

# ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, January 4, 2010, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the reorganizational and regular 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. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

The Board held the Reorganizational Meeting at 8:45 a.m. with a separate set of proceedings.

The Board reviewed a bid submitted by Conrad Fire Equipment, Inc., York, Nebraska for a new Type III Ambulance and acknowledged information received from Danko Emergency Equipment of Snyder, Nebraska. Motion made by Schuele, second by Tisthammer to place the county ambulance discussion and decision as an agenda item for January 11, 2010 Board meeting. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

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

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported on the County Planning and Zoning Commission Board meeting held on December 28, 2009.

Chairman Schuele recessed said meeting at 11:15 a.m.

Chairman Schuele reconvened said meeting at 1:00 p.m.

Patrick Dalseth, Midwest Wind Energy Project Coordinator of Chicago, Illinois, presented updates of the wind-powered project. Present for the update presentation with regard to the Laredo Ridge Wind Farm east and north of Petersburg were Commissioners Schuele and Thieman, Assessor Sock, Attorney Morgan, Clerk Thorberg, Economic Development Landauer, Highway Superintendent Thorin, Sheriff Spiegel, Treasurer Krohn, Zoning Hanson and Albion News Dickerson.

Dalseth introduced the County Roads Agreement and the Decommissioning and Site Restoration Plan that Knox County Board signed for a wind farm. The Board and County Attorney are to review the sample copies and contact Midwest with any additions or deletions for the Boone County Agreements.

Dalseth discussed the protocol steps, regulatory regulations, environmental wetland concerns and updated the group with regard to the time line for the wind-powered project. The goal is December 31, 2010 for the 54 turbine towers at 1.5 megawatts each to generate the 80 megawatts of wind power. Micro sighting took place in December, marking the turbine locations. The Power Purchase Agreement with NPPD is fully negotiated but not signed yet, waiting on environmental agency permits. Midwest plans to meet with the U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission on January 7, 2010. Dalseth will redesign the underground power collection routes due to the protocol to follow for the environmental agency wetland definitions. On January 6, 2010, legislation to be introduced changing the personal property depreciation from five years to twenty years for wind energy facilities. The site drive and general contractor selections scheduled for January. The County Zoning and Planning Commission Board plan to discuss wetland set backs and definitions at their scheduled January 25, 2010 meeting. Once the contractors and subcontractors are selected the temporary modifications to the county roads and access to the turbines begins. April is the ground breaking for the Laredo Ridge Wind Farm by NPPD. Late June and early July trucks will begin delivering the 135' blades to the project site. Each turbine takes approximately a day and a half to assemble and when lifting the turbine blades the wind speed needs to be less than 12 miles per hour. Each foundation needs to cure for eight weeks with an average of thirty cement loads to a foundation. A private security firm patrols the construction sight. Interested area subcontractors are encouraged to place their name on the spreadsheet by contacting Dalseth at [Patrick@midwestwind.com](mailto:Patrick@midwestwind.com).

Chairman Schuele declared the meeting adjourned at 2:45 p.m. with the next Board meeting scheduled for January 11, 2010.

Kathy Thorberg, County Clerk

**2010 REORGANIZATIONAL MEETING  
BOONE COUNTY BOARD OF COMMISSIONERS  
ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska convened at 8:45 a.m. on Monday, January 4, 2010, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the Reorganizational Meeting to order as required by State Statute 23-153. 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 noted that the Open Meeting Laws are posted and available to the public.

Motion made by Thieman, second by Tisthammer to appoint Tom Schuele as Chairman of the Boone County Board of Commissioners for the year, 2010. Roll call vote: Yeas: Thieman, Tisthammer and 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, 2010. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to appoint the following people to be on the Health Board for Boone County as required by State Statute: County Sheriff; County Clerk, and Boone County Health Center Chief of Staff, for 2010.

Motion made by Schuele, second by Thieman that the budget committee for the ensuing 2010-2011 budget year is Commissioners Henry R. Thieman, Jerry L. Tisthammer, Tom Schuele and County Clerk, Kathy Thorberg.

Motion made by Tisthammer, second by Thieman to reappoint Richard D. Martinsen, Certified Public Accountant, Albion, Nebraska, to do the County Budget for the 2010-2011 budget year, to be paid from the County General fund.

Motion made by Thieman, second by Tisthammer to reappoint Darrel Thorin, Bartlett, Nebraska, as full time County Highway Superintendent, for 2010.

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 2010.

Motion made by Schuele, second by Thieman to reappoint Shannon Landauer as Boone County Economic Development Director, for 2010.

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 disband the Local Emergency Planning Committee (LEPC) with said duties assumed by the Local Emergency Operations Plan (LEOP) as approved by Resolution No. 2008-38 dated June 30, 2008.

Motion made by Schuele, second by Thieman to appoint Michael Thiem as Boone County Emergency Management Director, Emergency Services Coordinator and Homeland Security Director, being accountable to the County Sheriff, for 2010.

Motion made by Thieman, 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 2010.

Motion made by Schuele, 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 2010.

Motion made by Tisthammer, second by Schuele to appoint Sheriff David Spiegel and his staff to be the E911 Coordinator, for 2010.

Motion made by Thieman, second by Schuele to appoint Barb Hanson as County Zoning Administrator/Albion City Code Official and Regulatory Zoning Investigator, being accountable to the County Board, for 2010.

Motion made by Thieman, second by Schuele to reappoint Russell Stokes as Weed Superintendent on a part time basis, being accountable to the County Board, for 2010.

Motion made by Tisthammer, second by Schuele 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 Schuele, 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 observed holidays as set forth in the NIRMA Guide to Creating a Personnel System for Nebraska Counties Handbook and to include Martin Luther King, Jr. Day, Arbor Day and Columbus Day, with Arbor Day being a floating holiday at their discretion during 2010.

Motion made by Tisthammer, second by Thieman, that full time employees are to receive vacation and sick leave as set forth in the Boone County Employee Handbook.

Motion made by Thieman, second by Schuele 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, 2010. 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 Schuele, 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 2010.

Motion made by Schuele, second by Tisthammer, that the following be appointed to the various boards that Boone County is associated with for 2010:

Region IV, Inc., Wayne	Tom Schuele Jerry L. Tisthammer - Alternate
Region 4 Behavioral Health System, Norfolk	Jerry L. Tisthammer Tom Schuele - Alternate
East-Central District Health Department, Columbus	Jerry L. Tisthammer Tom Schuele - Alternate
Northeast Nebraska Area Agency on Aging	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	Tom Schuele Henry R. Thieman - Alternate
Northeast Nebraska Juvenile Services, Inc.	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) John Morgan, County Attorney, as the legal advisor for the committee.

Motion made by Schuele, second by Tisthammer to reappoint Henry R. Thieman as Courthouse Custodian Supervisor, for 2010.

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 Thieman, second by Tisthammer to appoint Kathy Thorberg, County Clerk as the contact person for Boone County for the NIRMA Insurance, for 2010.

Motion made by Schuele, second by Tisthammer that the following named people will serve on the Safety Committee according to LB 757, for 2010: Michael Thiem, Chairman of the Safety Committee; Sheriff David Spiegel; Board of Commissioners; Darrel Thorin, Highway Superintendent; Laurie Krohn, Treasurer; and Rodney Nelson, Custodial Maintenance.

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 (2010-2012)-2nd 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 Schuele, second by Thieman 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, 2010:

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

Motion made by Thieman, second by Tisthammer that the following members of the Boone County Board of Adjustment are appointed to the following terms of office, effective January 1, 2010:

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

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
Tim Choat (12-15-2009)	2010-2012
Traci Brodersen (12-15-2009)	2010-2012

All motions for the respective appointments at the Reorganizational Meeting approved as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Chairman Schuele declared the reorganizational and regular meeting adjourned at 2:45 p. m.

Kathy Thorberg, County Clerk

# ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:34 a.m. on Monday, January 11, 2010, 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 arriving at 8:37 a.m. 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.

Ellen Hirsch, District Court Clerk and Carolyn Fross, District Court Deputy Clerk, discussed their concerns with the Board with regard to the salary that was set on December 28, 2009 for the office of the Clerk of the District Court for the term 2011-2014. Hirsch said the Board did not handle the setting of salaries professionally and that "it is a slap in the face" for their office. Hirsch and Fross felt it was unfair that the District Court Office salary was set lower than other elected offices and inquired why. The Board asked how many jury trials have taken place the last few years and their involvement with child support duties, since the State now handles the disbursement of funds. Fross stated that the workload involving the preparation for a jury trial is the same whether the jury trial takes place or is dismissed. The Board stated that while in the past the salaries for the Assessor, Attorney, Clerk, District Court and Treasurer had been set the same, also acknowledged several counties have set salaries differently for elected offices before now and maybe there should have been a difference in salaries in the past. The Board stated that they are not the only county to determine that the workload of the Assessor, Clerk, Treasurer and District Court are not the same. The Board acknowledged that Hirsch was at the meeting when the present elected officials were informed of the salaries set for the elective term 2011-2014 and their reasoning for the differences. Schuele apologized to Hirsch and Fross if they felt it was not handled professionally. The Board indicated that the difference in salary is nothing to do with the current personnel. They questioned why start now with the differences in elective office salaries, to which the Board replied why not. The trend for the Board of Commissioners salary is half of the elected officials. The Board may consider lowering the County Commissioner set salary of \$20,500.00 to \$20,000.00 for elective year 2011-2014, which would be half of the District Court salary of \$40,000.00. The Board indicated that the 2011-2014 elected term salary for District Court Clerk would remain at \$40,000.00.

