



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 9, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 9, 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, Ben Rutten and Larry Temme. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on November 4, 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, November 6, 2020. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed and discussed an Accounts Payable Vendor Claim filed for payment with Vendor ID No. 259 in the amount of \$99.88 for reimbursement of personal protective equipment. Motion made by Temme, second by Rasmussen to table approving payment of the personal protective equipment reimbursement request for Vendor ID No. 259 until the Board adopts a revised resolution, for employee reimbursement for expenses. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except for the change as stated above: General - \$63,983.09; Road/Weed - \$179,697.83; County Visitor's Promotion (0990) - \$234.30; Inheritance Tax (2700) - \$30,658.83; 911 Emergency Management (2910) - \$499.94; 911 Wireless Service (2913) - \$501.17; and Ambulance - \$3,950.77. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board received Payment Application No. 3/Final from Theisen Construction, Inc. of Norfolk, NE for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150th Avenue south of State Highway 52. The said bridge was damaged during the 2019 flood. Motion made by Rutten, second by Temme to approve Payment Application No. 3/Final amount of \$39,953.76 from Theisen Construction, Inc. as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board accepted and approved a written retirement resignation from a full-time County Road Department employee on the October 26, 2020 Board meeting. Motion made by Rasmussen, second by Temme to approve the payroll claim filed for payment on the Road Fund for a net amount of \$1,045.75 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

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



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

- Clerk - \$6,013.00 (State of Nebraska \$2,469.32)(County of Boone \$3,543.68)
- Clerk of the District Court - \$1,042.36 (State of Nebraska \$704.33)(County of Boone \$338.03)
- Sheriff - \$1,042.65
- Treasurer - Miscellaneous Receipt Nos. 18183-18238 - \$501,849.70
- Treasurer - Total Collections - \$867,991.48

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

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report. Report indicates that there were fourteen distress warrants delivered to the Boone County Sheriff on November 1, 2020 for collection of unpaid 2019 personal property taxes, not including penalties, in the sum of \$25,869.43. The total to be collected on the distress warrants with penalties is \$27,074.71. Motion made by Rasmussen, second by Rutten to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board discussed the prior year's expenditures for employee recognition. The consensus of the Board that each elected official and full-time employee shall receive a certificate for either a turkey or ham not to exceed \$15.00 which they may redeem at any of the participating grocery stores. The certificates to be included with the employees November payroll information. The certificates would have to be redeemed on or before December 31, 2020 and would be good towards a turkey or ham only. Any amount over \$15.00 would be at the expense of the employee. Motion made by Rutten, second by Rasmussen to approve the expenditure of \$15.00 per elected official and full-time employee towards the purchase of a turkey or ham in the form of a certificate to be redeemable at participating grocery stores on or before December 31, 2020. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Tanya Sharp, Boone County Health Center President and Chief Executive Officer, presented the Hospital License Renewal for the period of 01/01/2021 to 12/31/2021 for the Board's approval. Sharp indicated that critical access hospital license is for twenty-five licensed beds, but that number may decrease to twenty beds during the current renovation and new construction. Motion made by Temme, second by Rutten to approve the Hospital License Renewal for year 2021 and authorized the execution of the license as required. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent, and the Board discussed several road/bridge issues/projects, equipment repairs, and driveway culverts.

The County Highway Superintendent submitted a quote for liquid Torch LT for the 2020-2021 winter from GMCO Corporation of Rifle, Colorado. The price increased from \$1.19 per gallon last winter to \$1.20 per gallon and GMCO delivers 4,500 gallons per order. The deicing liquid is used on the County asphalt/black-top roads. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the quote from GMCO Corporation of Rifle, Colorado for \$1.20 per gallon unit price for liquid Torch LT for the 2020-2021 winter season as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

An annual certification of County Highway Superintendent is due each year by December 31st to the Nebraska Department of Transportation pursuant to state statutes. The performance of the duties listed in the certification determines federal highway allocation funds incentive payments. Motion made by Rutten, second by



