



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
SEPTEMBER 14, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 14, 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 and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 238 in the amount of \$28.17; Vendor ID No. 677 in the amount of \$235.46; and Vendor ID No. 1378 in the amount of \$414.94 that were submitted for mileage reimbursement. The Board discussed the mileage reimbursement requests increase of one mile for each round trip from prior year's requests. The Boone County Employee Handbook addresses the use of Google Maps for direct route when not submitting the actual odometer readings for reimbursement. The Board rejected reimbursement of two miles for Vendor ID No. 238; eighteen miles for Vendor ID No. 677; and seventeen miles for Vendor ID No. 1378. Motion made by Temme, second by Rutten to partially reject the Boone County share of mileage reimbursement request for Vendor ID No. 238 and approve payment of \$27.60; Vendor ID No. 677 and approve payment of \$231.43; and Vendor ID No. 1378 and approve payment of \$408.97, with the use of Google Maps for direct route from address to address. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except for the changes as stated above: General - \$61,339.61; Road/Weed - \$437,734.22; Veteran's Aid (1900) - \$2,000.00; Inheritance Tax - \$54,500.00; 911 Emergency Management (2910) - \$482.54; 911 Wireless Service (2913) - \$458.57; Fair Building (4025) - \$50,000.00; and Ambulance - \$1,982.48. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received a change order to review for consideration for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150th Avenue south of State Highway 52 in the amount of \$28,000.00. The original project quote was \$352,821.48 from Theisen Construction, Inc. and the change order increases the bridge repair cost to \$380,821.48. The increase is for additional labor and equipment as they had to go down 100 feet to reach bearing for the H-piling support beams. The 2019 flood damage that changed the Cedar River streamflow presented unforeseen circumstances for the bridge repair project. Motion made by Temme, second by Rutten to approve the Change Order Number 1 of \$28,000.00 as submitted for the added labor and equipment use for the construction of the bridge project for a total amount of \$380,821.48. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received Payment Application No. 1 from Theisen Construction, Inc. of Norfolk, NE for the Cedar Rapids Northwest Bridge Project. The payment request is for a portion of the mobilization, general clearing and grubbing, preparation of bridge and additional labor and equipment to attempt to remove damaged abutments. Motion made by Rasmussen, second by Temme to approve Payment Application No. 1 amount of \$84,502.44 from Theisen Construction, Inc. as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.



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Motion made by Temme, second by Rutten to approve the County Board Proceedings of August 26, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the following reports of the County Officials as presented for August, 2020:

- Clerk - \$5,266.75 (State of Nebraska \$2,257.56)(County of Boone \$3,009.19)
- Clerk of the District Court - \$1,426.15 (State of Nebraska \$968.00)(County of Boone \$458.15)
- Sheriff - \$2,824.26
- Treasurer - Miscellaneous Receipt Nos. 18068-18121 - \$259,955.01
- Treasurer - Total Collections - \$1,920,371.32

Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Patrick Cleveland, 3C's Cleveland's Café & Catering, submitted an application for Special Designated License (SDL) for October 10, 2020. The Board reviewed the application for Special Designated License (SDL) for a wedding reception scheduled for Saturday, October 10, 2020 at the Creek Road Barn, 1846 330th Avenue, Newman Grove, Nebraska. Motion made by Rutten, second by Temme to approve, as submitted, the Application for Special Designated Liquor License request from 3C's Cleveland's Café & Catering for a wedding reception to be held at the Creek Road Barn, Newman Grove, Boone County, Nebraska on October 10, 2020 as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent and the Board discussed several road/bridge issues/projects, equipment repair, culvert replacements and shop building repairs. In addition, the following topics were discussed:

- Ziemba updated the Board in regard to the county road department surplus equipment and materials that were no longer being used and were sold on the 2020 FFA Auction.
- Ziemba and the Board discussed the mechanical issues and repairs needed for the county road sign truck. No decision was made at the meeting.
- The Jebro, Inc. of Sioux City, Iowa removed 5140 gallons of oil from the oil tanker located at Albion Road Dist. #2 yards last week. Jebro is an oil collection and recycling company. The Board and Highway Superintendent discussed disposition of the 1956 Joplin oil tank trailer that is now empty. No decision was made at the meeting.
- Ziemba and the Board discussed that crops continue to be planted in the county road right-of-ways and that some type of action needs to be enforced in order for the planting in right-of-ways to no longer continue.
- A large cottonwood tree branch fell in front of a truck on 240th Street/110th Avenue North of Highway 91, a contractor is needed to remove the tree out of the county road right-of-way.
- Ziemba informed the Board that twelve motor grader tires have been ordered from Bauer Built at \$1,310.00 per tire.
- The Board and Ziemba discussed the projects: Pilot Knob Bridge, Cedar Rapids Northwest Bridge and river bank stabilization.

