



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 19, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 19, 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.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of August 12, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board of Equalization Proceedings of August 12, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. 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 a request for advertisement funding. Rae Valley Heritage Association, Inc. of Petersburg requested assistance to advertise the Nebraska State Antique, Tractor and Horse Plowing Bee event scheduled for August 23, 24 and 25, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Nebraska State Antique, Tractor and Horse Plowing Bee from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

David Figgner discussed his concerns with the Board of a driveway/approach that has been installed in a county road right-of-way. The installed driveway/approach by the landowner is off of the county road known as 140th Avenue south of 255th Street. Figgner said that the driveway/approach is located at the bottom of a hill and if a truck is pulling out of the field onto the County road, there is not enough distance from the hilltop to the location of the driveway/approach to allow for someone to stop safely. Figgner expressed liability and safety concerns. Figgner asked the Board members to each physically view the road area of concern and he felt there is other options for the landowner to ingress/egress his property without installing a non-approved driveway/approach at the bottom of a hill. Figgner informed the Board that this is not the first year that the non-approved driveway/approach has been an issue or addressed. The Board and County Highway Superintendent plan to physically view said road and the driveway/approach concerns. Motion made by Rasmussen, second by Temme to authorize the County Highway Superintendent to send a letter to Leo (Lee) Diessner in regard to the removal of the non-approved driveway/approach located in the county road right-of-way due to liability and safety issues. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board, Tanya Sharp, President/CEO Boone County Health Center, Joel VanderVeen, Kutak Rock, LLP legal counsel representative, and Don Casper and Ken Schmitz, Boone County Health Center Board of Trustees representatives, discussed a proposed resolution to secure a construction loan for the improvement and addition to Boone County Health Center (BCHC). Sharp and the Board reviewed the proposed new construction area documents. The proposed new addition to BCHC will be adjacent to and located to the south of the present BCHC clinic structure.



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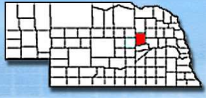
Joel VanderVeen, Kutak Rock, LLP legal counsel representative, reviewed the resolution draft and County Hospital Statutes §23-3501 – §23-3527 with the Board. It has been determined that of the medical facilities state statutes, the Boone County Health Center (BCHC) structure falls within the County Hospital Statutes. The County Board of Commissioners shall appoint a board of trustees and approve certain actions of the BCHC board of trustees. The statutes further set out the powers, duties and responsibilities of the board of trustees. VanderVeen informed the Board that he has been in contact with the Boone County Attorney, John Morgan, regarding a resolution for construction loan and permanent financing. In regard to the BCHC construction and permanent financing with a USDA loan, the BCHC plans to secure a loan with pledged net or gross revenues of the BCHC facilities. Presently the real estate of the BCHC facilities are deeded to the County of Boone, Nebraska. In order to secure a USDA loan (Deed of Trust) the real estate of record should read Boone County Health Center. The Board suggested for VanderVeen and the Boone County Attorney to discuss the legal procedure regarding the possible real estate transfer(s) from County of Boone, Nebraska to the Boone County Health Center for the financing of the improvements and addition to BCHC. The County Hospital statutes determine BCHC a separate legal entity from the County of Boone. The BCHC is not merely an agency of the County, but is a separate and independent political subdivision. Motion made by Temme, second by Rutten to table the resolution document until further information is received. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Ambulance Service submitted an uncollectible ambulance account for the Board to review as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to remove the following Ambulance service from the EMS Billing Services account of \$262.75 – October 6, 2018 for purposes of bookkeeping and turn the account over to the County Attorney to attempt further collection. Motion made by Temme, second by Rutten to turn the October 6, 2018 County Ambulance Service account balance of \$262.75 over to the County Attorney for further collection. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received letters regarding a tax resolution and the mowing of county property for their review. The Tax Express letter referred to supporting the petition drive by True Nebraskans. The mowing letter referred to offering to mow and control weeds on County property for a weekly fee. The County has taken care of the mowing and weed control on said County property. The letters from Tax Express were not signed. Motion made by Rasmussen, second by Rutten to take no action to support the True Nebraskans petition drive and the County is/will take care of the mowing/weed control on County property. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. The non-availability of aggregate/gravel and the status of road conditions were discussed.

Stacey Ziemba, County Highway Superintendent, presented quotes for the Board to review to repair Bridge #23940 on 290th Avenue and South of 170th Street. Water has washed behind the steel bridge wings and if there is continued washing that may cause the bridge to collapse. Extensions are needed on all four corners of the bridge. The quote for material cost is \$16,930.00 from Midwest Service and Sales Co. and the quote for erection cost is \$14,000.00 from Ed Hoebet Excavating. Motion made by Rutten, second by Rasmussen to approve the quote of \$30,930.00 (Material-\$16,930.00; Erection-\$14,000.00) to add 4 wings to the steel and concrete bridge along with abutment, wing walers and tie rods for repair of Bridge #23940 on 290th Avenue as presented. Roll call Vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



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The County Highway Superintendent and the Board discussed the information they received and reviewed at their Board meeting on August 12, 2019, regarding vehicle specifications and state bid estimate for a new 2020 International Truck-Tractor from Scott Clausen, Cornhusker International Truck, Inc. of Norfolk, Nebraska. The Board asked the Highway Superintendent to obtain state bid quotes for two new International Truck-Tractors with the additional pusher and tag axles and to obtain quotes for one new gravel trailer for the Board to review at their next Board meeting.

The Board reviewed 2019-2020 budget requests with the County Highway Superintendent and UNL Extension Educator. The Board reviewed and discussed various 2019-2020 budgets and requirements. Any suggested budget line code changes will be reflected on the budget(s) submitted for the public hearing.

The Board plans to review and visit with various offices regarding their office inventories prior to Monday, August 26, 2019.

Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – August 19, 2019; Northeast Nebraska Area Agency on Aging – August 20, 2019; Northeast Nebraska Juvenile Services, Inc. – August 23, 2019.
- Commissioner Temme updated the Board regarding the Region IV, Inc./NorthStar Services meeting.
- Leo (Lee) and Tammy Diessner expressed concerns of the county road known as 140th Avenue south of 255th Street. Diessner explained to the Board as to why he installed a non-approved driveway at the bottom of a hill on 140th Avenue during certain times of the year for trucks to ingress/egress from his property. Diessner said he understands the safety and liability issues and is willing to work with the County in regard to the said area road issues.

Chairman Rasmussen declared the meeting adjourned at 1:08 P.M., with the next Board meeting scheduled for Monday, August 26, 2019.

Kathy Thorberg,
Boone County Clerk