

**2009 REORGANIZATIONAL MEETING
BOONE COUNTY BOARD OF COMMISSIONERS
ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska convened at 9:00 a.m. on Monday, January 5, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Thieman called the Reorganizational Meeting to order as required by State Statute 23-153. Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Thieman noted that the Open Meeting Laws are posted and available to the public.

Motion made by Tisthammer, second by Schuele to reappoint Henry R. Thieman as Chairman of the Boone County Board of Commissioners for the year, 2009. Chairman Thieman declined the nomination as he has been Chairman for several years and would appreciate someone else taking the position. Roll call vote: Yeas: None. Nays: Thieman, Tisthammer and Schuele. Motion failed.

Motion made by Thieman, second by Tisthammer to appoint Tom Schuele as Chairman of the Boone County Board of Commissioners for the year, 2009. Roll call vote: Yeas: Thieman and Tisthammer. Abstain: Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to appoint Henry R. Thieman as Co-Chairman of the Boone County Board of Commissioners for the year, 2009. Roll call vote: Yeas: Schuele and Tisthammer. Abstain: Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to appoint the following people to be on the Health Board for Boone County as required by State Statute: David Spiegel, County Sheriff; Kathy Thorberg, County Clerk, and Dr. Brad Hupp, M.D for the year, 2009.

Motion made by Schuele, second by Thieman that the budget committee for the ensuing 2009-2010 budget year is Commissioners Henry R. Thieman, Jerry L. Tisthammer, Tom Schuele and Kathy Thorberg, County Clerk.

Motion made by Tisthammer, second by Schuele to reappoint Richard D. Martinsen, Certified Public Accountant, Albion, Nebraska, to do the County Budget for the 2009-2010 budget year, to be paid from the County General fund.

Motion made by Thieman, second by Schuele to reappoint Darrel Thorin, Bartlett, Nebraska, as full time County Highway Superintendent for the year, 2009.

Motion made by Schuele, second by Thieman to continue the appointment for the services as Boone County Surveyor with Grant Miller of Stromsburg, Nebraska for the four year term from January 4, 2007 through December 31, 2010.

Motion made by Tisthammer, second by Schuele to reappoint Jacqueline Lynne Wells as Boone County Veterans Service Officer on a part time basis for the year, 2009.

Motion made by Thieman, second by Schuele to appoint Shannon Landauer as Boone County Economic Development Director for the year, 2009.

Motion made by Thieman, second by Tisthammer to continue the contract for the services of Public Defender for Boone County with Jeffrey M. Doerr, Attorney at Law, Neligh, Nebraska for three years from August 1, 2008 through July 31, 2011.

Motion made by Schuele, second by Tisthammer to reappoint Robert D. Carey as Boone County Local Emergency Planning Coordinator of the State Civil Defense Agency, LEPC for the year, 2009. Members are as follows: Larry Rinehart of Albion; Richard Good of St. Edward; Vet Stuhr of Petersburg; and Brian Yosten of Cedar Rapids.

Motion made by Thieman, second by Tisthammer to reappoint Robert D. Carey as Boone County Emergency Management Director, Emergency Services Coordinator and Homeland Security Director, being accountable to the County Board for the year, 2009.

Motion made by Schuele, second by Tisthammer to reappoint Randall Bruland as the Administrator and Maintenance Director of the Boone County Ambulance Service, under the supervision of the County Board for the year, 2009.

Motion made by Tisthammer, second by Thieman to reappoint the Boone County Health Center, Albion, Nebraska to do the billing, collections and make a quarterly report to the Boone County Board for the Boone County Ambulance Service for the year, 2009.

Motion made by Tisthammer, second by Schuele to appoint Sheriff David Spiegel and his staff to be the E911 Coordinator for the year, 2009.

Motion made by Schuele, second by Thieman to reappoint Janet Lawson as Zoning Administrator and Regulatory Zoning Investigator, being accountable to the County Board for the year, 2009.

Motion made by Thieman, second by Schuele to reappoint Russell Stokes as Weed Superintendent, being accountable to the County Board for the year, 2009.

Motion made by Schuele, second by Tisthammer that all County Officials and Department Heads must contact the County Board, as an agenda item, before buying or doing any major maintenance to equipment or furniture over \$800.00.

Motion made by Thieman, second by Tisthammer that the depositories for the County Clerk will be the Boone County Bank and Cornerstone Bank.

Motion made by Tisthammer, second by Schuele that depository for the Clerk of the District Court will be the Cornerstone Bank.

Motion made by Schuele, second by Tisthammer that depositories for the County Treasurer are as follows: Boone County Bank, Albion, NE; Cedar Rapids State Bank, Cedar Rapids, NE; Cornerstone Bank of York, Albion, NE Branch and St. Edward, NE Branch; First National Bank & Trust of Fullerton, St. Edward Branch, St. Edward, NE; First National Bank, Schuyler, Albion Branch, Albion, NE; Petersburg State Bank, Petersburg, NE; TierOne Bank, Lincoln, Albion Branch, Albion, NE; and Alternate Investment is Nebraska Public Agency Investment Trust (NPAIT), Lincoln, NE. The County Board authorizes and empowers the Boone County Treasurer to invest any surplus funds in the custody of the office. Any surplus funds shall be invested to assure a beneficial rate of return to the County and confirmation of all pledged securities are on file.

Motion made by Schuele, second by Thieman that the Boone County employees are to receive the official holidays as set by State Statute 25-2221, with Arbor Day being a floating holiday at their discretion during 2009.

Motion made by Schuele, second by Thieman, that full time employees are to receive ten (10) working days of vacation after completion of one year of employment. After employment of three (3) years - eleven (11) days; eight (8) years - twelve (12) days; thirteen (13) years - thirteen (13) days; eighteen (18) years - fourteen (14) days; twenty-three (23) years - fifteen (15) days; twenty-eight (28) years - 16 days; and thirty-three (33) years - 17 days. Vacation and sick leave will be prorated depending on the date employment begins. Refer to the Employee Handbook re: Vacation and Sick Leave.

Motion made by Schuele, second by Tisthammer that the Boone County Board of Commissioners will hold their Board meetings on every Monday except for the first Monday of each month in the year, 2009. Monday meetings that are on holidays will be held on Tuesday. The Vendor meeting will be on the second Monday of the month and the Payroll meeting will fluctuate between the third and fourth Monday of the month. Other Mondays will be regular public meetings. The County Clerk's office has charge and authority of the agenda for all meetings and the agenda will be made available for all meetings on the county website. Also, the following will be used to post notices in advance for emergency meetings and meetings that cannot be published in the legal newspaper(s): Boone County Website; Boone County Courthouse; lobbies of the Boone County Bank; Cornerstone Bank; First National Bank, Schuyler Branch; and Albion News Office, all located in Albion, NE.

Motion made by Thieman, second by Tisthammer to give the County Clerk's office the authority to sign any documents that pertain to the office of the County Superintendent of Schools, after June 30, 2000 under the supervision of the County Board, for the year, 2009.

Motion made by Tisthammer, second by Schuele, that the following be appointed to the various boards that Boone County is associated with for the year, 2009:

Region IV North Star at Wayne & Columbus	Tom Schuele Jerry L. Tisthammer - Alternate
Northeast Nebraska Mental Health Service District Board, Region IV, Norfolk, NE	Jerry L. Tisthammer Tom Schuele - Alternate
East-Central District Health Department, Columbus	Jerry L. Tisthammer Tom Schuele - Alternate
Northeast Nebraska Area Agency on Aging Board	Henry R. Thieman Tom Schuele - Alternate
Boone County Fitness Center	Jerry L. Tisthammer Henry R. Thieman - Alternate Tom Schuele - Alternate
Central Nebraska Joint Housing Authority Board	Tom Schuele Henry R. Thieman - Alternate
Northeast Nebraska Juvenile Services	Sheriff, David Spiegel Henry R. Thieman - Alternate
Boone County Development Agency Board	Henry R. Thieman Tom Schuele
NENEDD	Henry R Thieman

Americans with Disabilities Act Board:

- (1) Henry R. Thieman, Co-Chairman of the County Board;
- (2) Jeff Noble, Albion, NE, Representative for the disabled community;
- (3) Jacqueline Lynne Wells, Boone County Veterans Service Officer; and
- (4) David R. Medlin, County Attorney, as the legal advisor for the committee.

Motion made by Schuele, second by Tisthammer to appoint Henry R. Thieman as Courthouse Custodian Supervisor for the year, 2009.

Motion made by Tisthammer, second by Thieman to appoint Tom Schuele as Chairman of the County Assistance Program with the emergencies being handled by a Commissioner, County Clerk or Deputy County Clerk.

Motion made by Tisthammer, second by Schuele that Kathy Thorberg, County Clerk is the contact person for Boone County for the NIRMA Insurance for the year, 2009.

Motion made by Thieman, second by Schuele that the following named people will serve on the Safety Committee according to LB 757 for the year, 2009: Robert D. Carey, Chairman of the Safety Committee; Sheriff David Spiegel; Board of Commissioners; Darrel Thorin, Highway Superintendent; Ellen Hirsch, Clerk of the District Court; and Rodney Nelson, Custodial Maintenance.

Motion made by Schuele, second by Tisthammer that should the occasion arise for work to be done with any equipment owned by Boone County for any projects, where federal or state funds are applied for (matching or otherwise), that the rates will be the same as the county's suppliers rates are.

Motion made by Thieman, second by Schuele, to name the following people to serve on the Boone County Extension Board as recommended by Steve Pritchard, Boone/Nance County Extension Educator. A term is three years with a maximum of six years. The terms are as follows: Kevin Wagner (2009-2011)-2nd term; Sharon Baker (2007-2009)-1st term; Frank Jasa (2008-2010)-2nd term; and Jim Carder (2009-2011)-1st term. This board is as per an Interlocal Agreement with the University of Nebraska for Cooperative Extension Services signed on December 14, 1998.

Motion made by Thieman, second by Schuele that the following Boone County Planning and Zoning Board members are appointed to the following terms of office to represent the Boone County Joint Planning Commission, effective January 1, 2009:

One (1) year term:	Justin Frey, Mark Jensen, Lee Ketteler
Two (2) year term:	Chris Baum, Doug Salber, Mark Wagner
Three (3) year term:	Paul Groetke, Hilary Maricle, Brad Stephens

Motion made by Schuele, second by Thieman that the following members of the Boone County Board of Adjustment are appointed to the following terms of office, effective January 1, 2009:

One (1) year term:	Ray Merrell
Two (2) year term:	H. Thomas Fick and Mark Zentner
Three (3) year term:	Paul Kettelson and Mark Jensen
Alternate:	Deb Mitchell

Motion made by Tisthammer, second by Thieman that the following members of the Park and Recreation Board for the Boone County Fitness Center are appointed for three-year terms per Resolution No. 2006-24 with each term to start January 1st each year. The terms are as follows:

Tracy Hedlund (12-01-2003)	2007-2009
Steve Wooden (01-01-2007)	2007-2009
Ed Knott (10-15-2007)	2008-2010
Dave Skillstad (10-15-2007)	2008-2010
Jay Wolf (12-01-2001) (Foundation Board Member)	2009-2011
Pat Kaup-Luettel (12-01-2004)	2009-2011
Tammy Nolan (10-15-2007)	2009-2011

Motion made by Thieman, second by Tisthammer to approve all appointments at the Reorganizational meeting as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to adjourn said Reorganizational meeting at 10:53 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. Meeting adjourned.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JANUARY 12, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:35 a.m. on Monday, January 12, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele read the agenda for the record and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Bob Carey, EM/HS, reported on the LEPC conference he attended in Broken Bow. Carey discussed a Fire Explorer Program. It is a program for youth age 15 ½ to 21 to expose young adults to a possible career field, and to let them learn about and participate in this selected field. An Explorer Post is sponsored by a fire department and chartered by the Boy Scouts of America. Adult leadership is usually provided by the fire departments and an Explorer Post has guidelines to meet.

Darrel Thorin, Boone County Highway Superintendent, reported on the class he attended with regard to the Federal Aid Program and road projects that may be affected by the infrastructure stimulus package. Thorin received notification that the Bridge No. C000605005P, east of Cedar Rapids that is listed on the register of historic bridges, is among the top priority projects to receive funds when they become available from the Nebraska Department of Roads Transportation Enhancement Program.

Thorin provided information from Kirkham Michael of York, Nebraska for on-call engineering services for 2009-2010. Motion made by Thieman, second by Tisthammer to approve and authorize Darrel Thorin to sign the acceptance proposal for Kirkham Michael as the engineering firm and their proposed rates for 2009-2010 professional services. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Thorin discussed equipment needs for the county and asked permission to obtain bids for a motor grader, semi tractor and semi gravel trailer. Motion made by Schuele, second by Thieman to authorize Darrel Thorin, County Highway Superintendent, to obtain bids for a motor grader, semi tractor and semi gravel trailer. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

A department head must contact the County Board, as an agenda item, before buying or doing any major maintenance to equipment or furniture over \$800.00. Thorin discussed the need for an office printer due to the volume of forms to be completed for projects. Motion made by Thieman, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to purchase with his discretion an office printer to fit his needs. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The legal description in Resolution 94-31 reads "A north to south road beginning at the NW corner of Section 7, Township 18N, Range 8W; thence south approximately 4 miles along the West side of Sections seventeen (17), twenty (20), twenty-nine (29) and thirty-one (32), ending at the Boone and Nance County line". This request is to change from a minimum maintenance to local. The legal description should read "A North to South road beginning at the NW corner of Section 17, Township 18N, Range 8W; thence South approximately 4 miles along the West side of Sections seventeen (17), twenty (20), twenty-nine (29) and thirty-two (32), ending at the Boone and Nance County line". Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-01 correcting the legal description and to supersede Resolution 94-31 as written. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Russell Stokes, County Weed Superintendent, discussed the present weed spraying equipment and the need for upgraded spraying equipment. Stokes was asked to obtain information and bids on different types of spraying equipment. Stokes will prepare and present information at a future Board meeting.

Andy Devine, Albion City Administrator, and Larry Bird, City Attorney, reviewed the revised Interlocal Agreement with the Board regarding a County Zoning Administrator and Albion City Code Official. During the discussion it was suggested that the person hired for this position keep a log of their time allocated to either city or county duties.

David Medlin, County Attorney, discussed his documentation review on the property purchase for the Boone County Health Center and communication tower lease agreement with Harlan Kohtz. The closing date for the purchase of property for the Boone County Health Center is set for the Board meeting on Tuesday, January 20, 2009. Medlin reviewed the revised Interlocal Agreement regarding a County Zoning Administrator and Albion City Code Official. Medlin suggested changes in the agreement to further clarify the responsibilities between the county and city. Medlin discussed with the Board the procedures with EPC cases.

Motion made by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for December 2008: Clerk \$5,747.48 Co. Treas., \$9,611.27 State of NE, Doc Stamps, \$1,210.75 State of NE, DMV; Clerk of the District Court \$733.33; Sheriff \$1,095.83; Planning and Zoning \$110.00; Treasurer Fees \$26.00; Treasurer Office Miscellaneous Receipts Number 9017-9074 in the amount of \$145,675.83. Total collected at the County Treasurer Office \$2,143,287.84. Veteran Service Office reports submitted for the months of September through December 2008, including notation of claims won in court from the Board of Veterans Appeals, Washington, DC. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$37,299.58; Road \$78,657.68; Relief/Medical \$350.00; Institutions \$2,497.00; Boone Co Economic Dev \$947.43; Inheritance Tax \$50,000.00; 911 Emergency Mgt \$4,151.69; County Building \$5,952.35; Weed \$210.85; Ambulance \$656.81. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of December 29, 2008. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board and Board of Equalization Reorganizational Proceedings of January 5, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments: Thieman reported on the Highway 14 Association meeting he attended on January 8, 2009. NACO Institute of Excellence is a year-long program of professional development for Nebraska county board officials. Thieman participated in 2008 and Schuele plans to participate in 2009.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 11:57 a. m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JANUARY 20, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Tuesday, January 20, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

The Board held their monthly meeting with officials, department heads and employees. Veteran Service Officer reported funds of \$1,601.00 were raised by the Boone County American Legion soup luncheon on January 11, 2009 to support the WWII Heartland Honor Flights. Economic Development reported that a playground grant from Game Time, Inc. was approved for the Cedar Rapids Park. The NACO "2009 Walk for Your Life Challenge" was discussed with employees interested in participating. The challenge begins June 1st and ends September 27th with each county comprising one team. Participants must walk at least a half mile at a time. The Board and department heads discussed setting up a holiday committee.

Bob Carey, EM/HS, submitted reports on various meetings and correspondence. Carey reported that Custer County may be interested in joining the Reverse 911 Communication System. Lower Loup Natural Resources District has scheduled informational meetings with regard to Hazard Mitigation Plan for Lower Loup Natural Resources District and participating jurisdictions. Carey was asked to contact the city and village clerks for representation to attend one of the scheduled meetings.

Carey stated that the State met with livestock producers last Thursday with regard to reporting ammonia and hydrogen sulfide emissions. The EPA has determined in a final rule that all large CAFOs, including operations with 1,000 head of beef cattle or more, must notify state and local emergency response officials about ammonia and hydrogen sulfide emissions from their operations if they emit 100 pounds or more of the substances during any 24 hour period. Telephone notifications must be made no later than January 20, 2009, and a written report must be submitted within 30 days thereafter, to avoid severe penalties. Smaller AFOs and ranching operations are not required to submit notifications.

David Medlin, County Attorney, Vic Lee, Boone County Health Center CEO, David and Patricia Hellbusch, and the Board met to close the purchase of real estate that was approved on December 8, 2008 for the Boone County Health Center. The County of Boone purchased Lot Two (2), Block Five (5), South Fairview Addition to Albion, Boone County, Nebraska from the Margaret Hellbusch Revocable Trust for \$50,000.00. The Boone County Health Center then reimbursed the County for the purchase.

Medlin discussed a modified agreement he drafted between Harlan Kohtz and the County of Boone with regard to the lease of the real estate the County Communication Tower sits on. Medlin was asked to submit the modified agreement to Harlan Kohtz for his approval. The lease agreement will be an agenda item at a future meeting after Kohtz approval.

The Interlocal Cooperation Act permits political subdivisions to enter into a contract for the performance of the responsibilities of the respective political entities. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-02 an Interlocal Agreement between the County of Boone and City of Albion for a County Zoning Administrator and Albion City Code Official. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Legal Notice rates newspapers receive have not been changed by our Legislature since 1996. The current rate that was established in 2005 for the publication of the Board meeting notices and proceedings in the Albion News, Petersburg Press and St. Edward Advance was .60 per line for notices and .2508 per line for proceedings. The new proposed rates for the three combined paper publications is .66 per line for Board meeting notices and .27588 per line for proceedings. Motion made by Tisthammer, second by Schuele to approve the Albion News proposed publication rate changes for proceedings and notices as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Frontier, A Citizens Communications Company, requests permission to place buried telephone cables and terminal pedestals on the public right-of-way in the County of Boone, State of Nebraska. The project request places cable along 200th Street to provide service at 1748 200th Street and 1919 180th Avenue. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign a construction permit request from Frontier, as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to write off an uncollectible 2008 ambulance account in the amount of \$1,290.37, per a recommendation from the ambulance service as all methods of collection have been exhausted. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

An annual Weed Superintendent report is due January 31st each year and is submitted to Nebraska Department of Agriculture, Bureau of Plant Industry. The Board of Commissioners is also the County Weed Board. Russell Stokes, County Weed Superintendent, presented the 2008 year end report for the Board's approval and signature. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the reports as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board Proceedings of January 12, 2009. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board, County Officials and department heads met with the architects to review a revised draft of the courthouse renovation and addition project. After reviewing the project plans the Board, Larry Goldberg of Goldberg, Sullivan, McCreary of Missouri, Brad Kissler of Cannon, Moss, Brygger & Assoc. of Grand Island, and Buster Beckenhauer of Beckenhauer Construction, Inc. of Norfolk had an extensive discussion involving the courthouse project.

Open discussion and miscellaneous public comments: Sheriff Spiegel discussed the agreement that was drafted and presented to TeleBeep Wireless of Norfolk, Nebraska. TeleBeep has an antenna located on the County Communication Tower and the County is asking them to pay rent for use of the tower. The County no longer uses TeleBeep services but other entities within the county still use the TeleBeep services, for which they need a place for their antenna.

Motion made by Tisthammer, second by Schuele to adjourn said meeting at 3:00 p.m. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Chairman, Tom Schuele called to order a public hearing on Tuesday, January 20, 2009 at 1:00 p.m. in the Boone County Courthouse Commissioners meeting room in Albion, Nebraska. Notice of the hearing published in advance and said hearing was open to the public. Commissioners present for roll call were Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Richard VanAckeren on behalf of VanAckeren Farms, LTD/Cedar Valley Feeding Company, the property owner of the real estate referenced herein. The application request is for holding ponds, non-feedlot water diversions and sediment basins on its property located in Section 21, Township 18, Range 7, all in Boone County, Nebraska.

In attendance was the applicant, Richard VanAckeren; Jeff Peetz, Attorney representing the applicant; and six interested citizens. Commissioner Schuele asked that each presentation be limited to five minutes.

Applicant representative, Jeff Peetz, asked permission to submit the original Application for Conditional Use along with its attachments as Exhibit No. 1 for the record. Peetz stated that Cedar Valley Feeding Company (CVFC) is seeking a Conditional Use Permit for holding ponds constructed on its property in Boone County as noted in the application. CVFC was required under its NPDES Permit to construct holding ponds for livestock waste on its property. CVFC obtained the necessary permits from the NDEQ in 2007. Pursuant to Neb. Rev. Stat. 54-2437, Boone County is required to grant a conditional use permit for the use detailed in the enclosed application as Exhibit No. 1. Peetz also submitted an Affidavit of Dennis Heitmann, Supervisor of the Agriculture Section of the Water Quality Division of the Nebraska Department of Environmental Quality (NDEQ) dated December 22, 2008, as Exhibit No. 2 and a copy of the letter that Peetz submitted to the Nebraska Department of Environmental Quality dated December 1, 2008, as Exhibit No. 3. The reconditioning of the ponds, diversions and basins were constructed pursuant to EPA and NDEQ regulations which require that large CAFO's have livestock waste control facilities capable of storing all manure, litter, and process wastewater, including runoff and direct precipitation from all normal rainfall events up to a 25-year, 24-hour rainfall event. Pond determination is by the size of the area not the number of livestock. VanAckeren is not asking to build additional pens.

Following the applicant's presentation, Commissioner Schuele opened the floor for proponents and opposition. Ted Thieman asked permission to submit an unsigned and undated statement from James J. Vanderloop with regard to the CVFC application as Exhibit No. 4. The construction regarding modification of the livestock waste control facility will not increase the animal capacity of such operation. Thieman questioned why the Application for Conditional Use Permit is not stating the animal capacity. Thieman submitted a written testimonial as Exhibit No. 5 dated January 20, 2009 for the hearing. Thieman stated that without the specific information as to what this land is to be used for and no animal capacity stated on the application, it is not logical to issue a conditional use permit. Jack Kunzman asked why apply for a permit when most of the construction is already completed. The reply is that the construction is not completed. The applicants and opponents discussed the phrase "non-conforming use", State Statutes and that the County Zoning Manual is vague and difficult to interpret in some areas.

Commissioner Schuele felt the "use" in this application is to control the feedlot runoff. Commissioner Thieman felt that the testimony indicates that no additional pens are being built and that the applicant is complying with the state statute.

Motion made by Tisthammer, second by Thieman to close said hearing at 1:28 p.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board acknowledged the opposition concerns. Thieman acknowledged receiving a phone call prior to the meeting in opposition to the permit. The Board is aware that some construction has been taking place and felt it is to help protect the ground water and environment from feedlot runoff. The Board felt in complying with state statute they will need to grant the permit.

Motion made by Thieman, second by Schuele to approve as presented the Application for Conditional Use Permit request submitted by Richard VanAckeren on behalf of VanAckeren Farms, LTD/Cedar Valley Feeding Company, the property owner of the real estate referenced herein. The approval is for holding ponds, non-feedlot water diversions and sediment basins on its property located in Section 21, Township 18, Range 7 all in Boone County, Nebraska with factual findings being the Neb. Rev. Stat. 54-2437 and the Boone County Planning and Zoning Commission approval on December 22, 2008. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to adjourn said public hearing at 1:32 p.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

ONE AND SIX YEAR ROAD IMPROVEMENT PROGRAM

The Boone County Board of Commissioners Chairman, Tom Schuele called to order a public hearing on Monday, January 26, 2009 at 10:00 a.m. in the Boone County Courthouse Commissioners meeting room in Albion, Nebraska. Notice of the hearing published in advance and held in open session. Commissioners present for roll call were Henry R. Thieman, Tom Schuele, Jerry L. Tisthammer and Boone County Highway Superintendent, Darrel Thorin.

The public hearing is for the purpose of hearing testimony in favor of, or opposition to, and to answer questions in relation thereto the proposed One and Six Year Road Improvement Program for Boone County, Nebraska. The hearing remained open for one hour.

Darrel Thorin, Boone County Highway Superintendent, presented the One and Six Year Road Improvement Program for Boone County, Nebraska. The one-year road improvement plan consists of twenty-one projects and the six-year plan consists of fifteen projects. Thorin discussed each of the projects with the Board and the public. Attached hereto as part of the proceedings is a copy of the 2009 proposed projects one-year plan and the 2010 and beyond proposed projects for the six-year plan as presented by Boone County Highway Superintendent, Darrel Thorin.

Motion made by Thieman, second by Tisthammer to approve the 2009 One and Six Year Road Improvement Program for Boone County, Nebraska as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to close said hearing at 11:00 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JANUARY 26, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:38 a.m. on Monday, January 26, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele read the agenda for the record and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Bob Carey, EM/HS, discussed training meetings and correspondence. Carey reported applying for an Emergency Management Performance Grant (EMPG) Subgrant. The grant applied for is for a subgrantee period of performance for 10-1-2007 through 09-30-2009. The grant designates allowable and unallowable costs with regard to the assistance with the expenses of the General Fund Emergency Management Budget.

Motion by Thieman, second by Tisthammer to approve Resolution No. 2009-03 a request from Mark Jensen to trench an electrical cable under a county road known as 310th Avenue for irrigation purposes, beginning from a Cornhusker Public Power pole located in the county road right-of-way in the Southeast Quarter (SE1/4) of Section Four (4), Township Nineteen (19), Range Five (5) to an irrigation well located in the Southwest Quarter (SW1/4) of Section Three (3), Township Nineteen (19), Range Five (5) all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

A written semi-annual report of the County Ambulance financial statements for July 1, 2008 through December 31, 2008 was submitted by the Boone County Health Center. The activity report is organized by month and separated by revenue, payments and adjustments. The Boone County Health Center processes the billings and collections for the County Ambulance Service. Motion made by Tisthammer, second by Schuele to accept and approve the six-month Boone County Ambulance Service report from the Boone County Health Center as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

An executive session was requested by Darrel Thorin, County Highway Superintendent. Motion made by Thieman, second by Schuele to go into executive session at 9:30 a.m. for the evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried. Darrel Thorin, County Highway Superintendent; Dave Spiegel, County Sheriff; Dave Medlin, County Attorney and the Board discussed a personnel matter. Motion made by Tisthammer, second by Thieman to come out of executive session at 9:57 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. No formal action was taken in closed session and only that reason stated for the closed session was discussed. The decision with regard to the personnel matter will be at the discretion of the County Highway Superintendent.

Darrel Thorin, County Highway Superintendent, discussed legislative proposals and presented the One and Six Year Road Improvement Program at the public hearing.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-04 to adopt the 2009 One and Six Year Road Improvement Program as presented at the public hearing. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$69,630.91, BCBS \$22,268.18, Ameritas Ret \$4,775.70, EFTPS \$5,257.82, Partially rejected \$50.00 on payroll vendor number 17; Road \$41,589.50, BCBS \$13,463.91, Ameritas Ret \$2,807.33, EFTPS \$3,158.72; Boone County Economic Development \$4,244.37, BCBS \$18.14, Ameritas Ret \$286.50, EFTPS \$317.78; Law Enforcement \$5,547.00, BCBS \$2,046.43, Ameritas Ret \$429.89, EFTPS \$424.33; Weed \$689.00, Ameritas Ret \$46.51, EFTPS \$52.70; Ambulance \$1,050.00, Ameritas Ret \$53.67, EFTPS \$80.32; Public Defender Contract \$3,041.67; Boone County Fitness Center \$6,835.92, Ameritas Ret \$358.76, EFTPS \$522.96, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The revenue from the 2% County Lodging tax that began in July 2006 is to be used for the promotion, development and enhancement of the county. The Nebraska Revised Statutes Section 81-1255 provides guidance for the County Visitors Promotion Fund and visitors committee. The terms of Udine Sindelar of St. Edward and Shirley Petsche of Petersburg expired January, 2009. The Board acknowledged their service to the visitors committee. Motion made by Thieman, second by Tisthammer to appoint Ardys Choat of St. Edward and Mary Jeanne Stokes of Petersburg to the Visitor's Promotion Committee, each to a four year term beginning January 2009 and expiring January 2013. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

David Medlin, County Attorney, and the Board discussed the TeleBeep Wireless Agreement that Medlin drafted and sent for their approval. Schuele discussed a recent telephone conversation with TeleBeep in regard to the proposed agreement.

Motion made by Tisthammer, second by Thieman to approve the County Board and Public Hearing Proceedings of January 20, 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Mary Andersen, Tracy Calhoun and Harold Ridenhour updated the Board with regard to the Keystone Excel Pipeline. They have an office located in Grand Island, Nebraska and the agent assigned to the county area will stay with their assigned county until the project is completed. Tracy Calhoun, Permit Specialist, discussed the different permits with regard to road and water easements.

The Board completed interviewing for the County Treasurer position. Motion made by Tisthammer, second by Thieman to appoint Laurie Krohn, Deputy County Treasurer as Boone County Treasurer effective January 26, 2009, to complete the term of Helen Preusser which expires January, 2011. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board and Andy Devine, Albion City Administrator, reviewed the applications for the Interlocal Zoning position and scheduled interviews for February 9, 2009 beginning at 12:30 p.m. The applications were narrowed to five candidates.

Open discussion and miscellaneous public comments: Sheriff Spiegel and the Board discussed the agreement that was drafted and presented to TeleBeep Wireless of Norfolk, Nebraska with regard to the latest telephone conversation.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 3:16 p.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
FEBRUARY 9, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, February 9, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer, Henry R. Thieman and Tom Schuele. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Bob Carey, EM/HS, discussed meetings and correspondence. Carey plans to attend the scheduled meeting on February 17, 2009 in Genoa with regard to the Hazard Mitigation Plan for Lower Loup Natural Resources District and participating jurisdictions.