Ross Davidson discussed with the Board and County Highway Superintendent the center pivots that are continuing to water County roads and washing the gravel off of the road. Davidson inquired if the County may increase the \$50.00 fine to a larger amount and possibly make the landowner pay for replacement gravel and any road repair damages. The Highway Superintendent plans to research the state statutes and regulations that govern said issues.



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Andy Devine, Albion City Administrator, submitted an Interlocal Agreement for the Board to review between the County of Boone and City of Albion. The City of Albion requires a Street Superintendent and desires the Street Superintendent to be licensed with the State of Nebraska. Stacey L. Ziemba is a Class B Licensed County Highway Superintendent, a licensed Street Superintendent and a full time employee for the County of Boone. The County Highway Superintendent is a full time salaried employee of Boone County and City of Albion desires to remit payment directly to Boone County on a monthly basis for each month of this agreement. All parties on an annual basis shall review the Interlocal Agreement. Motion made by Rasmussen, second by Rutten to approve and authorize the Board Chairman to sign Resolution No. 2020-27 an Interlocal Agreement between the County of Boone and City of Albion for licensed Highway and Street Superintendent services in effect for one year commencing on January 1, 2021 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

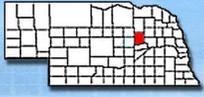
The Board and County Highway Superintendent discussed repairs needed for the County Road District #2 shop building. Some of the repairs that need attention are the sewer system, gutter cleaning/replacement, cement step in front of entrance walk-through door, and the county owned grounds may need to be fenced in to defray the siphoning of fuel and removal of some of the aggregate. No action was taken at the meeting.

Margarita Landauer, Commander of Boone County American Legion, and Leon Magsamen, Vice CMD, updated the Board of the scheduled activities planned for the 2020 American Legion County Government Day program. Landauer informed the Board that the 2020 County Government Day is scheduled for Wednesday, November 18, 2020 and with the Coronavirus pandemic regulations they are looking at the use of one of the buildings at the Boone County Fairgrounds to allow for spacing. The Oratorical Speech Contest is scheduled for Saturday, December 5, 2020 with an alternate date of Saturday, December 12, 2020 to be held in the Boone County Courthouse Courtroom. Landauer asked the Board if the County may help split the cost of the event due to the noon meal is no longer donated/sponsored and that the County Legions are struggling this year financially. The Board suggested to Landauer to try and visit with businesses in each of the towns for meal/food items/donations. The County Government Day event is an American Legion program, not a county local governmental program.

The 2020-2021 County Budget public hearing for the County of Boone, Nebraska was held at 10:00 A.M. on Monday, September 14, 2020. Motion made by Rasmussen, second by Rutten to approve exceeding the 2.5% lid limitation on restricted funds by an additional 1% budget authority growth for fiscal year 2020-2021. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The County Budget Act (State Statute Section 23-904) requires a budget message to be completed by the budget making authority outlining the fiscal policy for the budget period. The budget message must include a list of all cash amounts being held by officials that do not appear in the County Treasurer's Office six month balance reports. The Board has approved and authorized accounts within County Offices to receive and disburse fees, etc. Some of the accounts balance to zero and some accounts have a beginning balance. Motion made by Temme, second by Rutten to approve Resolution No. 2020-25, authorizing the accounts within County Offices as stated in the resolution. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to set a Board of Equalization meeting to be held on Tuesday, October 13, 2020 at 11:00 A.M. to set the 2020 tax year levies. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



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Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Boone passes by a majority vote a resolution setting the tax request at a different amount. The Governing Body of the County of Boone, by a majority vote by the Boone County Board of Commissioners, resolves that: the 2020-2021 property tax request be set at \$4,432,628.00, which is different from the 2019-2020 property tax request of \$4,262,835.00; and the 2020 county tax rate is at 0.192076, which is different from the 2019 tax rate of 0.176883. Motion made by Rasmussen, second by Temme to approve Resolution No. 2020-26 at the September 14, 2020 public hearing to adopt and approve the County Budget for 2020-2021 as published and presented with the above property tax requests. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

