcement buildings telephone system, internet/email and fire wall services. Motion made by Rutten, second by Temme to approve a Lease Agreement by and between the County of Boone, Nebraska and Applied Connective Technologies, LLC for an initial term of five years with an automatic yearly renewal and a yearly space rental sum of eight hundred dollars on the Communications Tower next to the County Law Enforcement building and that the 2019 rental sum is prorated for \$400.00 as presented. Roll call: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

No seal bids were received for the advertised 1972 Fruehauf tank trailer. The Board and County Highway Superintendent discussed other options for the disposal of said tank trailer.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Leon Magsamen of Albion expires in June 2019. Motion made by Temme, second by Rutten to re-appoint Leon Magsamen of Albion to a five-year term effective July 1, 2019 through June 30, 2024 to the Boone County Veterans Service Board. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



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Larry Bird, Chairman of the Friends of the Trail Committee, appeared to provide an update regarding the progress being made on the Boone County Trails System. Bird informed the Board that there is a tree branch hanging over the trail on the west area that needs to be cut down. Commissioner Rutten plans to take care of said tree branch. Bird presented plans to install benches on concrete pads along the trail. Bird asked the Board for permission to install two benches along the trail on County owned property. Bird shared a picture of the bench that a family has purchased to donate to the trail area in memory of a family member. Motion made by Temme, second by Rasmussen to approve the Friends of the Trail Committee to install two benches along the Boone County Trails System on County property as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board reviewed a written resignation for retirement from a full-time Deputy County Sheriff employee. Motion made by Temme, second by Rutten to accept and approve the resignation of Sergeant Michael (Mick) Zabka effective June 21, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The cities, villages and rural fire protection districts located in Boone County, Nebraska created a mutual finance organization (MFO) in March of 2005 as authorized by the Nebraska Municipal Finance Assistance Act, Neb. Rev. Stat. §35-1201, et seq. Denise Ziemba, Region 44 Emergency Manager, informed the Board that to reflect the changes with the passage of Nebraska Legislature LB63, a revised Interlocal Cooperation Agreement has been prepared for the Board to review and approve. The participants agree to a maximum property tax levy at the rate of two cents on each \$100 of taxable valuation of the property subject to levy for the purpose of jointly funding the operations of the participants. This agreement shall supersede previous MFO agreements. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Interlocal Cooperation Agreement for the Boone County Fire Protection Mutual Finance Organization (MFO), Boone County, Nebraska as presented. Roll call Vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, updated the Board regarding the Boone County Local Emergency Operations Plan (LEOP). The LEOP is to be reviewed annually and revised/updated every five years. The 2019 LEOP supersedes the LEOP approved in 2014 and all prior Boone County Local Emergency Operations Plans. Motion made by Temme, second by Rasmussen to accept and approve Resolution No. 2019-17, the 2019 Boone County Local Emergency Operations Plan (LEOP). Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, informed the Board that the Federal Emergency Management Agency (FEMA) will be requiring Nebraska Emergency Management Agency (NEMA) to have each County prepare and have their own procurement policy in place by the end of 2020. Ziemba plans to start preparing a Boone County Procurement Policy.

The Board accepted a three-year audit bid proposal on March 13, 2017 from Schumacher, Smejkal, Brockhaus & Herley, P. C. of Norfolk, Nebraska to audit the county governmental activities. The Board reviewed an Engagement Letter for auditing services for the 2018-2019 fiscal year submitted by Schumacher, Smejkal, Brockhaus & Herley, P. C. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman, County Clerk and County Treasurer to sign the Engagement Letter for auditing services for the 2018-2019 fiscal year as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



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The Board and County Clerk discussed obtaining copy paper quotes for the fiscal year 2019-2020. The copy paper has increased substantially since the approved copy paper quotes in June 2018 for fiscal year 2018-2019. The consensus of the Board to continue obtaining copy paper quotes for fiscal year 2019-2020 for the County offices due to it saves costs to purchase ten cartons of copy paper at one time verses each office purchasing a carton of paper when needed. Each carton (box) of copy paper includes ten reams of five hundred sheets per ream.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed:

- The supply of gravel and rock is very limited.
- Started looking for a replacement truck-tractor for Road District #1 to replace the one that was damaged in the March flood.
- County Highway Superintendent informed the Board that eleven bridge structures need to be evaluated for scour. Bridge Scour is the removal of sediment such as sand and gravel from around bridge abutment or piers.

Stacey Ziemba, County Highway Superintendent, submitted an estimate for the Board to review for a box culvert repair on 170<sup>th</sup> Street/290<sup>th</sup> Avenue. Ed Hoevet Excavating of Ord, Nebraska submitted an estimate for the use of flowable fill, excavator and labor to repair said box culvert. The flowable fill is a watered-down concrete mixture that flows freely into a space then dries up to a hard dirt texture. Motion made by Temme, second by Rutten to accept and approve the estimate of \$3,800.00 from Ed Hoevet Excavating for repair of said box culvert on 170<sup>th</sup> Street/290<sup>th</sup> Avenue as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: BCDA, Inc. – June 11, 2019; Central Nebraska Joint Housing Authority – June 13, 2019; Northeast Nebraska Area Agency on Aging – June 20, 2019.
- Commissioners Temme and Rutten updated the Board regarding the County Board of Equalization workshop and County Board workshop held in Kearney last week.
- Commissioner Temme updated the Board regarding a meeting with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.
- Denny Johnson, Sheriff, updated the Board regarding the Boone and Nance County 911 Communications and dispatcher merger. On May 31, 2019 Boone County started dispatching for Nance County. Anyone calling the Boone County Sheriff's office will now be greeted by a dispatcher answering "Law Enforcement Center".

Chairman Rasmussen declared the meeting adjourned at 1:03 P.M., with the next Board meeting scheduled for Monday, June 17, 2019.

Kathy Thorberg,  
Boone County Clerk