Randall Bruland, County Ambulance Administrator, was present for the decision of the bid received for a new Type III Ambulance. A bid of \$136,725.00 was received for a 2010 Ford that allowed for a trade in of \$16,000.00 for the 2003 Ford with 88,000.00 miles, resulting in a net purchase of \$120,725.00. The Board felt that the county is ahead by keeping the current 2003 ambulance, as another county entity may be in need of an updated unit. The Board plans to look at other alternatives since there is no immediate need to trade. The county indicated it may be advantageous to purchase another used ambulance with fewer miles or re-advertise for bids to include new, demonstrator models or used with low mileage. Motion made by Schuele, second by Tisthammer to reject the bid received from Conrad Fire Equipment, Inc. for a 2010 Ford Ambulance as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator, and Jim Meysenburg were present to discuss the board member vacancy position on the Boone County Planning and Zoning Commission. Meysenburg volunteered to complete the term vacated by Doug Salber. The Board acknowledged that Meysenburg makes a living through agriculture. Motion made by Thieman, second by Tisthammer to appoint Jim Meysenburg to complete the vacancy term on the Boone County Planning and Zoning Commission effective January 11, 2010. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reported on various road and equipment issues. Thorin discussed the equipment repairs due to the snowstorms, a snow blower would be very helpful and almost everyone was able to get out some direction Saturday night. FEMA/NEMA may study the state to determine a disaster declaration for reimbursement funding. Thorin thanked the County Clerk's office for their help with office work while he was plowing snow.

A road known as 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska is classified as a primitive road. The public does not access the road and vacating it would be beneficial for the landowners and the wind farm. Motion made by Thieman, second by Tisthammer, requesting Darrel Thorin, County Highway Superintendent, to complete a feasibility study to vacate 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board reviewed the job description for a part time road secretary and Thorin discussed a time line for the position. The consensus is that it may be best to proceed with the part time help after the renovation. The consensus of the Board is for the Highway Superintendent to advertise at his discretion. Motion made by Schuele, second by Thieman to approve the job description of a part time road secretary. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The board reviewed the job description for a road equipment operator submitted by Thorin. Motion made by Tisthammer, second by Schuele to approve the job description for a road equipment operator as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Vic Lee, Boone County Health Center CEO, presented the Boone County Health Center audit ending fiscal year September 30, 2009. Lee reviewed areas of the report regarding operating results and changes in net assets, liabilities and net assets balances, operating revenue and expenses, patient service revenue, and financial and statistical highlights. The Board acknowledged the Health Center's successful operation. Motion made by Tisthammer, second by Thieman to accept and approve the Boone County Health Center audit report ending September 30, 2009 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Commissioner Tisthammer asked if the convened meetings of the Board be changed from 8:30 a.m. to 8:45 a.m. during the school months. Motion made by Schuele, second by Tisthammer to change the convened Board meetings time from 8:30 a.m. to 8:45 a.m. for the months of January through May 2010. Roll call vote: Yeas: Schuele, Tisthammer 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." 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 a request for advertising funds. The Albion Area Arts Council submitted a request for assistance with advertising the Nebraska Wesleyan Choir Concert scheduled for January 15, 2010. 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 Boone County Employee Handbook includes Resolution 2003-19 behind the Exhibit B tab, mandating a HIPAA Compliance Initiative and appointing a HIPAA Compliance Coordinator. The coordinator appointed in the 2003 resolution is no longer a Boone County employee. Therefore, a new resolution needs approval to replace the appointed individual coordinator with an appointed office. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-2, to appoint and recognize the Boone County Attorney as the HIPAA Coordinator for Boone County 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 December 2009: Clerk \$10,766.75 (State of Nebraska \$7,343.21; County of Boone \$3,423.54); Clerk of the District Court \$629.66 (State of Nebraska \$202.00; County of Boone \$427.66); Sheriff \$1,022.40; Treasurer's Fees \$10.00; Treasurer Office Miscellaneous Receipts Number 9892-9944 in the amount of \$144,380.65. Total collected at the County Treasurer Office \$2,306,557.05. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.



On December 28, 2009, the County Board set the salaries for all county elective offices for calendar year 2011-2014 per Nebraska Revised Statutes 23-1114 (2007 Reissue). On December 28, 2009, the County Commissioner salary was set at \$20,500.00. A County Commissioner is considered a part-time position, therefore the trend is the Board salary is half of the other elective official salaries. Pursuant to an earlier discussion with the District Court office personnel it was decided to lower the County Commissioner salary from \$20,500.00 to \$20,000.00, which would be half of the salary set for District Court. The following salaries for all County elective offices for calendar years, 2011-2014 are set forth in Resolution No. 2010-1 as follows: Assessor \$42,000.00; Attorney, part-time \$45,000.00; Clerk \$42,000.00; Treasurer \$42,000.00; Clerk of the District Court \$40,000.00; Sheriff \$48,300.00; Commissioners, part-time \$20,000.00; and Surveyor, part-time \$5,500.00, with an annual cost of living increase each January in years 2012, 2013 and 2014 based on the consumer price index. Motion made by Schuele, second by Thieman to amend the County Commissioner elective salary from \$20,500.00 to \$20,000.00 and approve Resolution No. 2010-1 setting the salaries for all elective offices for calendar years, 2011-2014 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board and Reorganizational Proceedings of January 4, 2010 as presented. 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 \$53,441.57; Road \$72,995.89; Reappraisal \$134.58; Boone County Economic Development \$1,356.25; Inheritance Tax \$1,344.00; 911 Emergency Management \$4,192.57; Courthouse Building \$798.00; Ambulance \$2,306.93. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Russell Stokes, Weed Superintendent, reviewed the annual report with the Board. The approval of the annual weed report will be an agenda item for the January 19, 2010 Board meeting. Joe Beckenhauer of Beckenhauer Construction, Inc., discussed pre-construction meeting questions with the Board. The pre-construction questions were concerning the current existing light fixtures, removal of wall heating/air conditioning units at the sheriff building, doorframes, an interior small wall removal, key entry system, roof units, and location of transformer with a new pad and panel box. Beckenhauer updated the Board with regard to the pre-construction submittals.

Chairman Schuele declared the meeting adjourned at 11:40 a.m. with the next Board meeting scheduled for Tuesday, January 19, 2010.

Kathy Thorberg, County Clerk

# ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Tuesday, January 19, 2010, 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.

Steve Pritchard, Extension Educator, discussed the purchase of lateral file cabinets with delivery when the renovation for the extension office is completed. Motion made by Tisthammer, second by Thieman to approve a quote from Western Office of \$3,683.00 for seven lateral file cabinets as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board held their monthly meeting with the officials, department heads or employees. The renovation construction of the courthouse may start the first week of February. The renovation will start in the northwest corner of the building, relocating the highway superintendent office into the clerk and commissioner's office area. A hearing on LB 826, County Consolidation Act, is scheduled for Friday, January 22, 2010. FEMA/NEMA personnel toured the county last week with regard to the winter storms. Courts are accepting electronic filings for civil and criminal cases. A new statewide dispatch system is in the near future. The sheriff's office has installed a separate modem for internet connection, due to the service required for the Reverse 911 system. The sheriff's office plans to program designated phone numbers provided by the courthouse employees into the system, so that all submitted numbers will receive an automated message concerning weather related closings at the same time.

The parties did not appear with regard to funeral assistance requests; therefore, no action was taken.

Darrel Thorin, Highway Superintendent, discussed several bridge, road and snow removal issues with the Board. Thorin presented information and quotes for new and used snow blowers. Some of the companies are a year behind fulfilling snow blower orders. The Board and Thorin felt a snow blower would pay for itself, due to the extra personnel time and equipment repairs caused by the recent winter storms. The December and January snow storms were discussed extensively noting that the road crews were working the majority of the time and still have several one-lane country roads. Wausau Everest of Wisconsin has two new snow blowers in stock and possibly could arrive within a week. The Board indicated that the decision to purchase a snow blower is an emergency need, since the extended forecast is not favorable for dry weather. Motion made by Thieman, second by Tisthammer to grant authority for Darrel Thorin, Highway Superintendent, to purchase a new HTP3D Series SNOGO snow blower from Wausau Everest for \$122,500.00 with a one year term lease and finance the principal payment locally a year from now. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. Thorin discussed conversations with Dr. Azizinamini, UNL Engineering Department, with regard to possibly using their new prototype designed bridge by Primrose. No federal money would be involved by using the new UNL design.

Darrel Thorin, Highway Superintendent and Mike Thiem, Emergency Manger, toured the county with FEMA/NEMA personnel last week and are waiting for a decision from FEMA with regard to an emergency declaration due to severe winter weather. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign a Certification of Preliminary Damage Assessment for an emergency declaration for snow removal from December 22, 2009 through January 6, 2010. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

An annual Weed Superintendent report is due January 31<sup>st</sup> each year and is submitted to Nebraska Department of Agriculture, Bureau of Plant Industry. The Board of Commissioners are also the County Weed Board. Russell Stokes, County Weed Superintendent, discussed the 2009 year end report at the January 11, 2010 Board meeting. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign the 2009-year end weed reports. Roll call vote: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Russell Stokes, Weed Superintendent, discussed the need of a commercial license for weed assistants. The Board's consensus is that anyone helping with the spraying should have the required license. Stokes discussed the Noxious Weed protocol procedures with John Morgan, County Attorney. Some areas of the county need further addressing with regard to Noxious Weeds. Morgan and Stokes will proceed with the Noxious Weed legality.

