



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
APRIL 20, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 20, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen joined the meeting by teleconference call/video conference at 9:11 A.M. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Vice Chairman Temme acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of April 13, 2020 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board reviewed an EFMLA/EPSLA request that was submitted by a county road employee. The Board reviewed and discussed the EFMLA/EPSLA request with the county road employee and county highway superintendent in regard to the reason for leave due to school/daycare closing. The EFMLA/EPSLA request for the fourteen days/eighty work hours was granted.

Jacqueline Wells, Boone/Greeley County Veterans Service Officer submitted written reports for the months of January, February and March 2020 for the Board to review. The Board reviewed the written reports in regard to the Veterans Service office first quarter of 2020 activity. Motion made by Temme, second by Rutten to approve as submitted the first quarter of 2020 reports by the Boone/Greeley County Veterans Service Officer. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

In November of 2016 the County of Boone purchased a fraction of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska, known as the Kohtz property south of and adjacent to the Boone County Fairgrounds property. In December 1967 a permanent easement was assigned to the City of Albion to maintain and construct an earthen dam with spillways on said property that is currently owned by the County. The "Kohtz-City of Albion Detention Dam" was approved by the U.S. Department of Agriculture Soil Conservation Service and filed with the State of Nebraska, Department of Water Resources in December 1967. The City of Albion is planning to sell the former swimming pool property to the Boone County Health Center for their facility expansion project.

The Board's decision to transfer the approximate 10.93 acres of property known as the "Kohtz-City of Albion Dam" to the City of Albion, could possibly help the City of Albion to fulfill their requirement of replacing the former swimming pool property (a grant from the Game & Parks Department for purpose of outdoor recreation) with property of equal or greater value for outdoor recreation. The county board shall print and publish in a legal county newspaper a notice stating the legal description/address of the real estate at least thirty days prior to the transfer. Motion made by Temme, second by Rutten to publish in the Albion News, a weekly newspaper on Wednesday, April 22, 2020, a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the City of Albion as hereto attached to the proceedings. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



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All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings. Stacey Ziembra, County Highway Superintendent and Mary Ziembra, County Zoning Administrator, presented a Cost Per Image Agreement No. 1561413 from One Office Solution of Norfolk, NE for the Board to review. Ziembra informed the Board that the shared copy machine was a used copy machine purchased in July 2016 and it has stopped working. The agreement being reviewed is a Lease Agreement for a new color copy machine, Sharp MX-3071 System for sixty-three months at \$85.56 per month, plus a monthly maintenance fee based on an amount for black & white copy images and color copy images. Motion made by Rasmussen, second by Temme to approve and authorize the Board Vice-Chairman to sign Cost Per Image Agreement No. 1561413 for a new color copy machine Sharp MX-3071 System for the County Highway Superintendent and Zoning offices from One Office Solution for a sixty-three months lease at \$85.56 per month, plus a monthly maintenance fee as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

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

- The annual Highway Superintendent conference in June has been cancelled.
- Bob Thompson Construction plans to start erecting the replacement building at Road District #3, Petersburg this week. The original building was damaged in June 2018 and removed in 2018.
- Discussed a drainage issue off of State Highway 56 west of St. Edward. Commissioner Rutten suggested that the Highway Superintendent set up a meeting with the Nebraska Department of Transportation at the site/location of the drainage issue.

The County Highway Superintendent and the Board discussed replacement of a 1996 International semi-truck tractor that cost approximately \$12,800.00 in repairs the past year. The 1996 International semi-truck tractor has 775,000 miles and is located in Road District #2, Albion. The Highway Superintendent plans to obtain state bid(s) for a new semi-truck tractor. The 1996 International will either be a trade-in or sold separately. Motion made by Rutten, second by Temme to authorize the County Highway Superintendent to obtain state bid(s) for a new semi-truck tractor to replace the 1996 International semi-truck tractor located in County Road District #2, Albion. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and Board discuss yearly re-occurring problems with the planting of crops in the county road right-of-ways, ditches and around the signage in county road right-of-ways. A Public Notice is published in the newspapers each year and it is posted on the County of Boone website under the Highway Superintendent tab. The Nebraska State Statute Chapter §39-301 through §39-311 addresses penalties when any person injures or obstructs a public road and road right-of-ways. The Board suggested that the Highway Superintendent discuss the matter with the County Attorney and have the County Attorney send registered letters to those who are in violation of the law.

The County Highway Superintendent informed the Board that she plans to advertise for a full-time employee position and a part-time employee position for the county road department. She said that there is talk that one of the road employees is looking elsewhere for work and with the coronavirus epidemic she is not sure how many will be requesting additional time off. She felt that having a part-time employee, at no more than nineteen hours per week, would be beneficial for the summer/fall months. She also felt that the county needs another excavator operator to help the culvert/dirt crew. The consensus of the Board to allow the County Highway Superintendent to advertise for the positions she discussed and the Board informed the Highway Superintendent that they may not approve hiring any additional help at this time, due to they have mentioned possible layoffs/furloughs due to possible lack of work during the coronavirus epidemic.



