



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 27, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 27, 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 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.

The Board reviewed the County Payroll Claims filed for the pay period of June 22, 2020 through July 21, 2020. The Board noted/questioned several hours of overtime for the pay period. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$102,133.67, BCBS \$49,577.04, Ameritas Ret \$7,051.06, EFTPS \$7,619.42, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$64,411.31, BCBS \$31,578.68, Ameritas Ret \$4,347.78, EFTPS \$4,858.30; Ambulance \$1,896.69, Ameritas Ret \$41.65, EFTPS \$145.09; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of July 20, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board of Equalization Proceedings of July 20, 2020 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

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

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

Denise Ziemba, Region 44 Emergency Manager, updated the Board in regard to Emergency Management activities. Ziemba said that it has been quiet with everything that does not involve COVID-19. Ziemba reported on the Local Emergency Planning Committee (LEPC) meeting held July 23, 2020 in Albion.

Richard Martinsen, CPA, Schmeits, Mueller & Martinsen, P. C., prepared the annual county budget and submitted a preliminary 2020-2021 budget for the Board to review. The Board and Martinsen discussed the preliminary 2020-2021 budget requests submitted by the county departments. The Inheritance Tax Fund has been used for several years to reduce the county's property tax request, resulting in a low levy. The County budget property tax request for 2018-2019 fiscal year was \$3,679,011.00 with a 2018 levy tax rate of 0.153638 and the property tax request for 2019-2020 fiscal year was \$4,262,835.00 with a 2019 levy tax rate of 0.176883. The preliminary property tax request for 2020-2021 fiscal year budget is \$9,553,397.00 which is a \$5,290,562.00 increase from last fiscal year budget request.



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The majority of the increase is in the County Road Fund (0200) for infrastructure repair/replacement of bridges/roads. The County Assessor's office has until August 20<sup>th</sup> each year to certify the valuations in order to set tax levies. Martinsen plans to meet with the Board on August 17 and 26, 2020 to review the preliminary budget requests due to a minimum of five million needs to be cut from the General Fund and Road Fund requests in order to be under the 3% lid if the 2020 valuation remains/close to the 2019 valuation. If the 2020 valuation is lower than the 2019 valuation more than the five million will need to be cut from the budget expense requests. Motion made by Rasmussen, second by Rutten to accept and file the preliminary County of Boone, NE fiscal year 2020-2021 budget per state statute with changes to be made on August 17 and 26, 2020 before budget publication and hearing. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

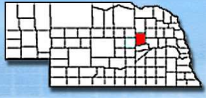
Motion made by Rasmussen, second by Rutten to set the budget hearing for the Fiscal Year 2020-2021 County Budget on Monday, September 14, 2020 at 10:00 A.M. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

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 event scheduled for August 21, 22 and 23, 2020. 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 event from the Visitor's Promotion Fund as requested. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Treasurer submitted to the Board a list of delinquent 2016 real estate taxes not sold at the tax sale held in March 2020 as per Nebraska State Statute. Motion made by Temme, second by Rasmussen to approve Resolution No. 2020-22, hereby directing the Boone County Treasurer to issue Treasurer's Certificates of Tax Sale in favor of Boone County on all parcels of real estate with delinquent real estate taxes for 2016 and subsequent years offered for sale for less than three consecutive years that were not sold for want of bidders as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. 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. 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. On July 13, 2020 the County of Boone, Nebraska transferred to the City of Albion, Nebraska 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. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Chairman to sign a State of Nebraska, Department of Natural Resources document "Notice of Change of Ownership/Water Resources Update Notice" pertaining to the 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: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

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



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In addition, the following topic was discussed: The 2014 CAT 140H motor grader oil sample readings indicate that there is an issue with engine. Nebraska Machinery Company (NMC CAT) prepared an estimate of \$42,743.74 to repair/rebuild the engine. The CAT parts credit that the County has from the purchase of the new motor graders may be used towards the parts/repair of said motor grader. Motion made by Rutten, second by Temme to accept the engine repair estimate of \$42,743.74 from Nebraska Machinery Company for the 2014 CAT motor grader and use what is available of the CAT parts credit. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent submitted two repair quotes for the front bumper of the 2020 International Truck Tractor that was damaged by a deer on July 1, 2020 for the Board to review. The repair quotes: B & G Body Shop of Albion, NE - \$2,274.48 and Swiatek Collision Center of Albion, NE - \$1,630.10. Motion made by Temme, second by Rutten to approve and accept the approximate quote of \$1,630.10 from Swiatek Collision Center of Albion for the repair of the 2020 International Truck Tractor. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board, County Highway Superintendent and John Morgan, County Attorney, discussed road issues. Ziembra and the Board updated Morgan in regard to the water that ran over the road on 100<sup>th</sup> Avenue, south of State Highway 91 during the last rain. The portion of said road is the road that the County recently built up and hauled in material, put in ditches for Boone and Greeley County and the landowner to the east. There is a man-made dam that causes the water to run over the road. In addition, the Board asked Morgan to review the drainage concerns with a bridge located in the SE1/4 of 17-20-6. The bridge in question appears to be a private bridge on private property. Morgan plans to respond in writing in regard to the two issues.

Motion made by Temme, second by Rutten to go into executive session at 11:16 A.M., per the Open Meeting Act §84-1410 (1a), strategy session with respect to pending litigation. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried. The Board and County Attorney reviewed the pending litigation. Motion made by Temme, second by Rutten to come out of the executive session at 12:20 P.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried. Motion made by Temme, second by Rutten to authorize the County Attorney to respond to the litigation concerning a road issue. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

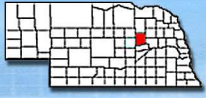
## Public Comments:

- Meetings: Boone County Planning Commission – July 27, 2020; Boone County Health Center – August 4, 2020.
- Commissioner Rutten updated the Board regarding the LEPC meeting.
- Commissioner Rutten updated the Board regarding the Boone County Trails System meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.

It shall also be the duty of the County Board of each county of this state to visit the jail of its county per Nebraska State Statute §47-109. The Board conducted a routine visit of the Boone County Jail per Nebraska State Statute.

Chairman Rasmussen declared the meeting adjourned at 1:00 P.M., with the next Board meeting scheduled for Monday, August 10, 2020.

Kathy Thorberg,



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Boone County Clerk