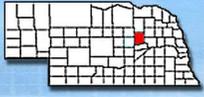
On July 27, 2020 the Board, John Morgan, Boone County Attorney, and Stacey Ziemba, Boone County Highway Superintendent, reviewed pending litigation and the Board authorized the County Attorney to respond to the litigation concerning a road issue. On August 26, 2020 the Board, County Attorney and County Highway Superintendent discussed the plaintiff's allegations and the County Attorney responded to the complaint filed by the plaintiff. The County Attorney discussed the information received from the plaintiff's legal counsel, after responding to the complaint, with the Board and Highway Superintendent. Morgan plans to respond to the plaintiff's legal counsel following today's discussion.

In addition, the Board and County Highway Superintendent discussed with the County Attorney the installation of a driveway in a County Road right-of-way on 140th Avenue without permission. The County Attorney advised the County Highway Superintendent to have the County Road Department remove the driveway from the County Road right-of-way on 140th Avenue.

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 and only one juvenile case remains open for 2018. Jarecki updated the Board in regard to Public Defender assigned cases: 2018 – 47 cases with 44 closed, 2 conflicts and 1 open; 2019 – 38 cases with 32 closed, 1 conflict and 5 open; and 2020 to date – 26 cases with 7 closed, 3 conflict and 16 open. 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. 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/has 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 the contract for public defender services. Motion made by Temme, second by Rutten to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Albion City Wide Clean-up Days is scheduled for September 17-18, 2020. The Board discussed disposition of surplus items that are no longer needed/used that was/is in storage and items no longer used in the courthouse basement with Department Heads. The Board suggested that the Department Heads let Rod Nelson, Maintenance, know what items to remove from the basement and inventory.

The Board's planned to discuss renovation of the former UNL Extension office space in the courthouse as to wall/ceiling tile/floor repairs, painting and carpet replacement/repair. The Board planned discussion was to



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decide if the repairs would cost an amount where they needed to obtain two to three quotes or sealed quotes, and who locally to contact that might be interested in providing the repairs/painting services.

The UNL Extension office is now located in the new fairgrounds building known as Boone County Agricultural Education Center. The scheduled discussion was to be on repairs, but turned into a lengthy discussion with some department heads and an employee as to what office may move/utilize the nice office space. Several employees presented their thoughts and ideas. The Board will proceed with the repairs, paint and cleaning to be done to the available space and a further discussion on the occupancy of the space will be held at a later time.

On August 28, 2020, the IRS issued Notice 2020-65, as part of COVID-19 relief, allowing employers to temporarily defer withholding and paying to the IRS eligible Employees' portion of Social Security payroll taxes for pay periods starting September 1 through December 31, 2020. Unless Congress passes additional legislation forgiving the tax repayment, the employee would repay the payroll tax during the first four months of 2021. There are administrative challenges of implanting changes to the payroll software on such short notice and a significant reduction in take-home pay that would occur during the first four months of 2021. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2020-28, electing to not participate in the payroll tax deferral. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Nebraska Emergency Management Agency (NEMA) requested the Board to appoint an authorized representative for the County of Boone, Nebraska for the federally declared disaster DR-4521 in order to complete paperwork/documents to receive reimbursement of COVID-19 purchased protective items. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign a letter appointing Kathy Thorberg, County Clerk, as the authorized representative for the County of Boone, Nebraska for the federally declared disaster DR-4521. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board discussed possible need for asbestos testing on the old concrete office/restroom building and former petting zoo building that are being disposed of/removed from the fairgrounds. The Board plans to look at the facilities today to see if they are ready for disposition. Building material being disposed of to a landfill needs to be tested for asbestos before removal. Motion made by Temme, second by Rasmussen to contact B2 Environmental of Grand Island for the asbestos testing. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Public Comments:

- Meetings: Region IV, Inc./NorthStar Services – September 17, 2020; and Northeast Nebraska Area Agency on Aging – September 17, 2020.
- NIRMA annual membership meeting to be conducted remotely/online using zoom on October 2, 2020 to vote for NIRMA Board members.

Chairman Rasmussen declared the meeting adjourned at 3:00 P.M., with the next Board meeting scheduled for Monday, September 21, 2020.

Kathy Thorberg,
Boone County Clerk