Motion made by Tisthammer, second by Schuele to go into executive session at 8:43 a.m. for the evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried. The Board discussed a personnel matter. Motion made by Thieman, second by Tisthammer to come out of executive session at 9:05 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. No formal action was taken in closed session and only that reason stated for the closed session was discussed. The Board plans to review the employee handbook with regard to the cell phone reimbursement policy at a later date.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-05 a request from CK Farms, Inc. to trench an electrical cable over and across a county road known as 200th Avenue for irrigation purposes, beginning from an electrical power pole located in the county road right-of-way in the Southwest Quarter (SW1/4) of Section Thirty-five (35), Township Twenty (20), Range Seven (7) to an irrigation well located in the Southeast Quarter (SE1/4) of Section Thirty-four (34), Township Twenty (20), Range Seven (7) all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The County Communications Tower is located on a fraction of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township Twenty (20), North Range Six (6), Boone County, Nebraska. The real estate is owned by Harlan Kohtz and the 260' tower was a gift to the County in 1988. The yearly real estate lease of \$1,000.00 for the radio tower and guide wires expired in January, 2009. A new Lease Agreement was drafted with the primary changes being the term and rent of the lease. The term of this lease agreement shall be one (1) year from the 1st day of January, 2009 to the 31st day of January, 2010, and this lease shall continue in effect from year to year thereafter until written notice of termination is given by either party to the other at least six (6) months before the annual expiration of this lease. The County of Boone agrees to pay Harlan Kohtz annual cash rent of \$3,000.00. Motion made by Schuele, second by Tisthammer to approve as written the Lease Agreement between Harlan B. Kohtz and the County of Boone as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$34,052.77; Road \$105,106.17; Reappraisal \$6.86; Institutions \$12,141.38; Veteran's Aid \$500.00; Boone County Economic Development \$2,128.99; 911 Emergency Management \$1,332.93; Weed \$348.80; Ambulance \$2,306.51. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed road projects, legislative proposals, and funds received from FEMA for the 2008 spring flood damage and the State of Nebraska with regard to the closing of the railroad crossing DOT No. 818026R. Thorin and Chad Engle, NIRMA Loss Prevention & Safety Specialist, toured the county shop buildings on February 3, 2009. Engle will notify Thorin of the safety issues that need correcting at the shop sites.

The Board and County Highway Superintendent held an extensive discussion with Denny Bauer with regard to reclassification of roads. Bauer discussed a portion of a minimum maintenance road on 115th Avenue. The Board and Thorin explained the state statutes and state road standards the county is to comply with when reclassifying roads. The portion of the county road being discussed is currently classified as minimum maintenance. Minimum maintenance receives no aggregate and may be graded a couple of times a year. Bauer will be in contact with Thorin regarding which option he would like to pursue.

Sealed bids were opened at 10:00 a.m. for a new motor grader, new or used semi truck tractor, and new semi trailer. The following bids were received for a new motor grader: Murphy Tractor & Equipment Co. a 770GP Deere for \$174,332.00 and Nebraska Machinery Co. a 140M Caterpillar for \$174,068.84.

The following bids were received for a new semi truck tractor: Cornhusker International Trucks submitted bids for 2010 International's with 10 speed including 9900i SFA for \$101,443.45, Prostar Premium for \$99,398.80 and 2010 International's with 13 speed including Diamond SPEC 9900i SFA for \$106,102.26, Diamond SPEC Prostar Premium for \$105,321.63, Lonestar SFA for \$107,843.31, 9900i SFA \$102,657.65, Prostar Premium \$100,200.59 and Lonestar SFA for \$106,335.24; 2007 International 9200 with 0 miles for \$96,500.00; Holcomb Freightliner a 2007 Freightliner M2112 with 0 miles for \$86,650.00; Wise-Mack, Inc. a 2008 Mack CHU613 with 0 miles for \$98,460.00 and bids for a used semi truck tractor from Cornhusker International Trucks, Inc. a 2005 Peterbilt 379 for \$73,500.00 and 2007 International 9400 for \$86,000.00; Wise-Mack, Inc. a 2006 Mack Granite for \$94,500.00.

The following bids were received for a new semi bottom dump trailer: Murphy Tractor & Equipment Co. a Trail King Model TKBD22-433 Advantage for \$48,700.00; Nebraska Machinery Co. a Terex/Load King Model 2066-40-3 for \$56,385.00; Siouxland Trailer Sales, Inc. a 2010 Trailblazer Belly Dump for \$36,875.00.

Representatives for Cornhusker International Trucks, Murphy Tractor & Equipment and Nebraska Machinery Company were present to discuss their proposals. Due to the volume of bids, no purchase decisions were made at this time. Motion made by Thieman, second by Tisthammer to table the motor grader decision until the February 17, 2009 Board meeting, as an agenda item. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. Motion made by Schuele, second by Thieman to table the semi truck tractor and trailer decisions to a later date allowing time to review the proposals. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

David Medlin, County Attorney, and the Board discussed the TeleBeep Wireless Agreement that Medlin drafted. TeleBeep has an antenna attached to the County Communications Tower. The agreement is for rental use of the tower for the year 2009 and 2010 with an annual fee of \$600.00. Motion made by Tisthammer, second by Thieman to approve as written the Agreement between TeleBeep Wireless and the County of Boone as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, and the Board interviewed applicants for the County Zoning Administrator/Albion City Code Official position. Motion made by Thieman, second by Tisthammer to table the zoning position appointment until the February 17, 2009 Board meeting, as an agenda item at 12:30 p.m. with Andy Devine. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board, Public Hearing and Board of Equalization Proceedings of January 26, 2009. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Boone County Sheriff submitted a 2008 written 4th quarter report. Motion made by Thieman, second by Tisthammer to accept and approve the 2008 4th Quarter report from the Boone County Sheriff as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for January, 2009: Clerk \$4,267.55 Co. Treas., \$6,860.20 State of NE, Doc Stamps, \$1,476.25 State of NE, DMV; Clerk of the District Court \$4,954.16; Sheriff \$5,349.55; Treasurer Fees \$20.00; Treasurer Office Miscellaneous Receipts Number 9075-9153 in the amount of \$614,932.09. Total collected at the County Treasurer Office \$1,253,422.60. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments: Sheriff Spiegel presented written information with regard to the County Communication Tower as requested by the Board. The County Communication Tower was inspected by Mid-Nebraska Communications of Columbus to evaluate the condition and acceptable continued use. Information was received from the Nebraska Life Magazine. The Board's consensus is to purchase a two year subscription and place the magazine in the lobby of the courthouse for public reading. The annual County Board Workshop is scheduled for February 11-13, 2009 in Kearney.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 4:07 p.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
FEBRUARY 17, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Tuesday, February 17, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Extensive discussion was held with medical and ambulance personnel with regard to a County Ambulance Paramedic Program. Various scenarios of operation were discussed. Midwest Medical Transport Co. patient transfer services were used by the Boone County Health Center several times last year, since nursing staff was unavailable to assist the County Ambulance. The Midwest Medical Transport Co. nearest connections are Neligh and Columbus and if their units are out on transports, a unit comes from a further distance for ground transport. The wait time for ambulance services becomes an inconvenience for the hospital staff and a health issue for the patient. The Boone County Health Center has no plans at this time to allow a paramedic to work the emergency room floor with the nurse staff. A paramedic may administer medication without doctor's orders, where a nurse needs to wait for doctor orders. Income for ambulance transports are based on the difference of an ALS or BLS patient transfer. Training to become a volunteer EMT is an ongoing challenge and requires more hours of continuous education each year for an EMT certification. An estimate of income and expense to operate a full time paramedic program was presented and discussed. Discussion of a full time County Ambulance Paramedic Program would require two full and one part time paramedic and two full time drivers being paid a daily hourly wage, whether they have one transfer a day or none for several days. A County Ambulance Paramedic program would expand ambulance service but would also substantially increase costs of operation of an ambulance. Additional costs incurred may be housing for paramedics during their on call time as Boone County currently only has one licensed paramedic, housing for the ambulance closer to the hospital, and possibly needing two ambulances when one is already on a transfer. If a County Ambulance Paramedic Program is not self supporting, the county tax payers will be asked to make up the difference. The Board made no decision, but asked the group to return with a comprehensive plan of operation, based on the 2008 County Ambulance transfers, possible transfers by other units and possible nursing home transfers.

Darrel Thorin, County Highway Superintendent, discussed road issues, area land owners concerns with regard to the maintenance and classification of certain county roads and the Local Public Agency (LPA) manual updates. A federal update may require two separate engineering firms for a federal aid project, consisting of a construction engineering firm and a design engineering firm. The road department is making progress on the safety issues that need correcting at the shop sites per Chad Engle, NIRMA Loss Prevention & Safety Specialist. Thorin presented the pros and cons for the Board's review and decision with regard to the motor grader bids that were received on the February 9, 2009 Board meeting. After reviewing the bids received on February 9, 2009 for a semi truck tractor and semi trailer, Thorin presented the difference of the bids and gave his recommendation.

Motion made by Tisthammer, second by Thieman to approve the purchase of a new 140M Caterpillar Motor Grader from Nebraska Machinery Company of Norfolk, Nebraska including a trade-in for \$174,068.84. Roll call vote: Yeas: Tisthammer and Thieman. Nays: Schuele. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the purchase of a new 2008 Mack CHU613 Semi Truck Tractor with no trade-in for \$98,460.00 from Wise-Mack, Inc. of Omaha, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the purchase of a new 2010 Trailblazer Belly Dump Semi Trailer with no trade-in for \$36,875.00 from Siouxland Trailer Sales, Inc. of Sioux City, Iowa. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent to obtain finance quotes at his discretion, for the motor grader, semi truck tractor and semi trailer purchases. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board held their monthly meeting with officials, department heads or employees. The group discussed back taxes that will be for sale on March 2, 2009 at the County Treasurer office; increased public use of the taxes online program; County Sheriff and Treasurer procedure and cooperation when handling distress warrants; Reverse 911 hopefully in operation approximately a month from now; County Law Enforcement meeting with Cedar Rapids, Petersburg and Primrose went well last evening; County Safety Committee needs to be more pro active, Chad Engle, NIRMA Loss Prevention & Safety Specialist, is offering to provide training, area meetings and material; working on county wide housing application grants; Rod Nelson, Custodial Maintenance, will start delivering the courthouse mail to the post office on a regular basis today; Nancy Ahlers, new full time employee at the County Treasurer office; and retirement recognition is scheduled for Janet Lawson, County Zoning Administrator, on Friday, February 27, 2009 from 3:00-5:00 p.m. at the Boone County Courthouse.

The Boone County Board of Commissioners attended the annual County Board Workshop in Kearney on February 11-12, 2009. Commissioner Thieman acknowledged the county employees for a safe work place, of which the County received an insurance dividend from NIRMA; handbook updates are needed due to government changes with regard to the Family Medical Leave Act and ADA. Commissioner Schuele released the information from Larry Dix that the stimulus package for roads of approximately 4 million has received requests from counties totaling 88 million, which indicates several projects will not receive federal aid. Commissioner Schuele touched on information presented by attorneys with regard to government equipment used by employees regarding emails, credit cards, cell phones and lap top computers. The Board may need to address the government equipment used by employees at a later date to update the employee handbook. Commissioner Schuele is participating in the 2009 NACO Institute of Excellence Program.

Motion made by Thieman, second by Schuele to approve and authorize Nancy Ahlers to be a signatory for bank accounts administered by the Boone County Treasurer effective February 17, 2009. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Don Workman, Representative for Maximus, Inc., explained to the Board the Indirect Cost Recovery program. The County receives indirect costs from claims filed with the Clerk of the District Court to be reimbursed for time spent on Title IV-D Child Support Enforcement work. Boone County receives indirect money for providing office space for the Nebraska Department of Health and Human Service Systems (NDHHSS). The courthouse project discussion with Workman was with regard to a proposed off-campus site the county may possibly lease for NDHHSS. If the NDHHSS was moved off-campus, the space currently occupied by NDHHSS would free up approximately 1000 square feet in the Courthouse for renovation to provide needed space to county offices. A Board meeting is scheduled with architects for 11:00 a.m. on February 23, 2009.

Bob Carey, EM/HS, discussed meetings and correspondence. Carey and Commissioner Tisthammer plan to attend the scheduled meeting today in Genoa with regard to the Hazard Mitigation Plan for Lower Loup Natural Resources District and participating jurisdictions.

David Medlin, County Attorney, and the Board discussed the difference of opinions that rose from the County Board Workshop meeting with regard to the Open Meeting Laws and reasonable rules for open meetings.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of February 9, 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, Boone County Board of Commissioners and Janet Lawson, County Zoning Administrator discussed the applicants that were interviewed on February 9, 2009 for the County Zoning Administrator/Albion City Code Official position. Boone County Board of Commissioners and Andy Devine, City Administrator, on behalf of the City of Albion, agreed to appoint Barb Hanson as City Code Official/County Zoning Administrator. Motion made by Schuele, second by Thieman to appoint Barb Hanson as the Boone County Zoning Administrator and Albion City Code Official effective March 2, 2009. Roll call vote: Yeas: Schuele, Thieman, and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments: Commissioner Schuele and Thieman reported of the annual County Board Workshop that was attended in Kearney, February 11-12, 2009. Commissioner Thieman presented the Nebraska Intergovernmental Risk Management Association (NIRMA) dividend check of \$21,779.00 for deposit to Boone County Treasurer, Laurie Krohn. NIRMA issues financial dividends from funds not needed for the payment of claims and general operating expenses. NIRMA's long-standing policy has been to return funds that remain to our stakeholders, which are solely our member counties and the taxpayers who support local government. The Nebraska Association of County Officials (NACO) will host a Counties' Legislative Day in Lincoln on Thursday, April 16, 2009. Northeast Nebraska County Officials Spring Workshop is scheduled for Friday, March 20, 2009 in Norfolk. The GreenFiber Recycling Program of Norfolk, Nebraska submitted changes to their Recycling Agreement. The following is the "Terms for payment of materials collected": If your location is generating under 500 lbs. per month, a fee of \$20 per collection will be charged and it will be your responsibility to call and schedule a pickup when your bin is full; 500-999 lbs. per month, we will continue to pick up weekly at no charge, however there will be no compensation for fiber; 1000 lbs per month or more, we will continue to pick up weekly, plus we will compensate quarterly at \$20 per ton. The County generated a monthly average of 590 lbs. in the year 2008.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 1:30 p.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
FEBRUARY 23, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:40 a.m. on Monday, February 23, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Chuck Rolf, President of the Boone County Agricultural Society, Inc., discussed a bar manager position change for functions scheduled at the fairgrounds. Robert L. (Butch) Gray, Jr. plans to step down as bar manager and it is the consensus of the fair board members to appoint Chuck Rolf as manager and Phillip Landauer as co-manager. The appointments will be an agenda item for the March 9, 2009 Board meeting. On behalf of the Boone County Fair Board personnel, Rolf acknowledged their appreciation for the volunteer letter of acknowledgement each received in December from the Board of Commissioners. The celebration of the 125th Boone County Fair is scheduled for July 11-15, 2009.

An agreement made between the City of Albion and the County of Boone, both political subdivisions of the State of Nebraska, made pursuant to Section 29-215 and 13-801 to 13-827, cited as the Interlocal Cooperation Act, wherein the political subdivisions desire to agree on the joint jurisdiction of the two law enforcement agencies for the one mile radius zoning jurisdiction outside the City of Albion, but within the zoning jurisdiction of the City of Albion for law enforcement purposes and for the mutual safety and protection of persons and property. Motion made by Thieman, second by Schuele to approve as written Resolution No. 2009-07 an Interlocal Agreement between the City of Albion and the County of Boone, with regard to police protection. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, County Sheriff, discussed the complexity of the E911 Communication System and Reverse E911 Communication that is being installed. Spiegel proposed the creation of a job title "Communications Manager" and to appoint Sheryl Machacek with the responsibility of the position to keep the E911 Communication Systems updated and functioning properly. Spiegel and the Board discussed budgeting procedures and as an agenda item for the March 9, 2009 Board meeting.

Darrel Thorin, County Highway Superintendent, discussed web seminars with regard to the Federal Stimulus projects. Thorin presented a list of road record classification corrections that need to be addressed after extensive research of road records and Board proceedings. Thorin will discuss the procedures with Dave Medlin, County Attorney, with regard to the reclassifications to rectify prior year clerical records and procedure for a public hearing. The county records and state standard records need to coincide.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item, before buying or doing any major maintenance to equipment or furniture over \$800.00.

David Medlin, County Attorney, discussed the need for an upgraded computer for the County Attorney office. Motion made by Tisthammer, second by Thieman to authorize David Medlin, County Attorney to obtain quotes to purchase at his discretion an office computer. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Bob Carey, EM/HS, discussed the meeting he attended in Genoa on February 17, 2009 with regard to the Hazard Mitigation Plan for Lower Loup Natural Resources District and participating jurisdictions. Boone County had representation from each community at the meeting. Carey stated that the municipalities plan to file for grant funds for backup generators. Carey discussed applying for a \$300,000.00 grant for a new free standing County Communications Tower to replace the current tower.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-06 a request from John L. Nelson, to trench an electrical line for irrigation purposes over and across a certain county road known as 340th Avenue in Boone County and 550th Avenue in Platte County, beginning at an electrical pole located in the county road right-of-way in the Southwest Quarter (SW1/4) of Section 30, Township 20, Range 4, Platte County, Nebraska, running west to an irrigation well located in the South 100 acres of the Southeast Quarter (SE1/4) of Section 25, Township 20, Range 5, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board Proceedings of February 17, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$71,321.46, BCBS \$22,268.18, Ameritas Ret \$4,922.97, EFTPS \$5,387.14; Road \$41,589.50, BCBS \$13,463.91, Ameritas Ret \$2,807.33, EFTPS \$3,158.71; Boone Co Economic Dev \$4,310.53, BCBS \$18.14, Ameritas Ret \$290.96, EFTPS \$322.85; Law Enforcement \$5,547.00, BCBS \$2,046.43, Ameritas Ret \$429.89, EFTPS \$424.33; Weed \$841.55, Ameritas Ret \$56.81, EFTPS \$64.39; Ambulance \$730.00, Ameritas Ret \$44.89, EFTPS \$55.85; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,322.87, Ameritas Ret \$261.78, EFTPS \$407.20, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The primary use of the Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding an acknowledgment must appear on promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgment appeared on the material. A request was submitted by the Cedar Rapids Community Club to promote their annual melodrama event the weekends of March 7th and 14th, 2009 and was approved by the committee. Motion made by Schuele, second by Thieman to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board, Buster Beckenhauer of Beckenhauer Construction, County Officials, Department Heads and employees extensively discussed the courthouse project. A dramatic change in the economy, including the agricultural economy, has taken place in the two years since the courthouse project has been in discussion. There is an obligation to take care of deficiencies in the existing courthouse. Among the renovations needed include the heating/air and electrical systems, windows, water seepage in the basement, security measurers, fire sprinkler system and ADA requirements. Renovation of the 1000 square feet now occupied by Nebraska Department of Health and Human Service Systems (NDHHSS) would help with some of the space needed for county offices, contingent upon Nebraska Department of Health and Human Services moving to a site outside of the courthouse confines. The Board discussed financing of the renovation, with Beckenhauer providing some preliminary renovation costs for the March 9, 2009 Board meeting. Motion made by Thieman, second by Schuele to consider going ahead with courthouse renovation with no further expansion, while addressing the mechanical, security and ADA issues. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments: Russell Stokes, Weed Superintendent, discussed his research with regard to weed spraying equipment. Stokes and the Board discussed repairing the present sprayer or replacing the sprayer with a more modern one that would be portable and adaptable to other vehicle units. The weed spraying equipment will be an agenda item for March 9, 2009 Board meeting.

Motion made by Schuele, second by Tisthammer to adjourn said meeting at 12:37 p.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
MARCH 9, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, March 9, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Buster Beckenhauer, Beckenhauer Construction, Inc. discussed a revised estimate with regard to renovation work for the existing courthouse structure. The renovation construction estimate is \$1.4 million, which they feel is enough to cover any hidden costs when starting renovation. The revised renovation construction estimate includes upgrading the heating and air conditioning, corrections regarding water entry to basement electrical service, new fire sprinkler system, new ceilings and lights, interior renovations to space held by HHS for other offices, courtroom renovations, added security to courtroom, ADA accessible restroom, new windows, removal of wall heaters, new area drain, new painting as required, and suggested selling bonds with \$1.6 million figure to cover costs of architect, engineering, permits, special testing and furnishings.

The Boone County Board of Commissioners hereby accepts the revised Courthouse design concept developed by the Project Architects and Construction Manager dated March 9, 2009 and directs them to proceed with preparation of detailed Construction Documents and Construction Cost estimates, with a construction cost of \$1.4 million, subject to the Board's review and approval, as follows:

Step 1. Pricing Package. Shall include preparation of approximately 35% - completed Documents, suitable for cost analysis and Building Code-review activities after which time and upon approval by the Board, more detailed activities shall be commenced;

Step 2. "Construction Package", shall include completion of all technical documents necessary for Bidding – and Construction of the Project design, scope and budget previously approved in Step 1. above;

At such time as this motion is passed by the Board, the Architects shall submit their revised Agreement for Services to the Board, consistent with the terms and conditions set forth above. Motion made by Thieman, second by Schuele to approve the revised courthouse design concept, pricing package, and construction package with a construction cost of \$1.4 million, subject to the Board's review and approval as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Board of Commissioners hereby selects Smith-Hayes, as investment Banker to provide underwriting services for public financing of the proposed Courthouse Renovation Project, for a seven (7) year term, subject to finalization of a suitable Letter of Engagement to be executed by the parties, subject to approval by Counsel and to Closing of the Transaction. Motion made by Tisthammer, second by Thieman to approve Smith-Hayes Financial Services Corporation, as investment banker to provide underwriting services for the proposed Courthouse Renovation Project, for a seven (7) year term. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

David Medlin, County Attorney, discussed phone conversations with TeleBeep Wireless of Norfolk with regard to an agreement that was drafted and mailed to TeleBeep Wireless for their signature on February 9, 2009. Medlin and the Board discussed a letter received with regard to the notice of sale of the VeraSun assets and the Boone County Historical Society, Inc. with regard to levying for funds for the renovation of the museum for environmental control. The museum building has no heat and air unit and it would help with the preservation of the artifacts.

Chuck Rolf, President of the Boone County Agricultural Society, Inc., discussed a bar manager position change for functions scheduled at the fairgrounds with the Board at their meeting held on February 23, 2009. Motion made by Schuele, second by Tisthammer to appoint Chuck Rolf as bar manager and Phillip Landauer as bar co-manager for the Boone County Agricultural Society, Inc. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-08 a request from LeRoy Niemann, Trustee, to trench an electrical cable for irrigation purposes over and across a certain county road known as 350th Street, beginning at an electrical pole located in the county road right-of-way in the Northeast Quarter (NE1/4) of Section 7, Township 18, Range 5, running northwest to an irrigation pivot located in the Southeast Quarter (SE1/4) of Section 6, Township 18, Range 5, all located in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board and Board of Equalization Proceedings of February 23, 2009. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item, before buying or doing any major maintenance to equipment or furniture over \$800.00. (1) Barb Hanson, Boone County Planning and Zoning Administrator/Albion City Code Official, discussed the need for an updated computer system. Hanson received quotes from Applied Connective Technologies, LLC of \$1,021.02 and MIPS, Inc. of \$1,070.12. Motion made by Tisthammer, second by Schuele to approve Applied Connective Technologies computer quote for the zoning office. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried. (2) Joyce Sock, County Assessor, discussed the need to have updated photos attached to the office real estate cards. Sock plans to work with Bill Scarlett, photographer for the Albion and Cedar Rapids parcels and Goodlife Pharmacy for producing the photos.

Dave Spiegel, County Sheriff, discussed the complexity of the E911 Communication System and Reverse E911 Communication that is being installed at the Board meeting held on February 23, 2009. Spiegel proposed that Sheryl Machacek be appointed to the position of E911 Communication Systems Manager, having the responsibility to keep the E911 Communication Systems updated and functioning properly, with a \$100.00 monthly salary increase. Spiegel and the Board discussed budgeting procedures. Motion made by Thieman, second by Tisthammer to approve Sheryl Machacek as the E911 Communication Systems Manager, with a \$100.00 monthly salary increase effective March, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Bob Carey, EM/HS, reported on the Local Emergency Planning Committee (LEPC) meeting held in Albion on March 3, 2009. Carey discussed future scheduled meetings and trainings. Carey discussed possible areas to erect a new communication tower.

Russell Stokes, Weed Superintendent, discussed his research with regard to weed spraying equipment at the Board meeting held on February, 23, 2009. Stokes and the Board discussed repairing the present sprayer or replacing the sprayer with a more modern one that would be portable and adaptable to other vehicle units, where the operator breathes a lot less of the fumes and will provide more accuracy when spraying. A quote for new weed spraying equipment of \$6,458.00 was received from Superior Outdoor Power of Superior, Nebraska. Motion made by Schuele, second by Thieman to approve the purchase of the new weed spraying equipment installed and ready to go from Superior Outdoor Power for \$6,458.00 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed his participation in the web seminars and the uncertainty of the amount that Nebraska may receive with regard to the Federal Stimulus projects. Thorin discussed the passing of LB5, trapping on county road right-of-ways. The Board and Thorin opened and discussed sealed finance bids for the purchases of a 2010 Caterpillar 140M Motor Grader (MG) \$174,068.84, 2008 Mack CHU613 Semi Truck Tractor (STT) \$98,460.00 and 2010 Trailblazer Belly Dump Semi Gravel Trailer (SGT) \$36,875.00.

The following monthly payment finance bids were received:

Boone County Bank of Albion	3 year	3.50%	MG/STT/SGT
Boone County Bank of Albion	5 year	3.70%	MG/STT
Cedar Rapids State Bank	3 year	4.00%	MG/STT/SGT
Cedar Rapids State Bank	5 year	4.00%	MG/STT
Cornerstone Bank, Albion	3 year	4.20%	MG/STT/SGT
Cornerstone Bank, Albion	5 year	4.30%	MG/STT/SGT
First National Bank of Schuyler, Albion	3 year	3.49%	MG/STT/SGT
First National Bank of Schuyler, Albion	5 year	3.69%	MG/STT/SGT
Mack Financial Services, North Carolina	3 year	6.19%	STT
Mack Financial Services, North Carolina	5 year	5.62%	STT
Petersburg State Bank	3 year	3.29%	MG/STT/SGT
Petersburg State Bank	5 year	3.79%	MG/STT/SGT
Progressive Equipment, Inc of Omaha	3 year	5.90%	STT
Progressive Equipment, Inc. of Omaha	5 year	6.90%	STT

Motion made by Thieman, second by Tisthammer to approve as presented the finance bid from First National Bank of Schuyler, Albion Branch of 3.69% for 5 years for the 2010 Caterpillar 140M Motor Grader. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve as presented the finance bid from Petersburg State Bank of 3.29% for 3 years for the 20008 Mack CHU613 Semi Truck Tractor. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve as presented the finance bid from Petersburg State Bank of 3.29% for 3 years for the 2010 Trailblazer Belly Dump Semi Gravel Trailer. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received courthouse lawn care bids as advertised in the Albion News from Jarecki Lawncare & Geenhouse, LLC and Schrad's KLawn. Jim Jarecki and Steve Schrad were both present at the Board meeting. The four step program bids were Jarecki \$1,316.00 and Schrad \$1,315.00; the aerification bids were Jarecki \$275.00 and Schrad \$210.00. If the lawn requires thatching, that is a separate fee not included in the bids. Both businesses were acknowledged for the courthouse lawn care over the years. Motion made by Schuele, second by Tisthammer to approve as presented Schrad's KLawn 2009 bid for the four step program and aerification. Roll call vote: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Bernard Batenhorst, Central Sand & Gravel, presented the company's gravel rate increase of 8% commencing April 1, 2009. The Board and Batenhorst discussed gravel quality and availability. Batenhorst discussed plans to have the Genoa pit back in operation in late spring.

No bids were received for gravel, culverts, grader blades and other materials as advertised in the Albion News. Motion made by Thieman, second by Tisthammer that the county will continue purchasing gravel, culverts, grader blades, and other material as needed with the available price and quality on the open market, with the County Highway Superintendents recommendation. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

County Auditor, Harlan Aevertmann, CPA, discussed with the Board SAS No. 112, GASB 34 & 37, OMB Circular A-133 compliance, quotes when purchasing equipment or materials of \$5,000.00 - \$20,000.00 with regard to the County Purchasing Act and filing fiscal year end reports with the Board. Aevertmann presented the letters for the June 2008 year end audit for review. The June 2008 year end audit has no pending litigations and all information was available for the audit. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign an attorney letter with regard to any pending or threatened litigation, claims and assessment against the county. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign a management representative letter for the 2008 year end audit report of finances and that all the county information was available and given to the auditor for the June 2008 year end. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Offices Reports for fiscal year 2007-2008 per request of the county auditor for the offices of County Attorney, Clerk/Register of Deeds, Clerk of District Court and Sheriff. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$37,761.09; Road \$80,588.33; Institutions \$1,469.00; Boone Co Economic Dev \$1,924.67; 911 Emergency Management \$1,267.20; Law Enforcement \$725.00; County Building \$2,634.05; Weed \$248.60; Ambulance \$3,402.53. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for February, 2009: Clerk \$2,981.68 Co. Treas., \$2,366.07 St. of NE, Doc Stamps, \$1,330.50 St. of NE, DMV; Clerk of the District Court \$607.00 St. of NE, \$510.51 Co of Boone; Sheriff \$1,140.86; Planning and Zoning \$30.00; Treasurer Fees \$26.00; Treasurer Office Miscellaneous Receipts Number 9154-9222 in the amount of \$292,279.77. Total collected at the County Treasurer Office \$624,513.28. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments: The Board signed letters of acknowledgement, prepared by the Boone County Treasurers' Office, for the entities that financially supported the taxes on line program. Commissioner Thieman reported on the Boone County Health Center Foundation Gala held on March 8, 2009. Thieman and Schuele met with personnel from the engineering firm of Kirkham Michael the past week with regard to the fitness center and livestock wash rack at the fairgrounds.

Motion made by Tisthammer, second by Schuele to adjourn said meeting at 12:48 p.m. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
MARCH 16, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, March 16, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer, Henry R. Thieman and Tom Schuele. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

The Board held their monthly meeting with officials, department heads or employees. The courthouse renovation project was briefly discussed noting that more concrete figures are to be available the 20th of April, 2009. Blueprints for renovation of the vacant space to relocate the Nebraska Department of Health and Human Service Systems (NDHHSS) to the Albion Family Chiropractic Center have been received by Randall Hedlund, who has forwarded them to his contractor. The rent for the County to pay for the NDHHSS space will be based on construction costs. Personnel were reminded of the County Legislative day scheduled for April 16, 2009. A letter indicated that the Transportation Enhancement Program Funds may become available within the next few weeks. The Historic Bridge No. C00605005P located east of Cedar Rapids is still one of the projects being considered to receive grant funds. Thorin plans to attend the UNL load testing of a new style bridge structure today, with hopes of qualifying for one of the demos for a bridge project located on 300th Street east of Primrose. A First Aid Class for county employee participation may be scheduled in April. The Northeast Association of County Officials meeting is scheduled in Norfolk on March 20, 2009.

