



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 28, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Monday, October 28, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. 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 the County Payroll Claims filed for the pay period of September 22, 2019 through October 21, 2019. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$93,435.35, BCBS \$47,466.32, Ameritas Ret \$6,432.42, EFTPS \$6,970.94, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$94.20; Road \$63,058.90, BCBS \$33,426.40, Ameritas Ret \$4,256.47, EFTPS \$4,760.50; Ambulance \$3,312.87, Ameritas Ret \$100.62, EFTPS \$253.44; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board Proceedings of October 21, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The General Fund receives the real estate and personal property taxes with a designated amount transferred to the Road Fund on an as needed basis. The Boone County Treasurer is authorized to use all property tax collections, which would include real estate and motor vehicle taxes, to be in the transfer of funds. Motion made by Temme, second by Rutten to approve Resolution No. 2019-38, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) to the Road Fund (0200) for the 2019-2020 Tax Year on an as needed basis not to exceed \$3,100,000.00. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

David Fox requested permission to trench an electrical line across a county road commonly known as 250th Street running east and west between the SW1/4 of Section 17 and the NW1/4 of Section 20, all in Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The electrical line commences from an electrical pole located on the north side of 250th Street in the SW1/4 of Section 17; running thence South across 250th Street to an electric irrigation motor located in the NW1/4 of Section 20, all in Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The request is to convert the existing irrigation well from gas to electric. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2019-39, granting permission to David Fox to trench an electrical cable across a county road known as 250th Street to the NW1/4 of Section 20, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska, for irrigation purposes. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



Boone County Board Minutes



Motion made by Rasmussen, second by Temme to recess said Board of Commissioners meeting at the Boone County Courthouse location at 9:33 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried. The Board of Commissioners agenda item #5 is a meeting with the County Road Employees to be held at the County Road District #2 shop building located at 325 North 6th Street, Albion, NE. Motion made by Rutten, second by Temme to reconvene said Board of Commissioners meeting at 9:41 A.M. at the location of the Boone County Road District #2 shop building. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board, County Highway Superintendent and the County Road employees held a lengthy discussion at the location of the County Road District #2 shop building, 325 North 6th Street, Albion, NE regarding: the work hours/forty hour work week, procedure for purchases and ordering repairs, etc., equipment maintenance and routine equipment maintenance responsibilities of equipment operator(s), who may operate the county equipment, purchasing of equipment, snow removal/possibility of working hours besides the regular work week, and other issues.

Motion made by Rutten, second by Temme to recess said Board of Commissioners meeting at the Boone County Road District #2 shop building in order to return to the Boone County Courthouse to complete their regular Board meeting at 10:37 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried. Motion made Rutten, second by Temme to reconvene said Board of Commissioners meeting at the Boone County Courthouse location at 10:46 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board and Mary Hemmingsen, Boone County Sheriff Office Manager, discussed the copy machine located in the County Law Enforcement building. The copy machine lease expires in December of 2019. The Board reviewed the information submitted by Office Systems Company of a lease buyout/ownership of the current copy machine or a 48/month lease and maintenance proposal for a new black/white Canon image Runner Advance model. Motion made by Rutten, second by Temme to approve and authorize Denny Johnson, Boone County Sheriff, to sign a 48/month Lease and Maintenance Agreement with Office Systems Company for a new black/white Canon image Runner Advance model copy machine for the County Law Enforcement building for monthly payments of \$122.44 (lease \$99.94; maintenance \$22.50) for 48 months. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Boone County Board of Commissioners (Board) received a "Petition to Vacate County Road" in March of 1998 and held a Public Hearing in April 1998. The Board took action and voted to vacate the following: A portion of a county road known as 320th Avenue, commencing at the Northeast corner of Section 15 and the Northwest corner of Section 14, all in Township 18 North, Range 5 West of the 6th P.M., Boone County, Nebraska, running thence south one (1) mile to the Nance County line. The Board of Commissioners are to adopt a resolution to officially vacate a public road. A search of the real estate records deemed that a resolution approving the vacation of above described mile of road did not appear to be of record. Motion made by Temme, second by Rutten to approve Resolution No. 2019-40, that a copy of this Resolution shall be filed with the Register of Deeds and indexed against the following described properties: A portion of a county road known as 320th Avenue, commencing at the Northeast corner of Section 15 and the Northwest corner of Section 14, all in Township 18 North, Range 5 West of the 6th P.M., Boone County, Nebraska, running thence south one (1) mile to the Nance County line, that are believed to be adjacent to the described, now vacated public road, with all right-of-way rights to be relinquished and shall revert to private ownership to the owner(s) of the adjacent



Boone County Board Minutes



real estate, one-half on each side thereof, subject however with the understanding that all utilities with assets that may be affected by this vacation continue to have full access to their property. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

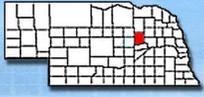
In reviewing the Boone County Board of Commissioners proceedings it appears that a portion of the following described road has been discussed and reviewed several times since 1989: a portion of a county road known as 320th Avenue, commencing at the Northeast corner of Section 10 and the Northwest corner of Section 11, all in Township 18 North, Range 5 West of the 6th P.M., Boone County, Nebraska, running thence south one (1) mile. In researching the real estate records it appears that each time the Board approved a study request to possibly change the classification of portion(s) of said described road, there appears to be no public hearing(s) or final vote to the approved studies of record. Lynn Kaufmann of Lincoln, NE has been contacting and discussing his concerns regarding areas of said above mentioned county road with the Board several times in 2019. The first step in changing the classification of a county road is an appointment to have a feasibility study completed. Motion made by Rasmussen, second by Temme to appoint Stacey L. Ziemba, Boone County Highway Superintendent, to do a feasibility study in regard to possibly changing the classification(s) of a portion of a county road known as 320th Avenue, commencing at the Northeast corner of Section 10 and the Northwest corner of Section 11, all in Township 18 North, Range 5 West of the 6th P.M., Boone County, Nebraska, running thence south one (1) mile. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County Hospital Statutes §23-3501 – §23-3527 determine Boone County Health Center (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. The Boone County Board of Commissioners published in the Albion News, a weekly newspaper, a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the Boone County Health Center on Wednesday, September 11, 2019. Jeff Jarecki, Attorney, presented the real estate deed documents on behalf of the BCHC for the Board to review and approve. The real estate transactions have been discussed and researched for several years and the BCHC is applying for a USDA loan for the new clinic addition and it is best for the real estate to be in the name of Boone County Health Center. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Deed documents transferring the real estate located in the counties of Boone, Antelope, Greeley and Nance from the title of County of Boone, Nebraska to the real estate holder being Boone County Health Center. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Public Comments:

- Meetings: Boone County Health Center – October 28, 2019; LEPC – October 29, 2019.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioners Rasmussen and Rutten updated the Board regarding Boone County Government Day activities.
- Forrest Francis and Colin Koeppen expressed their concerns regarding County asphalt (black top) road(s) repair.

Chairman Rasmussen declared the meeting adjourned at 12:48 P.M., with the next Board meeting scheduled for Tuesday, November 12, 2019.



Boone County Board Minutes



Kathy Thorberg,
Boone County Clerk