



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 29, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:03 A.M. on Monday, June 29, 2020 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 Ben Rutten, Larry Temme and Alan Rasmussen. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, which was scheduled to end on May 31, 2020. Governor Pete Ricketts, issued Executive Order No. 20-24, continued limited waiver of certain requirements of the Nebraska Open Meetings Act to remain in effect through June 30, 2020. The Executive Order allows governing bodies (Board of Commissioners) to meet by videoconference or by telephone conference. 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 a letter signed by the County of Boone, Nebraska and Boone County Agricultural Society, Inc. to the Nebraska Community Foundation in appreciation of the anonymous grant and agree to provide ongoing maintenance for the new fairgrounds building project known as the Boone County Agricultural Education Center. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Ambulance Service submitted a June 2017 uncollectible ambulance account that the Board reviewed on April 15, 2019 and turned over to the County Attorney for further collection. Three years has lapsed since the date of the Ambulance Service and no payments were received from the patient or collected by the County Attorney on said County Ambulance Service account. Motion made by Temme, second by Rasmussen to write-off the June 2017 County Ambulance Service account in the amount of \$1,015.00. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of June 24, 2020 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board of Equalization Proceedings of June 24, 2020 as presented. 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 6<sup>th</sup> 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 has sold 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.



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On April 20, 2020 the Board approved publishing the Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the City of Albion, Nebraska in the Albion News, weekly newspaper on April 22, 2020. 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 Rasmussen to approve and authorize the Board Chairman to sign a Warranty Deed from the County of Boone, Nebraska to the City of Albion, Nebraska upon the acceptance by the City of Albion, transferring a tract of land comprising a part of the Northeast Quarter (NE1/4) of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska of approximately 10.93 acres commonly known as the Kohtz-City of Albion Dam. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Mitchell J. Patzel, requested permission to trench an 8" water line for irrigation purposes across a county road commonly known as 110<sup>th</sup> Avenue running North and South between Sections 29 and 30, all in Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The water line commences from an existing well located in the SE1/4 of Section 30; thence trenching East across 110<sup>th</sup> Avenue to a new irrigation system to be located in the SW1/4 of Section 29, all in Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2020-19, granting permission to Mitchell J. Patzel to trench an 8" water line across a county road known as 110<sup>th</sup> Avenue to the SW1/4 of Section 29, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for a new irrigation system. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Viaero Fiber Networks, LLC, requested permission to plow/trench/directional bore fiber to a Viaero Wireless Tower in a County road right-of-way on the West side of 250<sup>th</sup> Avenue running North and South between Sections 27 and 28, all in Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The fiber commences from the City of Albion city limits of 6<sup>th</sup> Street and 250<sup>th</sup> Avenue; thence South in the County road right-of-way on the West side of 250<sup>th</sup> Avenue for approximately one mile; thence directional bore under 250<sup>th</sup> Avenue East to an existing Viaero Wireless Tower located in the SW/4 of Section 27, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2020-20, granting permission to Viaero Fiber Networks, LLC to plow/trench/directional bore fiber in a County road right-of-way on the West side of 250<sup>th</sup> Avenue and directional bore under 250<sup>th</sup> Avenue East to an existing Viaero Wireless Tower located in the SW/4 of Section 27, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed easement documents and construction plans submitted by the County Highway Superintendent from Brian McDonald, Engineer with JEO Consulting Group, Inc., for Bridge Project C-6(393), Petersburg East on May 27, 2020. Right-of-way has been purchased to repair bridge. The Bridge Project C-6(393), Bridge 6(11215) located on 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue was advertised for bid letting to open sealed bids on Monday, June 29, 2020. The sealed bids received for said bridge project: A & R Construction Co. of Plainview, NE - \$208,352.30 and Van Kirk Bros. Contracting of Sutton, NE - \$271,057.05. Bruce Meisner, A & R Construction Co., was present to represent the company. Steve Ragoss, Van Kirk Bros. Contracting, was present to represent the company. The Board, Highway Superintendent and McDonald reviewed and discussed the bids. McDonald said that the bridge portion of the Road/Bridge Buyback Program, Budget Fund (0650) may be used for said project. Motion made by Rutten, second by Temme to accept and recommend approval of the A & R Construction Co. of Plainview, NE bid for the Bridge Project C-6(393), Bridge 6(11215), Petersburg East for \$208,352.30, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer. Roll call vote: Yes: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