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Rasmussen to approve and authorize execution of Resolution No. 2020-38 regarding signing of the Year-End Certification of County Highway Superintendent Form 2020 and authorizing the Board Chairman to sign the Year-End Certification of County Highway Superintendent certifying the appointment of Stacey Ziemba, Boone County Highway Superintendent, for the calendar year 2020 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board received Change Order Number 3 to review for consideration for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150th Avenue south of State Highway 52 with a decreased amount of \$1,560.00 for water/temporary silt fence. The original project quote was \$352,821.48 from Theisen Construction, Inc. and Change Orders Number 1 and 2 increased the project total amount to \$475,330.54. 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 3 decreased amount of \$1,560.00 for water/temporary silt fence as submitted with a final project total amount of \$473,770.54. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received a Certificate of Substantial Completion for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150th Avenue south of State Highway 52 to review from JEO Consulting Group, Inc. The work to the Cedar Rapids Northwest Bridge Project has been inspected by authorized representatives of Owner, Contractor and Engineer and found to be substantially complete. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Certificate of Substantial Completion of the Cedar Rapids Northwest Bridge Project (FEMA) located on 150th Avenue south of State Highway 52 as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

On November 26, 2019 a Federal Fund grant agreement a/k/a Subaward Agreement was entered into by and between the County of Boone and the Nebraska Department of Health and Human Services (DHHS), Division of Children and Family Services Child Support Enforcement (CSE) Program. The purpose of this agreement is to account for the work of the Clerk of the District Court as it relates to Child Support Enforcement for the period of performance for October 1, 2019 through September 30, 2024. DHHS submitted an Attachment 1-Funding Update-Child Support Enforcement Subawards for review of the funding update for October 1, 2020 through September 30, 2021. Beginning in 2018 the agreement arrived by email with the completed signature being done electronically. Motion made by Rutten, second by Temme to approve and authorize the Boone County Clerk of District Court to electronically execute the Attachment 1-Funding Update-Child Support Enforcement Subawards Agreement between the Nebraska Department of Health and Human Services and the County of Boone for the Child Support Enforcement Program from October 1, 2020 through September 30, 2021 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Boone County Clerk received a copy of a Corporate Manager Application from the Nebraska Liquor Control Commission. The Corporate Manager Application is for Christy M. Kemper of Genoa, Nebraska and the licensee is the Albion Country Club, Inc. The Nebraska Liquor Control Commission asked that the Corporate Manager Application be presented to the Boone County Board of Commissioners for their review and action. Motion made by Rasmussen, second by Rutten to approve the Corporate Manager Application for Christy M. Kemper for the Albion Country Club, Inc. as submitted. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The State of Nebraska, Department of Transportation, needs the County Board to designate the official county newspaper(s) in order to comply with state statute when advertising their projects for bids in the county. Motion made by Rasmussen, second by Temme to designate the official county newspapers for 2021 to include



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the Albion News, Petersburg Press and St. Edward Advance. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

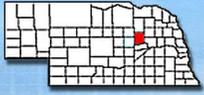
Larry Bird, Friends of the Trail Committee Chair, and the Board discussed possible future use of what is known as the county cropland (26.13 acres) that part of the trail system was constructed across in 2018. Bird suggested the possible idea of planting native grasses or a forage crop that could be cut for hay instead of planting a corn/bean field. Bird suggested a controlled burn to eliminate the weeds on the County cropland that is north of the trail between the two communication towers. Bird asked the Board to consider possibly re-installing fence in the area where a stock well was decommissioned in the southwest corner of the trail area to create dog park area. Also discussed was possibly removing the trees/fence and cleaning up the west ditch/property line area of the County cropland. The consensus of the Board is to review the suggestions of the Friends of the Trail Committee.

Nathan Olson, County Cropland Lessee, was unable to attend the Board meeting. Olson visited with the Board by telephone and plans to prepare the 2020 crop lease payment information for the Board to review. Olson acknowledged that the current County Cropland Lease terminates at midnight on December 31, 2020 and understands the protocol procedure in order for the County to lease real estate owned by the County. The County Board shall hold an open and public hearing prior to any such lease at which any interested party may appear and speak for or against the lease and raise any issue concerning the County Board leasing said cropland acres. Motion made by Temme, second by Rasmussen to proceed with the procedure to lease the County cropland acres. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board received the Initial Property Appraisal from Nebraska Intergovernmental Risk Management Association (NIRMA) for the County owned property that is located at the Boone County Fairgrounds. The property appraisal report includes pictures of the fairgrounds buildings and open structures known as the stock car race track, shooting range and outdoor horse arena. The Boone County Agricultural Society, Inc. also has a separate policy with NIRMA for some of the open structure property, personal property, building contents, etc. The stock car race track and contents are listed on the County NIRMA policy instead of the Ag Society NIRMA policy. The Ag Society subleases the race track area to the Boone County Raceway during the stock car racing season. Consensus of the Board to leave the stock car race track and contents on the County NIRMA policy.