Motion made by Schuele, second by Tisthammer to approve the County Board Proceedings of January 11, 2010 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board reviewed and approved employee handbook changes at the December 21, 2009 meeting. The Board reviewed XXVIII, Severe Weather and XVI, A. Overtime for further update clarification. The XXVIII, Severe Weather on Page 51, updated to include the paragraph "In the event that the Board of Commissioners close the courthouse in case of severe weather, any time missed shall be at the County's expense." The XVI, A. Overtime on Page 23, Paragraph 3, discussed non-exempt employee with regard to holiday pay and reimbursement by FEMA/NEMA. The clarification of the paragraph is for non-exempt road employees with regard to the said reimbursement.

Commissioner Thieman reported on the Omaha Public Power District (OPPD) board meeting held on January 14, 2010. OPPD approved a power purchase agreement with Third Planet Windpower LLC for a 27-turbine wind project known as Petersburg Wind Farm LLC. The wind farm construction east of Petersburg is scheduled to start in 2010 and begin operation in the fall of 2011.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2010-3, a request from Charles Heying to trench an 8" to 10" pipe for the purpose of pumping from a lagoon located in the SE1/4 of Section 16, Township 22 North, Range 7 West, Boone County, Nebraska to a pivot located on the SW1/4 of Section 15, Township 22 North, Range 7 West (owned by Ralph Pelster), Boone County, Nebraska, said pipe to run west to east under and across 190<sup>th</sup> Avenue. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Senator Rich Pahls introduced Legislative Bill 826, known as the County Consolidation Act. Platte Institute provided a county consolidation policy study for economic research. Consolidation would definitely increase transportation costs to services. The Board discussed LB 826 with John Morgan, County Attorney. Morgan provided language for a resolution to oppose LB 826, with a copy forwarded to NACO and respective senators before the hearing scheduled on January 22, 2010. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-4 opposing LB 826, County Consolidation Act. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Chuck Rolf, President of Boone County Agricultural Society, Inc., met with the Board to discuss the blue prints for construction of a canopy over the livestock wash rack at the fairgrounds. No action was taken at the meeting, as the Board and Rolf plan to contact Kirkham Michael to discuss some questions regarding the design and blue print information.

Open discussion and Miscellaneous Public Comments: The Board attended the NPPD open house with regard to a new substation to be located east of Petersburg. The new NPPD substation intends to construct a transmission line to Ericson for support of the TransCanada Keystone XL Pipeline.

Chairman Schuele declared the meeting adjourned at 12:30 p.m. with the next Board meeting scheduled for January 25, 2010.

Kathy Thorberg, County Clerk

## **MINUTES OF PUBLIC HEARING PROCEEDINGS**

A motion made by the Boone County Board of Commissioners Chairman, Tom Schuele and second by Commissioner Jerry L. Tisthammer to call to order a public hearing on Tuesday, January 19, 2010 at 11:00 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, Jerry L. Tisthammer, Henry R. Thieman 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 Charles Heying/Chuck Heying Feedlot, the property owner of the real estate referenced herein. The application request is to apply liquid manure from a cattle feedlot lagoon through a center pivot located on the Southeast Quarter (SE1/4) of Section 16, Township 22 North, Range 7 West of the 6<sup>th</sup> P. M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator and Chuck Heying, Applicant, explained with maps the irrigation distribution plan, proposed layout of feedlot and construction of the lagoon system. Hanson notified surrounding landowners. No opposition was present at the hearing. The County Planning Commission recommended approval of the request. Heying explained the breaking up of pasture and certifying it as irrigated land and if any lagoon runoff, it will be to a dam on the Heying property.

Motion made by Thieman, second by Schuele to close said hearing at 11:15 a.m. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve as presented the Application for Conditional Use Permit request submitted by Charles Heying/Chuck Heying Feedlot. The approval is to apply liquid manure from a cattle feedlot lagoon through a center pivot located on the Southeast Quarter (SE1/4) of Section 16, Township 22 North, Range 7 West of the 6<sup>th</sup> P. M., Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

## **MINUTES OF PUBLIC HEARING PROCEEDINGS**

A motion made by the Boone County Board of Commissioners Chairman, Tom Schuele and second by Commissioner Jerry L. Tisthammer to call to order a public hearing on Tuesday, January 19, 2010 at 11:16 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, Jerry L. Tisthammer, Henry R. Thieman 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 Charles Heying/Chuck Heying Feedlot and Ralph Pelster, the property owners of the real estate referenced herein. The application request is to apply liquid manure from a cattle feedlot lagoon located on the Southeast Quarter (SE1/4) of Section 16, Township 22 North, Range 7 West of the 6<sup>th</sup> P. M., Boone County, Nebraska (Heying); through a center pivot located on the Southwest Quarter (SW1/4) of Section 15, Township 22 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska (Pelster).

Barb Hanson, Zoning Administrator and Applicants Chuck Heying and Ralph Pelster, explained with maps the irrigation distribution plan and the pipe layout crossing a county road known as 190<sup>th</sup> Avenue. Hanson notified surrounding landowners. No opposition was present at the hearing. The County Planning Commission recommended approval of the request. Heying and Pelster explained that the Pelster irrigation well would be shut off, when pumping from the lagoon. The pivots will have an automatic shut off if the pivot stops.

Motion made by Schuele, second by Tisthammer to close said hearing at 11:34 a.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve as presented the Application for Conditional Use Permit request submitted by Charles Heying/Chuck Heying Feedlot and Ralph Pelster. The approval is to apply liquid manure from a cattle feedlot lagoon located on the Southeast Quarter (SE1/4) of Section 16, Township 22 North, Range 7 West of the 6<sup>th</sup> P. M., Boone County, Nebraska (Heying); through a center pivot located on the Southwest Quarter (SW1/4) of Section 15, Township 22 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska (Pelster). Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

## ALBION, NEBRASKA

Nebraska.

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

review the road agreement.

None. Motion carried.

Motion carried.

carried.

Darrel Thorin, Highway Superintendent, submitted a written feasibility study of a Primitive Boone County Road known as 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska. Thorin recommends scheduling a public hearing for the purpose to hear opposition, if any, and if none, recommends vacation of said road. Motion made by Thieman, second by Tisthammer that a public hearing be held on February 8, 2010 at 11:00 a.m. to vacate 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska per Darrel Thorin, County Highway Superintendents recommendation. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$76,381.72, BCBS \$29,834.86, Ameritas Ret \$5,224.20, EFTPS \$5,761.46; Road \$42,268.50, BCBS \$14,595.78, Ameritas Ret \$2,853.17, EFTPS \$3,206.87; Boone County Economic Development \$4,212.80, BCBS \$1,287.48, Ameritas Ret \$284.36, EFTPS \$315.36; Law Enforcement \$5,723.00, BCBS \$2,415.09, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$1,742.50, Ameritas Ret \$85.06, EFTPS \$133.29; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,496.62, Ameritas Ret \$280.70, EFTPS \$420.48, 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 and Public Hearing Proceedings of January 19, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Bud Andersen of Whitehall, Montana updated the Board with regard to the TransCanada Keystone XL Pipeline. The Landowners for Fairness LLC group and representatives for the pipeline have met and discussed protection so that the project is an asset to the state and not a liability to landowners. Andersen felt the two groups had a productive meeting. The pipeline easement is for crude oil only. Once the project is completed, it will take approximately three months to fill the line with crude oil. The state will provide the assessment of the transmission line, not the local county assessors. Andersen said the Board should receive quarterly updates through the completion of the project.

Open discussion and Miscellaneous Public Comments: Marvin Richards discussed various issues with the Board and thanked the Road crew for their efforts during the storms. Thorin and Mike Thiem reported on FEMA disaster declaration changes regarding winter storms. The winter storm declarations for Nebraska counties are still pending. The Board heard a general assistance request with no action taken at this time. Sheriff Spiegel informed the Board that the 911 System is set up to notify county employees of weather related closings through submitted phone numbers to their office. The County Road Department received a NIRMA ASSIST program grant of \$2,796.00 for the purchase of a post driver for the signage maintenance program. The Board acknowledged a thank you received from the Boone County Fair Board.

Chairman Schuele declared the meeting adjourned at 12:05 p.m. with the next Board meeting scheduled for February 8, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
FEBRUARY 8, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, February 8, 2010, 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.

Randall Bruland, County Ambulance Administrator, and the Board discussed updating the present 2003 Ford County Ambulance. The Board authorized Bruland to contact ambulance vehicle suppliers for bids on new and demo units. The Board plans to look at other alternatives versus trading the present ambulance unit.

Mike Thiem, Emergency Manager, updated the Board with regard to the training he received to access and complete the forms required by NEMA for the Grant Management System. The Board received notification from the Nebraska Emergency Management Agency (NEMA) with regard to the October 29, 2009 grant-monitoring visit. Twelve corrective actions need addressing with regard to the 2005 and 2006 Homeland Security Grants equipment purchases and location of said equipment. A request from NEMA is a response back by March 3, 2010 as to how the corrective actions will be addressed, reconciliation of the equipment and written policies in place.

Mike Thiem, Emergency Manager, and the Board discussed the appointment of a 2010 Local Emergency Planning Committee (LEPC). The LEPC is a two-year appointment by the Board of Commissioners with approval by the State. The LEPC only works with the Hazmat portion of the Local Emergency Operations Plan (LEOP). The Board requested Thiem to research more LEPC information and the possibility of additions to the list of committee members.

