

Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 21, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 21, 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 Larry Temme, Alan Rasmussen 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 Temme, second by Rutten to approve the County Board Proceedings of October 15, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board of Equalization Proceedings of October 15, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County of Boone, Nebraska's present Public Defender Agreement expires January 1, 2020. The County has received information that there is possibly interest in the appointed Public Defender position. The Nebraska State Statutes §23-3401 through §23-3408 addresses the Public Defender position. The County Board shall appoint a policy board (§23-3405) that consists of three members. Two of the members shall be practicing attorneys and one member shall be a layperson. The Board discussed contacting and appointing neighboring out-of-county individuals for the policy board. Motion made by Rasmussen, second by Temme to contact neighboring out-of-county individuals to serve as the policy board and advertise the acceptance of applications for the appointed public defender position for years 2020 and 2021 in the county newspapers the weeks of October 28th and November 4th, 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Boone County Treasurer requested authorization from the Boone County Board of Commissioners to set up a separate bank account for the Limited Tax County Road Bonds, Series 2019 (Highway Allocation Fund Pledge Bonds). The account will receive said bond proceeds as revenue for road/bridge infrastructure repair due to the adverse weather conditions since March 2019. Motion made by Temme, second by Rutten to approve and authorize the Boone County Treasurer to set up a separate bank account for the Limited Tax County Road Bonds, Series 2019 with the Cornerstone Bank, Albion, Nebraska and that the interest from the bond account be identified/transferred to the General Fund. Roll call vote: Yeas: Temme, Rutten 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 a request for advertisement funding. The Albion Area Arts Council, Inc. requested assistance to advertise the Talbott Brothers Concert scheduled for November 17, 2019. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the concert from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



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The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects.

The Board held a meeting with the Elected Officials/Department Heads:

- Chairman Rasmussen asked all present to join in the Pledge of Allegiance.
- County officials/department heads reported on activities with regard to their respective office.
- County Government Day is scheduled for Wednesday, October 23, 2019. The department heads present received a copy of the program.
- The American Legion Post #162 will be hosting the area Oratorical contest on December 8, 2019 with alternate date of December 15, 2019 in the Boone County Courthouse Courtroom.
- Courthouse Fire Drill is scheduled for 8:15 A.M. on Friday, October 25, 2019.
- NIRMA First Aid/CPR/Stop the Bleed for County employees is scheduled for 8:30 A.M. on Wednesday, October 30, 2019 in the Boone County Courthouse breakroom.
- The group discussed the Nebraska Association of County Officials (NACO) 125th Annual Conference fundraiser. The goal is for each county in Nebraska to raise a minimum of \$125.00 to celebrate the NACO 125th Annual Conference. The Younes Conference Center staff that were personally impacted by the July flooding in Kearney will be the recipients of the fundraising contributions. The consensus of the group present is to have free-will donation containers for the fundraiser located at the Assessor, Treasurer and Clerk's offices.
- The group present discussed the importance of the use and care of the county-owned vehicles. When using the County vehicles employees should first complete a walk around of the vehicle before driving away in order to log any issues (low tire, mirror broken, etc.) and complete the log book with destination and odometer reading when leaving and return. In addition, upon each return fill the vehicle with gas at White Star Oil and maintain cleanliness by removing your trash, etc.
- Employee mileage reimbursement was also discussed with the initial intention of the county-owned vehicles was to lessen budgeted expense for mileage in each of the office budgets by utilizing the county-owned vehicles for meetings and training. The consensus of the group that the mileage and vehicle use/care be more defined in the employee handbook.

The Boone County Road Department accepted sealed bids to be opened on October 21, 2019 at 10:00 A.M. for a new cross-gate belly dump gravel trailer for County Road District #3. The Board received and opened three bids as follows: RDO Truck Center, Norfolk, NE - \$52,493.00; Jim Hawk Truck Trailers, Inc., Council Bluffs, IA - \$52,875.00; and Iowa Trailer Mfg. Co., LLC, Storm Lake, IA - \$58,926.00. Representative Bob Sobotka, RDO Truck Center, and Bob Elsasser, Jim Hawk Truck Trailers, Inc., were present to answer questions in regard to their respective quote, such as warranty, tri-axle, electronic tarp, delivery date and closest area for trailer services. The Board acknowledged the closeness of their quotes and extended a thank you to the representatives for representing their said company. The RDO Truck Center is located in Norfolk making it the closest facility for truck maintenance/repair. Representative for Jim Hawk Truck Trailers, Inc. thanked the board for the hospitality and opportunity to submit a quote. Motion made by Temme, second by Rutten to approve and accept the quote of RDO Truck Center of Norfolk, Nebraska in the amount of \$52,493.00 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent submitted a Basic Customer Support Agreement with NMC CAT for the 2019 CAT Motor Grader Serial #N9500279 for the Board to review. The service kits included in the Agreement are engine oil changes, filters for engine oil/fuel and the fluid sampling. The hours are monitored on the motor grader in order for the oil and filter changes be completed and tested in a timely manner. The Customer Support Agreement kit arrives at 250 hour intervals per service cost of \$326.88. The eight year service total is approximately \$2,615.00. Motion made by Rutten, second by Temme to approve and authorize