The Board, Chuck Rolf, Boone County Agriculture Society, Inc., and Pat Neidhardt, discussed the removal/disposal of the buildings from the County property known as the Boone County Fairgrounds that is addressed with #16 in the three year Lease Agreement between the County of Boone and Boone County Agricultural Society. "Removal of Buildings: The County and Ag Society understand and agree that the former office/restroom (S), small pet/animal building (T), small animal livestock (hog/sheep) barn (U), and former indoor show arena building (V), shall be removed from the Leased Property allowing for additional parking space. The time of removal and the removal expense of said buildings from the Leased Property shall occur at a time as is mutually agreed upon by the County and Ag Society following the completion of the new Boone County Agricultural Education Center building." The Board Proceedings of August 26, 2020 discussed the removal of the fairgrounds former old sheep/goat/swine building (U) allowing the Ag Society until October 31, 2020 to remove panels, etc. from the building and what was left would be removed/disposed of in November 2020.

On October 13, 2020 the Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed at length the status of the removal of the fairgrounds former old sheep/goat/swine building. As of today's meeting the Ag Society has not proceeded with any item from the August 26, 2020 discussion.



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Rolf asked the Board to hold off on the removal of the old building and requested time to for a cost study of possibly renovating the old building into approximately seventy 10'x10'horse stalls. Rolf said that the Ag Society is trying to attract horse events for the new building such as cowboy mounted shooting and a new circuit barrel race series, but are unable to stall horses in the new building. Neidhardt suggested the Ag Society/building committee should prepare a three to five year plan on facilities once they know how much the new building will be used and the type of events of interest. The opinion of the former small animal livestock (sheep/goat/swine) building and the indoor show arena building seem to have changed since the building campaign was first underway in 2017-2019. During the campaign the said two buildings were in such bad shape and they were no longer useable and the indoor show arena was to small and dangerous to continue using it. Neidhardt asked, "Why can we now save the buildings when we couldn't continue to use them before the new building campaign?" The original intent at the public meetings was to tear down the said buildings to allow more space for parking.

Finances of the County fairgrounds property was also discussed. The Ag Society still has a loan debt on the Boone County Event Center building and the current new fairgrounds building ten year bond debt as of November 2020 is \$1,961,292.50. The ten-year bond debt for the new building is to be paid through the initial pledge commitments, donations and grant applications. Commissioner Temme noted that all pledges for the new building are up to date and that the Boone County Agricultural Education Center, Inc. board members said that there is approximately three years of funds collected. Temme noted that a lot of money has been invested in the new fairgrounds building and there are a lot of different things to work through with the Ag Society in order for the new building facility to possibly bring in some revenue.

The Board discussed removal of fence/trees and level/grade the west side ditch/bank of the County owned fairgrounds/cropland property. The clean-up of the old fence, trees and ditch area being discussed starts at the area on the west side of the property by the new installed mailbox/entrance to the new fairgrounds building, thence south to the end of the County cropland property. The consensus of the Board to obtain quotes for removal of the fence/trees and level/grade the west side ditch/bank from Bygland Dirt Contracting, Inc. and Seda Land Handling, LLC.

Public Comments:

- Commissioner Temme plans to attend a meeting in Lincoln per NACO request on November 10, 2020 to testify on LB415.
- NACO annual conference is scheduled for December 9-10, 2020 in Kearney.
- The Board acknowledged receiving a letter from Nebraska Jail Standards Board, that they will be conducting an annual inspection of the County jail facility on November 18, 2020.
- The Board acknowledged receiving a dividend from NIRMA.
- The Board acknowledged receiving a copy of the NACO audit report for fiscal year 2019-2020.
- Recent passage of LB148 (2020) changes to the Open Meetings Act Neb. Rev. Stat. §84-1411 will be effective November 14, 2020.

Chairman Rasmussen declared the meeting adjourned at 12:38 P.M., with the next Board meeting scheduled for Monday, November 16, 2020.

Kathy Thorberg,
Boone County Clerk