Barb Hanson, Zoning Administrator, and the Board discussed the agreement with JEO Consulting Group, Inc. The JEO Consulting Group has provided planning and zoning assistance to the County since the adoption of the county zoning regulations in 1999. The 2010 agreement with JEO is \$130.00 per hour. A review and renewal of the JEO Contract will be on an annual basis at which time the hourly rate may change. At anytime, upon seven days prior written notice to the other party, either party may terminate the agreement. Motion made by Thieman, second by Schuele to retain JEO Consulting Group Inc. for the County Zoning consultant and authorize the Board Chairman to sign the agreement as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

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

Motion made by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for January, 2010: Clerk \$6,746.75 (State of Nebraska \$3,844.86; County of Boone \$2,901.89); Clerk of the District Court \$2,933.44 (State of Nebraska \$948.00; County of Boone \$1,985.44); Sheriff \$4,171.77; Zoning \$144.50 and December, 2009 \$437.25; Treasurer's Fees \$2.00; Treasurer Office Miscellaneous Receipts Number 9945-10012 in the amount of \$254,887.36. Total collected at the County Treasurer Office \$938,000.53. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-5 a request from Gary Choat to trench an electrical line under a county road known as 280<sup>th</sup> Street from a pole located in the county road right-of-way located in the NE1/4 of Section 5, Township 19 North, Range 5 West; thence north to an irrigation well located in the SE1/4 of Section 32, Township 20 North, Range 5 West, all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.



The Board heard a general assistance request with regard to funeral assistance. The Board explained the general assistance county funeral policy. The preferred procedure is to contact the Board prior to making funeral arrangements to receive general assistance for a respectable Christian funeral service. Motion made by Tisthammer, second by Thieman to negotiate the balance of a past funeral service as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reported on various road and equipment issues. Thorin discussed equipment repairs due to the snowstorms. The new snow blower is in use. Thorin received notification of revisions for the Cedar River Bridge project.

Thorin presented the Master Equipment Lease Agreement for the Snogo MP-3D Loader Mounted Snowblower with S/N C09670. The lease agreement principal amount is \$122,500.00 with a one to three year lease option of an annual payment \$44,728.92. The Board has the option to bid the principal amount out locally when the first annual payment is due. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the Master Equipment Lease Agreement with 1<sup>st</sup> Source Bank of South Bend, Indiana as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, and Barb Hanson, Zoning Administrator, discussed the possibility of a full time clerical position to assist the two departments. Thorin has advertised for part time clerical assistance for the road department. The Board's consensus is the advertisement was for part time; therefore, the clerical assistance is to be filled as a part time position. Thorin and Hanson plan to share part time clerical assistance. Motion made by Thieman, second by Tisthammer to authorize clerical assistance on a part time basis for the road department and to assist the zoning administrator. 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 January 25, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 committee previously approved two requests for funding only advertisement.

The Albion Area Arts Council submitted a request for assistance with advertising the Valentine's Performance Concert scheduled for February 14, 2010. 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.

The American Legion Post #226 of St. Edward submitted a request for assistance with advertising the annual fundraiser scheduled for February 27, 2010. 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.

Motion made by Schuele, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$41,834.49; Road \$109,748.95; County Visitors Promotion \$947.40; Reappraisal \$750.00; Veteran's Aid \$500.00; Federal Grant \$1,975.00; Boone County Economic Development \$1,850.90; Boone County Business Development \$25,000.00; Inheritance Tax \$16,354.00; 911 Emergency Management \$1,384.68; Law Enforcement \$42.86; Courthouse Building \$62,239.86; Ambulance \$2,799.73. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Patrick Dalseth, Midwest Wind Energy Project Coordinator, presented two duplicate original documents each for the Discontinuation and Decommissioning Plan and the County Roads Agreement for the Laredo Ridge Wind, LLC for approval. John Morgan, County Attorney, Darrel Thorin, Highway Superintendent and the Board have reviewed the documents. The purpose of the Decommissioning Plan is to ensure that the Wind Energy Conversion System (WECS) facility and its related structures are properly removed at the end of their useful life and that the surrounding soil and vegetation is restored to a usable and nonhazardous condition. The Decommissioning Plan also ensures that sufficient financial resources are available to undertake proper decommissioning. The Board and Dalseth discussed the preference of a Letter of Credit for the fifteenth anniversary obligated in year sixteen or the posting of bonds. The consensus was a Letter of Credit in year sixteen from Laredo Ridge Wind LLC. The County Roads Agreement sets forth the understanding and agreement as to the road issues relating to the construction of the Laredo Ridge Wind Farm. The Agreement addresses several issues such as project site access road entrances, underground collection system cable crossings of the road right-of-ways, permits, along with State and Federal regulations.

Motion made by Thieman, second by Tisthammer to approve the Discontinuation and Decommissioning plan for the Laredo Ridge Wind Farm with the County receiving a Letter of Credit at year sixteen as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign the County Roads Agreement for the Laredo Ridge Wind Farm as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to go into executive session at 1:50 p.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 Sheriff Dave Spiegel evaluated Emergency Manager, Mike Thiem. Motion made by Schuele, second by Thieman to come out of executive session at 3:30 p.m. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. 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: Joe Beckenhauer of Beckenhauer Construction, Inc. updated the Board with regard to the courthouse renovation. Beginning March 1, 2010 a county pickup will be located at the courthouse parking lot for use during the renovation and rural inspections if needed.

Chairman Schuele declared the meeting adjourned at 3:32 p.m. with the next Board meeting scheduled for Tuesday, February 16, 2010.

Kathy Thorberg, County Clerk

## **MINUTES OF PUBLIC HEARING PROCEEDINGS**

Tom Schuele, Boone County Board of Commissioners Chairman, called for a motion to open a public hearing on Monday, February 8, 2010 at 11:00 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. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Jerry L. Tisthammer, Henry R. Thieman, Tom Schuele and Darrel Thorin, County Highway Superintendent.

The purpose of the public hearing is to hear support or opposition with regard to the denial or approval to vacate one mile of a primitive Boone County road. The road is known as 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska.

Darrel Thorin, Highway Superintendent, visited with the property owners and heard no opposition regarding the vacation of 255<sup>th</sup> Avenue. The road runs one mile north to south and upon vacation of said road all right-of-way rights be relinquished and shall revert to the owners of the adjacent real estate, one-half on each side thereof. The public does not access the road and vacating it would be beneficial for the landowners and the wind farm.

The Highway Superintendent submitted a written feasibility study with the recommendation to vacate said 255<sup>th</sup> Avenue, Boone County, Nebraska as presented. The Board received no opposition of the vacation at the hearing. The County Board instructed that a resolution be prepared to vacate 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska for the Board's approval at the February 16, 2010 Board meeting.

Motion made by Tisthammer, second by Thieman to close said hearing at 12:00 p.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 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

## ALBION, NEBRASKA

Nebraska.

present to join in the Pledge of Allegiance.

contractors what or where they want changes during construction.

to the cooperation of the fairgrounds projects.

Board and Thorin decided to repair the 140H Cat transmission verses a certified rebuild.

Thorin received information from the Nebraska Department of Roads with regard to migratory birds impacting construction. To preserve the critical 2010 construction window of April through July, all necessary clearing, grubbing nest protection and/or a continuous nest prevention program should be implemented prior to April 1, 2010. Failure to do so may result in significant project delays. The Board and Thorin discussed roads needing a feasibility study with regard to the area of the Laredo Ridge Wind Farm project. Motion made by Thieman, second by Schuele, requesting Darrel Thorin, County Highway Superintendent, to complete feasibility studies with regard to roads located in the Laredo Ridge Wind Farm project area. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board held a public hearing on February 8, 2010 for the purpose of hearing testimony in favor of or opposition to the vacation of one mile of a primitive county road known as 255<sup>th</sup> Avenue. Motion made by Thieman, second by Tisthammer to approve as presented Resolution No. 2010-06 to vacate 255<sup>th</sup> Avenue located in Section 15, Township 22 North, Range 6 West, Boone County, Nebraska effective February 16, 2010 and all right-of-way rights be relinquished and shall revert to the owners of the adjacent real estate, one half on each side thereof. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Boone County has been selected as a site for a wind farm and the construction of the wind farm will require several county roads be reconstructed to accommodate for heavy construction equipment. The Boone County Board of Commissioners feel it is in the best interest of the County to reclassify those roads that are minimum maintenance or unimproved that will require construction work to meet the State of Nebraska standards for Local County Roads. The wind energy contractors will do all roadwork and the wind energy company will pay for all cost for the road construction. Motion made by Schuele, second by Tisthammer to approve as presented Resolution No. 2010-07, reclassification of the following roads to Local County Roads:

- A minimum maintenance road beginning at the SE corner Section 17, Township 22 North, Range 6 West, thence West for 1¼ mile to the SW corner of the E1/2SW1/4 of Section 18, Township 22 North, Range 6 West, Boone County, Nebraska.
- A minimum maintenance road beginning at the NW corner Section 10, Township 22 North, Range 6 West, thence South for 1¼ mile to the SW corner of the N1/2NW1/4 of Section 15, Township 22 North, Range 6 West, Boone County, Nebraska.
- A unimproved road beginning at the NE corner of Section 3, Township 22 North, Range 6 West, thence South 1 mile to the SE corner of Section 3, Township 22 North, Range 6 West, Boone County, Nebraska.
- A unimproved road beginning at the NE corner of Section 5, Township 22 North, Range 6 West, thence South for ¾ of a mile to the SE corner of the N1/2SE1/4 of Section 5, Township 22 North, Range 6 West, Boone County, Nebraska.