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The Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc., discussed Bridge Project C-6(398), Raeville East on March 9, 2020. No right-of-way will need to be obtained to repair bridge. The Bridge Project C-6(398), Bridge 6(23340) located on 260<sup>th</sup> Avenue, ¼ mile North of 120<sup>th</sup> Street was advertised for bid letting to open sealed bids on Monday, June 29, 2020. The sealed bids received for said bridge project: A & R Construction Co. of Plainview, NE - \$139,832.74 and Van Kirk Bros. Contracting of Sutton, NE - \$179,196.70. Bruce Meisner, A & R Construction Co., was present to represent the company. Steve Ragoss, Van Kirk Bros. Contracting, was present to represent the company. The Board, Highway Superintendent and McDonald reviewed and discussed the bids. McDonald said that the bridge portion of the Road/Bridge Buyback Program, Budget Fund (0650) may be used for said project. Motion made by Rutten, second by Temme to accept and recommend approval of the A & R Construction Co. of Plainview, NE bid for the Bridge Project C-6(398), Raeville East for \$139,832.74, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer. Roll call vote: Yes: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., submitted a Certificate of Substantial Completion for the St. Edward Southwest Bridge (FEMA) Project C000605015P for the Board to review. The bid letting to open sealed bids for said project was held on March 9, 2020. The St. Edward Southwest Bridge connects with the City of St. Edward sewage lagoon. McDonald suggested that the County transfer ownership of this bridge to the City of St. Edward because it does not connect to a county road. The work to the Bridge Project C000605015P has been inspected by authorized representatives of Owner, Contractor and Engineer and found to be substantially complete. The payment for said project will be issued from the Road Fund in regard to the 2019 flood damage with the funds from the Highway Allocation Bond Repay 2019 Series. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Certificate of Substantial Completion of the St. Edward Southwest Bridge (FEMA) Project C000605015P and issue payment of \$98,494.60 to Theisen Construction, Inc. of Norfolk, NE as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc., discussed several road/bridge issues/projects. Some of the following projects discussed with no final decisions made at this time:

- A bridge known as Pilot Knob Bridge (FEMA project) near Primrose. A portion of this bridge was destroyed in the March 2019 flood. McDonald's estimates for repair is \$300,000.00 or for complete removal of bridge/not replacing the bridge is \$200,000.00.
- A bridge south of St. Edward on 350<sup>th</sup> Street west of State Highway 39.
- A hydraulic study will need to be completed for Bridge #00405, located on 110<sup>th</sup> Street, ½ mile west of 110<sup>th</sup> Avenue.
- Drainage issue on 300<sup>th</sup> Avenue south of State Highway 56, landowner responsibility to put a culvert in driveway.
- A bridge located in SE1/4 of 17-20-6, is not a county bridge, McDonald will meet with landowner.
- Re-grade a portion of 140<sup>th</sup> Avenue, approximate cost of \$90,000.00 to \$150,000.00.
- Approximately 3.75 miles of asphalt roads: golf course, airport and fairgrounds estimate is 1.5 million for 4" asphalt or 1.8 million for 4" concrete. Concrete life cycle is usually 25 years while asphalt is 10-15 years. Estimate does not include any bridge repair if needed.
- Approximately 4.5 miles of 255<sup>th</sup> Avenue asphalt road north of Albion estimate is 1.6 million for 4" asphalt and due to heavy truck traffic would probably not last 10 years.
- The asphalt paving (black top roads), McDonald informed the Board that Mid-State Construction has completed the core testing.





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The County Highway Superintendent and Brian McDonald, Engineer with JEO Consulting Group, Inc., submitted documents from the Natural Resources Conservation Service of the U.S. Department of Agriculture for the Cedar Rapids Northwest Bridge 6(00715) Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52. The documents address rock rip rap to stabilize and protect eroding banks, etc. for the 2019 flood damaged FEMA bridge project. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Natural Resources Conservation Service documents for the Cedar Rapids Northwest Bridge 6(600715) Project (FEMA) as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board held a Public Hearing on January 27, 2020 for the purpose of hearing public comments and to discuss the issue of the elected office of a County Surveyor. The Nebraska Revised Statute §32-525, County Surveyor; election; when required; terms; qualifications was discussed. The Board did not adopt a resolution to continue to elect the County Surveyor for the County prior to February 1, 2020. Therefore, the Board decided to submit to the voters of Boone County, Nebraska the question of electing a Boone County Surveyor at the November 3, 2020 General Election. At the 2020 General Election the voters will decide the future of the County Surveyor office to either continue to be an Elected Office or to become an Appointed Office by the Board of Commissioners. The Boone County Surveyor position has been filled by a County Board appointment for several years due to there being no County resident that is a licensed surveyor. Motion made by Temme, second by Rasmussen to approve Resolution No. 2020-21, that the resolution be presented to the Boone County Election Commissioner and hereby is directed to place on the ballot at the November 3, 2020, General Election: “For election of county surveyor” the office continues to be an elected position. “Against election of county surveyor” the office becomes an appointed position by the Board of Commissioners. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

On February 26, 2020 the Board requested an audit proposal from Nebraska Auditor of Public Accounts and accepted their audit proposal on March 16, 2020 to audit the county governmental activities. The Board reviewed an Engagement Letter for auditing services for the 2019-2020 fiscal year submitted by Nebraska Auditor of Public Accounts. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Audit Engagement Letter for auditing services for the 2019-2020 fiscal year as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Denny Johnson, County Sheriff; John Buck, Chief Deputy Sheriff; and the Board discussed the jailer/dispatcher wage information that Johnson provided on June 24, 2020 for the Board to review. Johnson and Buck said that the jailer/dispatch position is just not receiving a pool of applicants to select from as it is hard to find people to work nights, weekends and holidays. The Board plans to discuss the information during the 2020-2021 budget preparation.

## Public Comments:

- Robert Vern Watts of Cedar Rapids, US Army WWII Veteran, was honored for his military service by the Board.

Chairman Rasmussen declared the meeting adjourned at 11:55 A.M., with the next Board meeting scheduled for Monday, July 13, 2020.

Kathy Thorberg,  
Boone County Clerk