



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 26, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 26, 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 in the Albion News, Petersburg Press and St. Edward Advance on October 21, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, October 23, 2020. 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 September 22, 2020 through October 21, 2020. The Board noted/questioned several hours of overtime for the pay period. The Board plans to visit with the respective department head. Motion made by Rutten, second by Rasmussen to approve the County Payroll Claims filed for payment from the various funds: General \$98,614.29, BCBS \$49,824.32, Ameritas Ret \$6,857.07, EFTPS \$7,340.42, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$63,248.04, BCBS \$29,730.96, Ameritas Ret \$4,269.25, EFTPS \$4,770.86; Ambulance \$3,345.29, Ameritas Ret \$93.77, EFTPS \$255.91; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of October 19, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Rod Nelson, Courthouse Maintenance, submitted quotes for the Board to review for replacement of the furnace in the County Annex building known as the BCDA, Inc. office. Nelson informed the Board that the furnace in the building was installed in 1997 and has several issues. The following quotes were received for a new natural gas furnace unit: Kelly's Heating & Air Conditioning of Albion - \$6,500.00 with a rebate of \$600.00 for a quote of \$5,900.00 (includes labor and five year warranty on parts and labor); Eller Heating, Air Conditioning & Plumbing, LLC of Columbus - \$7,799.00 (includes labor and ten year warranty on parts and one year warranty on labor). The Board and Nelson discussed the options of replacement or repair of the furnace. The consensus that it would be more efficient to install a new furnace instead of trying to repair a twenty-three year old furnace. Motion made by Rasmussen, second by Temme to approve the quote of approximately \$5,900.00 from Kelly's Heating & Air Conditioning for installation of a new natural gas furnace unit in the County Annex Building known as the BCDA, Inc. office. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

On October 19, 2020 and prior Board meetings the County Highway Superintendent has said that the road department employees want documentation as to what may be reimbursed and what documents are required to submit in order to receive reimbursement for supplies, materials, recommended safety items, etc. The Boone County Employee Handbook addresses reimbursement protocol for Travel Time and Travel Expenses.



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The County Highway Superintendent informed the Board that the Nebraska Auditor of Public Accounts suggested the County Board of Commissioners adopt a resolution setting policy and procedures regarding documentation required to support the reimbursement for amounts paid for expenses. Motion made by Rutten, second by Temme to approve Resolution No. 2020-34, adoption of policy and procedures for employee reimbursement for expenses. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Nebraska Department of Health and Human Services (DHHS) and Boone County, Nebraska (County) signed an Agreement for the Sharing of Office Space in October of 2016. DHHS has not had an office located in Boone County, Nebraska since November of 2010 and has only requested use of the agreed office space one time since 2010. The Board discussed how the designated space is currently being used by other County offices. DHHS does not have a standing need for the designated space and authorized termination of the 2016 Agreement. The County agrees to allow DHHS to request use of space in the Boone County Courthouse on dates required, if any, and DHHS may use the room/space that is not being used within the courthouse on said specific date. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign a Termination of Agreement for the Sharing of Office Space effective November 30, 2020 and the Boone County Board of Commissioners agree that this Termination of Agreement does not waive any obligations of Boone County under Neb. Rev. Stat. 68-130, and further agree to allow DHHS to request space in the Boone County Courthouse on dates required if any specific instance is required of DHHS to provide services to any citizen of Boone County on an irregular or emergency need. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Tanya Sharp, Boone County Health Center President & CEO, and Rita Liss, Boone County Health Center CFO, presented the Boone County Health Center statement of operations budget for their fiscal year October 1, 2020 through September 30, 2021 to the Board. Sharp and Liss reviewed the budget with the Board and explained that areas of the anticipated operating revenue of \$35,245,298.00, with operating expenses of \$34,210,699.00, leaving an increase in net position of \$1,434,943.00. The out-patient revenue is projected to continue to increase; in-patient revenue is projected to remain consistent; and projected decrease in investment income as interest rates have been trending downward. Motion made by Temme, second by Rutten to accept the Boone County Health Center 2020-2021 operations budget as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Andy Devine, Albion City Administrator; Stacey Ziemba, County Highway Superintendent; Gayle Noble, landowner of real estate north of fairgrounds; Laurie Krohn, area landowner; and Mike Krohn, area landowner, discussed possible changes to a water/drainage issue from the fairgrounds property, Kohtz-City of Albion dam area and west side of fairgrounds road. On October 13, 2020 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. Following a heavy rain, it appears that the water flows 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. Andy Devine, Albion City Administrator, provided a map showing general drainage from the fairgrounds area to the north and east, where the water/drainage enters the city's surface drainage system.