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

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

Jenny Last, Deb Becker, and Dave Amick presented the Heroes Park Capital Campaign on behalf of the Norfolk Veterans Home Foundation. The Heroes Park is a three-phase project. Norfolk Veterans Home is one of four in Nebraska. The home is lacking outdoor recreation and relaxation amenities. Heroes Park will be for current members and meet the needs of future veterans who are serving in conflicts right now. It will be a perfect place for friends and families to gather with members. The Board will review the information and discuss, if any, a donation to the Heroes Park to be budgeted for the fiscal year 2010-2011.

Motion made by Tisthammer, second by Thieman to approve the County Board and Public Hearing Proceedings of February 8, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Sheriff Dave Spiegel discussed repairing the damaged patrol car, purchase a new 2010 Nebraska State bid prices or purchase a used car from the Kansas Highway Patrol. Angie Lewandowski, Nance County Court Clerk Magistrate, provided the Board information with regard to their County Government Day program. Mike Thiem, Emergency Manager, provided an activity report to the Board. Thiem scheduled a SWOT seminar for February 18, 2010 from 5:00-7:00 p.m. at the Albion Fire Hall.

Chairman Schuele declared the meeting adjourned at 12:10 p.m. with the next Board meeting scheduled for February 22, 2010.

Kathy Thorberg, County Clerk

## ALBION, NEBRASKA

Nebraska.

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

and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

None. Absent: Tisthammer. Motion carried.

## Petersburg zoning ordinances.

The Board conducted an annual evaluation with the County Zoning Administrator.

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

public hearing.

Motion made by Thieman, second by Schuele to approve Resolution No. 2010-08 to adopt the 2010 One and Six Year Road Improvement Program as presented at the public hearing. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, Highway Superintendent, submitted a written feasibility study with regard to four open roads. The roads are unimproved with no indication that they were ever constructed; not utilized by anyone as a road and are not part of the current Boone County road inventory with the State of Nebraska. The wind energy company requested that the roads be considered for vacation to avoid set back issues with wind turbine towers from road right-of-ways. Landowner's impacted by these vacations have been contacted and there was no opposition to the vacations. Thorin recommends scheduling a public hearing for the purpose to hear opposition, if any, and if none, recommends vacation of the following roads:

- Beginning at the NE corner of Section 15, Township 22 North, Range 6 West, thence one-half mile West to the NW corner of the NE  $\frac{1}{4}$  of Section 15, Township 22 North, Range 6 West, now known as 120<sup>th</sup> Street.
- Beginning at the NW corner of the NE  $\frac{1}{4}$  of Section 20, Township 22 North, Range 6 West, thence South one mile to the SW corner of the SE  $\frac{1}{4}$  of Section 20, Township 22 North, Range 6 West, now known as 235<sup>th</sup> Avenue.
- Beginning at the NE corner of Section 29, Township 22 North, Range 6 West, thence West one mile to the NW corner of Section 29, Township 22 North, Range 6 West, now known as 140<sup>th</sup> Street.
- Beginning about 60 rods East of the one-half section line of Section 30, Township 22 North, Range 6 West, then about 40 rods to and from the section line East as practicable, thence in a Northeasterly direction following the ravine on the South side for about 60 rods, thence Easterly for about 60 rods to the ravine, thence about 60 rods Northeasterly taking the most practicable route, thence East to the West line of the NE $\frac{1}{4}$  of Section 29, Township 22 North, Range 6 West, thence South to or near the SW corner of the NE $\frac{1}{4}$  of Section 29, Township 22 North, Range 6 West, thence the most practicable route around the North end of the ravine in a Southeasterly direction to the one-half section line of Section 29, Township 22 North, Range 6 West.

Motion made by Schuele, second by Thieman that a public hearing be held on March 8, 2010 at 10:00 a.m. to vacate four open roads all located in Township 22 North, Range 6 West, Boone County, Nebraska upon the recommendation of the County Highway Superintendent. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem, Emergency Manager, provided an activity report for the Board and reported on Homeland Security equipment reconciliation. The Board acknowledged receiving funds towards the purchase of a new Boone County Ambulance from memorials given in memory of George O. Willard.

Chairman Schuele declared the meeting adjourned at 12:40 p.m. with the next Board meeting scheduled for March 8, 2010.

Kathy Thorberg, County Clerk



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MARCH 8, 2010 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, March 8, 2010, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board received lawn care bids from Schrad's KLawn and Jarecki Lawncare & Greenhouse, LLC. Steve Schrad and Jim Jarecki both appeared before the Board. The four step program bids with grub control received were from Schrad @ \$1,233.00 and Jarecki @ \$1,300.00. Aeration and thatching would be separate. The Board acknowledged both businesses for the courthouse lawn care over the years. Motion made by Thieman, second by Tisthammer to table the 2010 lawn care decision for further review to compare the services until March 15, 2010. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

The Board received ambulance bids from Danko Emergency Equipment Co. of Snyder and Conrad Fire Equipment of York. Randall Bruland, County Ambulance Administrator; Mike Semerad, Danko Emergency Equipment Co. representative; Shellie Rathjen, Conrad Fire Equipment representative and the Board discussed the bids for new and demo units to replace the current 2003 Ford County Ambulance. The Board plans to look at other alternatives versus trading the present ambulance unit. Danko representative was asked to provide information for the demo units he discussed with the Board. The bids received for a new Type III, 2010 Ford E450 chassis ambulance were \$151,682.00 received from Danko and \$136,725.00 received from Conrad. Motion made by Thieman, second by Tisthammer to table the ambulance decision for further review to compare the units until March 15, 2010. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Mike Thiem, Emergency Manager, and the Board discussed approving the appointment of a 2010 Local Emergency Planning Committee (LEPC). The LEPC's work is to understand chemical hazards in the community, develop emergency plans in case of an accidental release and look for ways to prevent chemical accidents. The LEPC is a two-year appointment by the State Emergency Response Commission. The Board of Commissioners is to acknowledge and approve the committee members appointed by the State. The LEPC only works with the hazmat portion of the Local Emergency Operations Plan (LEOP). The same individuals may be on both committees, but the LEPC is only part of the LEOP hazard section. The January 4, 2010 Reorganizational Meeting Proceedings has a motion to disband the LEPC with said duties assumed by the LEOP. The misunderstanding was that the LEPC and LEOP were one in the same. The clarification between LEPC and LEOP provides the need to approve the appointment of a Local Emergency Planning Committee and rescind the motion to disband the LEPC as stated in the 2010 Reorganizational Meeting Proceedings. Motion made by Tisthammer, second by Thieman to rescind the motion to disband the LEPC in the January 4, 2010 Reorganizational Proceedings and appoint the 2010 Local Emergency Planning Committee (LEPC) as presented and hereto attached to the proceedings. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

Chuck Rolf, President of the Boone County Agricultural Society, Inc., discussed requests for special designated liquor permits for the alumni weekend and the Boone County Fair. The alumni request is for June 19, 2010 for a beer garden extended outside of the Casey's Building. The Boone County Fair is scheduled for July 10-14, 2010 and a separate request is issued for each day of the fair. Motion made by Tisthammer, second by Thieman to approve the special designated liquor permits as presented. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

Darrel Thorin, Highway Superintendent, reported on various road and equipment issues. Thorin discussed the fracture critical bridge inspection agreement. Supplement 1 to the agreement on the Cedar River Bridge returned, waiting for notice to proceed. Site Manager training for federal aid project is in May and at this time; each separate federal aid project will require a separate training. Thorin discussed the federal compliance requirement for Title VI (civil rights program and ADA). An annual reporting requirement for both Title VI and ADA/504 will have to be submitted to the Civil Rights Coordinator of Nebraska Department of Roads by July 31 each year. The county needs to draft an updated policy and a resolution for Title VI compliance. The Board and Thorin discussed procedure for comp time that the road crew has accumulated due to the winter storms. Thorin met with the State of Nebraska, Department of Roads with regard to the 260<sup>th</sup> Street intersection.

Dave Spiegel, Sheriff, requested STOP funds to purchase investigating equipment. Motion made by Tisthammer, second by Thieman to approve the purchase of investigating equipment in the amount of \$345.00 from the STOP funds as presented. Roll call Vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

The Northeast Nebraska Area Agency on Aging has a twenty-two county service area. The senior center(s) in the county nominate a person to represent them on the Advisory Board. The Agency received the nomination of Arlene Nissen to represent Boone County on the Advisory Board of the Northeast Nebraska Area Agency on Aging to serve a three-year term. Motion made by Thieman, second by Tisthammer to approve the nomination and appoint Arlene Nissen to represent Boone County on the Advisory Board for the Northeast Nebraska Area Agency on Aging to serve a three-year term beginning March 10, 2010. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the following reports of the County Officials as presented for February, 2010: Clerk \$3,544.50 (State of Nebraska \$1,345.79; County of Boone \$2,198.71); Clerk of the District Court \$1,059.92 (State of Nebraska \$419.00; County of Boone \$640.92); Sheriff \$1,302.43; Zoning \$94.18; Treasurer's Fees \$18.00; Treasurer Office Miscellaneous Receipts Number 10013-10082 in the amount of \$630,467.68. Total collected at the County Treasurer Office \$954,997.92. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

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 materials as needed at the available price and quality on the open market upon the Highway Superintendent's recommendation. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$46,628.69; Road \$99,355.18; County Visitors Promotion \$117.75; Federal Grant \$750.00; Boone County Economic Development \$1,672.43; Inheritance Tax \$1,260.00; 911 Emergency Management \$999.14; Law Enforcement \$60.50; Courthouse Building \$139,120.44; Ambulance \$2,949.28. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board and Public Hearing Proceedings of February 22, 2010 as presented. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

Motion made by Tisthammer, second by Thieman to go into executive session at 11:30 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 and Thieman. Nays: None. Absent: Schuele. Motion carried. The Board and an Albion Fire and Rescue Squad member discussed personnel issues. Motion made by Thieman, second by Tisthammer to come out of executive session at 11:40 a.m. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried. No formal action taken in closed session and only that reason stated for the closed session was discussed.