Dave Spiegel, County Sheriff, discussed the possibility of purchasing 10 acres across the road to the west from the current communications tower. Spiegel and Schuele plan to look at the location and visit with the landowners.

Darrel Thorin, County Highway Superintendent, received a letter from NACO, indicating that two of the five requests for the stimulus package funds may still be considered while three will not be considered for federal funding. Thorin discussed recent inquiries of road maintenance. The County is not required to maintain or gravel private drives or lanes to residential dwellings.

Darrel Thorin, County Highway Superintendent, has extensively researched and reviewed the status of all roads in Boone County and found that some road openings had not been recorded as open in the road record book. Nebraska Statute 39-1401 of the Nebraska Highway and Bridge Law, states "Public roads shall mean all roads within this state, and which have not been vacated in pursuance of law and all roads located and opened by the county board of any county and traveled for more than ten years". The Board feels it is in the best interest of the county to have such roads officially recorded as open county roads, with the current existing boundaries being the established Right-of-Way. Thorin presented a list of 56 roads which are identified in an attachment to Resolution No. 2009-11. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-11 as presented and documented with regard to road opening clarification. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-09 a request from Thomas R. Hartford, Trustee, to trench an electrical line for irrigation purposes over and across a certain county road known as 270th Street, beginning at an electrical pole located in the county road right-of-way of the Southwest Quarter (SW1/4) of Section 26, Township 20, Range 8, running south to an irrigation well located in the Northwest Quarter (NW1/4) of Section 35, Township 20, Range 8, all located in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The primary use of the Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding an acknowledgement must appear on promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee". The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. Doc Holladay, President of the Visitors Promotion Committee presented three requests for funds. The Board, Shannon Landauer and Holladay's discussion revolved around the statutory differences of how the funds may be used from a Visitor's Promotion Fund of which the County established in 2006 and a Visitors Improvement Fund of which the County did not establish. Request 2009-01 is to install a sign in front of Claudine's Cottage Bed and Continental Breakfast located in St. Edward, Nebraska by Ardys Choat. Motion made by Schuele, second by Tisthammer to approve the request 2009-01 with the stipulation of being a registered business with a Tax ID Number and the acknowledgement "Funded in part by the Boone County Visitors Promotion Committee" appearing visibly on the sign. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried. Request 2009-02 is to install grab bars in nineteen motel bathrooms for the Holladay Hotel Management Corporation of Albion, Nebraska. Motion made by Schuele, second by Thieman to table request 2009-02 until the Board receives legal advice and clarification between promotion and improvement fund qualifying requests. Roll call vote: Schuele, Thieman and Tisthammer. Nays: None. Motion carried. Request 2009-03 is a request from Doc Holladay for the Holladay Hotel Management Corporation to serve four 2009 customer appreciation cookouts. Motion made by Thieman, second by Tisthammer to approve request 2009-03 for four 2009 customer appreciation cookouts with each cookout reimbursement submitted separately with a maximum of \$300.00 reimbursement for each cookout. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, discussed hosting email accounts for the county. The majority of the email accounts in the Sheriff's office will no longer be free of charge through NCJIS in May, 2009. The courthouse receives 1 main email address and 9 additional sub accounts with the Frontier Communications monthly high-speed billing, with additional email accounts through Frontier being an additional \$3.50 a month. Applied Connective Technologies services include hosting of the mailboxes on their server and includes spam and virus filtering using the domain@boone-county.org, with a monthly fee of 1-9 mailboxes for \$2.00 per box; 10-19 mailboxes for \$1.75 per box; or 20-25 mailboxes for \$1.50 per box. The County will need to continue the main email address and pay the monthly high-speed fee for the line to the courthouse provided by Frontier Communications. Motion made by Thieman, second by Tisthammer to approve email accounts and maintenance with Applied Connective Technologies, for the offices needing or wanting to change their email accounts. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Russell Zarek, Boone County Road Employee since 2004, discussed his NACO BCBS health insurance premium coverage with the Board. Boone County pays full family health BCBS premiums for full time employees, but if you do not take the insurance with Boone County, you do not receive any benefit difference. The insurance question was due to the fact that Zarek's spouse was elected Nance County Clerk, effective January, 2007. Zarek said Nance County's policy includes paying half of the premium, in addition to their salary, to the employees that do not take the health insurance offered at the time of employment. The question surfacing is regarding the possibility of sharing health insurance costs with Nance County, since his wife is an elected official in Nance County and Boone County has been paying the coverage. The Board took no action at this time.

Bob Carey, EM/HS, reported on the East Central District health special populations' survey and events planned for the Boone County Fair through Red Cross. Carey discussed submission of letters for grants for a tower, GIS mapping, emergency response trailer and storm shelters for the fairgrounds and sports complex.

Steve Boyer, Third Plant Wind Representative, updated the Board with regard to Wind Task Force, Petersburg East Project and requested a letter of support from the Board for a wind powered generation field project to be located in Boone County. Motion made by Schuele, second by Thieman to approve a letter of support for renewable energy development in Boone County. Roll call Vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

David Medlin, County Attorney, discussed the statutory research with regard to possible funds for the Boone County Historical Society, Inc. The museum building currently has no heat and air system and the Historical Society receives very few donations for operation. Medlin was asked by the Board to compile his research for the possibility of a future meeting with the Historical Society Board, with regard of establishing funds for maintenance of the building and contents.

Motion made by Schuele, second by Thieman to approve Resolution No. 2009-10 for the three year monthly repayment plan for a 2008 Mack Semi Truck Tractor as approved on March 9, 2009 with the Petersburg State Bank. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of March 9, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The County received the Nebraska Intergovernmental Risk Management Association (NIRMA) 2008 Annual report, including information covering their first twenty years from 1988 through 2008. Schuele and Thieman plan to attend several committee meetings throughout the week. Chuck Rolf and Shannon Landauer on behalf of the Boone County Agricultural Society, Inc. discussed the calls they have received in opposition for the alumni event to be held at the fairgrounds in June. The opposition is acknowledged with the fact that the Alumni made the decision to contact the Agricultural Society for use of their facility and that the Agricultural Society (fairboard) did not contact or ask the Alumni.

Motion made by Tisthammer, second by Thieman to go into executive session at 11:04 a.m. for the evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. The Board discussed a personnel matter. Motion made by Thieman, second by Tisthammer to come out of executive session at 11:55 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. No formal action was taken in closed session and only that reason stated for the closed session was discussed.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 11:56 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
MARCH 23, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, March 23, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer, Tom Schuele and Henry R. Thieman. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Bob Carey, EM/HS, reported visiting the area senior centers during the past week with regard to the East-Central District Health Department special populations' survey. Storm Spotter training is scheduled for March 24, 2009 at the Albion Fire Hall. Carey discussed concerns that a Mid-Nebraska Communications representative may have regarding the relocation of the communication tower.

Joyce Sock, County Assessor, discussed the purchase of a new computer for the Assessor's office. Sock received a quote from Applied Connective Technologies. Motion made by Thieman, second by Tisthammer to approve the new computer purchase quote of \$838.01 from Applied Connective Technologies for the County Assessor's office. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed road issues, federal highway administration having increased oversight on state and county federal aid projects. A federal aid project may require paying fees for a design engineer and a construction engineer, adding additional cost for each project. Fracture critical and timber bridges inspection requirements have been covered by the state but will now become the responsibility of the county effective July 1, 2009. Thorin reported on the UNL bridge testing he attended on March 16, 2009 which was a new bridge design that meets new standards required by the Federal Highway Standards. Thorin has completed classes and is certified for erosion control with the State of Nebraska, Department of Roads.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of March 16, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The primary use of the County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding an acknowledgement must appear on promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgment appeared on the material. A request was submitted by the Rae Valley Heritage Association to promote their annual event scheduled for August 22 and 23, 2009 and was approved by the committee. Motion made by Thieman, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

David Medlin, County Attorney, researched the State Statutes with regard to Section 81, County Visitors Promotion Fund; County Visitors Improvement Fund; visitors committee; establishment; purpose. The Boone County Board of Commissioners approved Resolution No. 2006-02 on January 23, 2006 for a County Visitors Promotion Fund. The County Attorney's opinion is that Visitors Promotion Fund does not allow for infrastructure or improvements.

Motion made by Tisthammer, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$75,469.09, BCBS \$22,403.27, Ameritas Ret \$5,162.45, EFTPS \$5,691.82; Road \$41,589.50, BCBS \$13,463.91, Ameritas Ret \$2,807.33, EFTPS \$3,158.72; Boone Co Economic Dev \$4,882.53, BCBS \$18.14, Ameritas Ret \$329.57, EFTPS \$366.60; Law Enforcement \$5,547.00, BCBS \$2,046.43, Ameritas Ret \$429.89, EFTPS \$424.33; Weed \$624.48, Ameritas Ret \$42.15, EFTPS \$47.77; Ambulance \$924.00, Ameritas Ret \$53.94, EFTPS \$70.68; Public Defender Contract \$3,041.67; Boone Co Fitness Center \$5,129.52, Ameritas Ret \$255.19, EFTPS \$392.41, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Board and Darrel Thorin, County Highway Superintendent, met with John Meyer of Leawood, Kansas. Recently the NE1/4 of Section 6, Township 19, Range 7, in Boone County, Nebraska was purchased by J & J Partners and with the change of ownership, the land is now isolated with no public access. Meyer discussed building a one-quarter mile minimum maintenance roadway east from 160th Avenue and expects to pay some of the costs involved. Thorin explained the statutory research of Chapter 39-1713 to 1719, the various requirements and options of ingress and egress of isolated land. The Board, Thorin and Meyer discussed the costs and that the County would have to meet federal standards when building a new road, of which the engineering fees alone may cost \$15,000.00. Meyer will visit with the surrounding landowners to see if a less expensive solution is available for ingress and egress. Building a private drive with an easement between landowners would be a lower cost and would not require the same specifications as a county road. Meyer thanked the Board and will use the information to determine which course to take.

Open discussion and Miscellaneous Public Comments: Janice Rasmussen, Trustee of the Boone County Health Center Board, visited with the Board and acknowledged the Boone County Health Center strategic planning session scheduled for April 24-25, 2009. Schuele plans to attend the Hospital Board meeting scheduled for March 24, 2009. Planning and Zoning meeting is scheduled for March 23, 2009. The Board discussed qualifying projects that the federal stimulus may provide for, such as public transportation and funds through the Department of Energy for renovation of heat/air, lights and windows for the courthouse.

Motion made by Tisthammer, second by Thieman to go into executive session at 11:36 a.m. for the evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. David Medlin, County Attorney and the Board discussed a personnel matter. Motion made by Thieman, second by Schuele to come out of executive session at 12:00 p.m. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried. A written resignation was submitted by Boone County Emergency Manager/Homeland Security employee Robert D. Carey. Motion made by Schuele, second by Thieman to accept the resignation as presented by Robert D. (Bob) Carey effective March 23, 2009. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to adjourn said meeting at 12:05 p.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
MARCH 30, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:40 a.m. on Monday, March 30, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Darrel Thorin, County Highway Superintendent, reported receiving notification with regard to authorizing available funds from the Nebraska Department of Roads Transportation Enhancement Trust Funds. Discussed the TransCanada Keystone Pipeline Haul Route Agreement designed by NIRMA for member counties that may be affected by the pipeline. Thorin discussed notification he received from the Nebraska High Risk Rural Roads Program Manager with regard to the horizontal curve signing project delay. The U. S. Fish and Wildlife in Nebraska and the Nebraska Department of Environmental Quality have some concerns about the installation of signs on county roads. The signing project is using Federal funds and some of their concerns are in regard to migrating cranes, bald eagles, beetles, service vehicles and wetlands.

Dave Spiegel, County Sheriff, discussed the Emergency Manager vacancy with the Board. Motion made by Thieman, second by Tisthammer to approve the appointment of David Spiegel, County Sheriff, as the interim Boone County Emergency Manager. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve Resolution No. 2009-12 a request from Charles Laska, to bury a 20" x 40' culvert under a county road known as 270th Avenue, to be located approximately between the Northwest Quarter (NW1/4) of Section 13, Township 18, Range 6 and the Northeast Quarter (NE1/4) of Section 14, Township 18, Range 6, all located in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-13 a request from Gene W. Karmann, to trench an electrical line for irrigation purposes over and across a certain county road known as 240th Street, beginning at an electrical pole located in the county road right-of-way of the Southwest Quarter (SW1/4) of Section 8, Township 20, Range 7, running south to an irrigation well located in the Northwest Quarter (NW1/4) of Section 17, Township 20, Range 7, all located in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-14 for the three year monthly repayment plan for a new 2010 Trailblazer Belly Dump Semi Trailer as approved on March 9, 2009 with the Petersburg State Bank. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board asked David Medlin, County Attorney, to research the procedure for appointing a position internally vs. advertising with regard to filling the Emergency Manager vacancy.

The Board received the County Attorney's opinion at the March 23, 2009 Board meeting, that the County Visitors Promotion Fund does not allow for infrastructure or improvements. State Statutes with regard to Section 81 clearly states the difference of fund use for a County Visitors Promotion Fund or a County Visitors Improvement Fund. The County approved Resolution No. 2006-02 for a County Visitors Promotion Fund on January 23, 2006. A copy of the March 23, 2009 minutes will accompany the denied request. Motion made by Thieman, second by Tisthammer to deny the Visitors Promotion Fund infrastructure request 2009-02 from Holladay Hotel Management Corporation. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board Proceedings of March 23, 2009 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, the Board and Duane Chilson discussed alternatives to the bridge removal on 280th Street. The bridge in question is located on a minimum maintenance road and the State of Nebraska, Department of Roads condemned the bridge in 2008. The bridge is a federally numbered bridge and the County will be obligated to follow the recommendation from the Department of Roads, Relaxation Standards Board. The required hydraulic study may suggest a low water crossing or a new bridge. A new bridge will cost considerably more than a low water crossing. Thorin stated that Boone County was fortunate following the last round of bridge inspections that the State only closed three (3) of the one hundred ninety-two (192) bridges located in the county. Two of the three are on minimum maintenance roads. The Federal and State Highway Associations will be increasing their oversight of how the federal funds are impacted and used. No actions taken until receive information from the hydraulic study from the State Department of Roads.

Chuck Rolf, President of the Boone County Agricultural Society, Inc., discussed the request for special designated liquor permits for a bull riding event and the Boone County Fair. The FFA Alumni is sponsoring a bull riding event on July 4, 2009. The Boone County Fair is scheduled for July 11-15, 2009 and a separate request is issued for each day of the fair. Motion made by Tisthammer, second by Thieman to approve the six special designated liquor permits as presented. Roll call vote: Yeas: Tisthammer, Thieman, and Schuele. Nays: None. Motion carried.

Patrick Dalseth, Midwest Wind Energy Representative, requested a letter of support from the Board for a wind powered generation field project to be located in Boone County. Motion made by Tisthammer, second by Thieman to approve a letter of support for renewable energy development in Boone County. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board reviewed and discussed the county employee handbook policies with regard to the appropriate use of County time and equipment. The Board plans to review the language in the handbook and address the non-appropriate use of County time and equipment with the elected officials and department heads at the April 20, 2009 Board meeting. No action taken.

The Board discussed possibly changing the Commissioner appointments to the Boone County Development Agency Board. Two members of the Board of Commissioners are appointed yearly at their reorganizational meeting in January to the Development Agency Board. No action taken.

Randall Hedlund, Albion Family Chiropractic Center, and the Board discussed information with regard leasing space for the Nebraska Department of Health and Human Services (NDHHS) in the Albion Professional Plaza building. Hedlund received a proposed floor plan from the NDHHS and submitted the plans to the contractor that built the current building. The proposed construction plan figures to be 90 cents per square foot, being a monthly rental fee of \$1,350.00. This is an option to relocate the NDHHS in order to provide needed space in the courthouse for county offices. The county is obligated to provide space for NDHHS with approximately half of the rental fee being reimbursed back to the County through the Maximus program. The proposed rate did not allow for taxes and the Board plans to contact NDHHS with regard to a ten year lease. No action taken and will be an agenda item for the April 13, 2009 Board meeting.

Open discussion and Miscellaneous Public Comments: The County Safety Committee scheduled a 1:00 p.m. meeting. Boone County Health Center Board of Trustees approved Phase 3 of the hospital renovation and construction plans. Barb Hanson, Zoning Administrator, updated the Board with regard to activity and looking at updating forms. Shannon Landauer, Economic Development, discussed a "tele-work" project opportunity for Boone County communities. The project uses USDA grant funds to help create rural data centers to perform services for larger companies. The Board gave Landauer consensus approval to pursue the project. Per phone call from Mary Andersen, Keystone XL Project, they have scheduled informational meetings for April 1, 2009 at the Spalding City Auditorium and April 2, 2009 at the Atkinson High School. The landowners will be contacted individually of the scheduled meetings.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 11:50 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
APRIL 13, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, April 13, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer, Tom Schuele and Henry R. Thieman. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Dave Spiegel, County Sheriff/Interim Emergency Manager, and Sheryl Machacek, Communications Manager, discussed the Emergency Manager vacancy with the Board. Spiegel, Machacek and the Board discussed job description and position requirements. Spiegel and Machacek agreed to contact area counties for information and guidance. No action taken and will be an agenda item for the April 20, 2009 Board Meeting.

Donna Johnson, Sheriff Office Employee, has been providing meals for the prisoner(s) held in the Boone County Jail since 2004. The Agreement is an annual renewal with the Board, Sheriff and Donna Johnson, Independent Contractor. There were no changes presented to the Board with regard to the Agreement. Motion made by Thieman, second by Tisthammer to approve the Agreement as presented effective April 1, 2009 through April 30, 2010, with the Boone County Board of Commissioners, the Boone County Sheriff, and Donna Johnson, Independent Contractor. Roll call Vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, reported on the NIRMA sign seminar he attended on April 9, 2009. Thorin discussed road issues and the sale of a D6 Caterpillar Dozer through the Stock Realty & Auction Co. website. Thorin reported with regard to the energy stimulus package for upgrading the courthouse heat/air, windows and lights. The information with regard to the energy stimulus package will be given to the Economic Development Office for follow up.

Thorin discussed two 2004 lease purchase road equipment agreements with Caterpillar Financial that expire this calendar year. The loader lease purchase buyout is due in June and the motor grader is due in September. Motion made by Schuele, second by Thieman to authorize Darrel Thorin, County Highway Superintendent, to communicate with Caterpillar Financial for the purchase of the lease for the loader and advertises locally to finance bids for the \$83,538.00 lease purchase buyout. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board asked David Medlin, County Attorney, to research the procedure for appointing a position internally vs. advertising with regard to filling the Emergency Manager vacancy at the last Board meeting. Medlin prefers all positions to be advertised, but a part time appointed position may be posted internally so current employees can apply. Medlin discussed uncollected 2005 files and the cost of execution fees by other counties. The Board advised Medlin to use his discretion with regard to the feasibility of spending the execution fee vs. the outstanding bill to be collected.

Lynnette Seier, representing Good Samaritan Society-Albion, presented the annual transportation resolution request. The Good Samaritan Society-Albion bus transportation rates have been fifty cents per trip or \$1.00 a round trip for several years. Seier informed the Board that the transportation service rates may be changing. The transportation services include Federal and State funding and regulations require a public hearing when rates are changed. On a yearly basis federal funds are available under 5311 of the Federal Transit Act, as amended, and for Nebraska Transportation Act Funds. Evangelical Lutheran Good Samaritan Society, D/B/A Good Samaritan Society-Albion, a private, non-profit organization desires to apply for said funds to be used to provide public transportation in Boone County. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-15 as written and hereby certifies that Good Samaritan Society-Albion is considered to be capable of providing public transportation for persons of Boone County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Joyce Sock, County Assessor, discussed a quote of \$3,500.00 from Brian Liss for the purchase of a custom made desk/workstation. Motion made by Thieman, second by Schuele to authorize the Assessor's office to purchase the workstation as long as the fiscal year end office budget permits. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried. Sock discussed dissatisfaction with recent appraisal services and fees. The Board gave consensus to allow Sock, to hire at her discretion, with regard to the completion of appraisal services.

Bill Robinson, Cedar Rapids, Nebraska discussed the meetings he attended involving the TransCanada Keystone Pipeline project. Robinson offered his services as a contact person to receive information for the area in the county that the pipeline is scheduled to cross. Motion made by Thieman, second by Tisthammer to accept Bill Robinson offer to be the County Board's contact person to keep the Board informed as to the progress of the TransCanada Keystone Pipeline going through Southwest Boone County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$31,894.31; Road \$108,716.71; Reappraisal \$801.05; Institutions \$2,581.00; Boone County Economic Development \$2,167.17; 911 Emergency Management \$2,839.44; County Building \$7,244.12; Weed \$6,509.00; Ambulance \$2,773.95; Boone County Fitness Center \$136.00, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board and Board of Equalization Proceedings of March 30, 2009 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to acknowledge the Board visited and conducted a quarterly inspection of the County Jail on March 30, 2009. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for March 2009: Clerk \$8,043.50 (State of Nebraska \$4,403.08; County of Boone \$3,640.42); Clerk of the District Court \$711.72 (State of Nebraska \$506.00; County of Boone \$205.72); Sheriff \$1,007.12; Planning and Zoning \$40.00; Treasurer Fees \$84.00; Treasurer Office Miscellaneous Receipts Number 9223-9291 in the amount of \$293,642.85. Total collected at the County Treasurer Office \$780,064.30. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Randall Hedlund, Albion Family Chiropractic Center, and the Board discussed information with regard leasing space for the Nebraska Department of Health and Human Services (NDHHS) in the Albion Professional Plaza building. The Board contacted the NDHHS in Lincoln, Nebraska and was advised not to sign a ten year lease. Hedlund presented a proposed Lease Agreement between RCH Enterprises, LLC and NDHHS/Boone County. The proposed lease term is for five years with a monthly rental rate of \$1,450.00 plus taxes and insurance. This option to relocate the NDHHS is being contemplated in order to provide needed space in the courthouse for county offices. The county is obligated to provide space for NDHHS with approximately half of the rental fee being reimbursed back to the County through the Maximus program. The Board plans to review another rental option before making a decision. No action taken and will be an agenda item for the April 27, 2009 Board meeting.

Open discussion and Miscellaneous Public Comments: Sheriff Spiegel discussed information from Mid-Nebraska Communications with regard to a new communications tower. The estimates for a new tower range from \$48,000.00 to \$98,000.00, depending on tower height and guide wires or free standing. Beckenhauer Construction, Cannon, Moss, Brygger and Goldberg, Sullivan, McCreary, Architects discussed courthouse renovation with the Board. Thieman discussed his conversation with Smith-Hayes Financial. Schuele acknowledged appreciation of Commissioner Thieman's time involving meetings and correspondence with renewable energy development. Thieman will communicate with NIRMA with regard to a first aid class for county employees.

Motion made by Tisthammer, second by Schuele to adjourn said meeting at 12:21 p.m. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
APRIL 20, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, April 20, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Dave Spiegel, County Sheriff/Interim Emergency Manager, and Sheryl Machacek, Communications Manager, discussed the Emergency Manager vacancy with the Board. Spiegel, Machacek and the Board discussed a revised job description, position requirements and information received from area county contacts. Motion made by Schuele, second by Thieman to advertise by posting internally to fill the part time Emergency Manager position with other duties, under the Sheriff's office guidance, with the application deadline being April 24, 2009. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board held their monthly meeting with the officials, department heads and employees. The Board discussed page 46 of the Boone County Employee Handbook with regard to the appropriate use of County time and equipment with emphasis towards computers, cell phones, vehicles and work time. Reverse 911 training is being completed. A traffic count study is taking place on the area highways as requested. The Assessor's office reported that all of the new values for Boone County passed the Tax Equalization and Review Commission hearing. A contract has been made for working on the courthouse clock tower. A hazard waste disposal and Albion City wide cleanup is scheduled for the month of May. A Tote-a-Vote Voting Booth System was displayed. The NACO Walk for Your Life 2009 Challenge is June through September. Employees and their families wishing to participate may contact the County Clerk's office before May 15, 2009. The County Safety Committee will contact NIRMA to set up an employee first aid class. The BCBS Health Insurance rates will increase in July; we are one of the eight counties still paying full family health premiums as a benefit. The BCBS Health Insurance may be discussed at a future meeting. The WWII Honor Flight is April 24, 2009. Dave Heineman, Governor of the State of Nebraska, proclaimed the 1st day of May, 2009, as SILVER STAR DAY in Nebraska, and urges all citizens to show their appreciation to the Silver Star families of America and honor their commitment to our wounded Armed Forces members.

Darrel Thorin, County Highway Superintendent, discussed crack seal for 260th Street and the courthouse parking lots. Thorin discussed road issues and is working on establishing right-of-ways on the county roads.

Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the amended engineering agreement with Kirkham Michael, as accepted by the City of Albion, with regard to project STPE-2577(1), C.N. 31691, 6th Street project. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

David Medlin, County Attorney, and the Board discussed the Region 4 Behavioral Health System policies.

Motion made by Schuele, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$69,524.70, BCBS \$24,449.70, Ameritas Ret \$4,761.65, EFTPS \$5,237.08; Road \$41,589.50, BCBS \$13,463.91, Ameritas Ret \$2,807.33, EFTPS \$3,158.72; Boone County Economic Development \$4,487.33, BCBS \$18.14, Ameritas Ret \$302.89, EFTPS \$331.57; Law Enforcement \$5,547.00, BCBS \$2,046.43, Ameritas Ret \$429.89, EFTPS \$424.33; Weed \$350.00, Ameritas Ret \$23.63, EFTPS \$26.77; Ambulance \$1,037.50, Ameritas Ret \$51.47, EFTPS \$79.36; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,783.70, Ameritas Ret \$249.16, EFTPS \$365.96, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to acknowledge and accept, for the Board's file, the Sheriff's office 2009 first quarter report. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of April 13, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Board of Commissioners is scheduled to meet every Monday, except for the first Monday of each month. If Monday is a holiday then the Board meets on Tuesday. The County Board of Equalization must meet June 1 to July 25 each year, for the purpose of reviewing and deciding property tax protests and may meet to correct assessments of undervalued or overvalued property per Nebraska State Statute. Therefore, the Board decided not to meet on Tuesday, May 26, 2009 and meet as a Board of Commissioners on June 1, 2009 for a regular meeting as well as convene as the Board of Equalization on June 1, 2009. Motion made by Tisthammer, second by Thieman to approve not meeting as the Board of Commissioners on May 26, 2009 and to meet as the Board of Commissioners and convene the Board of Equalization on June 1, 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-16 a request from Jason Becker to trench an electrical line over and across 120th Street for irrigation purposes, commencing from an electrical pole located in the county road right-of-way in the North Half of the Northwest Quarter (N1/2NW1/4) of Section 14, Township 22, Range 5, running North to an irrigation well located in the Southwest Quarter (SW1/4) of Section 11, Township 22, Range 5, all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to table Resolution No. 2009-17 a request by a tenant to trench an electrical line, pending the landowner signature. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Brad Kissler, Architect with Cannon, Moss & Brygger & Assoc. of Grand Island, Nebraska presented a renovation plan for the courthouse. The Board, department heads and employees met with Kissler to view and discuss the revised renovation plan with the space to be vacated by the NDHHSS. Plans are to move the NDHHSS off site. The renovation includes energy maintenance with regard to windows, lighting, heat/air system, courtroom security and ADA restrooms. The renovation plans include expanding office space for the County Attorney, Highway Superintendent, Veteran and Zoning, along with renovation to the courtroom for security measures. Motion made by Thieman, second by Schuele to approve the courthouse renovation plan as recommended, reserving the right to make some renovation changes and authorized the architects and construction manager to move forward with the project. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board discussed bonding with Blaine Spady, Smith Hayes Financial Services Corporation of Lincoln, Nebraska. Spady indicated that the issuance of not to exceed \$1,520,000.00 of the County's Limited Tax Building Bonds, Series 2009 to pay the costs of courthouse renovations, were presold last week. Spady reported that 90% of the presold bonds were sold within Boone County. The serial bonds are scheduled for repayment over a seven year period with a coupon weighted average of 2.8 percent, with plans to be issued on May 7, 2009 built on a CD ladder.

A resolution authorizing the issuance of Limited Tax Building Bonds, Series 2009, for the County of Boone, Nebraska in a principal amount not to exceed \$1,520,000.00 for the purpose of remodeling and renovating the existing county courthouse; prescribing the form and details of the bonds; agreeing to levy an annual tax pursuant to Section 23-120(3)(b), reissue revised statutes of Nebraska, as amended, for the payment of the principal of and interest on the bonds; making certain covenants and agreements with respect thereto; and related matters. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-18 and authorize the Board Chairman to sign the documents with regard to the issuance of Limited Tax Building Bonds, Series 2009, for the County of Boone, Nebraska in principal amount not to exceed \$1,520,000.00 for the purpose of remodeling and renovating the existing county courthouse. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman attended the County Legislative Day on April 16, 2009 and discussed LB 264, Highway Trust Fund. Shannon Landauer, Economic Development Director, is attending an affordable housing conference this week and a wind energy conference the first week of May. Thieman plans to attend one day of the wind energy conference, May 4, 2009. The Boone County Health Center strategic planning is scheduled for April 24-25, 2009. County Board of Equalization seminar is scheduled for May 14, 2009.

Motion made by Schuele, second by Tisthammer to adjourn said meeting at 12:07 p.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
APRIL 27, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:40 a.m. on Monday, April 27, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Dave Spiegel, County Sheriff/Interim Emergency Manager, discussed the Emergency Manager vacancy with the Board. No applications were received with regard to the part time position of Emergency Manager duties posted internally among the county employees. Spiegel, Thorin and the Board discussed a floating full time position, job description and requirements. The Board discussed co-opting the supervision of the floating position among the offices of Boone County Sheriff and Highway Superintendent. Motion made by Thieman, second by Tisthammer to advertise a floating full time position primarily supervised by the offices of Boone County Sheriff and Highway Superintendent, with the application deadline being at 12:00 p.m. on May 8, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board reviewed general assistance requests with regard to utilities. Motion made by Thieman, second by Tisthammer to approve a portion of the general assistance being requested, with the county paying directly to the utility companies. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Russell Stokes, Weed Superintendent, and the Board viewed the new spraying equipment. Stokes updated the Board with a brief report. Stokes plans to publish the ad "Noxious Weeds Must Be Controlled".

