



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 13, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 13, 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 was absent. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on October 7, 2020 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.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 677 in the amount of \$97.32 and Vendor ID No. 1378 in the amount of \$188.00 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 seven miles for Vendor ID No. 677 and eight miles for Vendor ID No. 1378. Motion made by Rutten, second by Temme to partially reject the Boone County share of mileage reimbursement request for Vendor ID No. 677 and approve payment of \$95.76 and Vendor ID No. 1378 and approve payment of \$185.20, with the use of Google Maps for direct route from address to address. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

In addition, the Board reviewed and discussed an Accounts Payable Vendor Claim filed for payment with Vendor ID No. 1507 in the amount of \$28.75 for mileage reimbursement. The Itemized Travel Expense document did not clarify how the mileage was calculated. The Boone County Employee Handbook addresses the use of Google Maps for direct route when not submitting the actual odometer readings for reimbursement. Motion made by Rutten, second by Temme to table approving payment of the mileage reimbursement request for Vendor ID No. 1507 for more clarification and the submission of google maps showing the address of the starting point and addresses of the ending points. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except for the changes as stated above: General - \$66,854.80; Road/Weed - \$523,666.11; County Visitor's Promotion (0900) - \$500.00; 911 Emergency Management (2910) - \$482.93; 911 Wireless Service (2913) - \$458.57; and Ambulance - \$2,310.86. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board received Payment Application No. 2 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, bridge material, labor, etc. Motion made by Temme, second by Rutten to approve Payment Application No. 2 amount of \$349,314.34 from Theisen Construction, Inc. as submitted. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of September 28, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.



Boone County Board Minutes



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

- Clerk - \$13,366.00 (State of Nebraska \$7,694.97)(County of Boone \$5,671.03)
- Clerk of the District Court - \$675.31 (State of Nebraska \$345.00)(County of Boone \$330.31)
- Sheriff - \$2,830.28
- Planning and Zoning for the month of August 2020 - \$213.75
- Planning and Zoning for the month of September 2020 - \$287.50
- Treasurer - Miscellaneous Receipt Nos. 18122-18182 - \$289,566.55
- Treasurer - Total Collections - \$1,380,717.00

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

Randall Bruland, County Ambulance Administrator, and the Board discussed replacement of the chipped windshield and a mechanical issue with the message/warning light that keeps going on and off on the 2016 County Ambulance unit. The consensus of the Board and Bruland is to wait and repair the 2016 County Ambulance unit issues after the arrival of the new County Ambulance unit in December 2020.

The Board received a Certificate of Cost Allocation Plan and Computation of Indirect Costs from WJE Consulting LLC for their review. The completed county wide Cost Allocation Plan is based on actual costs for the fiscal year ended June 30, 2019. The Computation of Indirect Costs is for the county's July 1, 2020 through June 30, 2021 fiscal year. The indirect costs reimbursement relates to the Nebraska Health and Human Services when needed and the Clerk of the District Court – IV-D Child Support services. WJE Consulting LLC receives a percentage of the indirect cost recovery reimbursement received by the county from Nebraska Health and Human Services. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Cost Allocation Plan with WJE Consulting LLC for fiscal year ending June 30, 2019. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

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

- The Cedar Rapids Northwest Bridge (FEMA) Project is completed and is open to traffic.
- In September the County removed a driveway that was installed without permission in a County Road right-of-way on 140th Avenue and the land owner re-installed said driveway this past weekend. The County Road Department plans to remove the installed driveway again today.
- Ziemba plans to advertise for County Road Department help due to three employees are possibly retiring or resigning before the end of the year.

Cornhusker Public Power requested permission to bore electric power cable under a county road commonly known as 390th Street running east and west between Sections 29 and 32, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The electric power cable commences from the substation located in a fraction of the NE1/4NW1/4 of Section 32 on the south side of 390th Street; thence boring north under 390th Street; and thence boring north and west to main electrical lines located in a fraction of the S1/2 of Section 29 to connect to existing electrical lines. Motion made by Temme, second by Rutten to approve Resolution No. 2020-31, granting permission to Cornhusker Public Power to bore electric power cable under a county road known as 390th Street from Section 32 to Section 29, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, to connect electric power cables to the existing electrical lines. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.



Boone County Board Minutes



Cornhusker Public Power requested permission to bore electric power cable under a county road commonly known as 390th Street running east and west between Sections 29 and 32, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The electric power cable commences from an existing electrical pole located in a fraction of the NW1/4NW1/4 of Section 32 on the south side of 390th Street; thence boring north under 390th Street to connect to existing electrical lines located in Section 29. Motion made by Rutten, second by Temme to approve Resolution No. 2020-32, granting permission to Cornhusker Public Power to bore electric power cable under a county road known as 390th Street from Section 32 to Section 29, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, to connect electric power cable to the existing electrical lines. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed the status of the removal/disposal of the former concrete office/restrooms and the removal/disposal of the floor to/and the former petting zoo building located at the Boone County Fairgrounds. The Board approved and accepted the quote from Seda Land Handling, LLC on August 17, 2020 for the removal/disposal of the old former concrete fairgrounds office/restroom/floor building and the concrete floor of the former petting zoo building. The removal/disposal of said building/floors was to occur in September. Rolf said that the individual interested in purchasing and moving the former petting zoo building from the fairgrounds to their residence was given a September 15, 2020 deadline. As of today the building has not been moved from the fairgrounds. Rolf was asked who was paying for the removal of the former petting zoo building. Rolf replied the individual that plans to purchase the said building. Rutten felt that the revenue received for the purchase of said building should be credited to the County to help cover the costs of the removal/disposal of said project. Temme suggested to Rolf that the revenue, if any is received for the former petting zoo building, should be discussed at the next Boone County Agricultural Society meeting.

The Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed the status of the removal of the fairgrounds former old sheep/goat/swine building. On August 26, 2020 the Board and Rolf discussed advertising/listing the sale of said building facility for thirty days to see if there is any interest and the consensus of the Board allowed the Boone County Agricultural Society, Inc. until October 31, 2020 to remove the livestock panels, etc. from the building and what is left of said building/concrete floor will be removed and disposed of the first week of November 2020. The Board asked Rolf the status of the old sheep/goat/swine building. Rolf replied that no decision has been made, nothing has been removed and he hopes the Board will work with them on this building.

Rolf asked the Board to consider not removing/disposing of said building as he was informed that if an entity hosts a horse event there is possibly a need for 80 to 200, 10'x10' horse stalls for an event. Rolf figured that it may be possible to renovate the former old sheep/goat/swine building into seventy-four horse stalls. Rolf said that the concrete would have to be removed from said building. Rolf estimated a new steel building would be approximately \$200,000.00. Neidhardt asked why the conversation is now changing towards keeping the former old sheep/goat/swine building and former indoor show arena building. During several meetings in 2018 prior to a decision to build/finance a new fairgrounds building, it was said the two former buildings were considered to be in poor condition and in need of renovation/replacement and the indoor show arena to small and dangerous. In addition, with the removal of the two former buildings it would open up an area for parking.

The County Clerk reminded the Board that the signed Lease Agreement with the Boone County Agricultural Society addresses the former buildings: office/restrooms, small pet/petting zoo, small animal sheep/goat/swine and indoor show arena, shall be removed from the fairgrounds property allowing for additional parking space. The consensus of the Board to table action regarding the above mentioned fairground buildings to October 26, 2020 to allow for further research.



Boone County Board Minutes



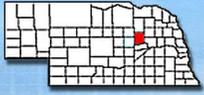
The Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed the electrical reimbursement from the County to the Ag Society for the new fairgrounds building. Neidhardt questioned why the County is reimbursing the Ag Society for the electrical used by the new fairgrounds building. The understanding from the 2018 meetings was that the 1.3 million from the Inheritance Tax fund was the County (tax payers) contribution of the new building and the rest of the building construction, expenses and upkeep funding was to be generated through pledges, donations and grants. County Clerk updated the group that when the three year lease was prepared between the County and Ag Society, under utilities there was an additional sentence added that the County will reimburse the KWH used by the new building to the Ag Society. The reimbursement is being paid from the County General Fund.

In visiting with Loup Public Power the electrical summer rate is June 15 to October 14 and a winter rate October 15 to June 14. The separate meter to register the new fairgrounds building KWH used was installed on June 25, 2020. Currently the Ag Society has been reading the new building meter on the first of the month and not reading it on the same day as Loup Power reads the main fairgrounds meter for the billing. The Invoice submitted for reimbursement of \$1,817.60 is for the new building meter from June 25, 2020 to October 1, 2020 with the government summer rate. Motion made by Temme, second by Rutten to have Chuck Rolf, board member of the Boone County Agricultural Society, read (take picture) of meter on October 14, 2020 for end of summer rate; November 1, 2020 for winter rate; for combined summer/winter rate payment in November; and possibly move to a quarterly reading for reimbursement. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board, County Highway Superintendent and Gayle Noble, property owner, discussed water drainage/drainage ditch on the Fairgrounds property with the water/drainage to flow north from fairgrounds that will possibly flood property on the west side of 11th Street. If the Kohtz-City of Albion Dam would overflow following a heavy rain, it appears that the water flow would go north through the fairgrounds and to either or all of the following: Fairview Street; 11th Street; the ditch north of the fairgrounds (race track) property through a culvert to the crop ground north of the fairgrounds and west of the 11th Street housing and to Walnut Street from the crop ground. Noble informed the Board that the crop ground has recently been surveyed and it appears that a ditch overgrown with trees is on the crop ground side. Noble inquired if there is an easement recorded to address what appears to be a man made ditch through the fairgrounds and the crop ground for water drainage. Noble informed the group that no easement was found recorded in the county real estate records. The group discussed who is responsible for the removal of the trees, cleaning and maintenance of the ditch if it is to remain as a ditch and who all should be involved (county, city, and landowner) to possibly sign an easement regarding the water flow from south to north for possible flooding in the future. Motion made by Temme, second by Rutten to table any action until receive clarification regarding an easement document. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Rutten, second by Temme to accept and approve the resignation of Alexandria A.A. Mullings effective October 21, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to go into executive session at 12:12 P.M., per the Open Meeting Act §84-1410, prevention of needless injury to the reputation of a person and if such person has not requested a public meeting. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried. The Board met with the Sheriff, Chief Deputy Sheriff and a Sheriff's office employee to discuss a personnel issue. Motion made by Rutten, second by Temme to come out of the executive session at 12:35 P.M. Roll call



Boone County Board Minutes



vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried. No action was taken by the Board.

Public Comments:

- Meetings: LEPC – October 20, 2020.
- Alexandria A.A. Mullings, Sheriff Office employee; Denny Johnson, Sheriff; and John Buck, Chief Deputy Sheriff, presented information and had a lengthy discussion in regard to wages, health insurance, longevity pay, etc. with the Board.

Vice Chairman Temme declared the meeting adjourned at 2:15 P.M., with the next Board meeting scheduled for Monday, October 19, 2020.

Kathy Thorberg,
Boone County Clerk