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County Board of each county of this state to visit the jail of its county per Nebraska State Statute §47-109. Due to the Coronavirus epidemic the Board conducted the routine visit of the Boone County Jail per Nebraska State Statute by visiting in person with Denny Johnson, Boone County Sheriff. Johnson informed the Board that there were no changes to the facility since the Board's last walk through visit on January 21, 2020.

Motion made by Temme, second by Rutten to recess at 11:15 A.M. from the Commissioners Meeting Room of the Courthouse location and to continue their meeting with the Boone County Agricultural Society, Inc. representatives at the Boone County Fairgrounds location. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Dave Noble and Chuck Rolf, Boone County Agricultural Society representatives; Stacey Ziemba, County Highway Superintendent; Dan Stankoski, County General Road Foreman; and Steve Pritchard, UNL Extension, met at the Boone County Fairgrounds site to discuss road access and parking area to the new fairgrounds building. The County is being asked by the Boone County Agricultural Society to provide a culvert and aggregate for an access road and parking area to and around the new fairgrounds building. No action was taken by the Board.

Motion made by Rutten, second by Temme to reconvene at 12:35 P.M. at the Commissioners Meeting Room of the Courthouse location from the Boone County Fairgrounds location to continue the Board meeting. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

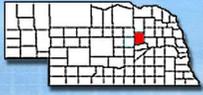
The Board reviewed an EFMLA/EPSLA request that was submitted by a county courthouse employee. The Board reviewed and discussed the EFMLA/EPSLA request and other employment concerns with Cynthia Fulton. In addition, the County Assessor, Highway Superintendent and Zoning Administrator discussed Fulton's request and concerns with the Board in regard to the reason for leave due to school/daycare closing. The EFMLA/EPSLA request for two hundred thirty two work hours was granted.

Public Comments:

- Meetings: Boone County Health Center – April 28, 2020.
- Denny Johnson, Sheriff, updated the Board regarding information from the Nebraska Law Enforcement Training Academy of the spring training delay and changes due to the coronavirus epidemic.
- Denny Johnson, Sheriff, suggested that the Board discuss a location/building for the County to use for storage and law enforcement impounded items.
- Mary Ziemba, Zoning Administrator, updated the Board in regard to a possible infraction of zoning regulations. The Board suggested to Ziemba to contact the County Attorney for assistance.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioner Temme update the Board regarding the Northeast Nebraska Area Agency on Aging committee meeting.

Vice Chairman Temme declared the meeting adjourned at 1:45 P.M., with the next Board meeting scheduled for Monday, April 27, 2020.

Kathy Thorberg,
Boone County Clerk



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NOTICE OF INTENT TO TRANSFER REAL ESTATE

Notice is hereby given by the Boone County Board of Commissioners of its intent to transfer real estate owned by the county to another political subdivision. Pursuant to Nebraska State Statute §23-107.01(2), a county board may, by majority vote, sell real estate owned by the county in fee simple to another political subdivision in fee simple in such manner and upon such terms and conditions as may be deemed in the best interest of the county. The County of Boone, Nebraska, a political subdivision in and for the State of Nebraska, intends to transfer the following described real estate to the City of Albion, Nebraska, a political subdivision in and for the State of Nebraska.

Addresses collective known as: Kohtz City of Albion Dam, Albion, Nebraska.

KOHTZ DAM:

A TRACT OF LAND COMPRISING A PART OF THE NE1/4 OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M., BOONE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER THE NE1/4; THENCE N87°55'00"E, AND ON THE SOUTH LINE OF SAID NE1/4, 1199.80 FEET TO THE POINT OF BEGINNING; THENCE N02°05'00"W, 465.00 FEET TO A 5/8" REBAR W/CAP; THENCE N11°07'06"W, 243.34 FEET TO A 5/8" REBAR W/CAP; THENCE N36°45'28"W, 246.53 FEET TO A 5/8" REBAR W/CAP; THENCE N73°10'44"W, 132.43 FEET TO A 5/8" REBAR W/CAP; THENCE N03°08'40"W, 43.16 FEET TO A 5/8" REBAR W/CAP; THENCE N55°49'10"E, 264.89 FEET TO A 5/8" REBAR W/CAP; THENCE S75°14'49"E, 485.48 FEET TO A 5/8" REBAR W/CAP ON THE WEST LINE OF ANDERSENS SECOND SUBDIVISION; THENCE S01°31'52"E, AND ON THE WEST LINE OF SAID ANDERSENS SECOND SUBDIVISION, 994.31 FEET TO A 5/8" REBAR W/CAP ON THE SOUTH LINE OF SAID NE1/4; THENCE S87°55'00"W, AND ON THE SOUTH LINE OF SAID NE1/4, 374.94 FEET TO THE POINT OF BEGINNING, AND CONTAINING 10.93 ACRES MORE OR LESS.

Boone County Board
of Commissioners

Larry Temme,
Vice Chairman