Barb Hanson, Planning and Zoning Administrator, updated the Board with regard to zoning activity, permits and fees.

Sealed finance quotes were received to finance a 2004 lease buy out purchase of \$83,538.00 on a 2004 Caterpillar 950G11 Pay Loader. The equipment lease expires in June 2009. The three year finance quotes with monthly payments ranged from 3.11% to 3.92%. Motion made by Thieman, second by Tisthammer to approve and accept the 3.11% fixed 3-yr. interest rate quoted by the Cedar Rapids State Bank, providing for monthly payments of \$2,433.35. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed crack seal quotes for 260th Street and the courthouse parking lots submitted by Bader's Highway and Street of Norfolk, Nebraska. Bader's will router and blow out, clean, seal and squeegee all areas. The 260th Street quote is \$3,815.56 and courthouse parking lot and drive way quote is \$2,332.95. Motion made by Tisthammer, second by Thieman to approve as presented the crack seal quotes submitted by Bader's Highway and Street. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of April 20, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Thorin discussed the new web based Road Master Sign Program that is to be available in June or July, 2009. The county purchased a sign program several years ago and the understanding is the new web based updated program will be at no additional cost to the county. Thorin discussed road issues, county right-of-ways and the results regarding the recent traffic count on State Highway 14 & 39 with an average of 3,825 vehicles per day at a clocked speed between 20 to 70 mph in a 45 mph zone.

Motion made by Thieman, second by Schuele to approve Resolution No. 2009-17 a request from William D. (Dave) Primrose, Tenant, to trench an electrical line for irrigation purposes over and across a county road known as 140th Avenue, commencing from an electrical pole located in the county road right-of-way in the Southeast Quarter (SE1/4) of Section 34, Township 20, Range 8, running east to an irrigation well located in the Southwest Quarter (SW1/4) of Section 35, Township 20, Range 8, all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board received an Agreement prepared by the architect firm of Cannon Moss Brygger & Associates, P.C. of Grand Island, Nebraska with regard to the courthouse renovation project. The renovation project was approved at a Board meeting on April 20, 2009. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the Agreement as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Shellie Rathjen, Sales Representative for Conrad Fire Equipment, Inc. of York, Nebraska, updated the Board and Rusty Bruland, County Ambulance Administrator, of the upcoming changes with regard to medical transport units.

The Board has an opportunity to consider an investment for office space close to the courthouse. The building formerly occupied by SourceGas is available with minimal renovation required along with providing storage space. Motion made by Thieman, second by Tisthammer to authorize the Board Chairman to proceed with negotiation of the purchase of the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town, Albion, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Due to circumstances beyond their control and without enough assurance as to the extended future of a Nebraska Department of Health and Human Services (NDHHS) Office in Boone County, the Board was advised not to consider a three tier lease set for a certain number of years. Motion made by Schuele, second by Tisthammer to no longer pursue a lease agreement with regard to proposed office space between RCH Enterprises, LLC and NDHHS/Boone County. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The Board discussed the Boone County Health Center strategic planning that was attended. The Board discussed the possibility of pursuing an emergency medical services assessment through the Nebraska Emergency Medical Services/Trauma Program. A Blue Cross Blue Shield meeting is scheduled in May for the Board or Clerk to attend. Documents were received from Smith Hayes for the Board Chairman's signature. Schuele plans to attend the Planning and Zoning meeting scheduled for April 27th and Thieman plans to attend the Hospital Board meeting scheduled for April 28, 2009.

Motion made by Schuele, second by Thieman to adjourn said meeting at 12:12 p.m. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Chairman, Tom Schuele called for a motion to open a public hearing. Motion made by Jerry L. Tisthammer, second by Henry R. Thieman to open the public hearing on Monday, April 27, 2009 at 10:00 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. Notice of the hearing published in advance and held in open session. Present for roll call were Commissioners Jerry L. Tisthammer, Henry R. Thieman and Tom Schuele; Northeast Economic Development District, Lisa Hurley; and Boone County Economic Development, Shannon Landauer.

The County of Boone, Nebraska, is an eligible unit of a general local government. The County is authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program and Cranston-Gonzalez National Affordable Housing Act of 1990 (HOME Program) funds distributed by the Department of Economic Development through the Nebraska Affordable Housing Program.

The public hearing is to answer any questions concerning an application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant. This grant will be available for five local affordable housing activities within the city or village limits of Boone County.

Boone County is requesting \$320,900.00 for a Purchase/Rehabilitation/Resale single-family affordable housing program of which \$259,000.00 used for direct housing costs, \$32,100.00 for housing management costs, \$7,500.00 for lead-based paint testing/ abatement and \$22,300.00 for general administration of the grant. Homebuyers will contribute \$1,000.00 each (\$5,000.00) towards closing costs. The total costs are \$325,900.00 with additional funding advantage through mortgages. All Nebraska Affordable Housing Program (NAHP) funds will benefit low and moderate-income people; the County will follow the adopted plan to minimize displacement of people because of NAHP activities and for assisting person actually displaced.

Lisa Hurley answered questions and informed the Board of the various application deadlines. No positive or negative comments received from the public.

Motion made by Thieman, second by Tisthammer to close said public hearing at 10:15 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-19 authorizing the Board Chairman to sign an application for Nebraska Affordable Housing Program Funds and any contracts, documents or other memoranda. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
MAY 11, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 a.m. on Monday, May 11, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Barb Hanson, County Planning & Zoning Administrator/Albion City Code Official, discussed an administrative plat application for 3 acres with buildings. Roger Fitzgerald plans to sell the 91.35 acres of farm ground and wants to keep a 3 acre tract with the house and outbuildings. The 3 acres is located in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Seventeen (17), Township Twenty (20) North, Range Six (6) West of the 6th P.M., Boone County, Nebraska and has been surveyed with reference to "Roger Fitzgerald's Lotsplit." The request is within the mile jurisdiction of the Albion City limits and the city zoning regulations require a minimum tract of 3 acres. Formality is to make the Boone County Board of Commissioners aware of an administrative plat request and for the Board to approve the application request to be forwarded to the City of Albion for a decision. Motion made by Tisthammer, second by Schuele to approve the application for administrative plat referred to as "Roger Fitzgerald's Lotsplit" to be considered by the City of Albion. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to acknowledge and approve Charles L. Rolf as the Boone County Agricultural Society, Inc. bar manager as presented by the Nebraska Liquor Control Commission. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kirkham Michael & Associates, Inc. submitted an agreement for professional engineering services in connection with the design of a roof canopy structure for the livestock wash down area at the Boone County Fairgrounds with an engineering fee proposal of \$8,400.00. The County of Boone, City of Albion and Boone County Agricultural Society, Inc. approved a revised 1961 Interlocal Agreement on November 19, 2007, effective January 1, 2008 with regard to development and implementation of a plan to connect all disposal uses of sewage and waste to the City of Albion sewer system. Motion made by Thieman, second by Tisthammer to approve the professional engineering services for the livestock wash down project at the Boone County Fairgrounds as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Nebraska Emergency Medical Services (NEMS)/Trauma Program team will provide emergency medical services factual information to develop a strategic plan to meet future pre-hospital and inter-facility patient transfer health care needs. There is no cost to the county for NEMS to conduct the assessment with regard to patient transfers. Motion made by Tisthammer, second by Schuele to approve a letter to Nebraska Emergency Medical Services, requesting financial and technical assistance to conduct an emergency medical services assessment. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board, Board of Equalization and Public Hearing Proceedings of April 27, 2009 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Boone County Health Center Board of Trustees is eligible to serve only two six (6) year terms according to the Bylaws. The Board of Commissioners conducted a lengthy discussion on changing this policy, with the decision being to leave the policy in place as written. Ronald Coakes second six year term of service is completed in June 2009. We recognize that Ron's experience and leadership on this board is of great value in completing this multi-million dollar project, and therefore, we have asked Ronald Coakes to accept a one-time extension to his term to serve an additional three year term or until Phase III of the hospital addition is completed. Motion made by Schuele, second by Thieman to approve a letter requesting that the term of Ronald Coakes to the Boone County Health Center Board of Trustees be extended for an additional three years or until the Phase III is completed. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board discussed the option to purchase the former SourceGas building at their April 27, 2009 meeting. The renovation will be minimal, full finished basement for storage and cost per square foot much lower than new construction costs. Once the Nebraska Department of Health and Human Services is moved to the new location, renovation can begin in the courthouse. Motion made by Thieman, second by Tisthammer to approve the Commercial Purchase Agreement of \$45,000.00 for the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town, Albion, Nebraska with a June 1, 2009 closing date. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the following reports of the County Officials as presented for April, 2009: Clerk \$12,620.00 (State of Nebraska \$7,596.92, County of Boone \$5,023.08); Clerk of the District Court \$497.36 (State of Nebraska \$156.00, County of Boone \$341.36); Sheriff \$790.14; Planning and Zoning \$10.00; Treasurer Fees \$10.00; Treasurer Office Miscellaneous Receipts Number 9292-9363 in the amount of \$535,636.20. Total collected at the County Treasurer Office \$5,158,018.24. Veteran Service Office reports submitted for the months of January, February, March and April 2009, including notation of WWII Veterans Honor Flight. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, reported that the crack sealant for 260th Street and the courthouse parking lots has been completed by Bader's Highway and Street of Norfolk, Nebraska. Thorin discussed possible use of rail cars to haul in granite; a gravel quarry by Genoa may be opening and changes in federal aid project requirements.

Thorin and the Board have been approached with regard to road issues. The Nebraska Department of Roads closed a bridge located on a minimum maintenance road in 2008. Possible options' regarding the bridge is to repair or replace the bridge, convert it to a low water crossing, close or vacate the road. Thorin discussed the difference between closing and vacating a county road. If the Board closes a county road to traffic the property still belongs to the county, no taxes collected and if they would have reason to reopen the road, there would be no need to purchase right-of-way. If the Board decides to vacate a county road, the property goes to the adjacent landowners, becomes taxable and if they would have reason to reopen the road, they would have to purchase right-of-way.

The Board, Sheriff Spiegel, and Highway Superintendent Thorin, reviewed the employment applications received for the advertised floating full time position. They agreed on applicants to interview and set an interview schedule for Monday, May 18, 2009.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-20, a request from Keith Bittner to trench an electrical line and 1" water line (in the same trench) from a meter pole/well located on the Northwest Quarter (NW1/4) of Section Twenty-four (24), Township Nineteen (19) North, Range Six (6) West of the 6th P.M., Boone County, Nebraska, under and across a county road known as 270th Avenue, commencing west to a machine shed located on the Northeast Quarter (NE1/4) of Section Twenty-three (23), Township Nineteen (19) North, Range Six (6) West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-21, a request from Wayne Choat to trench a 2' water line commencing from a stock well located in the Northeast Quarter (NE1/4) of Section Twenty-seven (27), Township Nineteen (19) North, Range Five (5) West of the 6th P.M., Boone County, Nebraska (Duane Choat landowner); thence running north under and across a county road known as 320th Street, thence running within the driveway owned by Wayne Choat (Fr. SE1/4-West 2 rods of 22-19-5) to a livestock waterer located in the Northeast Quarter (NE1/4) of Section Twenty-two (22), Township Nineteen (19) North, Range Five (5) West of the 6th P.M., Boone County, Nebraska (Wayne Choat landowner). Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$75,635.37; Road \$88,920.37; Reappraisal \$443.98; Relief/Medical \$325.01; Institutions \$3,370.50; Boone Co Economic Dev \$2,108.70; Inheritance Tax \$45,000.00; 911 Emergency Mgt \$1,976.66; Law Enforcement \$522.99; County Building \$4,282.95; Ambulance \$997.61. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board received an agreement from Gary J. Pavel, Certified Public Accountant of Lincoln, Nebraska with regard to audit services for fiscal year ending June 30, 2009. Harlan Aevermann, C.P.A. of Norfolk, Nebraska will perform the field work for the county audit. Aevermann has numerous years of experience and knowledge in performing county audits. Motion made by Schuele, second by Tisthammer to approve as presented an agreement for audit services for year ending June 30, 2009 not to exceed \$10,200.00. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Sheriff Spiegel discussed information with regard to property location to erect a new free standing communications tower. David Medlin, County Attorney, was asked to research if the erection of a new communication tower needs to be a certain distance off the property line. The board received an update from interim Emergency Manager, Dave Spiegel. License plates are changed every six years and a reminder to vote for your favorite plate at www.clickdmv.ne.gov.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 11:55 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Chairman, Tom Schuele called to order a public hearing on Monday, May 11, 2009 at 8:30 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing published in advance and said hearing was open to the public. Present for roll call were Commissioners Henry R. Thieman, Jerry L. Tisthammer, Tom Schuele and Planning and Zoning Administrator, Barb Hanson.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by David A. and Kristine S. Weidner, the property owners of the real estate referenced herein. The application request is to divide a 5.68± acre tract for a personal residence from a farmstead located in a fraction of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Seventeen (17), Township Nineteen (19) North, Range Six (6) West of the 6th P. M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator and David Weidner, Applicant, explained that the request to split a 5.68± acre tract from the Northeast Quarter (NE1/4) is in order to secure a home mortgage loan. The lending institution is not interested in securing the agricultural property with a home loan. Weidner stated that when the loan is paid he would like to absorb the property back into the original 160 acres. Jerry Carder discussed his concerns with regard to his adjacent farming operation. Hanson explained the purpose of the Waiver of Distance form. The County Planning Commission recommended approval of the request and a 5.68± acre survey was completed.

Motion made by Thieman, second by Tisthammer to close said hearing at 8:55 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as presented the Application for Conditional Use Permit request submitted by David A. and Kristine S. Weidner. The approval is to divide a 5.68± acre tract for a personal residence from a farmstead located in a fraction of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Seventeen (17), Township Nineteen (19) North, Range Six (6) West of the 6th P. M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
MAY 18, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, May 18, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

The Board held their monthly meeting with the officials, department heads, and employees. Commissioners Schuele and Thieman informed the group of a sizeable increase in the Blue Cross Blue Shield premiums beginning July 1, 2009. The Board is scheduled to close the purchase of the former SourceGas building on June 1, 2009. Once the purchase agreement is closed, the renovation will be minimal with plans to move the Nebraska Department of Health and Human Services into the building by the end of June, so renovation can begin within the courthouse structure. Darrel Thorin, County Highway Superintendent, reported that the equipment placed on the Stock Realty internet sales has been sold. Joyce Sock, Assessor, was notified by Nebraska Tax Equalization and Review Commission (TERC) that Boone County is within the guidelines and the valuation notices will be mailed the end of May. Laurie Krohn, County Treasurer, reported that their office will no longer be taking Driver License pictures as of June 22, 2009. The state driver license examiners will take a digital picture, issue a sheet of paper with your information, you pay the county treasurer the license fee, and you keep the sheet of paper until your driver license arrives to you in the mail. Legislative Bill LB 49 One-Stop Shop requires all motor vehicle titling functions to be performed by county treasurers, rather than county clerks across the state. Boone County will become a One-Stop Shop at the County Treasurer's Office beginning July 22, 2009. Sheriff Spiegel reported that LB35 passed to increase fees for paper service; these fees have not increased since 1985.

The Board discussed the information received from NACO/BCBSNE and the 18.3 percent rate increase in the health insurance premiums. There is no premium change for the dental portion of the Blue Cross Blue Shield plan. Motion made by Thieman, second by Schuele to change the NACO/Blue Cross Blue Shield of Nebraska health insurance deductible from \$1,500.00 to \$2,500.00 effective with the July 1, 2009 Subgroup Application renewal. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board and Public Hearing Proceedings of May 11, 2009 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Barb Hanson, County Planning & Zoning Administrator, discussed a Conservation and Preservation Easement on the Thieman Ranch located in the Southeast Quarter (SE1/4) of Section 18, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Formality is to make the Boone County Board of Commissioners aware of the easement request. Motion made by Schuele, second by Thieman to acknowledge and recommend the Conservation and Preservation Easement request on the Thieman Ranch to be forwarded to the Boone County Planning and Zoning Commission for consideration. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$69,515.83, BCBS \$23,494.03, Ameritas Ret \$4,749.36, EFTPS \$5,236.39; Road \$40,649.50, BCBS \$13,463.91, Ameritas Ret \$2,662.88, EFTPS \$3,086.81; Boone County Economic Development \$4,253.33, BCBS \$18.14, Ameritas Ret \$287.10, EFTPS \$313.66; Law Enforcement \$5,547.00, BCBS \$2,046.43, Ameritas Ret \$429.89, EFTPS \$424.33; Weed \$641.03, Ameritas Ret \$43.28, EFTPS \$49.04; Ambulance \$1,485.00, Ameritas Ret \$53.33, EFTPS \$113.61; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,746.81, Ameritas Ret \$251.86, EFTPS \$363.13, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

David Medlin, County Attorney, submitted a written opinion of Nebraska Revised Statute, Section 71, with regard to Emergency Protective Custody (EPC) patients and provisions relating to law enforcement transport of patients to appropriate medical facilities.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding an acknowledgement must appear on promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgment appeared on the material. Requests were submitted by the Petersburg Community Club for their annual Carnival Days scheduled for June 23-25, 2009 and St. Edward Community Club for their annual Beaver Valley Days scheduled for August 1-2, 2009. Both requests were previously approved by the committee. A motion made by Tisthammer, second by Thieman to approve the two recommendations for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Dean Cole, Director of the Nebraska Emergency Medical Services (NEMS)/Trauma Program, Dr. Anthony Kusek, Amy Zaruba, Paramedic and the Board discussed the information needed to conduct an assessment with regard to the county's emergency services needs and patient transfers. Cole informed the Board there is no state law requiring the county or any governmental subdivision to furnish ambulance services. It is the responsibility of the hospital and physician only to make sure the patient is transferred out of the hospital. The assessment set up involves designating a contact person, list of people to interview and a location for the interviewing. Jason Olson, Regional EMS Coordinator, will assist two consultants to work on the Boone County assessment. The assessment will be at no cost to the county and the county is not obligated to act on recommendations of the study. The interviews are primarily conducted with physicians, nurses, hospital administration, pharmacists, nursing home facilities, and area rescue captains. The assessment is to provide emergency medical services factual information to develop a strategic plan to meet future pre-hospital and inter-facility patient transfer health care needs for the area, enhanced ambulance service and support of a paramedic program. The assessment is not a threat to any community emergency services and the study will include all county emergency ambulance services along with the nearby communities. Motion made by Tisthammer, second by Thieman to approve Amy Zaruba as the contact person for the emergency medical services assessment. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board, Sheriff Spiegel, and Highway Superintendent Thorin, interviewed selected employment applicants for the advertised floating full time position for filling the needs of Emergency Manager and the road department. The employee will be under the supervision of Dave Spiegel, County Sheriff and Darrel Thorin, County Highway Superintendent. Motion made by Thieman, second by Tisthammer to offer the floating full time position to Joseph Zoucha. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Ted Thieman asked if the open discussion and miscellaneous public comments agenda item could be placed elsewhere on the agenda instead of always the last item. No time or action is scheduled for the open discussion and miscellaneous public comments. It may be used by any one that stops to visit with the Board and may provide information for the public. Ted Thieman also mentioned that adjournment possibly should be an agenda item.

Motion made by Tisthammer, second by Schuele to adjourn said meeting at 4:15 p.m. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JUNE 1, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:47 a.m. on Monday, June 1, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Dave Spiegel, Sheriff, assisted with the orientation for Joseph (Joe) L. Zoucha, new County Emergency Manager/Road Signing employee. Sheriff Spiegel will introduce Joe Zoucha to the county employees. The floating full time position of County Emergency Manager/Road Signing is under the supervision of the County Sheriff and Highway Superintendent.

Sheriff Spiegel presented bids for used 2008 and 2009 vehicles from the Kansas State Highway Patrol and new 2009 and 2010 vehicles through the State of Nebraska, Department of Administrative Services. The vehicles were Ford Crown Victoria's and SUV's. Spiegel stated that he may purchase a 2010 Ford Explorer at the 2009 price through the Department of Administrative Services. Motion made by Thieman, second by Tisthammer to approve and authorize Sheriff Spiegel to purchase a 2010 Ford Explorer for \$20,500.00 as presented for the 2009-2010 budget year. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

With the change of employment position for Sheryl Machacek from Jail Dispatcher to Communications Manager, the Sheriff's office is in need of a full time dispatcher. Motion made by Schuele, second by Thieman to authorize the Sheriff's office to advertise for a full time dispatcher position effective July 1, 2009 or later. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Vic Lee, Boone County Health Center CEO, presented the plans with regard to the Boone County Health Center's Phase III construction. The Phase III construction will provide twenty-five private rooms and a full basement under the new addition. Motion made by Thieman, second by Schuele to authorize authority for the Boone County Health Center to proceed with the Phase III construction as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Barb Hanson, County Planning and Zoning Administrator/Albion City Code Official, presented a written report for the month of May 2009 with regard to the activity of permits, projects and complaints. The Board and Hanson discussed Conditional Use Permit compliance, set back changes with regard to road right-of-ways, site triangles and informational meetings.

Hanson presented a proposed fee schedule for the Board to review for consideration with regard to zoning permits. Hanson inquired of surrounding counties as to their fee structures before preparing the new fee schedule proposal. Upon the Board's review the fee proposal will be considered at a future meeting.

Darrel Thorin, County Highway Superintendent, reported that it appears the County will receive approximately \$57,000.00 less from the Highway Trust Fund allocations for the 2009-2010 fiscal year. Thorin has completed the on line courses with regard to Federal Aid Projects and is scheduled for the training sessions later this month. Thorin discussed several road issues with regard to landowners' destruction to culverts and road right-of-ways that create dangerous situations. Thorin presented pictures to the Board showing two major destructions that occurred east of Primrose and southwest of St. Edward.

No action was taken at this time with regard to a Reasonable Charge (RC) person for Federal Aid Projects. Thorin is waiting for information with regard to the procedure for appointment of an RC person.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item before buying or doing any major maintenance to equipment or furniture over \$800.00.

Kathy Thorberg, Clerk/Election Commissioner, requested the purchase of Tote-a-Vote Voting Booth System. The Tote-a-Vote Booth comes in its own durable tote bag and weighs just less than seven pounds. The booth is easy to store, sets on a table and is washable. Due to the old standing booths needing repairs, cloths smelling like mildew, shortage of storage space and not easy to assemble or accessible for ADA, it has prompted that a change needs to be made. Motion made by Tisthammer, second by Thieman to approve the purchase of twenty-eight Tote-a-Vote Voting Booths for \$2,212.00 for use at the polling sites. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Laurie Krohn, Treasurer, requested the purchase of a copier for the County Treasurer's Office and presented a quote from Western Office Plus. The Treasurer's office will be issuing Motor Vehicle Titles and will be receiving documents that require double sided copying. Motion made by Tisthammer, second by Thieman to approve the copier purchase from Western Office Plus for \$2,080.00 as presented by the County Treasurer's office. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

A letter was received from the Nebraska Department of Motor Vehicles with regard to alphanumeric license plate numbering system. The alphanumeric system plates contain a combination of three letters followed by three numerals. To date, the counties of Douglas, Lancaster and Sarpy display the alphanumeric plates. Motion made by Schuele, second by Thieman to not change the county vehicle plate to alphanumeric. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

David Medlin, County Attorney, discussed the purchase of the SourceGas building. The closing will be an agenda item for the June 8, 2009 Board meeting.

Motion made by Thieman, second by Schuele to approve Resolution No. 2009-22 a request from Dave Skillstad to trench an electrical line, commencing from an electrical pole located in the county road right-of-way in the Northwest Quarter (NW1/4) of Section 9, Township 21 North, Range 5 West, thence commencing West over and across 300th Avenue to a well located in the East Half of the Northeast Quarter (E1/2NE1/4) of Section 8, Township 21 North, Range 5 West, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The county has a contract with Applied Connective Technologies for Gateway AV/Anti-Spyware/Intrusion Prevention subscription and also on-site service to the county's network and internet connection. The contract expired on May 31, 2009. A renewal contract is submitted for the same amount as last year. Motion made by Tisthammer, second by Schuele to approve a one-year renewal contract for Managed Network/Firewall Services with Applied Connective Technologies. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of May 18, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, Election Commissioner, presented written information with regard to consolidating the three polling places located within the city limits of Albion for the precincts of North Manchester (Albion Fire Hall), Southeast Manchester (First Baptist Church) and Southwest Manchester (Harmony Homes). The new Albion Fire Hall is not located in the North Manchester Precinct and with the uncertainty of the future use of the old fire hall building and location, a polling site decision needed to be made. The Secretary of State's Office conducted Election Polling site ADA inspections in the spring of 2006, of which none of the sites in Boone County passed without recommendations for corrections. The decision is to have one central polling place to be located at the Casey's Building at the Boone County Fairgrounds. The combining of the polling places at a single site, will provide each precinct with a separate clearly marked area and will maintain separate receiving boards. The ballots will be counted separately to their respective precinct; less equipment to transport; and election workers may assist each other. The Clerk's office will be submitting an informational article in the newspapers in June. Motion made by Thieman, second by Schuele to approve the polling site change for the three Manchester Precincts to one location at the Boone County Fairgrounds as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Thorberg presented written information with regard to the Dublin-Bonanza Precinct (Primrose) to be converted to a mail only precinct. Currently the precincts of Boone and North Branch-Shell Creek are mail only, with the 2008 General Election results showing a 78% ballot return. Prior year's voter responses at designated polling sites on Election Day were very low. The number of current registered voters in the Dublin-Bonanza Precinct is 201 which is within the amount allowed by the Secretary of State to apply for the mail only precinct designation. A letter of explanation will be mailed to each household asking for their input. The mail only application approval is obtained from the Secretary of State's office before final conversion. Motion made by Schuele, second by Tisthammer to approve Dublin-Bonanza Precinct as a mail only precinct, subject to the Secretary of State's approval. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board discussed the information received from NACO/BCBSNE representatives Sue Warner and Kent Trelford-Thompson. The health insurance premium rates will increase 18.3 percent on July 1, 2009. The county currently insures back to \$500.00 deductible. The increase to a \$2,500.00 deductible and insuring back to \$500.00 on July 1, 2009, could increase the county financial exposure to \$76,000.00 for 2009. After the Board's discussion upon reviewing the information provided by Warner and Thompson, the Board decided to leave the BCBS Subgroup Application with a \$1,500.00 deductible and insure back to \$500.00 through December 2009. There is no premium change for the dental portion of the Blue Cross Blue Shield plan. Motion made by Schuele, second by Thieman to amend the previous motion made on May 18, 2009 to change the NACO/Blue Cross Blue Shield of Nebraska health insurance deductible back to the \$1,500.00 deductible and insure back to \$500.00 effective with the July 1, 2009 through December 31, 2009 Subgroup Application renewal. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

NACO Long-Term Disability Insurance is a new NACO-sponsored benefit effective July 1, 2009 for the full time county employees covered by the NACO/BCBS health insurance plan. The basic long-term disability premium is paid by Nebraska Association of County Officials (NACO) for all NACO/BCBS health insured employees. NACO negotiated an LTD buy-up option for those employees covered by the health insurance, wanting additional coverage. The buy-up option is available to the employees with additional cost to them and at least 15% would need to participate. No action was taken by the Board to offer the buy-up option.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman discussed information from the NIRMA board meeting. The Board discussed the College of Nursing event scheduled for June 17, 2009.

Motion made by Tisthammer, second by Thieman to adjourn said meeting at 2:10 p.m. Roll call vote: Yeas: Tisthammer, Thieman, and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JUNE 8, 2009 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:37 a.m. on Monday, June 8, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Joe Zoucha, County Emergency Manager/Road Signing, reported of the East Central Planning, Exercise, Training (PET) and Interoperable Communications Region meeting he attended last week. Zoucha was informed that the Board of Commissioners need to reappoint a Boone County representative to the Northeast Regional Governance Board. By participating in the East Central PET & Interoperable Communications Region, Boone County must appoint a person to serve as a member of and participate in the Northeast Regional Governance Board.

Motion made by Tisthammer, second by Schuele to appoint Joseph L. Zoucha, to replace Robert D. Carey whom resigned from his employment with Boone County, Nebraska on March 23, 2009, to serve as a member of the Northeast Regional Governance Board for the group known as the East Central Planning, Exercise, Training (PET) and Interoperable Communications Region. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-23 the three year monthly repayment plan for the lease purchase option balance of a 2004 Caterpillar 950G11 Wheel Loader, as approved on April 27, 2009 with the Cedar Rapids State Bank and authorize the Board Chairman to sign the financing documents. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Alfred Brenneis discussed a drainage issue located on his real estate with the Board. No action was taken by the Board due to no involvement with a county road or right-of-way.

Darrel Thorin, County Highway Superintendent, reported that it appears the Board will need to appoint a Reasonable Charge (RC) person for Federal Aid Projects, before participating in the scheduled classes. Future applications for federally funded projects will need to be completed by a certified Reasonable Charge person. This will be an agenda item for the June 15, 2009 Board meeting with regard to the procedure for appointment of an RC person for the County. Thorin discussed road issues, a conversation with Trans Canada personnel and possibly paying off two equipment loans before the end of the fiscal year.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding an acknowledgement must appear on promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgment appeared on the material. A request was submitted by the Petersburg Leadership Program to advertise for a festival scheduled for August 15, 2009 for their capstone project. The request was approved by the committee. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele and Tisthammer. Abstain: Thieman. Nays: None. Motion carried.

Dave Boschult, Nebraska Department of Agriculture and Russell Stokes, County Weed Superintendent, updated the Board with regard to county weed activity and territory changes for the State Weed Inspectors. Stokes, Boschult and the Board discussed procedures with regard to spraying noxious weeds. The budget cuts have reduced the number of State Weed Inspectors to three effective July 1, 2009. Boschult submitted a 2008 Weed Activity Report for Boone County. Motion made by Thieman, second by Tisthammer to accept the 2008 Weed Activity Report from the Nebraska Department of Agriculture as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item before buying or doing any major maintenance to equipment or furniture over \$800.00.