Co-chairman Thieman declared there was no need for the agenda item number fourteen executive session. Darrel Thorin, Highway Superintendent, and Barb Hanson, Zoning Administrator, discussed filling the part time clerical assistance for the road department and zoning administrator with the Board. Thorin, Hanson and the Board held a teleconference with legal council regarding nepotism questions when hiring employees. No decision was made with regard to filling the part time clerical position.

Motion made by Thieman, second by Tisthammer to approve and adopt Resolution No. 2010-09 to amend the Boone County Zoning Regulations to Article 21, Section 23, Commercial/Utility Grade Wind Energy Conversion Systems as presented at the Public Hearing on March 8, 2010. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Open discussion and Miscellaneous Public Comments: An LEPC meeting is scheduled for tonight in the basement of the County Law Enforcement Building.

Co-chairman Thieman declared the meeting adjourned at 2:00 p.m. with the next Board meeting scheduled for March 15, 2010.

Kathy Thorberg, County Clerk

## **MINUTES OF PUBLIC HEARING PROCEEDINGS**

The Boone County Board of Commissioners Co-chairman, Henry R. Thieman called to order a public hearing on Monday, March 8, 2010 at 9:00 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. Commissioners present for roll call were Henry R. Thieman and Jerry L. Tisthammer. Commissioner Tom Schuele was absent. Barb Hanson, Planning and Zoning Administrator, was present to answer any questions with regard to the application for a change of zoning.

The purpose of the public hearing is to hear testimony in favor of, opposition to and to answer questions in relation to the approval or denial of the application for a change of zoning. The application request is concerning land located on a fraction of the NW1/4 of Section 28, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. (A) Amend the Future Land Use Map from "I-2" Industrial Area to "A-1" Agricultural Area; (B) Approve or deny an application by Bernard and Lucille Kuhlman to rezone from "I-2" Heavy Industrial District to "A-1" Agricultural-Primary District.

Bernard Kuhlman was present for the hearing. Thieman noted the Planning and Zoning Commission recommended approval of the requested change of zoning. Hanson explained that this property was rezoned when a pork processing plant was going to be built on the property, but since there was no "sunset" clause that went along with the rezoning it did not change back when the pork processing plant was not built. This rezoning needs to be done to change the zoning district back to what it originally was. The Future Land Use Map needs changing first before the rezoning can take place. No opposition received with regard to the change of zoning request.

Motion made by Tisthammer, second by Thieman to close said hearing at 9:20 a.m. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

Motion made by Thieman, second by Tisthammer to approve as written the application for a change of zoning by Bernard and Lucille Kuhlman to amend the Future Land Use Map and Official Zoning Map to change 151.93 acres described as a fraction of the NW1/4 of Section 28, Township 22 North, Range 6 West of the 6<sup>th</sup> P. M., Boone County, Nebraska. The approved change is for the Future Land Use map from "I-2" Industrial Area to "A-1" Agricultural Area and to rezone from "I-2" Heavy Industrial District to "A-1" Agricultural-Primary District. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Kathy Thorberg, County Clerk

# MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioners Co-chairman, Henry R. Thieman called to order a public hearing on Monday, March 8, 2010 at 10:01 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. Commissioners present for roll call were Henry R. Thieman and Jerry L. Tisthammer. Commissioner Tom Schuele was absent. Darrel Thorin, County Highway Superintendent, was present to answer questions in relation to the proposed vacation of four roads.

The purpose of the public hearing is to hear support or opposition with regard to the denial or approval to vacate four roads in Boone County, Nebraska known as: 120<sup>th</sup> Street (15-22-6); 235<sup>th</sup> Avenue (20-22-6); 140<sup>th</sup> Street (29-22-6); and an unnamed road located in both 29-22-6 and 30-22-6, all in Boone County, Nebraska.

Darrel Thorin, Highway Superintendent, visited with the property owners and heard no opposition regarding the vacation of said roads. The Highway Superintendent submitted a written feasibility study with the recommendation to vacate said roads in Boone County, Nebraska. The four roads are unimproved with no indication that they were ever constructed. The public does not access the roads and they are not part of the current Boone County road inventory with the State of Nebraska. Vacating them would be beneficial for the landowners and the wind farm. The Board received no opposition to the vacation at the hearing. The County Board instructed that a resolution be prepared to vacate the four roads located in Boone County, Nebraska for the Board's approval at the March 15, 2010 Board meeting.

Motion made by Tisthammer, second by Thieman to close said hearing at 11:20 p.m. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the vacation of four roads located in Township 22 North, Range 6 West of the 6<sup>th</sup> P. M., Boone County, Nebraska as recommended by Darrel Thorin, Highway Superintendent, more specifically described as follows:

- Beginning at the NE corner of Section 15, Township 22 North, Range 6 West, thence one-half mile West to the NW corner of the NE1/4 of Section 15, Township 22 North, Range 6 West, now known as 120<sup>th</sup> Street; and
- Beginning at the NW corner of the NE1/4 of Section 20, Township 22 North, Range 6 West, thence South one mile to the SW corner of the SE1/4 of Section 20, Township 22 North, Range 6 West, now known as 235<sup>th</sup> Avenue; and
- Beginning at the NE corner of Section 29, Township 22 North, Range 6 West, thence West one mile to the NW corner of Section 29, Township 22 North, Range 6 West, now known as 140<sup>th</sup> Street; and
- Beginning about 60 rods East of the one-half section line of Section 30, Township 22 North, Range 6 West, then about 40 rods to and from the section line East as practicable, thence in a Northeasterly direction following the ravine on the South side for about 60 rods, thence Easterly for about 60 rods to the ravine, thence about 60 rods Northeasterly taking the most practicable route, thence East to the West line of the NE1/4 of Section 29, Township 22 North, Range 6 West, thence South to or near the SW corner of the NE1/4 of Section 29, Township 22 North, Range 6 West, thence the most practicable route around the North end of the ravine in a Southeasterly direction to the one-half section line of Section 29, Township 22 North, Range 6 West, said road being unnamed.

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

Kathy Thorberg, County Clerk

## MINUTES OF PUBLIC HEARING PROCEEDINGS

The Boone County Board of Commissioner Co-chairman, Henry R. Thieman called to order a public hearing on Monday, March 8, 2010 at 1:00 p.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. Commissioners present for roll call were Henry R. Thieman and Jerry L. Tisthammer. Commissioner Tom Schuele was absent. Barb Hanson, Planning and Zoning Administrator, was present to answer any questions with regard to the zoning regulation amendments.

The purpose of the pubic hearing is to hear testimony in favor of, opposition to and to answer questions in relation to the approval or denial to amend Article 21, Section 23, Commercial/Utility Grade Wind Energy Conversion Systems of the Boone County Zoning Regulations as follows:

- 23.2 Definitions, (M) delete: rotor blades
- 23.3 Requirements, (M) add: prior to issuance of a zoning permit
- 23.5 Setbacks, All towers shall adhere to the setbacks (add: measured from the edge of the tower) established in the following table:
- 23.5 Setbacks table, Property Lines, Wind Turbine-Commercial/Utility WECS, delete: 150 feet from property lines; add: one-half the rotor diameter from property lines
- 23.5 Setbacks table, Wildlife Management Areas and State Recreational Areas, 600 feet\*\*\* and 600 feet\*\*\*
- 23.5 Setbacks table, Wetlands, USFW Types III, IV, and V, delete: 600 feet in both columns; add: 300 feet\*\*\* in both columns
- 23.5 Setbacks, \*\*Add: Such right-of-ways shall be verified with the Nebraska Department of Roads and County Roads Department.
- 23.5 Setbacks, Add: \*\*\*Setback may be reduced based on review of proposed distance and approval by Nebraska Game & Parks Commission, U.S. Fish and Wildlife, and Army Corps of Engineers. Such reduction shall not be less than 100 feet and be based on certified engineer reports showing no effects on the identified areas. Applicant shall submit report and approval or evidence that the study has been performed and the request for approval has been submitted to the appropriate agency prior to the issuance of a zoning permit. Such permit would be conditional and contingent upon such approval.
- 23.6 Special Safety and Design Standards, (K. Noise) add: Such structures or uses include dwelling units, churches, daycares, and the like, but do not include barns, sheds, or agricultural, commercial or industrial uses.

Patrick Dalseth, Midwest Wind Energy Project Coordinator, was present for the hearing. Midwest Wind Energy has no objections to the proposed zoning regulation changes. Thieman noted the Planning and Zoning Commission recommended approval of the regulation changes. No opposition was received with regard to the amended changes to Article 21, Section 23, Commercial/Utility Grade Wind Energy Conversion Systems. The amended changes will better fit the wind turbines in the pivot corners and address the wetland setbacks.

Motion made by Thieman, second by Tisthammer to close said hearing at 1:25 p.m. Roll call vote: Yeas: Thieman and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Tisthammer, second by Thieman to amend and approve the Boone County Zoning Regulations as stated above to Article 21, Section 23, Commercial/Utility Grade Wind Energy Conversion Systems. Roll call vote: Yeas: Tisthammer and Thieman. Nays: None. Absent: Schuele. Motion carried.