There is a drainage ditch that appears to be man-made that starts north of the dam on fairgrounds property; continues north and west through the City of Albion campground area to a culvert under 11th Street; from the culvert the water/drainage continues to flow north on fairgrounds property to the road ditch on the north side of



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the fairgrounds property; water/drainage from the road ditch flows through a culvert to what appears to be the man-made drainage ditch on the crop ground lying west of the 11th Street housing.

Noble said that the drainage ditch appears to be man-made by someone years ago that is located on the crop ground that he purchased. There appears to be no easement recorded for said drainage ditch in the County Register of Deeds records. The ditch is now in need of maintenance, because it contains trees, tires, concrete and other items that impedes the water flow. Noble said he would be willing to grant an easement for said drainage ditch. The easement discussion then led to who all would possibly need to grant an easement for said drainage ditch being County, City, Noble or other landowners along 11th Street. In addition, if an easement for said drainage ditch is agreed upon who will be responsible for continued maintenance of said drainage ditch. Then the discussion led to possibly redirecting drainage water by installing culverts under Fairgrounds Road that would drain east as the damage to said road is from rain water flowing over top of the road. In addition, possibly another culvert under 11th Street as one enters the fairgrounds to continue drainage east where the city's storm sewer on Fairview Street may possibly be extended. The City and County plan to reach out to JEO Consulting Group engineers to conduct a drainage study of the area to determine the best options. Motion made by Rasmussen, second by Temme to authorize the County Highway Superintendent to contact JEO Consulting Group engineers for a hydraulic study in regard to the drainage issues. 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, building maintenance and projects.

The Board reviewed a written retirement resignation from a full-time County Road Department employee. Motion made by Rasmussen, second by Rutten to accept and approve the retirement resignation of Dan Dobson with an effective date of November 4, 2020 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the East and West side of the County Road, commonly known as 325th Avenue, commencing at the Northeast corner of the intersection of 325th Avenue and 330th Street in Section 26; thence plowing North in the road of 325th Avenue to a point of termination at the intersection of 325th Avenue and 290th Street in Section 11; thence commencing at the Northeast corner of the intersection of 325th Avenue and 310th Street in Section 23; thence plowing East on the south side of 310th Street to the Platte County line, all in Township 19 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2020-35, granting permission to Great Plains Communications, LLC to plow fiber optic cable along 325th Avenue and 310th Street located in Sections 11, 14, 23, 26, and 13, 24 all in Township 19 North, Range 5 West of the 6th P.M., Boone County, Nebraska as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the West side of the County Road, commonly known as 280th Avenue, commencing at the Northwest corner of the intersection of 280th Avenue and 335th Street between Section 36, Township 19 North, Range 6 West and Section 31, Township 19 North, Range 5 West; thence plowing South on the west side of 280th Avenue to a point of termination at the Northwest corner of the intersection between 280th Avenue and 370th Street between Section 13, Township 18 North, Range 6 West and Section 18, Township 18 North, Range 5 West all of the 6th P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2020-36, granting permission to Great Plains Communications, LLC to plow fiber optic cable along the west side of 280th Avenue commencing in Section 36, Township 19 North, Range 6 West and Section 31, Township 19 North, Range 5 West, for three and one-half miles to point of termination at



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the intersection between 280th Avenue and 370th Street between Section 13, Township 18 North, Range 6 West and Section 18, Township 18 North, Range 5 West all of the 6th P.M., Boone County, Nebraska as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays; None. Motion carried.