David Medlin, County Attorney, requested the purchase of computers for the office. Medlin presented quotes for two computers from Applied Connective Technologies for \$2,087.46. Motion made by Schuele, second by Thieman to approve the computer quotes from Applied Connective Technologies for the County Attorney's Office. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Medlin discussed the terms and conditions of the closing of the purchase of the South 22' of North 66' of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska, known as the SourceGas Building. Medlin informed the Board that the title company will provide an addendum for the title insurance with regard to the second half of the 2008 utility tax. Motion made by Thieman, second by Tisthammer to approve the purchase and authorize the Board Chairman to sign the documents as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Two quotes were received for painting the interior of the former SourceGas Building. Motion made by Thieman, second by Schuele to approve the quote of \$1,250.00 submitted by Koziol Painting. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Members of the Boone County Health Center Board of Trustees are appointed to serve a six year term. Board Members may serve two consecutive six year terms. The Board members terms expiring in June 2009 are Ronald Coakes, Janet Groeteke and Tim Kayton. Motion made by Schuele, second by Thieman to reappoint Janet Groeteke and Tim Kayton each to their second six year term expiring June 30, 2015 and extending Ronald Coakes second year term an additional three years or until Phase III of the hospital addition is completed per agreement. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve Resolution No. 2009-24 a request to temporarily close approximately one quarter mile commencing at the corner of 11th and Fairview Streets, thence West on 260th Street terminating at Fairgrounds Road in Boone County, Nebraska for public safety from fireworks scheduled for July 3 and 4, 2009 with alternate date of July 10 and 11, 2009. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

NACO Long-Term Disability Insurance is a new NACO-sponsored benefit effective July 1, 2009 for the full time county employees covered by the NACO/BCBS health insurance plan. The basic long-term disability premium is paid by Nebraska Association of County Officials (NACO) for all NACO/BCBS health insured employees. NACO offered an option for those employees covered by the dental plan but not on the health insurance plan, for the County to pay the same rate for those employees that NACO is paying per employee with a three year contract with National Insurance Services. Motion made by Thieman, second by Tisthammer to approve the County paying the Long-Term Disability Insurance basic plan for full time employees with dental coverage but not health coverage. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$142,833.61; Road \$92,343.64; Reappraisal \$4,332.91; Relief/Medical \$1,311.00; Institutions \$180.00; Veteran's Aid \$500.00; Boone Co Economic Dev \$3,186.93; Inheritance Tax \$45,000.00; 911 Emergency Mgt \$1,891.28; Weed \$470.10; Ambulance \$2,096.10; Boone County Fitness Center \$9,592.00, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for May, 2009: Clerk \$36,832.50 (State of Nebraska \$26,633.97, County of Boone \$10,198.53); Clerk of the District Court \$399.20 (State of Nebraska \$288.00, County of Boone \$111.20); Sheriff \$954.86; Treasurer Fees \$4.00; Treasurer Office Miscellaneous Receipts Number 9364-9438 in the amount of \$222,550.51. Total collected by the County Treasurer's Office \$3,267,862.63. Veteran Service Office report submitted for the month of May 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board and Board of Equalization Proceedings of June 1, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman and Boone County Economic Development Director, Shannon Landauer, will be interviewed in Kearney with regard to the Affordable Housing Grant. Central Community College and Boone County Economic Development are offering a free workshop on June 23 and July 7, 2009 at the Cornerstone Bank Community Room in Albion from 8:00 a.m. to 3:30 p.m. titled "Working with the Real Colors of your Workplace."

Motion made by Thieman, second by Tisthammer to adjourn said meeting at 11:40 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JUNE 15, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:37 a.m. on Monday, June 15, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed a general assistance request. Motion made by Tisthammer, second by Thieman to approve the general assistance request as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board held their monthly meeting with officials, department heads and employees. The Board informed the group that they filed the NACO/BCBS Subgroup Application due by July 1, 2009 with no change in the deductible coverage of \$1,500.00 and insure back to \$500.00 for July through December 2009. The employees may possibly see a change in January 2010 with a \$2,500.00 deductible and insured back to \$1,000.00. After discussing the six-month difference between the monthly rate increases and the exposure liability for paying claims insured back to the \$500.00 with NACO/BCBS Representatives, it was decided to amend the May 18, 2009 motion on June 1, 2009 to leave the health insurance as is and the County will pay the premium difference through December, 2009. The newly appointed Emergency Manager is completing an office and emergency equipment inventory. Economic Development reported on receiving some BECA Grant Funds available for the five communities and the New Comers Picnic. Nebraska Department of Motor Vehicles "One Stop Shop" will be a month earlier than originally planned for Boone County. The plan is to move titling of motor vehicles from the office of County Clerk to the County Treasurer on June 24 and 25, 2009. Painting is in progress at the former SourceGas Building with plans to move the Department of Health and Human Services to their new location within a month. The moving Vietnam Memorial Wall is scheduled to be in Tilden, Nebraska on June 25, 2009. Applicants applying for a marriage license will need a Photo ID with a birth date. The 4-H activities are in full swing with the Boone County Fair scheduled for July 11 through 15, 2009. Larry Goldberg, Architect, and Buster Beckenhauer, Beckenhauer Construction, plan to visit with the courts, judges and interested department heads at 3:00 p.m. on June 22, 2009. The Petersburg area is a finalist with regard to receiving a wind farm.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item before buying or doing any major maintenance to equipment or furniture over \$800.00. The Veteran Service Office made a request to purchase several memorial marker stakes and replace damaged/missing markers. Motion made by Thieman, second by Tisthammer to approve the purchase request as presented by the Boone County Veteran's Service Officer. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Nebraska State Statute 80-101 refers to County Veterans Committee appointments and terms. The appointment or reappointment of a Veteran Committee member is for a five-year term. Motion made by Schuele, second by Thieman to reappoint Sam Fuehrer to a five-year term ending June 30, 2014, to the Boone County Veterans Service Committee. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, reported on legislative action from the Highway Superintendents Convention that he attended last week. LB 532 gives authority to counties to enact ordinances. LB 5 pertains to trapping in county right-of-ways, of which the County Board may pass a Resolution to ban trapping in county right-of-ways and certain areas, such as around lakes.

Thorin reported that a Reasonable Charge (RC) person for all Federal Aid Projects would need to be appointed by a separate Resolution of Appointment for each Federal Aid Project number. Thorin plans to participate in the classes scheduled for June to become certified. A certified RC person will be the paper work processor when applying for Federal funding.

Joe Zoucha, County Emergency Manager, discussed an office and emergency equipment inventory that the office is conducting. Zoucha presented the Board a list of items that are unaccounted for with regard to emergency equipment inventory. An inventory delivery list of items was located with the two Portable Hospital Pods of which some items are unaccounted for and one portable generator is also missing. After much discussion of the whereabouts of the unaccounted items, the Board decided to draft a letter to the former Emergency Manager. Motion made by Thieman, second by Tisthammer to approve drafting a letter to inquire of the whereabouts of the equipment unaccounted for the inventory and said letter be mailed certified, return receipt requested, to the former employee. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Vic Lee, Boone County Health Center CEO and Andy Devine, Albion City Administrator, presented a Right-of-Way Grant to Boone County Health Center for the purpose of construction, maintenance and use of a loading dock. The City of Albion approved granting the right-of-way to the County of Boone for use by the Boone County Health Center. The dock will be installed in accordance with the plans submitted regarding a tract of land located in part of West Fuller Street right-of-way. Motion made by Thieman, second by Tisthammer to approve a Right-of-Way Grant to Boone County Health Center for the purpose of construction, maintenance and use of a loading dock as recommended by the Albion City Council and accepts the same conditions as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Mid-American Benefits, Inc. is the third party administrator for the NACO BCBSNE medical reimbursed deductible plan the county provides for employees. Currently the third party administrator bills the reimbursable deductible to the County of which the County sends payment to Mid-American Benefits once a month. The County may open up an account with Mid-American Benefits in order to process claims daily for the eligible medical expenses. Currently Mid-American Benefits processes eligible medical expenses once they receive the reimbursed amount from the County. Motion made by Schuele, second by Thieman to authorize an account with Mid-American Benefits, Inc. to facilitate payment of third party medical reimbursement. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board and Board of Equalization Proceedings of June 8, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Sheriff Dave Spiegel updated the Board with regard to more information for a new communications tower. Vic Lee, Boone County Health Center CEO and Commissioner Thieman reported on the University of Nebraska Medical Center informational meeting held at the Albion Country Club concerning the shortage of mental health providers in the area. Commissioner Schuele reported of the Institute of Excellence program. Clerk Thorberg reported information from the Clerk, Register of Deeds and Election Commissioners Convention.

The Board adjourned said meeting at 12:22 p.m. The next Board meeting is scheduled for Monday, June 22, 2009. Meeting adjourned.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JUNE 22, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, June 22, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

No one appeared for the general assistance request, therefore, no action was required.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on promotional materials to read, "Funded in part by the Boone County Visitors Promotion Committee." The Board disburses the funds upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgment appeared on the material. The Boone Central FFA Alumni submitted a request to advertise for their 15th Annual Gateway to the Sandhills Bullride scheduled for July 4, 2009. The Visitor's Committee approved the request. Motion made by Thieman, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator, discussed a proposed fee schedule with regard to zoning permits. Hanson has compared fee schedules with surrounding counties and completed extensive research. The current fees were set in 1999. Motion made by Schuele, second by Thieman to approve the County Zoning Permit proposed fee schedule as presented and attached hereto effective July 1, 2009. Roll call vote: Yeas: Schuele and Thieman. Nays: Tisthammer. Motion carried.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item before buying or doing any major maintenance to equipment or furniture over \$800.00. The Boone County Clerk's Office presented a request to purchase a Fellowes Powershred for \$2,299.99 from Western Office Plus of Norfolk, Nebraska. All county employees use the shredder. Motion made by Tisthammer, second by Schuele to approve the Fellowes Powershred as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Rod Nelson, Maintenance, made a request to purchase a used carpet extractor for \$2,200.00 from Kronen Kleaning. Motion made by Schuele, second by Tisthammer to approve the carpet extractor purchase as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Rod Nelson, Maintenance, presented a quote of \$1,000.00 from Boone County Concrete to repair the steps to the front door of the County Law Enforcement Building. Motion made by Thieman, second by Tisthammer to approve and grant Nelson authority to work with Boone County Concrete with regard to repairing the steps to the front door of the County Law Enforcement Building. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-25 a request from Anthony J. Braun, Tenant, to trench an electrical line commencing from an electrical pole located in the county road right-of-way in the Northwest Quarter (NW1/4) of Section 13, Township 18 North, Range 8 West, thence commencing west over and across 150th Avenue to an irrigation well located in the Northeast Quarter (NE1/4) of Section 14, Township 18 North, Range 8 West, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Joe Zoucha, Emergency Manager/Utility Road Signing employee, discussed his conversation with Larry Nedrow, Nebraska Emergency Management Agency (NEMA) Administrative Assistance III, with regard to his office position title when applying for grants. The Board's consensus is for Joe Zoucha to sign documents as Emergency Manager.

Motion made by Tisthammer, second by Thieman to approve the County Board and Board of Equalization Proceedings of June 15, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the 2008-2009 fiscal year end Accounts Payable Vendor Claims filed for payment from the various funds: General \$26,290.44; Road \$153,050.62; Visitor's Promotion \$168.00; Relief/Medical \$231.34; Institutions \$186.00; Boone Co Economic Dev \$961.05; Business Development-Economic \$5,000.00; 911 Emergency Mgt \$298.39; County Building \$2,910.89; Weed \$6,845.49. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve an agreement with Richard Martinsen, CPA to assist in preparing the annual county budget for the fiscal year 2009-2010. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Payroll Claims filed for payment from the various funds: General \$74,079.37, BCBS \$28,277.30, Ameritas Ret \$5,023.42, EFTPS \$5,580.80; Road \$43,549.50, BCBS \$15,883.26, Ameritas Ret \$2,807.33, EFTPS \$3,304.86; Boone County Economic Development \$4,487.33, BCBS \$1,287.48, Ameritas Ret \$302.89, EFTPS \$331.57; Law Enforcement \$5,547.00, BCBS \$2,415.09, Ameritas Ret \$429.89, EFTPS \$424.33; Weed \$1,430.62, Ameritas Ret \$96.58, EFTPS \$109.45; Ambulance \$1,705.00, Ameritas Ret \$87.76, EFTPS \$130.43; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,076.65, Ameritas Ret \$274.54, EFTPS \$388.37, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Safety Committee meeting scheduled for 1:00 p.m. today. Boone County Health Center scheduled the Phase III construction ground breaking for July 19, 2009. Sheriff Dave Spiegel applied for a new communications tower grant.

Chairman Schuele declared the meeting adjourned at 11:50 a.m. with the next Board meeting scheduled for June 29, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY COMMISSIONERS PROCEEDINGS
JUNE 29, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:38 a.m. on Monday, June 29, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Barb Hanson, County Zoning Administrator, submitted an activity report for the Board to review. Hanson discussed County permits issued; permit inspections, subdivisions and conversations with David Potter, a consultant with the firm JEO Consulting Group, Inc. of Wahoo, Nebraska. Hanson received an inquiry with regard to planting trees along public right-of-way. The adopted Planning and Zoning manual under Article 21, Section 18.2 states that trees may be permitted in any required yard or along the edge of any yard, provided that such trees are located forty (40) feet, or more, from the public right-of-way of a County Road or State Highway. However, trees are subject to the requirements of Article 21, Section 5 of these regulations regarding corner lots.

Motion made by Schuele, second by Thieman to approve the County Board and Board of Equalization Proceedings of June 22, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Resolution No. 2008-58 approved on December 29, 2008 authorized the Boone County Treasurer to transfer up to \$200,000.00 as needed from the Inheritance Tax Fund (2700) to the Road Fund (0200) for the adopted 2008-2009 budget. The consensus of the Board is to transfer the balance of the unused request for fiscal year ending June 30, 2009 to cover operating expenses for the months of July and August 2009. Motion made by Thieman, second by Tisthammer to authorize the County Treasurer to transfer the balance requested in Resolution No. 2008-58 to Road (0200) for fiscal year ending June 30, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator; Steve Boyer, Third Planet Windpower; and the Board discussed the proposed zoning permit fee schedule that was approved at the June 22, 2009 Board meeting. The consensus of the Board is to revise the zoning permit fee schedule in a Resolution format in order to coincide with the prior fee schedules and revisions from previous years. The revised permit fee schedule increases the 1999 minimal fee schedule. Discussion centered on an acceptable permit fee structure in comparison with other counties and the proper procedure to change a regulation with regard to the ninety-day window. Hanson plans to visit with Dave Potter, JEO Consulting Group, for clarification of the ninety-day window beginning when the permit is issued or when the construction begins. The zoning permit fee schedule approved at the June 22, 2009 Board meeting will be revised with a cap per Resolution No. 2009-30. Motion made by Thieman, second by Tisthammer to revise the June 22, 2009 approved County Zoning permit fee schedule to cap the zoning/building permit fee not to exceed \$210.00, which is a cap at \$750,000.00. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-26 a request from Mogensen Bros. to bore an electrical cable for irrigation purposes from an electrical pole located in the county road right-of-way on the south side of 380th Street in the Northeast Quarter (NE1/4) of Section 30, Township 18 North, Range 7 West, thence commencing north crossing 380th Street to an irrigation motor located in the Southeast Quarter (SE1/4) of Section 19, Township 18 North, Range 7 West, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve Resolution No. 2009-27 to close the following separate funds as of June 30, 2009: Relief/Medical (1500); Institutions (1700); Stop Program (2356); 911 Emergency Management (2910); County Building (4050); and Noxious Weed (5400). The County Treasurer is directed to transfer all money remaining in the above-mentioned funds on June 30, 2009, to the General Fund (0100) and is further directed to automatically transfer any future collections for the above-mentioned funds directly to the General Fund (0100). The above-mentioned funds will become functions within the General Fund (0100). Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-28 to enter into an agreement with the State of Nebraska, Department of Roads for the renovation of the historical bridge number C000605005P located on the Cedar River East of Cedar Rapids, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve Resolution No. 2009-29 to authorize the Boone County Treasurer to transfer the sum of \$30,000.00 from the Boone County Economic Development Operations Fund (2605) to the Business Development Fund (2606) for the 2008-2009 budget. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-30 for establishing a revised fee schedule for administering County Zoning Permits effective July 1, 2009. Roll call vote: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received a response to a letter dated June 15, 2009 to the former Boone County Emergency Manager. The response letter indicated the missing generator has returned to the Albion Fire Station. A letter of response from Rural Region One Medical Response System (RROMRS) explained the difference of the two separate federal grants used to purchase the two portable emergency hospital units and trailers. The letter indicated to send an inventory of each trailer to Ginger Bailey, RROMRS Coordinator. The plan is to ask Ginger Bailey to come to the County and determine which unit is for training and which unit is to be ready for an emergency, so they can be clearly marked. Motion made by Tisthammer, second by Thieman to send a letter to the former Emergency Manager that the situation has been resolved to our satisfaction and authorize Joe Zoucha, Emergency Manager, to work with RROMRS to rectify the two portable emergency hospital units and their contents. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board with regard to the classes that he is taking for Reasonable Charge Person concerning Federal Aid Projects. Thorin updated the Board with regard to the Cedar River Bridge Project and due to several steps of preliminary paper work and federal aid policy procedures; it is unlikely that the renovation project will start this calendar year. The accounting and record keeping for future Federal Aid Projects will create four separate files for each project and they plan to enforce the laws set forth by Congress. The Board and Thorin discussed wording for a proposed resolution with regard to trapping wildlife on county road right-of-ways. The thirty pellets of signposts for the federal Hazard Elimination Program grant for replacing horizontal curve warning signage arrived in Lincoln and the County will need to arrange for the delivery. Commissioner Thieman, member of the State Department of Roads, Board of Standards and Thorin discussed that the Board of Standards has not approved the 2009 County One & Six Year Road Improvement Plan as of today.

Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the State of Nebraska, Department of Roads, Program Agreement Project No. ENH-6(5), State Control No. 32083 for the Cedar Rapids Bridge Renovation. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to go into executive session at 11:35 a.m. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. The Board and County Highway Superintendent evaluated the road department and personnel. Motion made by Schuele, second by Tisthammer to come out of executive session at 12:47 p.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried. No formal action taken in closed session and only that reason stated for the closed session was discussed.

Open discussion and Miscellaneous Public Comments: Duane Chilson discussed a road issue concerning a closed federal aid bridge located on a minimum maintenance road. Thorin, Chilson and the Board discussed possible options with regard to the closed bridge, but the County is unable to make a move until the State Department of Roads completes engineering and hydraulic studies. Commissioner Thieman and Shannon Landauer, Economic Development Director, gave an update with regard to the interview on June 24, 2009 with Nebraska Department of Economic Development concerning the purchase rehab/resale housing application grant applied for countywide with anticipation of grant award announcements for mid July. Thieman complemented Shannon Landauer concerning her preparation and presentation for the hearing, along with Lisa Hurley, Northeast Nebraska Economic Development Representative. Commissioner Thieman reported on the NIRMA meeting held on June 26, 2009. RC&D scheduled a strategy meeting for June 30, 2009. NPPD scheduled a meeting in Petersburg for July 2, 2009 with regard to a proposed new transmission line to run from a substation east of Petersburg to a substation by Ericson.

Chairman Schuele declared the meeting adjourned at 1:30 p.m. with the next Board meeting scheduled for July 13, 2009.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Chairman, Tom Schuele called to order a public hearing on Monday, June 29, 2009 at 8:58 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing published in advance and said hearing was open to the public. Present for roll call were Commissioners Tom Schuele, Henry R. Thieman, Jerry L. Tisthammer and County Zoning Administrator, Barb Hanson.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of a Deed of Conservation and Preservation Easement on the 160 acre Thieman Ranch. The easement request is located at the Southeast Quarter (SE1/4) of Section 18, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator and Ted Thieman, Applicant, explained the Deed of Conservation and Preservation Easement requirements. Thieman stated the easement stays with the property. The County Planning Commission informed the Board that Ted Thieman has done his duty according to State Statute 76-2,112 in informing the Planning Commission about the easement.

Motion made by Thieman, second by Tisthammer to close said hearing at 9:01 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve as presented a Deed of Conservation and Preservation Easement on the 160 acre Thieman Ranch. The easement located at the Southeast Quarter (SE1/4) of Section 18, Township 22 North, Range 7 West of the 6th P. M., Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JULY 13, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 10:10 a.m. on Monday, July 13, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-33 the five year monthly repayment plan for a 2009 Caterpillar 140M Motor Grader, as approved on March 9, 2009 with the First National Bank Schuyler, Albion Branch and authorize the Board Chairman to sign the financing documents. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board with regard to the classes that he is taking for Reasonable Charge Person concerning Federal Aid Projects. Thorin updated the Board with regard to the hydraulic study of a bridge project on 160th Avenue. The area is in the Class A Flood Plain; therefore, one cannot raise the elevation and the study indicates that two eight-foot flat bottom culverts should provide more flow. Bridge-In-Kind-Repair is a new program that may be forth coming. The estimated cost for the engineering fee for road construction on 110th Avenue is \$45,000.00, with Kirkham Michael Engineering firm.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-31 a request by Steve Karmann to trench an electrical line under and across 230th Avenue, beginning at an electrical pole located in the county road right-of-way on the east side of 230th Avenue in the Southwest Quarter (SW1/4) of Section 32, Township 19 North, Range 6 West; thence running west to an irrigation motor/pivot located in the Southeast (SE1/4) of Section 31, Township 19 North, Range 6 West, all located in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The State of Nebraska Legislative Bill No. 5 allows for the trapping of animals in the County Road Right-of-Way and takes effect on September 1, 2009. Legislative Bill No. 5 also allows for the County Board of Commissioners to pass a resolution to deny the right to trap in the county road right-of-way. The Board feels it is in the best interest of Boone County not to allow indiscriminate trapping in Boone County Road Right-of-Way. The Board realizes that on occasion trapping of the Boone County Road Right-of-Way may be necessary to protect the traveling public from injury and roads from damage. Trapping in the Boone County Road Right-of-Way will only be allowed by a licensed trapper, designated by the Boone County Board of Commissioners, on the rare occasion and as a last resort to minimize danger to the public or damage to a county road. Any person found trapping in the Boone County Road Right-of-Way without specific permission, could be fined a maximum of one hundred dollars per trap upon conviction. Motion made by Thieman, second by Schuele to approve Resolution No. 2009-32, allowing trapping of the Boone County Road Right-of-Way only by a licensed trapper, designated by the Boone County Board of Commissioners. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Doug Salber, Boone County Planning and Zoning Board Member, submitted a written resignation with an effective date of July 10, 2009. Motion made by Tisthammer, second by Thieman regretfully accepting the written resignation of Doug Salber, Boone County Planning and Zoning Board Member, as presented with an effective date of July 10, 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board heard a general assistance request with no action taken.

The Resolution No. 2009-27 dated June 29, 2009 closed six separate funds to become functions within the General Fund (0100). Due to the 911 Emergency Management Fund (2910) receiving revenue set by statute the fund needs to remain as a separate fund. The Noxious Weed Fund (5400) will remain a separate fund only to be used if needed for forced spraying collections. The Weed Fund (5400) balance as of June 30, 2009 and future expenses will become a function within the General Fund (0100). Motion made by Schuele, second by Thieman to approve Resolution No. 2009-34 to amend Resolution No. 2009-27 with regard to the 911 Emergency Management (2910) and Weed (5400) funds. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Harlan Aevermann, Auditor; Rick Martinsen, CPA; David Medlin, County Attorney; Laurie Krohn, County Treasurer; and the Board discussed the courthouse renovation bonds and financing service agreement with Blaine Spady of Smith Hayes Financial Services of Lincoln, Nebraska by teleconference. They discussed the Nebraska Statute 23-1601, it is the duty of the county treasurer to receive all money belonging to the county. It is the duty of the County Board to authorize payment of accounts payable claims against the county and authorize depositories for each calendar year. The County disbursements operate with an Imprest Account system and the budget needs to provide descriptions of receipts and disbursements. The Board asked Smith Hayes Financial to sell the CDs today and to transfer the balance along with the earned interest to the account provided by the Boone County Treasurer. In addition, to transfer the \$30,000.00 CD when it matures on July 15, 2009 and the balance of the money market account that Smith Hayes Financial set up, to the account provided by the Boone County Treasurer, preferably by July 20, 2009. Motion made by Schuele, second by Tisthammer to accept settlement from Smith Hayes Financial of an approximate 99.80% of face value of the CD account plus earned interest, the \$30,000.00 CD to mature on July 15, 2009, and the balance in the money market account; and authorizing the Boone County Treasurer to invest the CD proceeds. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$60,976.51; Road \$98,173.87; Reappraisal \$16.04; Boone County Economic Development \$512.40; 911 Emergency Management \$690.57; Ambulance \$959.83. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board and Public Hearing Proceedings of June 29, 2009 and the Board of Equalization Proceedings of June 29, 2009 and July 6, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The County Sheriff and Treasurer submitted 2009 Distress Warrant Reports. There were twenty distress warrants issued for 2007 personal property taxes. As of fiscal year end June 30, 2009, eighteen were collected leaving two distress warrants returned unpaid, but attempting to collect. Motion made by Thieman, second by Schuele to accept and approve the County Sheriff and Treasurer's 2009 Distress Warrant Reports as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for June 2009: Clerk \$9,709.00 (State of Nebraska \$5,550.63; County of Boone \$4,158.37); Clerk of the District Court \$1,277.34 (State of Nebraska \$640.00; County of Boone \$637.34); Sheriff \$1,356.00; Planning and Zoning for May \$340.00, June \$80.00; Treasurer Office Miscellaneous Receipts Number 9439-9506 in the amount of \$199,840.74. Total collected at the County Treasurer Office \$436,029.58 for June and Semi Annual Statement balance ending June 30, 2009 of \$4,368,758.50. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: NIRMA is sponsoring a Self Defense Course for County Officials on August 6 and 7, 2009 in Kearney. NPPD scheduled a meeting in Petersburg for July 28, 2009 with regard to a proposed new transmission line to run from a substation east of Petersburg to a substation by Ericson.

Chairman Schuele declared the meeting adjourned at 3:30 p.m. with the next Board meeting scheduled for July 20, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JULY 20, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 a.m. on Monday, July 20, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele and Jerry L. Tisthammer. Henry R. Thieman was absent. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. The St. Edward Rural Fire Department submitted a request for the purchase of new fire and rescue equipment fundraiser scheduled for August 22, 2009. The committee previously approved the fundraiser advertisement fees request. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele and Tisthammer. Absent: Thieman. Nays: None. Motion carried.

The Board held their monthly meeting with the officials, department heads, and employees. Nebraska Department of Health and Human Services moved their office to the former SourceGas building at 233 South 4th Street in Albion on July 6, 2009. Smith Hayes Financial transferred the courthouse renovation project CDs proceeds to an account with the Boone County Treasurer on July 17, 2009. Shannon Landauer, Economic Development, hired a part time employee and acknowledged the new Cellular business in Albion. Lisa Langan, County Court, reported on the new SKYPE system used by the courts that provides free SKYPE to SKYPE video calls. SKYPE is a computerized audio/video calling system that helps eliminate traveling for judges and interpreters for court hearings. The County Clerk's office reminded all offices that the annual inventory is due August 5, 2009 and the 2009-2010 budget documents are due August 12, 2009 in the County Clerk's office.

Barb Hanson, County Zoning Administrator, reported the subdivision regulations require the Zoning Administrator to make the County Board of Commissioners and School Boards aware of subdivision plats. Hanson presented the Koch re-zoning from industrial to residential and subdivision surveys to the Board. The Koch subdivision is for residential lots to be located in the northwest corner of Petersburg.

The Board heard two separate individual general assistance requests. Motion made by Schuele, second by Tisthammer to approve a portion of the general assistance requests as presented. Roll call vote: Yeas: Schuele and Tisthammer. Absent: Thieman. Nays: None. Motion carried.

Joe Zoucha, Boone County Emergency Manager, submitted a written resignation with an effective date of July 31, 2009. Motion made by Tisthammer, second by Schuele to regretfully accept the written resignation of Joe Zoucha, Boone County Emergency Manager, as presented with an effective date of July 31, 2009. Roll call vote: Yeas: Tisthammer and Schuele. Absent: Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board and the Board of Equalization Proceedings of July 13, 2009 as presented. Roll call vote: Yeas: Schuele and Tisthammer. Absent: Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to accept and approve the 2009 Boone County Sheriff's Office second quarter report as presented. Roll call vote: Yeas: Tisthammer, Schuele. Absent: Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioners Schuele, Thieman and Sheriff Spiegel plan to attend the NIRMA sponsored Self Defense Course for County Officials on August 6 and 7, 2009 in Kearney.

Chairman Schuele declared the meeting adjourned at 10:55 a.m. with the next Board meeting scheduled for July 27, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JULY 27, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, July 27, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-36 a request from Steve Swerczek to trench an electrical cable under and across a certain county road known as 160th Avenue, commencing from an electrical pole located in the county road right-of-way of the Southwest Quarter (SW1/4) of Section 18, Township 18, Range 7, thence running West to an irrigation motor located in the Northeast corner of the Southeast Quarter (SE1/4) of Section 13, Township 18, Range 8, all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Payroll/Vendor Claims filed for payment from the various funds: General \$76,311.65, BCBS \$28,282.64, Ameritas Ret \$5,161.33, EFTPS \$5,751.56; Road \$45,334.50, BCBS \$15,883.26, Ameritas Ret \$2,807.33, EFTPS \$3,441.41, Zabka Service \$2,813.90; Boone County Economic Development \$3,623.33, BCBS \$1,287.48, Ameritas Ret \$244.57, EFTPS \$270.27; Law Enforcement \$5,547.00, BCBS \$2,415.09, Ameritas Ret \$429.89, EFTPS \$424.33; Ambulance \$540.00, Ameritas Ret \$36.46, EFTPS \$41.30; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,249.60, Ameritas Ret \$278.15, EFTPS \$401.60, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Board, Darrel Thorin, County Highway Superintendent, and Dave Spiegel, County Sheriff, discussed the Emergency Manager/Road employee vacancy position. They discussed the duties and flexibility of the position and the possibility of using the previous pool of applicants. The vacancy position will be an agenda item for the August 10, 2009 Board meeting. Motion made by Thieman, second by Schuele to appoint Dave Spiegel, County Sheriff, interim Boone County Emergency Manager effective August 1, 2009 and until position is filled. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, reported that the signposts for the Federal Hazard Elimination Program grant for replacing horizontal curve warning signage are at the shops. Upon the arrival of the signs, the county will have eighteen months to complete the signage project installation. Darrel updated the Board with regard to the classes he completed for Reasonable Charge Person concerning Federal Aid Projects.

Motion made by Tisthammer, second by Thieman to approve the County Board and the Board of Equalization Proceedings of July 20, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Brendan C. Lilley, Project Engineer for Kirkham Michael, presented an estimated maximum proposal fee of \$41,500.00 for professional engineering services for the 110th Avenue road project. The engineering design is for 2 ¾ miles of roadway on 110th Avenue between 390th Street and Highway 56 in southwestern Boone County. Construction project plans are for the fall of 2010 with the possibility of the Keystone XL TransCanada pipeline sharing the costs. Motion made by Schuele, second by Thieman to approve, accept and authorize Kirkham Michael to proceed with the professional engineering services agreement for the 110th Avenue road project as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board and Barb Hanson, County Zoning Administrator, discussed the Boone County Planning and Zoning Commission Board member vacancy. Hanson plans to visit with the Planning Commission Board members at their July 27, 2009 meeting with regard to the vacant position.