Kathy Thorberg, County Clerk

## ALBION, NEBRASKA

Nebraska.

present to join in the Pledge of Allegiance.

Health care is a topic everyone is waiting to see the outcome of the new federal government programs.

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

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

Darrel Thorin, Highway Superintendent, discussed the federal compliance requirements for Title VI (civil rights program and ADA). The county needs to draft an updated policy and a resolution for Title VI and ADA/504 compliance to submit with an annual report to the Civil Rights Coordinator for the Nebraska Department of Roads. Boone County has suffered damage to roadways and culverts due to the thawing of severe winter weather and flooding. A Declaration of Damage has been prepared for the Board to sign which is the first step when applying to the State of Nebraska for assistance from the Governor's Emergency Fund. Motion made by Thieman, second by Tisthammer to approve the authorization for the Board Chairman to sign a Declaration of Damage declaring a state of emergency authorized under Nebraska State Statute R.R.S. 81-829.50 on behalf of Boone County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board held a public hearing on March 8, 2010 and received no opposition to the vacation of four county roads all located in Township 22 North, Range 6 West, Boone County, Nebraska. The Board vacated said roads effective March 15, 2010 and all right-of-way rights are to be relinquished and shall revert to the owners of the adjacent real estate, one-half on each side thereof. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-10 for the vacation of four county roads located in Township 22 North, Range 6 West, Boone County, Nebraska effective March 15, 2010 as presented and discussed at the March 8, 2010 Board meeting. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed with the Board the regulations regarding fracture critical bridge inspections. Motion made by Tisthammer, second by Thieman to authorize the Board Chairman to sign the agreement and approve Resolution No. 2010-11 with the State of Nebraska, Department of Roads for Project No. BR-NBIS(83), Fracture Critical Bridge Inspections as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Shannon Landauer, Economic Development Director, discussed a resolution of support for a community application for the City of Albion to the Nebraska's Economic Development Certified Community Program. Motion made by Schuele, second by Thieman to approve and authorize the Board Chairman to sign Resolution No. 2010-12, wherein the Boone County Board of Commissioners do pledge their full support, endorsement, and cooperation for participation in Nebraska's Economic Development Certified Community Program by the City of Albion. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 committee previously approved a request for advertising funds. The Albion Area Arts Council submitted a request for assistance with advertising the Celtic Cabaret Concert scheduled for March 21, 2010. 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.



Motion made by Thieman, second by Tisthammer to approve the County Board and Public Hearing Proceedings of March 8, 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board took no action with regard to Title 471 of the Nebraska Medical Assistance Program.

John Morgan, County Attorney, was unable to attend the meeting and rescheduled for March 22, 2010.

Open discussion and Miscellaneous Public Comments: Northeast District meeting in Norfolk on March 19, 2010. The Board and Rod Nelson, Maintenance, discussed the underground sprinklers needing adjustment and repairs due to the renovation.

Chairman Schuele declared the meeting adjourned at 10:30 a.m. with the next Board meeting scheduled for March 22, 2010.

Kathy Thorberg, County Clerk

## ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:50 a.m. on Monday, March 22, 2010, 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.

Darrel Thorin, County Highway Superintendent, and Barb Hanson, Zoning Administrator, discussed part time clerical for the road and zoning departments with the Board. Information from the County Officials Northeast meeting held on March 29, 2010 indicates an anticipated revenue shortfall for next year around 600 million. The State offices are looking for more efficiency and down sizing staff. The message to the counties is how do you plan to handle the income shortfall and efficiency among employees. The consensus of the Board is not to add any additional employees at this time. The Board agreed to continue the discussion at the March 29, 2010 meeting with no action taken.

Steve Schrad, Schrad KLawn of Albion; Jim Jarecki, Jarecki Lawncare Greenhouse, LLC of Albion, and the Board discussed the action taken on March 15, 2010 with regard to approving Jarecki's services for the 2010 courthouse grounds lawn care. The quotes were \$1,233.00 from Schrad's KLawn and \$1,300.00 from Jarecki Lawncare Greenhouse, LLC. Schrad questioned the Board's action, because in the past the Board approved the lower quote for lawn care. The Board indicated that the County is not required to take bids/quotes on any items or services under \$20,000.00 and are not required to take the lowest bid/quote. The Board pointed out that they did not advertise for bids, but accepted the quotes submitted for lawn care services. Commissioner Schuele apologized for any misunderstanding of the services for each quote. Schrad explained that his four steps includes broad leaf control in step one and four and that he spots weed control if he sees a need in step two and three. Jarecki said his one-step includes weed control and he spots weed control if he sees a need in step two and three and fall weed sprays in addition to step four. Jarecki also indicated some would argue the difference of granule verses liquid weed control. The Board based their action on the written quotes with the thought that the Jarecki quote included the four steps and an extra step for fall weed spray. It is our fault for the mistake in erring on the understanding of the weed control on the quotes, but the Board made their decision in good faith. The consensus of the Board is to leave the decision as approved on March 15, 2010 and apologized for the misunderstanding with regard to the weed spraying portion of the lawn care quotes. The Board acknowledged the good services of both businesses and recommended to rotate the services each year between the two businesses. The Board thanked Schrad and Jarecki for attending the meeting and explaining their services.

Motion made by Thieman, second by Tisthammer to write off two uncollectible 2009 ambulance accounts in the amount of \$1,935.00 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted and to turn them over to the County Attorney to attempt further collection. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Board Proceedings of March 15, 2010 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. 2010-13, a request from Thomas R. Hartford to trench an electrical cable under a county road known as 150<sup>th</sup> Avenue, beginning from a power pole located in the county road right-of-way in the NE1/4 of Section 2, Township 19 North, Range 8 West, thence East to an irrigation well located in the NW1/4 of Section 1, Township 19 North, Range 8 West, all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. 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 \$75,039.71, BCBS \$28,853.46, Ameritas Ret \$5,140.37, EFTPS \$5,658.80; Road \$41,271.50, BCBS \$15,883.26, Ameritas Ret \$2,785.86, EFTPS \$3,130.60; Boone County Economic Development \$4,451.48, BCBS \$1,287.48, Ameritas Ret \$300.47, EFTPS \$333.61; Law Enforcement \$5,723.00, BCBS \$2,415.09, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$1,645.00, Ameritas Ret \$85.06, EFTPS \$125.84; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,310.83, Ameritas Ret \$263.85, EFTPS \$406.27, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

John Morgan, County Attorney, updated the Board with regard to County Attorney activity since his appointment in December 2009. The Board discussed with Morgan the possibility of sharing clerical help with another county department. Morgan presented a quote from August 2009 from Western Office Plus of Norfolk for seven new file cabinets in excess of \$4,000.00 for four 30" two-drawer, one 36" two-drawer, one 36" four-drawer and one fireproof file cabinet for the County Attorney's office after renovation. Morgan said there is no need for a fireproof file cabinet. A 36" four-drawer file cabinet will replace the fireproof cabinet, changing the quote to \$2,713.95 for the seven file cabinets. Motion made by Thieman, second by Schuele to approve the quote of \$2,713.95 for the purchase of seven file cabinets for the County Attorney's office from Western Office Plus as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Patrick Dalseth, Midwest Wind Energy Project Coordinator, presented the Laredo Ridge Wind Farm site plan and applications for the fifty-four wind turbine Zoning Permits. The Board, Barb Hanson, Zoning Administrator, and Mike Thiem, Emergency Manager, attended Dalseth presentation. Dalseth reviewed each section of the site plan with his presentation. Dalseth reviewed information and answered questions with regard to the project description, legal descriptions, site layout maps, certification by an engineer competent in disciplines of wind energy conversion, and documentation of land ownership or legal control of property. The zoning permit information also included latitude and longitude of individual wind turbines, USGS topographical map, location of wetlands, scenic and natural areas, acoustical analysis, emergency response plan, no interference with any commercial and/or public safety communication towers and the decommissioning plan. Dalseth answered question with regard to a project update. The six contractors visiting the wind field were from Indiana, North Dakota, Tennessee and three from Minnesota. Upon the selection of the contractor and completion of Midwest Wind Energy's project coordinating services, the construction of the project is with the Edison Mission Group of Irvine, California. The landowners have signed the lease agreements for the fifty-four wind turbines. Two permanent meteorological towers will be replacing the two temporary met towers. The met towers are in addition to the fifty-four wind turbines. Dalseth estimated that the Laredo Ridge Wind LLC might employ approximately seven after the project is completed for the required maintenance and monitoring of the wind farm. LB1048, if passed, affects valuation, taxes, etc. with regard to wind energy projects.

Open discussion and Miscellaneous Public Comments: Commissioner Schuele reported from the Northeast meeting with regard to legislative bills and a county government committee formed to complete a study on county government efficiency. Mike Thiem, Emergency Manager submitted a written activity update. Thiem updated the Board with regard to the FEMA/NEMA spring thaw funding application.

Chairman Schuele declared the meeting adjourned at 2:00 p.m. with the next Board meeting scheduled for March 29, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MARCH 29, 2010 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, March 29, 2010, 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.

Darrel Thorin, County Highway Superintendent, and Barb Hanson, Zoning Administrator, discussed part time clerical for the road and zoning departments with the Board. The Board contacted NACO legal counsel at a prior meeting to discuss the procedure for hiring an employee involving the possibility of nepotism. The County Board makes the hiring decision when closely related applicants of current county employees are involved. The employment of a closely related applicant involves the signing of additional forms by all the parties involved. Thorin and the Board discussed part time clerical for the road department to be twenty-four hours per week. That would allow the Highway Superintendent to be out in the field more with the road crew. Motion made by Schuele to offer part time clerical for the road to Chyla Thiem at twenty-four hours per week. The motion died for lack of a second. There needs to be conservative action taken within the county budgets and more efficiency among the county employees. The Board decided at this time to separate the road and zoning part time clerical duties. The Board discussed the possibility of sharing another county department's clerical help with the zoning department. No action taken and the Board agreed to continue the discussion with a decision at the April 12, 2010 meeting.