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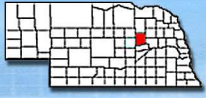
the Board Chairman to sign the NMC CAT Basic Customer Support Agreement quote number 100319092705 for \$326.88 per service kit at 250 hour intervals for the 2019 CAT Motor Grader Serial #N9500279 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and Board discussed estimates for repair of County asphalt (black top) roads. The asphalt milling estimate from Spud Construction, LLC is the square footage multiplied by \$0.18/sq. ft. and no charge for mobilization. The County Highway Superintendent and the Board discussed the eight areas of asphalt road that need the most attention sooner than later. The Board suggested the County Highway Superintendent contact Spud Construction and ask if four of the asphalt (black top) roads could possibly be milled this fall. Motion made by Temme, second by Rutten to proceed with the milling and approximate cost of the following areas of asphalt (black top) roads: 260th Street between intersection of 11th Street and Fairview Street, thence west to the intersection of 240th Avenue and Fairgrounds Road - \$4,950.00; A Street going north out of St. Edward - \$1,188.00; 170th Avenue known as Water Tower Road going South out of Cedar Rapids - \$8,514.00; and Cemetery Road (345th Street), Cedar Rapids. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Cedar Rapids County Road District #1 shop building repairs regarding the heating system and insulating of the building roof and walls has been discussed several times since August of 2018. The County Highway Superintendent presented quotes for the Board to review for the insulation and installing of insulation in the Road District #1 shop building, Cedar Rapids. An insulation material quote from Sentinel Building Systems of Albion, NE for the roof and walls - \$6,509.34 and a labor quote for installation of the insulation from Wiseman Roofing & Construction, Albion, NE - \$5,550.00 were reviewed by the Board. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the quote of \$6,509.34 from Sentinel Building Systems for the insulation material and approve the labor quote of \$5,550.00 from Wiseman Roofing & Construction for installation of the insulation for the Road District #1 shop building, Cedar Rapids. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and the Board discussed the protocol procedure of mowing the road ditches. The Nebraska State Statute §39-1811 addresses weeds; mowing duty of landowners; neglect of duty; obligation of county board; cost; assessment and collection. The annual publication regarding the mowing of weeds/road ditch right-of-way was published. The property owners that have not mowed their road ditches will have ten days to complete the mowing upon receiving notice, or the county will mow at a rate of \$450.00 per mile to be assessed to the property. Motion made by Rasmussen, second by Rutten to authorize Stacey Ziemba, County Highway Superintendents, to have the County Attorney prepare an Official Notice document to be sent to the applicable landowners that have not complied with the published mowing notices to mow the road ditches. 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-four of the cases are closed; two of the cases were conflicts; and one juvenile case remains open. Jarecki reported that he has been assigned thirty-five cases to date for 2019. Jarecki said that eighteen of the cases are closed; sixteen of the cases are open; and one case was a conflict. Jarecki explained to the Board that some juvenile cases take a long time to complete and that some individuals may have more than one case. For example of the thirty-five cases that is not necessarily thirty-five different individuals, as one individual may have four cases against them. 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. Jarecki explained that his office tries to emphasize rehabilitation for those facing criminal charges and treat the individuals with respect. The Board thanked Jarecki for the updated report and his diligent services. Jarecki thanked the Board and is very appreciative of



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the contract for public defender services. Motion made by Rasmussen, second by Temme to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The preparation of the Deed transfers of real estate to the Boone County Health Center were not completed. Motion made by Rasmussen, second by Rutten to table the action regarding the Deed transfers of real estate to the Boone County Health Center to the October 28, 2019 Board meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board; Mike Mapel and Chuck Rolf, Boone County Agricultural Society, Inc. Board members; Kurt Kruse, Boone County Agricultural Education Center, Inc. authorized representative; Steve Pritchard, UNL Extension Educator; and Paul Groeteke held a discussion regarding the Boone County Agricultural Society, Inc. current Lease Agreement with the County of Boone, Nebraska that needs revising and updating. The County of Boone owns the real estate together with all the tenements, hereditaments and appurtenances since 1944 and the current Lease Agreement between the County of Boone, Nebraska and Boone County Agricultural Society, Inc. is dated 1978. A Lease Agreement and Interlocal Cooperation Agreement may basically address the same issues and responsibilities between the entities. The county attorney and bonding attorney's advice was to continue forward with updating the Lease Agreement document.

Several responsibilities were discussed in regard to the real estate, buildings and rental fees regarding the properties known as the Boone County Fairgrounds. The Board felt that due to the County using \$1.3 million of Inheritance Tax towards construction of the new building, there should be no cost to the County of Boone for office space used by UNL County Extension for at least ten years. Rolf said that the north portion of the new building is all electric and that the arena portion will have natural gas heat. In addition, topics of discussion were a detailed Lease Agreement to clarify all responsibilities, insurance, payment of utilities (electrical, gas, sewer, water, etc.), fence lines, snow removal, removal of the three buildings that were initially said to be removed to open up area for parking, etc. No motions or final decisions were made at the meeting.

Discussion was held on pending grant applications for the furnishings (example: bleachers, livestock panels, etc.) for the new fairgrounds building. Kruse noted that fundraising for the furnishings for the new fairgrounds building was part of the Boone Count Big Give in 2018 and will be again in 2019. The topic regarding funds for furnishings will be revisited at a later date.

Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – October 21, 2019; Boone County Government Day – October 23, 2019.
- Commissioner Rutten updated the Board regarding the Northeast Nebraska Juvenile Services, Inc. meeting.

Chairman Rasmussen declared the meeting adjourned at 1:10 P.M., with the next Board meeting scheduled for Monday, October 28, 2019.

Kathy Thorberg,
Boone County Clerk