Motion made by Thieman, second by Tisthammer to accept and approve as presented the County Clerk/Register of Deeds 2008-2009 fiscal year end report per request of the county auditor. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board discussed a cost of living, if any, for January 2010. They discussed different scenarios due to the 18% increase of the NACO Blue Cross Blue Shield health insurance. The cost of living and health insurance will be an agenda item for the August 10, 2009 Board meeting for budget purposes.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. The Primrose Rural Fire Department submitted a request for assistance with advertising for an event scheduled for September 6, 2009. The committee previously approved the fundraiser advertisement fees request. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The Board and Brad Kissler, Architect with Cannon, Moss, Brygger & Assoc., held a teleconference discussion with regard to the courtroom remodeling portion of the courthouse renovation project. The judges, court personnel and county attorney plan to meet July 31, 2009 to discuss the courtroom plans. Once the state court gives a final approval then the project contractor, Beckenhauer Construction, can seek subcontractor bids. The Board acknowledged receiving information from Congressman Adrian Smith with regard to the American Clean Energy and Security Act (H.R. 2454).

Chairman Schuele declared the meeting adjourned at 11:50 a.m. with the next regular Board meeting scheduled for August 10, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
AUGUST 10, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:32 a.m. on Monday, August 10, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-35 a request from Alice Reed to trench an electrical line under and across a certain county road known as 250th Avenue. Commencing from an electrical pole located in the county road right-of-way of the Southeast Quarter (SE1/4) of Section 21, Township 22, Range 6, thence running East to a stock well located in the Southwest Quarter (SW1/4) of Section 22, Township 22, Range 6, all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, presented the Board a list of delinquent 2006 real estate taxes not sold at the tax sale held in March 2009, as per Nebraska State Statute. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-37, 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 2006 and subsequent years as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board discussed the Boone County Planning and Zoning Commission Board member vacancy. The Board received no applications for the advertised vacancy position. The Board and County Zoning Administrator plan to make personal contacts throughout the county.

The Board, Darrel Thorin, County Highway Superintendent, and Dave Spiegel, County Sheriff/interim Emergency Manager, discussed the Emergency Manager/Road employee vacancy. They discussed the duties and flexibility of the position. The decision is to advertise a full time floating position with duties of an Emergency Manager. The applicants that applied in May 2009 will be notified by a letter of the vacancy and may have their previous application reconsidered. Motion made by Tisthammer, second by Thieman to advertise a full time floating position with duties of an Emergency Manager; notify May applicants by a letter; and an application deadline of 1:00 p.m. on August 21, 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board discussed different scenarios and the impact that the 18% increase of the NACO BCBS Health premium increase that was effective July 1, 2009, will have on the 2009-2010 fiscal year budgets. Currently the county pays the full health insurance premiums and the liability of \$1,000.00 of the \$1,500.00 deductible, with the employee responsible for \$500.00 of the deductible. A cost of living percent provided each January, if any, based upon information received from the consumer price index. Motion made by Schuele, second by Thieman to approve a 2% cost of living of the departments' base salaries effective for January 1, 2010; leave the NACO BCBS deductible at \$1,500.00 with the employee responsibility being the first \$1,000.00 and the County liability being the remaining \$500.00 effective January 1, 2010. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item before buying or doing any major maintenance to equipment or furniture over \$800.00. The County Attorney's office presented two quotes with the request to purchase a copy machine. Motion made by Tisthammer, second by Thieman to approve the request for a new copy machine for the County Attorney's office as presented from Western Office Plus of \$970.00 plus a service agreement of \$240.00. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Ted Jensen presented a signed petition by area landowners to vacate 300th Street between 330th Avenue and 340th Avenue. This minimum maintenance road has been temporarily closed since the Nebraska Department of Roads closed the bridge in 2008. The Board, Jensen and Darrel Thorin, County Highway Superintendent discussed the possible options regarding the closed bridge and road; to repair, vacate or permanently close; and the protocol procedures involved with each scenario. A public hearing provides the adjacent landowners and power company awareness of the situation.

Motion made by Tisthammer, second by Schuele authorizing the County Highway Superintendent to do a feasibility study of 300th Street and provide the Board with a recommendation to close or vacate the minimum maintenance road on 300th Street between 330th Avenue and 340th Avenue. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to set a public hearing for 11:00 a.m. on August 31, 2009 to either vacate or permanently close 300th Street between 330th Avenue and 340th Avenue per County Highway Superintendent's recommendation. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed several road issues and new State funding programs. Discussed the agreement received from the Nebraska Department of Roads with regard to the Cedar Rapids Historic Bridge project. Thorin drafted a resolution with regard to Responsible Charge Person, previously referenced as Reasonable Charge Person, concerning federal aid projects. The resolution will use the identifying names as Boone County Board of Commissioners and County Highway Superintendent, instead of individual names.

The Federal Highway Administration in compliance with federal laws has designated certain transportation facilities (roads, streets, trails and others) in Boone County as being eligible for federal funds. The Nebraska Department of Roads as recipient of said federal funds is charged with oversight of the expenditures of said funds. Boone County as a sub-recipient of said federal aid funding is charged with the responsibility of expending said funds in accordance with federal and state laws. Motion made by Thieman, second by Schuele to approve Resolution No. 2009-38, Combined Consultant Selection, NEPA, Uniform Act, and Financial Management Systems Certification as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for July 2009: Clerk \$4,499.50 (State of Nebraska \$1,946.06; County of Boone \$2,553.44); Clerk of the District Court \$622.00 (State of Nebraska \$328.00; County of Boone \$294.00); Sheriff \$909.12; Planning and Zoning \$180.00; Treasurer Office Miscellaneous Receipts Number 9507-9521 and 9580-9636 in the amount of \$1,653,637.88. Total collected at the County Treasurer Office \$1,937,195.26. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Pursuant to State Statute Section 23-347, each county officer shall make, acknowledge under oath, and file with the County Board of his or her county an inventory statement of all county personal property in the custody and possession of said county officer after the close of each fiscal year. Motion made by Schuele, second by Thieman to approve the 2008-2009 County Office Inventories as presented from the various offices. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board received a request from Claire Prendergast, U.S. Cellular campaign manager, regarding a letter of support for a grant application. The federal government's stimulus plan (the American Reinvestment and Recovery Act) includes funding to expand broadband internet access to rural and underserved communities across the country. U.S. Cellular is applying to use some of these funds to provide broadband service to areas in Nebraska that have been left behind the technology curve. The Board's letter of support does not obligate them to use U.S. Cellular as a carrier. The Board discussed the letter of support and decided to support all cellular companies' that make a request. Motion made by Schuele, second by Thieman to sign a letter of support for U.S. Cellular's federal grant application as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of July 27, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." The funds are disbursed upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. The Petersburg Community Club submitted a request for assistance with advertising of their annual Punkin Chunkin event scheduled for October 25, 2009. The committee previously approved the advertisement fees request. Motion made by Tisthammer, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$23,492.96; Road \$190,566.30; Visitor's Promotion \$740.00; Reappraisal \$263.82; Boone County Economic Development \$534.57; 911 Emergency Management \$4,498.31; Courthouse Building \$29,856.57; Ambulance \$3,368.39. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioners Thieman, Schuele, and Sheriff Spiegel discussed the NIRMA Self-Defense seminar they attended last week in Kearney. Northeast Nebraska Association of County Officials Fall Workshop is scheduled for September 18, 2009. The 2009 legislative session modified the Open Meetings Act. The Board received the updated Open Meetings Act poster from NACO, effective August 30, 2009.

Chairman Schuele declared the meeting adjourned at 12:27 p. m. with the next regular Board meeting scheduled for August 17, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
AUGUST 17, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, August 17, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

The County Board held their monthly meeting with the officials, department heads or employees. Commissioners Schuele and Thieman and Sheriff Spiegel reported items of interest from the NIRMA Self-Defense seminar with regard to exempt or not exempt status; clock/comp time; physical capacity test for new and current employees; and keeping your cool and confidence when dealing with difficult people. Governor Heineman is scheduled to be in Albion on August 18, 2009. NPPD Board of Directors awarded a renewable energy project to Midwest Energy for a wind farm to be located east and north of Petersburg. The wind farm development will affect the county road and surveyor budgets. Both judges plan to meet with the architects on August 20, 2009 to finalize the courtroom renovation. The County Board and personnel discussed implementing a protocol for surplus property. Boone County's One Stop DMV and new driver license procedures are functioning well at the County Treasurer's office.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of August 10, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented two revisions of the County's One Year Road Improvement Plan. The results of the engineering firm's study for Project No. C-6 (316) to change a low water crossing to repair the existing bridge structure located east and south of Albion with in-kind funding from the state. Hydraulic analysis determined the installation of two horizontal corrugated pipe arches would have sufficient capacity for Project No. C-6 (302) east and north of Primrose. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-39 a request to revise two existing road projects currently on the County's One Year Road Improvement Plan as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Frontier, A Citizens Communications Company, requests permission to place buried telephone cables and terminal pedestals on Public Right-of-Way in the County of Boone, State of Nebraska. Project No. 2145601 places cable along 200th Avenue to replace cables damaged by reconstruction of 200th Avenue between 270th Street and 280th Street. Motion made by Thieman, second by Tisthammer to authorize the Board Chairman to sign the request from Frontier Communications to place buried telephone cables and terminal pedestals on Public Right-of-Way as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to go into executive session at 9:40 a.m. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. The Board evaluated personnel performance. Motion made by Thieman, second by Tisthammer to come out of executive session at 9:55 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. No formal action taken in closed session and only that reason stated for the closed session was discussed.

The County Board and Richard Martinsen, CPA worked on several separate office 2009-2010 budgets and scheduled another work session for August 24, 2009.

The County Board, Joe Beckenhauer of Beckenhauer Construction, Brad Kissler and Troy Keilig, architects with Cannon, Moss, Brygger & Assoc. reviewed and discussed the courthouse renovation plans. The architects, county court and district court judges plan to meet at 1:30 p.m. on August 20, 2009 to finalize the courtroom renovation and security. The department heads of the main offices involved with the renovation reviewed the plans and discussed their concerns. The architects will begin to finalize the renovation plans and specifications in order to submit the final plans to the Board as soon as possible. The plans are to have the bid letting available to subcontractors by mid to late September 2009.

Open discussion and Miscellaneous Public Comments: Ted Thieman provided the Board with information he researched regarding internet broadband networking. The Board will forward the broadband information to the Boone County Health Center. Sheriff Spiegel presented a letter from the State of Nebraska, State Treasurer Office with regard to the 2009-2010 Mutual Finance Assistance Fund. The Boone County Mutual Finance Organization (MFO) is eligible to receive \$52,040.00, with the first half payment by November 1, 2009 and the second half payment by May 1, 2010. Sheriff Spiegel received notification of the remaining 2008 Homeland Security Grant funds the county may receive. The Homeland Security amount of \$26,000.00 is designated only for radio purchases. Sheriff Spiegel plans to update the nine units, one in the office and possibly twenty to distribute to fire departments with the funds. The radio upgrade will have GPS capabilities and a communications radio rebate of \$3,600.00 to purchase software that allows the capability to detect where the radio usage is located. Darrel Thorin, County Highway Superintendent, informed the Board of a discussion with the railroad company. The county may need to install stop signs at the railroad crossing on 260th Street. Commissioner Thieman plans to attend the Housing Grant Workshop in North Platte on August 26 and 27th, 2009 of which the County Board is the named applicant. NPPD is hosting an open house meeting to discuss routing criteria and potential siting options for a transmission line from east of Petersburg to Ericson at the Petersburg Legion Club on August 19, 2009. The Boone County Fitness Center will be celebrating 25 years on August 28, 2009.

Chairman Schuele declared the meeting adjourned at 12:45 p. m. with the next regular Board meeting scheduled for August 24, 2009.

Kathy Thorberg, County Clerk

ALBION, NEBRASKA

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Darrel Thorin, County Highway Superintendent, discussed several road issues and the mandated requirements for the Cedar River bridge project. Thorin and the County Board discussed traffic control and safety issues at the railroad crossing on 260th Street by Cargill and the ethanol plant. A set of railroad crossing lights and gates is very expensive. Alternative suggestions, if acceptable by the railroad company would be a set of stop signs or a set of yield signs or the conductor/brakeman becomes a flag person when the train approaches the crossing. The County Board plans to schedule a meeting with the entities that the 260th Street railroad crossing would affect.

Dave Spiegel, Sheriff, and David Medlin, County Attorney, discussed the contract that Medlin drafted and mailed in February 2009 to TeleBeep Wireless of Norfolk, Nebraska. As of August 24, 2009, TeleBeep has not submitted the contract rent payment for use of the county tower. In a phone conversation with TeleBeep on August 24, 2009, it was stated that the payment to Boone County must be received by August 31, 2009 or their service will be unplugged from the county tower.

Tony Levander was unable to attend the meeting and rescheduled the cemetery discussion for August 31, 2009. The County Board asked the County Attorney to research information with regard to abandoned cemeteries and for information with regard to the cemetery located along Highway 14 between Loretto and Petersburg.

Motion made by Thieman, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$74,932.61, BCBS \$28,282.64, Ameritas Ret \$5,060.92, EFTPS \$5,646.08; Road \$44,689.50, BCBS \$15,883.26, Ameritas Ret \$2,807.33, EFTPS \$3,392.08; Boone County Economic Development \$4,230.83, BCBS \$1,287.48, Ameritas Ret \$285.58, EFTPS \$316.73; Law Enforcement \$5,547.00, BCBS \$2,415.09, Ameritas Ret \$429.89, EFTPS \$424.33; Ambulance \$610.00, Ameritas Ret \$32.41, EFTPS \$46.66; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,873.74, Ameritas Ret \$257.38, EFTPS \$372.83, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board Proceedings of August 17, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The fiscal year end audit of June 30, 2008 was received from Gary J. Pavel, CPA. Motion made by Thieman, second by Schuele to accept and approve the fiscal year end county audit for June 30, 2008 as submitted. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The County Board and Sheriff Spiegel reviewed the Emergency Manager applications received as of the August 21, 2009 deadline. The Board, Spiegel and Ted Thieman discussed possible cooperation in consolidating Emergency Manager Services.

The County Board and Richard Martinsen, CPA worked on several separate office 2009-2010 budgets. The current submitted budget figures would be a 9.36% tax increase. The Board had asked to keep the increase to around 2%. Martinsen and the County Board lowered the 9.36% to a 3.7% increase after a lengthy discussion. Several scenarios discussed included cuts; necessary cash reserve; the transfers of some separate funds to functions within the General Fund; the loss of over \$60,000.00 from the State Highway allocation funds; the new federal mandates before construction of a road project and the levy vs. valuation. They discussed scheduling the budget hearing for 11:00 a.m. on September 14, 2009.

Open discussion and Miscellaneous Public Comments: Commissioners Schuele and Thieman provided follow up information from the Boone County Health Center with regard to the broadband networking information Ted Thieman provided at the last meeting. Sheriff Spiegel received information that the county will not receive the \$26,000.00 that was applied for from the remaining 2008 Homeland Security Grant funds and had indicated that Boone County already has applied for numerous radios over the years. Shannon Landauer, Economic Development, discussed the use of the Visitor's Promotion Funds for entrance signs as a scout project. Commissioner Thieman provided information from the RC&D meeting he recently attended. Commissioner Tisthammer and Sheriff Spiegel reported on the meeting they attended in Genoa with regard to a Hazard Mitigation Plan. Commissioner Thieman, Ted Thieman and Jim Dickerson provided information from the NPPD open house meeting that discussed routing criteria and potential siting options for a transmission line from east of Petersburg to Ericson that was held at the Petersburg Legion Club on August 19, 2009. Marvin Richards discussed a road issue with regard to white rock with the County Board. The Boone County Fitness Center will be celebrating 25 years on August 28, 2009.

Chairman Schuele declared the meeting adjourned at 2:20 p.m. with the next regular Board meeting scheduled for August 31, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
AUGUST 31, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, August 31, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The County Board received a petition filed by Greg Koetter to support moving an existing road known as Old Mill Road located in the Northeast corner of Section 12, Township 20 North, Range 7 West, Boone County, Nebraska. Greg Koetter presented his information and reasons for moving a portion of the road. The County Board, Greg Koetter, Greg Bygland and Darrel Thorin, County Highway Superintendent, discussed the fact it is located in Flood Plain A area and the protocol of road construction. Motion made by Thieman, second by Schuele authorizing the County Highway Superintendent to do a feasibility study of Old Mill Road located in the Northeast corner of Section 12, Township 20 North, Range 7 West as presented and provide the Board with a recommendation. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Sealed quotes were received to finance a 2004 lease buy out/purchase of \$104,346.00 on a 2004 Caterpillar 140H Motor Grader. The County Board received five sealed finance quotes for the equipment lease expiring in September 2009. The three-year finance quotes with monthly payments ranged from 3.24% to 5.25%. Motion made by Schuele, second by Tisthammer to approve and accept the 3 yr. 3.24% interest rate quoted by the First National Bank of Schuyler, Albion Branch, providing for monthly payments of \$3,042.67. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, and the County Board discussed the Interlocal Agreement with the City of Albion with regard to the city contributing a monthly amount towards the use of utilities, office equipment and space. Hanson reported receiving beneficial information from the planning, zoning, and floodplain workshops. Hanson's activity report included permits issued, setback regulations, rezoning and re-platting. Hanson discussed the expiration of zoning permits. A zoning permit expires in 90 days if work has not started within that time, if work has started within the first 90 days the permit is good for one year from the date it was issued. If work has not started and the holder applies in writing for an extension before the expiration of the first 90 days, the permit will be extended for one year from the date of the approved extension.

The County Board and Sheriff Spiegel interviewed selected applicants to fill the position of Emergency Manager. The employee will be under the supervision of Dave Spiegel, County Sheriff. Michael Thiem accepted the offered position. Motion made by Schuele, second by Tisthammer to offer the full time position to Michael Thiem effective September 8, 2009. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Shannon Landauer, Economic Development Director, discussed the Department of Energy renewable energy grant for municipalities. Landauer plans to draft a letter on behalf of the county in support of the area municipalities. Motion made by Tisthammer, second by Schuele to endorse a letter of intent for municipalities to apply for renewable energy grant through the Department of Energy. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Boone County's Nebraska Affordable Housing Program Homebuyer Program application has been approved in the amount of \$320,900 of Trust Funds. This grant will allow five homes to be purchased, rehabbed, and resold to families at or below 100% of the Area Median Income. The program is available to all communities located within corporate limits of cities/villages within Boone County. Shannon Landauer, Economic Development Director, stated that Boone County is the applicant, therefore a pass through grant account will be set up in the county budget. The County will issue checks either to Northeast Nebraska Economic Development District (NENEDD) or NeighborWorks Northeast Nebraska (NWNEN) upon their monthly request to pay the contractors. Motion made by Thieman, second by Tisthammer to authorize the Board Chairman to sign the NENEDD Service/Consultant Agreement for the general administration of NAHF funds for Grant No. 09-TFHP-2012 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Patrick Dalseth, Midwest Wind Energy Project Coordinator of Chicago, Illinois discussed with the Board the protocol steps and regulatory regulations as the process begins for the wind-powered generation of Laredo Ridge Wind Farm east and north of Petersburg. At this time, they are looking at 54 turbine towers at 1.5 megawatts each to generate 80 megawatts of wind power. Plans are to be under construction in May 2010. As of today, Midwest Wind Energy/Edison Mission Midwest and Nebraska Public Power District (NPPD) have not signed the Power Purchase Agreement (PPA). Upon the completion of the final papers with NPPD, one may see preliminary activity by the middle or end of September. Dalseth plans to wrap up the lease negotiations before harvest. The preliminary engineering plans are to connect to the new substation that NPPD is constructing east of Petersburg. Operation and maintenance facility building is usually located in the center of the wind farm. Logistics of road reconstruction for the area is planned for early 2010. Developers are now doing environmental studies for submission and beginning pipeline permits. The Board asked how the wind farm received the name; Dalseth said Mike Donahue names them. The original name was Cedar Ridge Wind Farms, but another state already has use of the name. Midwest has received a site suitability letter from GE for the turbines and the approximate blade span is 136'. Dalseth will be in the area as project coordinator until the construction manager takes over and then a wind farm manager. Dalseth estimated the wind farm might employ 8-12 persons for the maintenance crew. Dalseth left a sample copy for the County Board to review of a county roads agreement, decommissioning and site restoration plan that Knox County used for their wind farm construction.

Motion made by Thieman, second by Tisthammer to set the 2009-2010 County Budget Public Hearing for 11:00 a.m. on Monday, September 14, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board and Board of Equalization Proceedings of August 24, 2009 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Boone County Board of Commissioners has determined that there is no longer a need to have a separate Hospital Bond Fund (3100). The County Board directed the County Treasurer to transfer all money remaining in the Hospital Bond Fund (3100) on August 31, 2009, to the General Fund (0100) and any future collections. Motion made by Thieman, second by Schuele to approve Resolution No. 2009-40 to authorize the Boone County Treasurer to transfer all money remaining in the Hospital Bond Fund (3100) to the General Fund (0100) and any future collections as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve Resolution No. 2009-41 the three year monthly repayment plan for the lease purchase option balance of a 2004 Caterpillar 140H Motor Grader, as approved on August 31, 2009 with the First National Bank of Schuyler, Albion Branch and authorize the Board Chairman to sign the financing documents. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Sheriff Spiegel is still pursuing the \$26,000.00 that was applied for from the remaining 2008 Homeland Security Grant funds for a generator for the communication tower along with construction of a utility building. The Board acknowledged receipt of the payment from TeleBeep Wireless per agreement for use of the county communication tower. David Medlin, County Attorney, discussed with the County Board procedures with regard to a Noxious Weed issue and the State Statute with regard to abandoned cemeteries. Commissioner Thieman stated that research indicates that a cemetery on the State Historical Registry does not allow for any additional burials. If an additional burial occurs, then the cemetery is removed from the State Historical Registry. The cemetery between Loretto and Petersburg is on the State Historical Registry. The County Board acknowledges and congratulates the Boone County Fitness Center for 25 Years of service to the community.

Chairman Schuele declared the meeting adjourned at 2:45 p.m. with the next regular Board meeting scheduled for September 14, 2009.

Kathy Thorberg, County Clerk

ALBION, NEBRASKA

Courthouse in Albion, Nebraska.

posted and available to the public.

feasibility study with regard to a county paramedic program.

carried.

written report and recommendation of the study before the scheduled public hearing.

Motion carried.

Tisthammer. Nays: None. Motion carried.

Resolution No. 2009-27 dated June 29, 2009 closed six separate funds to become functions within the General Fund (0100). Resolution No. 2009-34 dated July 13, 2009 amended Resolution No. 2009-27 with regard to the Noxious Weed Fund (5400) remaining a separate fund only to be used if needed for forced spraying collections. The Weed Fund (5400) balance as of June 30, 2009 and future expenses will become a function within the General Fund (0100). Motion made by Schuele, second by Thieman to approve Resolution No. 2009-43, to provide that the Boone County Treasurer is no longer required to transfer the remaining funds for the 2008-2009 Tax Year from the General Fund (0100) to the Noxious Weed Fund (5400) as previously set forth in Resolution No. 2008-50. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, updated the County Board with regard to the meetings attended with the Cedar Rapids Village Board, Petersburg Village Board and Albion City Council. The County Board asked Hanson to research the zoning wetlands setback regulations with regard to wind turbines.

Joe Beckenhauer, Beckenhauer Construction, reviewed the courthouse renovation plans with the County Board. Beckenhauer estimated it would take approximately three weeks for final blueprints and then preparation of the bid specifications would begin. Beckenhauer estimated the middle of October for subcontractor's bids with the possibility of renovation beginning mid-November.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$94,787.91; Road \$178,324.24; County Visitors Promotion \$586.50; Reappraisal \$913.86; Veteran's Aid \$500.00; Boone County Economic Development \$1,093.56; Inheritance Tax \$2,772.00; 911 Emergency Management \$987.99; Courthouse Building \$11,679.00; Ambulance \$2,397.53 and deny an inner office claim with vendor number 380 in the amount of \$91.55. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of August 31, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the following reports of the County Officials as presented for August 2009: Clerk \$3,955.75 (State of Nebraska \$1,625.80; County of Boone \$2,329.95); Clerk of the District Court \$940.57 (State of Nebraska \$424.00; County of Boone \$516.57); Sheriff \$3,626.06; Planning and Zoning \$461.63; Treasurer Office Miscellaneous Receipts Number 9637-9706 in the amount of \$161,446.58. Total collected at the County Treasurer Office \$4,162,650.74. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Todd Carey, General Manager of ASI, Nebraska, introduced himself and provided information of the ASI Signage Innovations product capabilities. Carey discussed how the company could collaborate with the County to create a sign system that not only meets the Americans Disabilities Act (ADA) requirements, but also meet the functions and design of the courthouse building. Carey plans to return later with recommendations and information about the ADA requirements of signage for buildings in existence before the approval of ADA regulations eighteen years ago.

Open discussion and Miscellaneous Public Comments: Adrian Texley discussed a culvert issue with the County Board. Sheriff Dave Spiegel and Mike Thiem, Emergency Manager, updated the County Board of their respective office activity. The Northeast District meeting for county officials and employees is scheduled for September 18, 2009 at Schuyler. Chairman Schuele signed the contract for the Nebraska Affordable Housing Trust Fund Program between the State of Nebraska Department of Economic Development and Boone County.

Chairman Schuele declared the meeting adjourned at 12:25 p.m. with the next Board meeting scheduled for September 21, 2009.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, September 14, 2009 at 9:07 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Thieman to open said public hearing at 9:07 a.m. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Jerry L. Tisthammer, Henry R. Thieman and Tom Schuele. Ted Jensen and Darrel Thorin, County Highway Superintendent, was present to answer any questions. Chairman Schuele read the notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of a petition filed to vacate or close a minimum maintenance road. Said petition is for a road running between Sections 12 and 13, Township 19 North, Range 5 West commonly known as 300th Street between 330th Avenue and 340th Avenue, in Boone County, Nebraska.

The County Board appointed Darrel Thorin, Highway Superintendent, on August 10, 2009 to study the use made of that portion of the minimum maintenance road. Said County road is located between Sections 12 and 13, Township 19 North, Range 5 West of the 6th P.M. Boone County, Nebraska; the area to be closed is platted and described as follows: that portion of 300th Street extending one (1) mile West to East between 330th and 340th Avenues.

The above-described portion of 300th Street, being classified minimum maintenance, and having a small timber structure bridge that the State of Nebraska, Department of Roads, closed in 2008 results in little or no traffic except for adjacent landowners and power line equipment.

Darrel Thorin, Highway Superintendent, recommended that this section of 300th Street, not be vacated but be permanently closed, under the condition that all affected landowners agree to leave sufficient easements for the ingress and egress of all necessary utility vehicles. If the county vacates a road and in the future needs to reopen said road, the county would be required to purchase the right-of-way back from the landowners. If the county permanently closes a road and in the future needs to reopen said road, the right-of-way still belongs to the county. A permanently closed road allows the adjacent landowners to use the right-of-way and becomes their responsibility. If a grain bin or building is erected, the landowner must still abide by the 83' from the center section line.

Motion made by Tisthammer, second by Thieman to close said hearing at 10:12 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Highway Superintendent's recommendation and permanently close said minimum maintenance road running between Sections 12 and 13, Township 19 North, Range 5 West commonly known as 300th Street between 330th Avenue and 340th Avenue, in Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Chairman, Tom Schuele called for a motion to open a public hearing on Monday, September 14, 2009 at 11:00 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Thieman, second by Commissioner Tisthammer to open said public hearing at 11:00 a.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele. Richard Martinsen, CPA was present to answer budget questions. Chairman Schuele read the notice for the record.

The public hearing was for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2009-2010 Boone County proposed budget in compliance with the provisions of State Statute Sections 13-501 to 13-513. Also, to set the final tax request for the 2009-2010 Boone County proposed budget at a different amount than the prior year tax request in compliance with the provisions of State Statute Section 77-1601.02 The hearing was open for one hour and the proposed budget was published in the September 9, 2009 issue of the Albion News.

The County Board and Albion News representative discussed with Martinsen the differences from last fiscal year's budget in the areas of asking dollar increase, land valuation, tax rate and property tax requirement. Martinsen answered and explained the questions with regard to the proposed budget and publication. The 2009-2010 proposed property tax request is \$2,994,539.00 with a proposed 2009 tax rate of .319864. It takes a 75% vote to exceed the additional 1% lid. The allowable levy limit is 45 cents; Boone County is currently at .319864. The 2009 County valuation is \$936,192,518.00 compared to the 2008 valuation of \$815,717,906.00.

The 2009-2010 County Budget adopted tax request increased 3.58% more than the 2008-2009 fiscal year budget request. The 2009-2010 County Budget is asking for \$103,574.00 more than the 2008-2009 fiscal year budget. The majority of the County Budget increase reflects the proposed Courthouse renovation project over a 10-year period, insurance increases and loss of revenue from the State Highway allocation funds.

Motion made by Tisthammer, second by Thieman to close said public hearing at 12:04 p.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve exceeding the lid by an additional 1% growth for fiscal year 2009-2010. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the 2009-2010 County Budget as advertised and presented with an Unused Budget Authority created for next year of \$206,851.17; and set the 2009 County Tax Rate at .319864, which is different than the County Tax Rate of .354407 for 2008. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board expressed their appreciation to Martinsen for his assistance with the County Budget preparation throughout the years.

Kathy Thorberg, Boone County Clerk

ALBION, NEBRASKA

Courthouse in Albion, Nebraska.

Chairman Schuele asked all present to join in the Pledge of Allegiance.

regard to court costs.

vaccination.

Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

A public hearing was held on September 14, 2009, to permanently close a minimum maintenance road running between Sections 12 and 13, Township 19 North, Range 5 West commonly known as 300th Street between 330th and 340th Avenues, in Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2009-44, to permanently close a minimum maintenance road known as 300th Street between 330th and 340th Avenues, Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues with the County Board. Thorin reported on the feasibility study to relocate a portion of a Boone County road; the closing of certain streets and alleys in Loretto; tabled the discussion of traffic control at the railroad crossing on 260th Street to the September 28, 2009 Board meeting; Annual Road, Street, Highway Budget and Expenditure Report; and provided an update on the Federal Highway Administration (FHWA) with regard to design and construction engineering services.