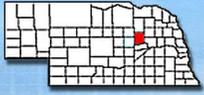
Great Plains Communications, LLC requested permission to plow fiber optic cable on the East side of the County Road, commonly known as 270th Avenue, commencing at the residence address of 3346 270th Avenue, St. Edward, Nebraska between Sections 35 and 36, Township 19 North, Range 6 West; thence plowing South on the east side of 270th Avenue to a point of termination at the Northeast corner of the intersection of 270th Avenue and 370th Street between Sections 13 and 14 in Township 18 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2020-37, granting permission to Great Plains Communications, LLC to plow fiber optic cable along the East side of 270th Avenue located in Section 35 and 36, Township 19 North, Range 6 West and Sections 1, 2, 11, 12, 13 and 14, Township 18 North, Range 6 West all of the 6th P.M. Boone County, Nebraska as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays; None. Motion carried.

On September 14 and 21, 2020 the Board discussed the disposition of the County Road Sign Truck. The 2003 Ford F350 sign truck has several mechanical issues and possibly costly repairs. On September 28, 2020 the Board submitted a sealed bid to the Petersburg Fire Department for their 2008 Ford F550 Dually Truck that was advertised for sale. Temme informed the Board and County Highway Superintendent that the Petersburg Fire Department accepted and approved the Boone County Board of Commissioners bid of \$14,002.00. Motion made by Temme, second by Rasmussen to replace the 2003 Ford County Road Sign Truck with the purchase of the Petersburg Fire Department 2008 Ford F550 Dually Truck for \$14,002.00 and authorize the County Highway Superintendent to dispose of the 2003 Ford County Truck. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Steve Pritchard, UNL Extension, and the Board discussed policy and procedure in regard to mileage reimbursement. The Boone County Employee Handbook addresses reimbursement protocol for Travel Time and Travel Expenses. Personal vehicle mileage reimbursement needs a log of the vehicle odometer reading from door to door by the direct route on the travel log form provided. If no travel log with odometer readings is provided, the use of Google Maps for direct route from address to address is used for mileage reimbursement. Pritchard said that from the Nance County Extension office to the new Boone County Extension office at the fairgrounds the mileage round trip is 49 miles. The google map shows direct route as 24.0 for 48 miles round trip by use of Fairview Street. Motion made by Rutten, second by Rasmussen for the UNL Extension employees to submit the travel log form with odometer readings each time for mileage reimbursement or set the office to office reimbursement with the google map of 48 miles round trip as addressed in the Boone County Employee Handbook. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

John Morgan, County Attorney, Stacey Ziemba, County Highway Superintendent, and the Board discussed the County Attorney response to a document received in regard to the pending litigation concerning a road issue. Ziemba is to contact an engineer with JEO Consulting Group to discuss the issue. Morgan and Ziemba are to coordinate a response to the plaintiff's legal counsel.

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 on July 27, 2020. The Board discussed if there were possibly any changes since the July 27, 2020 visit to warrant a routine visit in October. The consensus of the Board to contact the County Sheriff to inform him that the Board is tabling the routine jail visit at this time due to COVID-19. Motion made by Temme,



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second by Rutten to table the fourth quarter jail visit to a future meeting due to the recent increase of the COVID-19 cases in Boone County. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Public Comments:

- Meetings: Boone County Planning Commission – October 26, 2020; Boone County Health Center – October 27, 2020; Northeast Nebraska Economic Development District – October 28, 2020.
- Commissioner Rutten updated the Board regarding the Local Emergency Planning Committee (LEPC) meeting.
- Commissioner Rutten updated the Board regarding the Northeast Nebraska Juvenile Services, Inc. meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.

Chairman Rasmussen declared the meeting adjourned at 12:50 P.M., with the next Board meeting scheduled for Monday, November 9, 2020.

Kathy Thorberg,
Boone County Clerk