The County Board had received a petition to consider relocating a portion of a Boone County road. The road is located in the NE corner of the NE1/4 of Section 12, Township 20 North, Range 7 West, Boone County, Nebraska. The petition requested relocation of that portion of Old Mill Road located in the Northeast corner of S12-T20-R7, adjacent to the old District 13 School House. As proposed by petition, a portion of the new road would have to be built in an area classified as a Zone A flood plain; right-of-way obtained from landowners; meet zoning set back requirements; NEPA evaluation; FEMA flood plain permit and Army Corps 404 permit. Based on the feasibility study, the Highway Superintendent did not recommend this project be approved. Motion made by Schuele, second by Tisthammer to approve the Highway Superintendent recommendation not to pursue the petition proposing the relocation of a portion of Old Mill Road located in the Northeast corner of the NE1/4 of Section 12, Township 20 North, Range 7 West as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

A public hearing was scheduled for November 28, 1983 to close certain streets and alleys in the Loran Addition of Loretto, Boone County, Nebraska. Records of such meeting cannot be found in the Commissioners Record book, or a resolution closing the streets and alleys. The Highway Superintendent recommends that a public hearing be scheduled to officially close the following streets and alleys in Loretto: A fraction of the West ½ of Section 25, Township 21 North, Range 7 West, that portion of Cedar Street extending from the Northwest corner of Block 2, Loran Addition, to the Northeast corner of Block 1, Loran Addition; that portion of Second Street extending from the Northwest corner of Block 1, Loran Addition, to the Southwest corner of Block 1, Loran Addition; all North-South alleys and East-West alleys in Blocks 1 and 2, Loran Addition, Loretto, Nebraska. Motion made by Thieman, second by Schuele to accept the Highway Superintendent's recommendation and authorize the Highway Superintendent to proceed with a public hearing to consider the closing of streets and alleys in Loretto as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to set the public hearing for 9:00 a.m. on October 19, 2009 to hear comments for or against the closing of said streets and alleys in Loretto, Nebraska as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Highway Superintendent submitted the Annual Road, Street, Highway Budget and Expenditure Report to the Board of Public Roads Classification and Standards for fiscal year ending June 30, 2009 for the County Board to review. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the annual report as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The General Fund receives the real estate and personal property taxes with a designated percent transferred to the Road Fund on a monthly basis. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-45, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) 59.1300% to the Road Fund (0200) for the 2009-2010 Tax Year on a monthly basis not to exceed \$1,642,135.00. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$73,639.06, BCBS \$27,711.82, Ameritas Ret \$5,026.31, EFTPS \$5,547.15; Road \$44,469.50, BCBS \$15,883.26, Ameritas Ret \$2,807.33, EFTPS \$3,375.24; Boone County Economic Development \$4,298.33, BCBS \$1,287.48, Ameritas Ret \$290.13, EFTPS \$321.90; Law Enforcement \$5,547.00, BCBS \$2,415.09, Ameritas Ret \$429.89, EFTPS \$424.33; Ambulance \$750.00, Ameritas Ret \$33.76, EFTPS \$57.36; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,728.37, Ameritas Ret \$253.63, EFTPS \$361.72, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board and Public Hearing Proceedings of September 14, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Rebecca Rayman, East-Central District Health Department (ECDHD), presented the Board with a 2009 2nd Quarter Report. The ECDHD involves the counties of Boone, Colfax, Nance and Platte. Rayman answered questions on what their programs provide. Rayman discussed the H1N1 flu and the H1N1 proposed vaccination schedules.

Larry Crouse, Telephone Systems of Nebraska, Inc., introduced himself and provided information on the products and capabilities of the company. A few of the company's capabilities include business telephone service, security systems, public safety equipment, sirens, internet sales and refurbishing of phones, pagers and radios.

Open discussion and Miscellaneous Public Comments: A Hospital Board meeting is scheduled for September 22, 2009.

Chairman Schuele declared the meeting adjourned at 11:59 a.m. with the next Board meeting scheduled for September 28, 2009.

Kathy Thorberg, County Clerk

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:40 a.m. on Monday, September 28, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

No executive session held, due to the employee's absence.

Motion made by Tisthammer, second by Thieman to schedule a Board of Equalization Public Hearing for 11:00 a.m. on Tuesday, October 13, 2009 to set the 2009-2010 levies. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to table a Resolution request to trench pipe from a lagoon to a center pivot, pending approval of a Conditional Use Permit. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board of Commissioners needs to reappoint a Boone County representative to the Northeast Regional Governance Board. By participating in the East Central PET and Interoperable Communications Region, Boone County must appoint a person to serve as a member of and participate in the Northeast Regional Governance Board. Motion made by Thieman, second by Tisthammer to appoint Michael Thiem, to replace Joseph Zoucha who resigned from his position with Boone County, Nebraska on July 31, 2009, to serve as a member of the Northeast Regional Governance Board for the group known as the East Central Planning, Exercise, Training (PET) and Interoperable Communications Region. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues with the County Board. Thorin updated the Board with regard of Project No. 302, Army Corps of Engineering on 160th Avenue; discussed engineering contract and fees; motor grader rebuild and upgrade program; RoadMaster software program; and Fracture Critical Bridge inspections.

Dan Thies, bridge inspector for Kirkham Michael, discussed with the County Board and Thorin the procedure for Fracture Critical Bridge inspections. Two years ago, when the State became involved with bridge inspections, the State paid the inspection fees. This year the State has decided that the County will match 20% of the inspection costs. Boone County has six bridges that need inspections in 2009, of which it would cost considerably less to have Kirkham Michael complete the necessary inspections and required forms, than have the State contract a firm to complete the inspections. Thorin will notify the State that the County will proceed with the inspection costs. Motion made by Tisthammer, second by Thieman to approve Kirkham Michael to complete the Boone County 2009 Fracture Critical Bridge inspections. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Thorin reported that the delay of the 160th Avenue Project No. 302 is for further study of wetland determination by the Army Corps of Engineering. Nebraska Machinery is offering Caterpillar Motor Grader upgrades from 140G to 140H with an average cost of \$69,000.00 and if stimulus funds were available, a 10% discount would apply. The grader needs to have over 10,000 hours to qualify for the stimulus program. Currently Boone County only has one to qualify and it has 12,000 hours. Considering the hours and the year of the motor grader, it may not be feasible to utilize the stimulus program. The engineering contract the County has with Kirkham Michael expires in December 2009. An engineering contract eliminates that firm from bidding on that county's federal aid highway projects. Thorin and the Board discussed the procedures when bidding out projects. Thorin discussed surveying fees with the Board.

The County used a RoadMaster Sign program at the time of the 911 addressing. The additional RoadMaster Software program will provide inventory of all county road signs and their location. The cost for the additional software is \$250.00 all of which the NIRMA Assist Program may cover. The Board authorized Thorin to receive bids for an electric posthole driver, to install the 1000 posts and signs that the County received from the Hazard Elimination Signage Grant. The County has eighteen months to complete the signage installation. Thorin and the Board discussed road classifications. If the County continues to maintain a minimum maintenance road it needs to be re-classified to local, while others need to be re-classified as minimum maintenance. The County receives Federal Highway Allocation funds based on 20% of the county population and 20% of the miles of roads, excluding closed roads. The County receives no federal allocation funds for the miles of closed roads.

Robert Racek, Cargill; Andy Roberts, Valero Renewable Energy, and Darrel Thorin, Highway Superintendent, discussed safety for the railroad crossing on 260th Street. The Nebraska Department of Roads suggested traffic safety control at the railroad crossing due to the high traffic count study. Racek and Roberts noted that the Nebraska Central Railroad received substantial funds during the ethanol plant construction for railroad crossing safety lights, gates and switches. The discussion determined that installing stop signs at the railroad crossing is not an option, which will only back up the traffic on the highway for a longer period. Roberts felt that the feasibility of man labor from the Nebraska Central Railroad during railroad car switch point makes the most sense. Due to traffic deaths involving rural railroad crossings, there is the possibility of push from the State to introduce legislation in the 2010 session to address the issue. Racek, Roberts and Thorin will continue discussion with the Nebraska Department of Roads and Nebraska Central Railroad.

Motion made by Thieman, second by Tisthammer to direct the Highway Superintendent to respond to the Nebraska Central Railroad explaining the installation of stop signs at the railroad crossing on 260th Street is not feasible. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of September 21, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, discussed her report with the Board with regard to permits issued, denied and pending. Hanson and the Board discussed the Zoning Board vacancy, as of today no one has accepted the position. Hanson discussed the wetlands zoning regulation of 600-foot setbacks. Hanson and the Board discussed the zoning regulations with regard to bonds after 15 years to protect cleaning up the wind fields.

Open discussion and Miscellaneous Public Comments: LaHoma Krick, submitted a written resignation from the Visitor's Committee and visited with the Board with regard to her reasons. On October 21, 2009, the Nebraska Department of Roads will be meeting in Norfolk. Representation is needed for the meeting along with written documentation for safety along Highway 14/91 turning into Cargill and Valero Renewable Energy. A county safety meeting is scheduled for 1:00 p.m. today. Commissioner Schuele reported on the Hospital Board meeting he attended and their discussion of a Phase IV expansion. Commissioner Schuele and Thieman attended the prospect training last week and were very complimentary of the program.

Chairman Schuele declared the meeting adjourned at 11:46 a.m. with the next Board meeting scheduled for October 5, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 5, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, October 5, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

David Medlin, Boone County Attorney, submitted a written resignation with an effective date of October 13, 2009. Medlin said it has been an honor to serve the residents of Boone County the last eleven years. Medlin accepted an employment opportunity with the Hall County Attorney's Office. Motion made by Thieman, second by Tisthammer to approve and regretfully accept as presented the written resignation of Boone County Attorney, David Medlin with an effective date of October 13, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." Disbursement of the funds upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. The Boone County Agricultural Society submitted a request for assistance with advertising for a Tri-State Cage Fighting event scheduled for November 14, 2009. The committee previously approved the fundraiser advertisement fees request. Motion made by Tisthammer, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

LaHoma Krick, a member of the Visitors Committee, submitted a written resignation with an effective date of September 28, 2009. Motion made by Schuele, second by Thieman to approve and regretfully accept as presented the written resignation of LaHoma Krick of Primrose, Nebraska, as a member of the Visitors Committee with an effective date of September 28, 2009. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Irene Dresch of Primrose, Nebraska has agreed to serve as a member of the Visitors Committee. Motion made by Tisthammer, second by Thieman to approve the appointment of Irene Dresch as a member of the Visitors Committee and complete the term vacated by LaHoma Krick through January 2011. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Board and Board of Equalization Proceedings of September 28, 2009 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The City of Albion proposes to transfer land currently owned by the City to the County of Boone for use by the Boone County Health Center. The Boone County Health Center has agreed to remove a picnic shelter currently located on the premises at their cost and later construct a picnic shelter, at their cost, at another location on the City of Albion's property in Fuller Park, said shelter to be the same size as the shelter to be removed. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2009-46 the transfer of Lots 9 and 10, Block 5, South Fairview Addition to Albion, Boone County, Nebraska and the West Half (W1/2) of the vacated alley adjacent to Lots 9 and 10 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: A scheduled meeting for the Visitors Committee is October 14, 2009 to discuss policy and procedures. Mike Thiem, Emergency Manager, has scheduled Al Berndt, NEMA Assistant Director, to visit with the County Board at their scheduled meeting on October 26, 2009.

Chairman Schuele declared the meeting adjourned at 11:25 a.m. with the next regular Board meeting scheduled for Tuesday, October 13, 2009.

Kathy Thorberg, County Clerk

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Tuesday, October 13, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Dave Spiegel, County Sheriff, discussed the Stop Fund along with a request to update two of the radar units that the county purchased in 2004. The Stop Fund is funds received from individuals paying fees for classes with regard to traffic violations. The Nebraska Highway Safety Council currently has grants available for law enforcement equipment. The county share of the grant is twenty-five percent. Motion made by Thieman, second by Tisthammer to authorize Sheriff Spiegel to update two radars with the Stop Fund account paying the county share of \$700.00. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Grant Miller, County Surveyor, discussed the county's responsibility to reset section corners if a section corner cannot be located. The discussion is with regard to section corners in the area where the wind-powered generation of Laredo Ridge Wind Farm is to be constructed east and north of Petersburg. Miller suggested starting the section corner location, this fall in order to avoid a tight period in the spring. Motion made by Tisthammer, second by Schuele to approve and allow the County Surveyor to begin the field work with regard to the section corner layouts. Roll call vote: Yeas: Tisthammer, Schuele, and Thieman. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board with regard to road issues and the road department time clock that is now in place. A winter preparedness workshop for road employees is scheduled for November 2, 2009 in Albion. NIRMA will provide the information and the workshop may include Antelope, Nance and possibly Madison county road employees. Thorin prepared and submitted a letter to Nebraska Central Railroad with regard to the safety concerns of the railroad crossing on 260th Street, emphasizing that installing stop signs at the railroad crossing is not feasible and would prompt more traffic congestion.

Thorin and the Board further discussed the motor grader rebuild and upgrade program. The caterpillar engine upgrade repower program quote to rebuild a 1996 140G to a Series 140H is \$70,735.82. CAT has 24-month equal payments, no interest plan with the upgrade program. Motion made by Thieman, second by Schuele to authorize the Highway Superintendent at his discretion to use the rebuild/upgrade program on a 1996 140G motor grader to a Series 140H motor grader with zero financing from CAT for two years with monthly payments of \$2,947.33 for a total of \$70,735.82. Roll call vote: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Thorin received a proposal for professional services from Kirkham Michael for the Boone County Bridge Safety Inspections. The six Fracture Critical Bridge inspections were discussed at the September 28, 2009 Board meeting. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the necessary papers with Kirkham Michael to complete the County Bridge Safety inspections as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received a written resignation from David Medlin, County Attorney, on October 5, 2009 with an effective date of October 13, 2009. There is a statutory requirement to fill a vacated position within forty-five days. Medlin currently has an agreement with the firm of Sampson, Curry & Twiss of Central City, Nebraska to cover in his absence the past several years. Curry is the Merrick County Attorney and Twiss is the Deputy Merrick County Attorney. Medlin and Stephen R. W. Twiss discussed with the Board the approximate days their firm would need to be in Boone County regarding the remaining court cases that Medlin has pending. They prefer to continue with the hourly rate of \$140.00 with no charge for mileage during the interim period. The firm has no interest in the appointed position. The County Board asked Twiss to draft a contract for the interim position. Motion made by Tisthammer, second by Thieman to appoint Stephen R. W. Twiss, the interim Boone County Attorney, and Steven M. Curry as the interim Deputy Boone County Attorney, effective October 13, 2009 and until the position is filled. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to advertise the Boone County Attorney vacancy in the four county papers for the weeks of October 21 and 28, 2009, county website, notify all counties through email and job workforce with an application deadline of November 6, 2009 at 1:00 p.m. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$42,518.26; Road \$177,640.37; County Visitors Promotion \$600.00; Reappraisal \$99.91; Boone County Economic Development \$2,958.39; 911 Emergency Management \$23,883.25; Law Enforcement \$415.76; Courthouse Building \$12,025.16; Ambulance \$1,119.64. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for September, 2009: Clerk \$5,056.25 (State of Nebraska \$2,310.07; County of Boone \$2,746.18); Clerk of the District Court \$729.31 (State of Nebraska \$254.00; County of Boone \$475.31); Sheriff \$929.94; Planning and Zoning \$292.00; Treasurer's Fees \$2.00; Treasurer Office Miscellaneous Receipts Number 9707-9770 in the amount of \$190,533.86. Total collected at the County Treasurer Office \$1,138,772.22. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board Proceedings of October 5, 2009 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The County of Boone has a full time employee as a Zoning Administrator. The Village of Cedar Rapids desires to employ the same individual on a part-time basis as a Code Official for the village. The County of Boone and Village of Cedar Rapids Interlocal Agreement provides that the Village of Cedar Rapids will retain the Code Official on a part-time basis and pay the sum of \$100.00 per month towards the salary from the village funds to the County General Fund. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2009-47 an Interlocal Agreement between the Village of Cedar Rapids and County of Boone for Zoning Administration as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The annual State of Nebraska, Department of Roads District 3 Program meeting is scheduled for Wednesday, October 21, 2009 at 7:00 p.m. in Norfolk. Attendance at this meeting is essential for representative input about highway needs and desires in northeast Nebraska. Motion made by Schuele, second by Tisthammer to appoint Commissioner Thieman to draft a letter to the Nebraska Department of Roads addressing the concerns to improve the intersections of 260th Street and Highway 14/39 with regard to dangerous traffic congestion on both sides of the highway entering the Valero Ethanol Plant and Cargill. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: County Government Day is the morning of November 25, 2009. There may be a First Aid Class for county employees scheduled in November 2009 with NIRMA. Shannon Landauer, Economic Development Director, discussed a teleconference she participated in with the Board concerning the purchase/rehab/resell (PRR) grant with the Nebraska Affordable Housing Trust Fund Program.

Chairman Schuele declared the meeting adjourned at 11:55 a.m. with the next Board meeting scheduled for October 19, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 19, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, October 19, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

The County Board held their monthly meeting with the officials, department heads or employees. Commissioner Schuele and Thieman provided information with regard to the 2011-2014 minimum salary recommendations for county officials provided by Nebraska Association of County Officials. Boone County appears in category three of the nine categories with twenty-four other counties. Among the ninety-three counties, the 2008 figures show Boone County valuation as thirty-seventh at \$815,842,200 and the population as fifty-second at 5,446. The Board acknowledged the 2009 valuation increased to \$936,192,158 while the population continues to decline. The Board will have a tough decision when setting the salaries and benefits, due to the downtrend of the economy. The Board indicated we are probably going to need to live with cuts and that may involve staff, combining job positions, benefits and equipment. County Government Day is scheduled for November 25, 2009 at the new Veteran's Club in Albion. A flyer was distributed to each office present with regard to an Adams County statewide courthouse challenge, "Do a good Deed, Feed those in Need" food drive of non-perishable items donated to local food pantries for Thanksgiving and Christmas. Several pictures were taken along Highway 14/39 showing the congested traffic, an ambulance trying to turn onto Fairview Street and a car with no turn signals in use, turned in front of a semi that was turning from the highway onto 260th Street. These pictures along with several people will make a presentation concerning safety for the area at the State Department of Roads meeting scheduled in Norfolk on October 21, 2009. The vaccine for H1N1 is starting to arrive to the area clinics. FEMA has scheduled an audit beginning October 29, 2009 with regard to the Homeland Security funds and the whereabouts of all the equipment purchased with the funds over the past several years in Boone County. The Boone County Visitor's Committee increased the reimbursable promotional funding from \$300.00 to \$500.00 per event application effective October 14, 2009. Plans are to have sub-contract bid letting for the courthouse renovation in mid November.

The Board reviewed the Emergency Medical Services System Assessment prepared by the SafeTech Solutions Project Team. The Health Resources and Services Administration, federal Office of Rural Health Policy, and Medicare Rural Hospital Flexibility Grant program funds, administered by the Nebraska DHHS EMS/Trauma Program, funded the project. The County Board discussed holding a joint meeting with all involved in the interview process before making a decision.

Darrel Thorin, Highway Superintendent, updated the Board with regard to road issues. Thorin discussed setting up a traffic count this week at the 260th Street intersection.

Darrel Thorin, County Highway Superintendent, presented a resolution requesting that the Nebraska Department of Roads consider lowering the current speed limits on Highway 14/39 and 260th Street intersection in Albion, Nebraska. Due to the high volume of traffic and the current posted speed limits, the potential for serious and fatal vehicular accidents are increased on the Highway 14/39. The County Board feels it is in the best interest of the residents of Boone County and the traveling public that the speed limits be reduced on Highway 14/39. The proposal to the Nebraska Department of Roads is a request that the current 55 MPH be reduced to 45 MPH on Highway 39, mile marker 42 and 225 feet southeast of County Road 260th Street. Also, requesting that the 45 MPH be reduced to 35 MPH on Highway 14/39, 210 feet southeast mile marker 122. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2009-48 respectfully requesting that the Nebraska Department of Roads consider lowering the current speed limits between Highway 39 mile marker 42 and Highway 14/39 mile marker 122 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Tom Pillen and Brenda Sanne provided information with regard to Nebraska Public Power District 115kv transmission project for TransCanada Keystone XL Pipeline. Trans Canada's Keystone XL crude oil pipeline includes construction of five pumping stations in Nebraska with a target in-service date of the second quarter of 2012. The NPPD transmission line of approximately thirty-six miles will carry a significant load with an approximate cost per mile from Petersburg to Ericson of \$700,000-\$750,000. This will be a large boost to the rural needs with regard to infrastructure.

Motion made by Thieman, second by Schuele to approve the County Board and Board of Equalization Proceedings of October 13, 2009 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The Board discussed the courthouse clock tower situation. It has been several years since all three faces of the clock have kept the same time. The consensus of the Board is to order a new mechanism for the face of the clock and consider the project as an agenda item for the October 26, 2009 meeting. Chairman Thieman contacted Patrick Dalseth, Midwest Wind Energy Project Coordinator, about sharing the surveying costs of section corner locations. Dalseth will coordinate a time to discuss the surveying issue. The Board received information to review on LB395, Nebraska Clean Indoor Air Act of 2008, with regard to updating the Employee Handbook.

Chairman Schuele declared the meeting adjourned at 10:35 a.m. with the next Board meeting scheduled for October 26, 2009.

Kathy Thorberg, County Clerk

MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Chairman, Tom Schuele called to order a public hearing on Monday, October 19, 2009 at 9:04 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Tom Schuele, Jerry L. Tisthammer, Henry R. Thieman and Darrel Thorin, Highway Superintendent.

The purpose of the public hearing is to hear support or opposition with regard to the denial or approval to vacate certain streets and alleys in Loretto, Nebraska. The hearing is to deny or approve the vacation of the following: A fraction of the W1/2 of Section 25, Township 21 North, Range 7 West, located in the Loran Addition to Loretto, Boone County, Nebraska, platted and described as that portion of Cedar Street extending from the northwest corner of Block 2, Loran Addition, to the corner of Block 1, Loran Addition, to the southwest corner of Block 1, Loran Addition; all north-south alleys and east-west alleys in Blocks 1 and 2, Loran Addition to Loretto, Boone County, Nebraska.

Roger Noble, Myrna Noble, Chuck Crosby and Twylla Crosby were present to support vacation of certain streets and alleys in Loretto, Nebraska. An in depth search of the County Commissioners' records and road records provided information where the matter was set for hearing on the vacation of said streets and alleys on November 29, 1983 and the original Notice of Publication was found. However, no records were found to indicate that said hearing was held and a resolution entered approving said vacation of streets and alleys. It was noted that upon vacation of said streets and alleys, one-half attached to the adjoining real estate and that the vacation of these streets and alleys would not land lock any residential property. Roger Noble referred to the Notice of Publication that the legal description did not read the same as the original notice filed in 1983. Noble requested the notice be amended to read as follows:

A fraction of the W1/2 of Section 25, Township 21 North, Range 7 West, located in the Loran Addition to Loretto, Boone County, Nebraska, platted and described as follows: That portion of Cedar Street extending from the northwest corner of Block 2, Loran Addition, to the northeast corner of Block 1, Loran Addition; that portion of Second Street extending from the northwest corner of Block 1, Loran Addition, to the southwest corner of Block 1, Loran Addition; all north-south alleys and east-west alleys in Blocks 1 and 2, Loran Addition in Loretto, Boone County, Nebraska.

The County Highway Superintendent recommended that the Board approve the vacation of certain streets and alleys in Loretto, Nebraska as presented. The Board received no opposition of the vacation. The County Board consensus is to draft a resolution with the amended legal description to vacate certain streets and alleys in Loretto for their next Board meeting.

Motion made by Tisthammer, second by Thieman to close said hearing at 9:13 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the vacation of certain streets and alleys in Loretto, Nebraska with the amended legal description as presented. The Board approved the vacation of the following: A fraction of the W1/2 of Section 25, Township 21 North, Range 7 West, located in the Loran Addition to Loretto, Boone County, Nebraska, platted and described as follows: That portion of Cedar Street extending from the northwest corner of Block 2, Loran Addition, to the northeast corner of Block 1, Loran Addition; that portion of Second Street extending from the northwest corner of Block 1, Loran Addition, to the southwest corner of Block 1, Loran Addition; all north-south alleys and east-west alleys in Blocks 1 and 2, Loran Addition to Loretto, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 26, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, October 26, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Joe Beckenhauer, Beckenhauer Construction, Inc., submitted a notice for the Board to review. The public notice to bidders of the courthouse renovation project included a pre-bid meeting for October 29, 2009 at 10:00 a.m. and a bid date of November 12, 2009 at 2:00 p.m. The Board discussed the short notice for the area vendors, since the majority would not receive the local paper until Thursday afternoon. The original e-mail arrived too late for the October 21, 2009 publication. The Board discussed the notice by phone with Buster Beckenhauer, requesting a change of dates and making posters for the area towns. Motion made by Tisthammer, second by Schuele to change the Notice to Bidders request to a pre-bid meeting of Thursday, November 5, 2009 at 10:00 a.m. and a bid date of Tuesday, November 17, 2009 at 2:00 p.m. along with putting up posters in the area towns. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Beckenhauer Construction informed the Board that an asbestos survey would need to be completed before renovation of the courthouse begins. The Board received an estimate not to exceed \$2,172.00 from Environmental Services, Inc. of Norfolk, Nebraska. Motion made by Thieman, second by Tisthammer to approve an environmental impact study of the courthouse renovation project with Environmental Services, Inc. of Norfolk, Nebraska not to exceed \$2,172.00. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, presented an activity report of permits issued, property inspections and discussed informational meetings she has attended.

Motion made by Thieman, second by Tisthammer to approve the County Payroll and Vendor Claims filed for payment from the various funds: General \$74,342.54, BCBS \$28,282.64, Ameritas Ret \$5,061.06, EFTPS \$5,600.93; Road \$43,298.30, BCBS \$15,883.26, Ameritas Ret \$2,798.47, EFTPS \$3,285.63; Tinsley Grain, Inc. \$11,248.60; Boone County Economic Development \$4,145.33, BCBS \$1,287.48, Ameritas Ret \$279.81, EFTPS \$310.21; Law Enforcement \$5,547.00, BCBS \$2,415.09, Ameritas Ret \$429.89, EFTPS \$424.33; Ambulance \$930.00, Ameritas Ret \$44.89, EFTPS \$71.14; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,496.22, Ameritas Ret \$280.84, EFTPS \$420.44, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board and Public Hearing Proceedings of October 19, 2009 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board held a public hearing on October 19, 2009 to hear testimony with regard to vacation of certain streets and alleys located in Loran Addition to Loretto, Boone County, Nebraska. The vacated streets and alleys are to be divided one-half to each adjoining landowner. The vacated streets and alleys are described as follows: A fraction of the W1/2 of Section 25, Township 21 North, Range 7 West, located in the Loran Addition to Loretto, Boone County, Nebraska, platted and described as follows: That portion of Cedar Street extending from the northwest corner of Block 2, Loran Addition, to the northeast corner of Block 1, Loran Addition; that portion of Second Street extending from the northwest corner of Block 1, Loran Addition, to the southwest corner of Block 1, Loran Addition; all north-south alleys and east-west alleys in Blocks 1 and 2, Loran Addition to Loretto, Boone County, Nebraska. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-49 the vacation of certain streets and alleys in Loretto, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve as written Resolution No. 2009-50, a request from Cornhusker Public Power District to bore single-phase 15 KV electrical line cable to be installed in 21/2" PVC pipe across 220th Avenue from the SE1/4NE1/4 of Section 13, Township 21 North, Range 7 West to the SW1/4NW1/4 of Section 18, Township 21 North, Range 6 West, Boone County, Nebraska. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

A temporary road closing request for November 1, 2009 was submitted by the Petersburg Community Club Punkin' Chunkin' Committee for their annual fall event for public safety. Motion made by Thieman, second by Schuele to approve as written Resolution No. 2009-51 to temporarily close 150th Street beginning at the junction of 220th Avenue and 150th Street, thence east to the junction of 150th Street and 230th Avenue, approximately one mile, all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Assessor is required to verify any changes to property in Boone County including but not limited to changes in land usage and improvements that may affect the assessment calculations for property. The County desires to have a contractor assist in providing the verification services. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign said contract as presented with William C. Scarlett commencing on October 26, 2009. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The clock in the courthouse tower is currently irreparable. While no further useful hours can be squeezed out of the existing clock a complete replacement of the impulse movement assembly can be replaced. The original face of the clock would remain, while replacing the internal mechanical components. Simplex Grinnell LP of Omaha, Nebraska submitted a replacement quote of \$900.00. Motion made by Thieman, second by Tisthammer to approve the quote submitted by SimplexGrinnell to replace the internal mechanical components of the clock in the courthouse tower as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board discussed the involvement of the Boone County Visitors Promotion Committee and the committee meeting held on October 14, 2009. Motion made by Schuele, second by Thieman to approve Irene Dresch as chairperson of the Boone County Visitors Promotion Committee, replacing Richard Holladay, effective October 26, 2009. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the Boone County Visitors Promotion Committee recommendation to increase the maximum Visitors Promotion Fund request cap per event from \$300.00 to \$500.00 effective October 14, 2009. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Al Berndt, Assistant Director with NEMA, met with the Board and Mike Thiem, Emergency Manager, to update and explain the FEMA, NEMA, Homeland Security grant programs and requirements. Berndt explained NEMS compliance that are necessary each year, equipment inventory that was purchased with the federal grant funds, LEOP yearly update and complete update every five years, and all documentation is required for a federal audit of grant funds for three years after close of the grant.

Lisa Hurley, NENEDD, discussed and presented documents to amend the Boone County Purchase/Rehab/Resell Program Guidelines, Boone County Reuse Plan and the Boone County Development Contract. Boone County has developed this Reuse Recapture Plan in order to further affordable housing development for low to moderate-income homebuyers within Boone County. This program will assist persons/families of need, improve the availability of quality housing and promote homeownership. The Reuse Recapture Plan is applicable to Grant #09-TFHP-2012 secured by the Northeast Nebraska Economic Development District (NENEDD) for Boone County. The amended development contract is between Boone County and Elkhorn Valley Community Development Corporation dba NeighborWorks Northeast Nebraska (NWNEN), a Nebraska Non-Profit Corporation; and becomes effective as of the release of funds date as provided by the Nebraska Department of Economic Development.

Motion made by Thieman, second by Tisthammer to approve as presented and authorizes the Board Chairman to sign the documents to amend the Boone County Purchase/Rehab/Resell Program Guidelines and Boone County Reuse Plan. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. Motion made by Thieman, second by Tisthammer to approve as presented and authorizes the Board Chairman to sign the document to amend the Boone County Development Contract. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The Board reported on the State Department of Roads meeting they attended in Norfolk on October 21, 2009. The County Road Department has removed the trees and picnic shelter for the Boone County Health Center.

Chairman Schuele declared the meeting adjourned at 11:20 a.m. with the next Board meeting scheduled for November 9, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
NOVEMBER 9, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:40 a.m. on Monday, November 9, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." Disbursement of the funds upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. The committee previously approved four requests for advertising funds.

The Albion Area Arts Council submitted a request for assistance with advertising the Broad Appeal Concert scheduled for December 6, 2009. Motion made by Tisthammer, second by Thieman to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The St. Edward Community Club submitted a request for assistance with advertising the annual St. Edward's Holiday Extravaganza event scheduled for November 13, 14, and 15, 2009. Motion made by Thieman, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Albion Chamber of Commerce submitted a request for assistance with advertising the annual Downtown Christmas Promotion event scheduled for November 19, 2009. Motion made by Thieman, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Petersburg Community Club submitted a request for assistance with advertising the annual Christmas Banquet and Entertainment scheduled for December 21, 2009. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Richard R. Holladay, a member of the Visitors Committee, submitted a written resignation with an effective date of October 27, 2009. Motion made by Thieman, second by Schuele to approve and accept as presented the written resignation of Richard R. Holladay of Albion, Nebraska, as a member of the Visitors Committee with an effective date of October 27, 2009. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Vanessa Mason of Albion, Nebraska has agreed to serve as a member of the Visitors Committee. Motion made by Thieman, second by Tisthammer to approve the appointment of Vanessa Mason as a member of the Visitors Committee and complete the term vacated by Richard R. Holladay through January 2011. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Northeast Nebraska Economic Development District (NENEDD) submitted documents to amend the Boone County Proposed Purchase/Rehab/Resell Program Guidelines. These Program Guidelines will be utilized in conjunction with the Development Contract between Boone County and NeighborWorks Northeast Nebraska. The guidelines are applicable to the following grants secured by the NENEDD on behalf of Boone County Grant #09-TFHP-2012. This program will assist persons/families of need, improve the availability of quality housing and promote homeownership within the following communities in Boone County: Albion, Cedar Rapids, Petersburg, Primrose and St. Edward. Motion made by Schuele, second by Thieman to authorize the Board Chairman to sign the amended program guidelines as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for October 2009: Clerk \$6,122.00 (State of Nebraska \$3,690.86; County of Boone \$2,431.14); Clerk of the District Court no report submitted; Sheriff \$1,939.54; Planning and Zoning \$96.25; Treasurer's Fees \$2.00; Treasurer Office Miscellaneous Receipts Number 9771-9834 in the amount of \$201,073.83. Total collected at the County Treasurer Office \$436,052.90. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reported on various road issues. The Board reviewed a Public Notice and a letter if necessary, to be sent to landowners with regard to county road obstructions. The Public Notice will be published in the four county newspapers. The Nebraska Revised Statute 39-301 provides information with regard to obstructions of public roads and right-of-ways. The safety for all who travel the county roads and liability is the concern.

Anji Knuth, Boone County Fitness Center Manager and Dave Skillstad, Board Member, presented the Board information with regard to the fitness center activities, membership, improvements and budget. Knuth reported a current membership of 375 and the addition of new exercise equipment.

Motion made by Thieman, second by Schuele to approve the County Board Proceedings of October 26, 2009 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board reviewed the Employee Handbook with regard to Section I Sick Leave on page 28. There appears to be different interpretations by office personnel of the accumulated 30-day sick leave. The sick leave benefit is seven paid days (56 hours) per year for full time employees. Sick leave shall be prorated the same as vacation time when an employee starts employment during the year. Employees may accumulate a maximum of thirty working days (240 hours) of paid sick leave. The sick leave policy is scheduled for discussion at the November 16, 2009 Board meeting to clarify the use of the accumulated 30-day sick leave and be consistent for all of the fulltime county employees.

Motion made by Thieman, second by Tisthammer to approve and accept the County Sheriff's third quarter report as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

In the State of Nebraska, all County Clerk offices are required under Nebraska Revised Statute 71-601 to 71-602.01, 71-614 and 43-3340 (2005) to report vital events to the Vital Records Office of the Department of Health and Human Services. The Department agrees to provide the County with access to the Electronic Registration System-Nebraska Version ERS II program in order to process Marriage Licenses. Motion made by Schuele, second by Tisthammer to approve the 2009-2011 ERS II Agreement between the Nebraska Department of Health and Human Services System and the Boone County Clerk's Office. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board received no applications for the County Attorney position as advertised. The Board discussed different scenarios with regard to the position. Nebraska Revised Statute 32-567 provides that all vacancies shall be filled within 45 days after the vacancy occurs unless good cause is shown that this requirement imposes an undue burden. Motion made by Schuele second by Thieman to re-advertise the position with a deadline of November 20, 2009. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$29,971.95; Road \$152,521.86; Reappraisal \$451.91; Boone County Economic Development \$1,374.97; 911 Emergency Management \$999.14; Law Enforcement \$116.25; Courthouse Building \$5,910.33; Ambulance \$1,509.78. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported on the November 5, 2009 pre-bid meeting with regard to the Boone County Courthouse renovation project. A number of vendors showed interest in the project. The bid date is set for 2:00 p.m. on November 17, 2009 at the Courthouse. Thieman indicated that the majority of the renovation will need to be on nights and weekends so that the offices can conduct their daily business. Sheriff Spiegel discussed with the Board an all-county employee holiday get together. The Board's consensus is to form a three-member committee representing the courthouse, road and law enforcement with regard to the holiday gathering. Commissioner Tisthammer reported on the Hospital Board meeting held on October 27, 2009. The Board reviewed the Treasurer's office information with regard to distress warrants. Schumacher Exterminator Co. phoned the Board with regard to pest control. Schumacher Exterminator has serviced the county for several years. The county decided to receive pest control service from Presto-X beginning November 15, 2009. An informational meeting is scheduled for Monday, November 23, 2009 at 7:00 p.m. at the Boone County Health Center conference room with regard to the Ambulance Service Study.

Chairman Schuele declared the meeting adjourned at 11:15 a.m. with the next Board meeting scheduled for November 16, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
NOVEMBER 16, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, November 16, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Schuele asked all present to join in the Pledge of Allegiance.

The Board held their monthly meeting with the officials, department heads or employees. There appears to be different interpretations by office personnel of the accumulated 30-day sick leave in the Employee Handbook with regard to Section I Sick Leave on page 28. Full-time employees will accrue sick pay benefits at a rate of seven working days per year. Sick leave shall be prorated the same as vacation time when an employee starts employment during the year. Sick pay benefits may be accumulated by employees to a maximum of thirty (30) working days. The Board reviewed the policy after the November 9, 2009 meeting and the consensus is once an employee accumulates the thirty sick days, they use the next sick leave from the accumulated thirty. (Example: The thirty days is accumulated as of December 31st, 2007, and then in January 2008 the employee does not receive an additional seven days. An employee uses five sick days in 2008, and then in January 2009 the employee receives five of the seven sick days to re-accumulate back to thirty, any sick days used in 2009 come from the thirty. An employee has thirty accumulated at the end of December 2009, uses 11 sick days in 2010, that leaves 19 from the initial accumulation plus seven for a total of 26 sick days to use in 2011).

The Board reminded those present that the bid letting for the renovation is Tuesday, November 17, 2009 at 2:00 p.m. and that the pre-bid meeting on November 5, 2009 attracted several interested sub-contractors. Thieman indicated a large portion of the renovation would need to be after closing and on weekends. The color scheme throughout the courthouse is in the Boardroom for viewing, an interior designer worked with Cannon Moss Brygger & Assoc. The construction manager for the courthouse renovation project will be Tom Dendinger. Sheriff Spiegel was approved to receive a radar equipment grant and informed the group that a three-person committee representing the courthouse, law enforcement and road department has been set up to organize an all county employee recognition gathering with a date in January. Commissioner Thieman and Barb Hanson reported on the Wind Energy Conference held last week in Kearney. The Board acknowledged the Public Notice published in the papers by the County Highway Superintendent with regard to Nebraska Revised Statute 39-301 of which provides information with regard to obstructions of public roads and right-of-ways. Thorin indicated they are starting the bridge inspections of 101 county bridges. A reminder that County Government Day is set for Wednesday, November 25, 2009 from 8:30 a.m. with lunch at 11:00 a.m. at the KC Hall in Albion. Rod Nelson and Mike Thiem provided information from the NIRMA Buildings and Grounds Safety and Security training session last week. Thiem reported that a CERT class scheduled for November 20-22, 2009, in Boone County needs a minimum of 10 participants to hold the class. One application received to date for the County Attorney position.

Steve Pritchard, Boone-Nance Extension Educator, presented a board member recommendation from the Boone-Nance County Extension Board. The Boone-Nance County Extension Board recommends the reappointment of Sharon Baker of Petersburg, Nebraska to serve a second three-year term on the Boone-Nance County Extension Board beginning January, 2010. Boone-Nance County Extension Board has four representatives from each county. The board averages five meetings a year, alternating the meetings between the counties. Motion made by Thieman, second by Tisthammer to approve Sharon Baker of Petersburg to serve a second three-year term on the Boone-Nance County Extension Board beginning January 2010, as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Mike Thiem, Emergency Manager, gave an updated report to the Board on the audit the Nebraska Emergency Management Agency (NEMA) is currently conducting. The present audit that NEMA is conducting primarily covers 2005-2006 purchases with Homeland Security Funds. There is a volume of paper work that needs completed by the Emergency Manager Office for the audit and a spreadsheet prepared to log all the equipment purchased with federal funds from 2004 to the present time, including serial numbers, purchase date and location of the equipment.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in part by the Boone County Visitors Promotion Committee." Disbursement of the funds upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material. The committee previously approved two requests for advertising funds.

The Cedar Rapids Community Club submitted a request for assistance with advertising the annual Melodrama event scheduled for March 2010. Motion made by Tisthammer, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Cedar Rapids Community Club submitted a request for assistance with advertising the annual Santa Claus Day scheduled for December 5, 2009. Motion made by Thieman, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

An annual certification of a County Highway Superintendent is due each year by December 31st to the Nebraska Department of Roads per Nebraska Revised Statute 39-2501 through 39-2505. The performance of the duties listed in the certification determines federal highway allocation funds incentive payments. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the Certification for the Nebraska Department of Roads of Darrel Thorin, Boone County Highway Superintendent, for the calendar year 2009 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board and Board of Equalization Proceedings of November 9, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board approved a quote from SimplexGrinnell at their October 26, 2009 meeting of \$900.00 to replace the internal mechanical components of the clock in the courthouse tower. SimplexGrinnell of Omaha, Nebraska submitted a contract for \$950.00 to provide complete replacement of internal mechanics of the clock located in the courthouse tower. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the contract with SimplexGrinnell as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The Board received a copy of the letter from Senator Sullivan that she addressed to the Nebraska Department of Roads, with regard to the Highway 14/39 junction traffic congestion and the safety concerns. Sheriff Spiegel, Commissioner Schuele, Albion City, Cargill and Valero managers met with the State Patrol with regard to the 260th Street and Highway 14/39 intersection traffic congestion and the need to take safety precautions. Sheriff Spiegel, Highway Superintendent Thorin, and the Board discussed various solutions with regard to the traffic congestion. Sheriff Spiegel received notification that the speed limits will increase to 60 miles per hour on State Highway 56 from St. Edward to Greeley and Highway 91 from Albion to Spalding area.

Chairman Schuele declared the meeting adjourned at 10:25 a.m. with the next Board meeting scheduled for November 23, 2009.

Kathy Thorberg, County Clerk

ALBION, NEBRASKA

Nebraska.

that the Open Meeting Laws are posted and available to the public.

contractors to verify bid completion.

Nays: None. Motion carried.

None. Motion carried.

Tisthammer. Nays: None. Motion carried.

The Board discussed an earlier closing for employees on Christmas Eve, Thursday, December 24, 2009. Motion made by Thieman, second by Tisthammer to approve the closing of one hour earlier than the normal hour for county employees on Thursday, December 24, 2009. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Stan Dobrovolny of Atkinson, Nebraska and Jay Wolf of Albion, Nebraska visited with the Board with regard to the TransCanada Keystone XL Pipeline. The Landowners for Fairness LLC group would appreciate the county's support of their proposed legislation. Dobrovolny stated that Nebraska has limited experience dealing with energy companies and few if any protections in place for property owners. The group is not against the pipeline, just asking for some protection so that the project is an asset to the state and not a liability to landowners. The proposed legislation includes receiving some type of revenue for the landowners, state, county and schools. A copy of the proposed information submitted by the group hereto attached to the proceedings.

Motion made by Thieman, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$71,162.56, BCBS \$28,282.64, Ameritas Ret \$4,851.74, EFTPS \$5,339.71; Road \$42,978.30, BCBS \$15,883.26, Ameritas Ret \$2,798.47, EFTPS \$3,261.16; Boone County Economic Development \$4,163.33, BCBS \$1,287.48, Ameritas Ret \$281.02, EFTPS \$311.58; Law Enforcement \$5,547.00, BCBS \$2,415.09, Ameritas Ret \$429.89, EFTPS \$424.33; Ambulance \$875.00, Ameritas Ret \$54.68, EFTPS \$66.94; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,894.75, Ameritas Ret \$253.70, EFTPS \$374.45, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of November 16, 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Shannon Landauer, Economic Development Director, gave a brief report with regard to meetings, committees and grants. Landauer received notification that the State Department of Roads plans to widen the apron on the culvert on 260th Street and acknowledged that this construction is a result of many efforts from businesses and citizens with regard to the State Highway 14/39 traffic congestion. Janice Rasmussen acknowledged the cooperation of the County Road Department with the Boone County Health Center in the removal of the trees and picnic shelter for the Boone County Health Center parking area. Janice Rasmussen discussed her concerns for safety with regard to State Highway 14/39 and the 260th Street traffic congestion. Rasmussen plans to meet with the Department of Highway Safety.

Chairman Schuele declared the meeting adjourned at 11:25 a.m. with the next Board meeting scheduled for November 30, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
NOVEMBER 30, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, November 30, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

John Morgan of Fullerton, Nebraska met with the County Board to discuss his appointment as Boone County Attorney and provide a start day for the position. The Board acknowledged with appreciation Morgan's interest in the Boone County Attorney vacancy. The Board asked Morgan to contact Stephen Twiss, interim County Attorney. Motion made by Thieman, second by Tisthammer to approve the appointment of John Morgan as part time Boone County Attorney effective December 11, 2009 and to continue for the unexpired term of the office and until a successor is elected and qualified. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed culvert prices. Thorin received notice that the Army Corps of Engineers has completed the wetland study and approved a permit for the 160th Avenue Project No. 302, with construction scheduled for early spring. Thorin plans to attend a Highway 14 meeting and a State Department of Roads District 3 meeting with regard to the widening of the apron on the culvert on 260th Street.

The Board decided to rebuild unit #1-10, a 1996 140G Caterpillar motor grader through the Cat Certified Power Train Rebuild program to a series 140H. The Board and Thorin discussed the total for the 140G Unit #1-10, Certified Rebuild and extra item repair cost of \$70,735.82 at the October 13, 2009 meeting. Caterpillar Financial offered twenty-four equal monthly payments at 0% interest through a program titled Cat Access Account. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-52 and authorize the Board Chairman to sign the necessary papers to finance \$70,735.82 at zero interest for the Cat Certified Power Train Rebuild program. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None: Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, submitted an activity report and provided the Board information from meetings she has attended. The Board and Hanson discussed filling the Planning and Zoning Commission Board member vacancy.

Motion made by Schuele, second by Thieman to approve the County Board Proceedings of November 23, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Buster Beckenhauer and Ben Fink of Beckenhauer Construction, Inc., provided recommendations after reviewing the courthouse renovation bids submitted by subcontractors on November 17, 2009. Beckenhauer and Fink explained the changes that differed from the November 23, 2009 bid tabulation sheet. Commissioner Schuele asked for a break out of the \$349,226.00 allowance for General Conditions, CM & Sub Insurance, and Building Permit. Beckenhauer will provide a listing of the General Conditions. A copy of the bid tabulation sheets attached hereto as a part of said proceedings. The recommended and approved bids are located in the first column. Motion made by Thieman, second by Tisthammer to accept and approve the subcontractor bids recommended by Beckenhauer Construction as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Jacqueline Wells, Veteran Service Officer, discussed County Government Day activities that were held on November 25, 2009 with the Board. The Board discussed the information received from the emergency medical services system assessment provided by the SafeTech Solutions Project Team, with regard to the county ambulance services.

Chairman Schuele declared the meeting adjourned at 11:35 a.m. with the next Board meeting scheduled for December 14, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
DECEMBER 14, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:40 a.m. on Monday, December 14, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Dave Spiegel, Sheriff, asked for authorization to submit a grant application to the Nebraska Office of Highway Safety (NOHS) to receive an in-car digital camera system. The County will pay the full cost up front of \$3,995.00 and then apply for the grant. The NOHS will provide funding assistance at either 75% of the cost of the unit, or \$3,500.00 per unit, whichever cost is lower, with the cost to the county after receiving the grant, being \$998.75. Motion made by Thieman, second by Tisthammer to grant Dave Spiegel, County Sheriff, authorization to pursue a grant for the purchase of an in-car digital camera system. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board reviewed a general assistance request with regard to utilities. Motion made by Schuele, second by Tisthammer to approve a portion of the general assistance request, with the county paying directly to the utility company. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and Andy Devine, Albion City Administrator, discussed the 2009 Interlocal Agreement 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. Darrel D. Thorin is a Class A Licensed County Highway Superintendent, a licensed street superintendent and a full time employee for the County of Boone. Thorin is a full time salaried employee of Boone County and Thorin will be an independent consultant contractor with the City of Albion pursuant to the approved Interlocal Agreement. All parties on an annual basis shall review the Interlocal Agreement. The Board commended Thorin and Devine for working together to benefit both entities. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2009-53 an Interlocal Agreement between the County of Boone and City of Albion for licensed highway and street superintendent services effective January 1, 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Joe Beckenhauer and Ben Fink of Beckenhauer Construction, Inc. presented Amendment No. 1 the alterations to the Boone County Courthouse Renovation project. The amendment presented is to the Standard Form of Agreement between owner and construction manager AIA Document A121/CMe and AGC Document 565-1991 Edition between Boone County and Beckenhauer Construction, Inc. dated June 13, 2007. A signed copy of Amendment No. 1 is attached hereto to the proceedings. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign the Amendment No. 1 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Shellie Rathjen, Sales Representative for Conrad Fire Equipment, Inc., updated the Board with regard to medical transport units. The Board discussed upgrading the present 2003 Ford MedTec County Ambulance. Rathjen presented a sixty-nine page list of specifications for an ambulance. Motion made by Thieman, second by Tisthammer to advertise three weeks in the Albion News for a new Type III Ambulance with specs available from the County Clerk's Office and a bid return date of December 31, 2009 at 1:00 p.m. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reported on various road issues. Thorin reported that additional training would be required for the "Responsible Charge" person before each federal aid project. The county previously contracted outside of the State for their required fracture critical bridge inspections. The bridge inspections previously completed at an average of \$200.00 per bridge. In 2010, the State will now contract for the fracture critical bridge inspections at an estimate cost of \$1,500.00 per bridge and the counties will no longer be able to do their own contracting. Nebraska Department of Roads (NDOR) will retain twelve consultants for federal aid projects. The counties will be assigned a consultant and each consultant will be limited to an amount determined by the NDOR during a two-year period. The Nebraska Department of Roads reported they do not plan to reduce the speed limits on Highway 14/39 as previously requested at public meetings. The NDOR previously repaired the asphalt break-ups leading onto the state highways, the repair and expense will now become the responsibility of the county. Thorin reported that the installation of the RoadMaster Sign program software for the signage information is complete and all of the signage material is in the county and ready for installation.

Nance County, Nebraska is in need of a qualified Responsible Charge (RC) person for a federal aid project. Fully qualified means a person who has satisfactorily completed all applicable Nebraska Department of Roads training courses and who has met the other requirements necessary to be included on the NDOR list of LPA RCs. Darrel Thorin, Boone County Highway Superintendent, is qualified to complete the services of an RC. Therefore, Nance County has requested to enter into a Nebraska Local Public Agency Interlocal Cooperation Act Agreement with Boone County for the services of a qualified RC for the Nance County Federal Aid Project Number BRO-7063(6). Motion made by Thieman, second by Schuele to approve Resolution No. 2009-54 and authorize the Board Chairman to sign the Interlocal Agreement to aid Nance County with Responsible Charge services as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The State of Nebraska, Department of Roads (NDOR) and Boone County entered into an Original Agreement (BL0936). Boone County and NDOR, wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the federal aid project. The Cedar Rapids historic bridge project new requirements include a separate construction engineer and private contractor, which may increase the costs to the county substantially. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2009-55 and authorize the Board Chairman to sign the Supplemental Agreement No. 1 for the Cedar Rapids Bridge Renovation Project No. ENH-6(5) with the Nebraska Department of Roads as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for November 2009: Clerk \$3,270.75 (State of Nebraska \$1,601.30; County of Boone \$1,669.45); Clerk of the District Court \$751.39 (State of Nebraska \$204.00; County of Boone \$547.39); Sheriff \$1,219.74; Planning and Zoning \$106.00; Treasurer's Fees \$4.00; Treasurer Office Miscellaneous Receipts Number 9835-9891 in the amount of \$234,104.31. Total collected at the County Treasurer Office \$409,997.81. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board Proceedings of November 30, 2009 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to designate the official county newspapers for 2010 to include the Albion News, Cedar Rapids Press, Petersburg Press and The St. Edward Advance. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$43,367.42; Road \$141,334.54; County Visitors Promotion \$734.00; Reappraisal \$67.82; Veteran's Aid \$500.00; Boone County Economic Development \$1,475.17; 911 Emergency Management \$1,290.53; Courthouse Building \$2,472.46; Ambulance \$1,919.41. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Harlan Aevertmann, County Auditor, will reschedule to meet with the Board in 2010.

Sue Warner, Blue Cross/Blue Shield, will reschedule to meet with the Board in 2010.

Open discussion and Miscellaneous Public Comments: Commissioner Schuele and Thieman reported on the Nebraska Association of County Officials Convention held December 9-10, 2009. Mike Thiem, Emergency Manager, visited with the Board. Shannon Landauer, Economic Development Director, will be meeting with Lisa Hurley, NENEDD, with regard to Energy Efficiency and Conservation Block Grants.

Chairman Schuele declared the meeting adjourned at 12:06 p.m. with the next Board meeting scheduled for December 21, 2009.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
DECEMBER 21, 2009 **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:30 a.m. on Monday, December 21, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele and Henry R. Thieman. Commissioner Jerry L. Tisthammer was absent. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

The Board held their monthly meeting with the officials, department heads, or employees. Beckenhauer Construction has set a meeting with the sub-contractors for December 28, 2009. The courts are increasing use of technology with regard to e-filings for civil cases and the use of Skype Communication replacing the use of a telephone. The Planning and Zoning regulations manual is being updated and soon to be available on the County website. Boone County hosted Certified Emergency Response Training (CERT) December 17-19, 2009 with six Boone County residents completing the training. A NIRMA Assist grant of \$500.00 has been applied for towards the purchase of a portable defibrillator for use in the courthouse. Discussed the procedures and policy with regard to severe weather and the Omaha World Herald December 10, 2009 article with regard to closing government offices for severe weather. The procedure and applications for temporary employment was discussed with regard to retirement. The mileage rate changes on January 1, 2010 from 55 cents to 50 cents per mile.

President Obama signed an executive order to excuse federal employees from duty at noon on Thursday, December 24, 2009. According to Nebraska State Statute 84-1001 (3) "For purposes of this section, paid holidays shall include all of the days enumerated in Section 25-2221 and all days declared by law of proclamation of the President or Governor to be holidays. Motion made by Thieman, second by Schuele to acknowledge the order and reverse the Board's decision made at the November 23, 2009 Board meeting to close at noon on December 24, 2009. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Schuele, second by Thieman to approve Resolution No. 2009-56 a request from Niewohner Farms to trench an electrical line for a stock well under and across 220th Street from a well located in the N1/2NE1/4 of Section 6, Township 20, Range 7; thence commencing North to a well located in the SW1/4 of Section 32, Township 21, Range 7, Boone County, Nebraska. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, presented a written resignation from Leo Klassen. Klassen has worked for the Boone County Road Department for forty-two years. Motion made by Thieman, second by Schuele to accept the resignation of Leo Klassen, with an effective date of January 31, 2009. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Thorin asked permission to advertise for a full time road employee upon the retirement of Leo Klassen. Motion made by Thieman, second by Schuele granting permission and authorizing the Highway Superintendent to advertise for a full time road employee with applications due January 8, 2010. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Due to the increase of continuing hours required for a Licensed Highway Superintendent and Responsible Charge person for federal aid projects, it may be necessary to hire part time clerical for the road department. Thorin presented a road clerical job description for the Board to review.

Darrel Thorin, Highway Superintendent, discussed several issues with the Board. Thorin presented a job description for a road equipment operator for the Board to review. Thorin discussed the seventeen 2009 One and Six Year Road Improvement Program projects that were completed and suggested dropping some of the federal aid projects that have been on the plan for several years, due to the federal aid budget cuts. The consensus is to lower the number of projects on the 2010 One and Six Year Road Improvement Program. The engineers recommend installing culverts with regard to Hydraulic Project #321. The NIRMA Assist program approved the \$2,796.00 grant application for the signage post driver. The Employee Handbook allows a maximum of five unused earned vacation days to be carried over each year, but needs clarification with regard to comp time carry over. The consensus is that comp time should be used and not carried over into the next year. An exception to the carryover of comp time would be if inclement weather occurs in the latter part of December requiring snow removal.

Brandon Headrick and Mark Headrick, Representatives for Federal Employee Benefits, presented information with regard to the Federal Employee Benefits/United Teacher Associates program. The Benefit premium is not a payroll deduction, but a direct debit from the individuals account. The benefit presentation is scheduled for Monday, January 4, 2010 and an enrollment date if any employee chooses the benefit product, is scheduled for Wednesday, January 6, 2010. Mark Headrick will make the presentations and a copy of the time schedule will be issued with the December payroll. Motion made by Thieman, second by Schuele to grant permission for Mark Headrick to present the Federal Employee Benefits information to the county employees. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Board reviewed and discussed some updates for the Boone County Employee Handbook. The updates are 2009 regulation changes and revisions that the Board has discussed and approved in previous board proceedings. Motion made by Schuele, second by Thieman to approve the following changes: XIII. Recording Working Hours on page 18 (change 15 to 5 minutes, add time clock information); XVI. Overtime on page 23 (clarify FEMA/NEMA overtime reimbursement); XXX. Catastrophic Illness Donation on page 53 (new addition); Exhibit E-Salary Schedule (starting wage for new employees); and 2009 Family Medical Leave Act Regulation changes provided by NIRMA. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Thieman, second by Schuele to approve the following changes: I. Sick Leave on page 28 (as clarified with the November 16, 2009 board proceedings); XXVIII. Severe Weather on page 51 (remove paragraph 3 and 5; remove part of sentence 1 in paragraph 4); Exhibit G-Health Insurance (address Mid American Benefits, change language and reimbursement per the November 23, 2009 board proceedings); Exhibit I-Retirement Benefits (change NPERS handbook revised date to 08/2009) Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Payroll Claims and Vendor Claims filed for payment from the various funds: General \$77,411.06, BCBS \$28,282.64, Ameritas Ret \$5,286.96, EFTPS \$5,835.69, City of St. Edward \$94.50, SourceGas \$54.76; Road \$42,438.73, BCBS \$15,723.39, Ameritas Ret \$2,821.44, EFTPS \$3,219.88; Boone County Economic Development \$4,046.33, BCBS \$1,287.48, Ameritas Ret \$273.12, EFTPS \$302.63; Law Enforcement \$6,315.00, BCBS \$2,415.09, Ameritas Ret \$489.41, EFTPS \$483.10; Ambulance \$1,007.50, Ameritas Ret \$66.16, EFTPS \$77.06; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,573.57, Ameritas Ret \$254.55, EFTPS \$426.38, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board and Board of Equalization Proceedings of December 14, 2009 as presented. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion and Miscellaneous Public Comments: Shannon Landauer, Economic Development, provided information with regard to the Energy Efficiency and Conservation Block Grants.

Chairman Schuele declared the meeting adjourned at 12:45 p.m. with the next Board meeting scheduled for December 28, 2009.

Kathy Thorberg, County Clerk

**BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
DECEMBER 28, 2009**

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:35 a.m. on Monday, December 28, 2009, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. Notice of the meeting given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Barb Hanson, County Zoning Administrator/Albion City Code Official, submitted an activity report and provided the Board updates on pending permits. The Board and Hanson discussed wetland setbacks.

The Board discussed vacating 255th Avenue located east of Petersburg in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska. Motion made by Thieman, second by Schuele to authorize Darrel Thorin, Highway Superintendent, to proceed with the necessary action to consider vacating 255th Avenue in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as written Resolution No. 2009-57 to accept and approve the written applications as the following designated County Depositories of the County Funds for the year 2010: Boone County Bank, Albion; Cedar Rapids State Bank, Cedar Rapids; Cornerstone Bank of York, Albion and St. Edward Branches; First National Bank & Trust of Fullerton, St. Edward Branch; First National Bank of Schuyler, Albion Branch; Petersburg State Bank; TierOne Bank of Lincoln, Albion Branch; and alternate investment NPAIT, Lincoln. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board reviewed and discussed the vacation benefit language in the Boone County Employee Handbook. The earned vacation benefit for full time employees will be structured differently effective January 1, 2010. Motion made by Tisthammer, second by Thieman to approve the following change: Exhibit J-Vacation as written. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Board Proceedings of December 21, 2009 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The County Safety Committee has scheduled a meeting at 1:00 p.m. today with a representative from Beckenhauer Construction with regard to the courthouse renovation project.

Nebraska Revised Statutes 23-1114 (1996 Cum Supp) states: the County Board shall fix the salaries of all elected officers of the County prior to January 15th of the year in which a general election will be held for the respective offices. The counties receive minimum salary recommendations for county officials from the Nebraska Association of County Officials (NACO). The counties were grouped into nine categories based on 2008 valuation and population. The Board discussed the recommendations and reviewed salaries set in other counties having similar population and valuation. The filing fee for elected offices is 1% of the approved salary for 2011 for each respective office.

Motion made by Schuele, second by Thieman to set the respective elected county official salaries for 2011-2014 term with the Resolution being approved on January 11, 2010 as follows: Assessor, Clerk and Treasurer \$42,000.00; Attorney \$45,000.00; Clerk of the District Court \$40,000.00; Commissioners \$20,500.00; Sheriff \$48,300.00; and Surveyor \$5,500.00, plus a cost of living increase as specified during the term of office for 2012, 2013 and 2014. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported on the Hospital Board meeting that he attended. Commissioner Schuele reported on the St. Edward Rescue Squad meeting he attended. Beckenhauer Construction has scheduled a meeting at 2:00 p.m. today with the sub-contractors for the courthouse renovation project.

Chairman Schuele declared the meeting adjourned at 11:35 a.m. with the Reorganizational Meeting scheduled for January 4, 2010 and the next Board meeting scheduled for January 11, 2010.

Kathy Thorberg, County Clerk