Motion made by Tisthammer, second by Thieman to approve the County Board and Board of Equalization Proceedings of March 22, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-14, a request from Kenneth J. Schumacher to bore an electrical cable under a county road known as 120<sup>th</sup> Street, beginning from a power pole located in the county road right-of-way in the SW1/4 of Section 12, Township 22 North, Range 7 West, thence South to an irrigation well located in the NW1/4 of Section 13, Township 22 North, Range 7 West (excepting a fraction deeded to the State of Nebraska, Department of Roads), all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Mike Thiem, Emergency Manager, discussed his weekly report and updated the Board concerning the corrective actions regarding the Homeland Security Funds audit of equipment for 2005 and 2006. Thiem received notification from NEMA that Boone County is among the twenty-four counties added to the list for disaster funding with regard to the winter snowstorms. The Emergency Manager Office will be moving this week to 233 South 4<sup>th</sup> Street. With the move, there will be a need for phone, fax and internet line. The estimate monthly billing is \$140.00, with the Emergency Manager Office moving from the Law Enforcement Building to the County Annex Building. Motion made by Thieman, second by Schuele to grant Mike Thiem, Emergency Manager, permission to work with Frontier Communications to install phone, fax and internet at 233 South 4<sup>th</sup> Street in Albion, Nebraska. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Commissioner Tisthammer excused himself at 9:40 a.m. due to illness.

Bernard Batenhorst, Central Sand & Gravel Company, visited with the Board regarding aggregate availability, locations and prices. The pit prices for road gravel and oversize mud rock at Columbus, Grand Island and Genoa remained the same as last year. The Genoa pit screened rock increased from \$12.78 Ton/\$17.25 CY to \$13.75 Ton/\$18.56 CY. The St. Paul pit increased road gravel from \$6.63 Ton/\$8.95 CY to \$6.95 Ton/\$9.38 CY and large mud rock from \$11.48 Ton/\$15.50 CY to \$11.85 Ton/\$16.00 CY.

The Board, County Highway Superintendent, a road foreman, thirteen patrons, a courthouse state employee and two courthouse county employees were present for the discussion regarding the county road department. Commissioner Schuele acknowledged the patrons attendance to discuss the various issues regarding the road conditions and improvements within the road department. Commissioner Schuele asked Commissioner Thieman to provide history with regard to the county road program including regulations and funding. Thieman serves as a member of the State Board of Public Roads Classifications and Standards. Thieman explained that in the 80s the Commissioners were the supervisors over their respective seven-member road crew and the purchase of separate equipment. The County received around a million dollars a year of highway allocation funds to help with the road budget. The road crews worked in their respective district, with the foremen consulting a contracted Highway Superintendent when needed. In the late 90s, the county tried to be more efficient by consolidating some of the equipment and resources. One of the foremen was appointed as an assistant to the contracted Highway Superintendent to help oversee projects and supervise the road crew. Road workers were moved around within the districts to complete bridge projects etc. timelier and work as one road department instead of three separate departments. The federal and state mandated regulations have increased significantly. The increased paperwork, regulations, certifications and supervision to complete a project is why the County hired a full time licensed Highway Superintendent in 2008. The County receives one cent for each dollar spent at the fuel pump, resulting in approximately \$750,000.00 of highway allocation funding for the current budget. A county cannot deviate from the standards set by the State Classification and Standards Board. Any deviation puts the Highway Superintendent, County Board and County at risk with the possibility of fines and having to return funds. The State Classification Board has to fulfill the requirements of the federal standards. Reasons for the highway allocation funding cuts are the public not using as much fuel; federal funding received by the State is less, the State forwards less to the counties and the population continues to decline. In the past, a \$100,000 bridge project went all to building the bridge with county labor. Today the first 40% for the same project is for EPA requirements and three engineering firms (one to design, one to construct and one to inspect) all before the start of the project. Commissioner Thieman gave an outlook from his point of view as a member of the State Board of Classifications. He foresees less graveled roads, more minimum maintenance roads as federal/state funds continue to be cut, additional mandated requirements adding to the cost of projects, and a five-member road crew per district.

Chairman Schuele asked for public comments, questions and/or concerns. The public understands the natural disasters and knows it takes time to repair the roads. With the natural disaster of blizzards and rapid spring thaws put aside, the patrons expressed some of their concerns and frustrations. A question was asked why not hire private contractors to help with improvements and hire outside help to deal with the snow removal disaster? How much time are the Commissioners and Highway Superintendent spending checking the road conditions and efficiency of the road crew? Why was Boone County not included in the first round of the disaster declaration? Some cringe when the disk/rake goes by because it is not working the edge of the road correctly for drainage. The crowns on some of the roads are too steep and are not safe for traveling especially with grain trucks. The disk/rake is a valuable tool when used at the correct time and the operator knows the proper use. Some employees may need a more-experienced motor grader operator to ride with them for a while in order to receive proper training to perform quality work when grading roads. Other questions asked regarding whether or not there was a regular maintenance schedule for the roads and if the county had considered townships. The Board received complaints that many fence lines received damage with the snow removal.

It was asked how the One and Six Year road projects were determined. The Highway Superintendent explained the process and indicated that notice is given of the One and Six Year road hearing and that the public is invited to attend and provide their input. The Highway Superintendent indicated that in 2009, there were twenty-two road projects and that seventeen of them were completed. The Highway Superintendent indicated that many of the projects scheduled for this year were to facilitate the wind tower farms but that those projects are at the expense of the wind energy firms and by their own contractors.

Darrel Thorin, County Highway Superintendent, replied to the patron's questions and concerns. There were several questions asked regarding the road budget. Thorin explained that there is one road budget covering all three districts. About one-half of the current road budget funding is from real estate taxes or approximately eleven cents of every dollar with an additional \$400,000.00 coming from the inheritance tax fund.

A landowner of the county cannot change the natural flow of creeks/rivers. When a road, bridge, etc. sits in a Class A flood plain, it is under more governmental restrictions. One cannot remove trees in a project area from April 1 to the middle of July due to bird migration and nesting. Not including minimum maintenance roads, the county has over 750 miles of graveled road with twelve motor graders resulting in an average of 60 miles per operator. Bridges being replaced by culverts; grassland becoming crop land; culverts and ditches that are silted in no longer allow drainage; and the weight of vehicles are some of today's road problems.

The County also needs the help of the patrons and landowners by returning the road right-of-ways back; irrigation end guns not watering the roads; trees, etc. not pushed into the water flow towards bridges/culverts; and livestock drainage not flowing over the county roads. The County appreciates having the patrons and landowners assistance. The sooner a problem area is identified, the quicker the problem can be addressed. When road employees are used to fix road problems that results in less time in the maintainers and hauling gravel. Patrons are encouraged to call either one of the Commissioners, Highway Superintendent or one of the three district foremen when they know of a problem.

Commissioner Schuele acknowledged the meeting as constructive and productive. The Board recognizes many problems and there is always room to improve. The majority of the complaints appear to be from the southern and western part of the county. Due to increased regulations and required paperwork, the Board is considering part time clerical help for the road department. The Federal Highway Administration feel there is a need for tighter review of the use of the federal allocated funding. The Federal Highway Administration has the State of Nebraska under review with regard to federal funds; therefore, the State is reviewing the County allocation funding. The Board appreciated the patrons input and will take their concerns under advisement.

Motion made by Schuele, second by Thieman to go into executive session at 1:05 p.m. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried. The Board conducted an annual employee evaluation. Motion made by Thieman, second by Schuele to come out of executive session at 2:10 p.m. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. 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: Commissioner Schuele reported from the Zoning Board meeting held on March 22, 2010. Commissioner Thieman reported from the Hospital Board meeting held on March 23, 2010. Commissioner Tisthammer acknowledged attending a Region IV Behavioral Health System Board meeting in Norfolk. The date from June 1 through September 30, 2010 is set for the third annual NACO sponsored "Walk for Your Life Challenge."

Chairman Schuele declared the meeting adjourned at 3:15 p.m. with the next Board meeting scheduled for April 12, 2010.

Kathy Thorberg, County Clerk

## 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.

Randall Bruland, County Ambulance Administrator, discussed with the Board repairs needed to the 2003 Ford Ambulance. Bruland presented written quotes for the necessary repairs. Motion made by Schuele, second by Thieman to grant Randall Bruland authority to proceed with the necessary ambulance repairs. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 committee previously approved a request for advertising funds. The Albion Area Arts Council submitted a request for assistance with advertising The Toasted Ponies Concert scheduled for April 18, 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.

Patrick Dalseth, Midwest Wind Energy Project Coordinator, presented two amended duplicate documents of the County Roads Agreement for the Laredo Ridge Wind, LLC. The County Roads Agreement sets forth the understanding and agreement as to the road issues relating to the construction of the Laredo Ridge Wind Farm. The Agreement addresses several issues such as project site access road entrances, road right-of-way crossings, permits, along with State and Federal regulations. The original County Roads Agreement signed on February 8, 2010 needs an amendment to the first sentence of Section 2(b). Dalseth apologized for the error within the agreement signed on February 8, 2010.

Dalseth explained the change of Section 2(b) regarding the preconstruction of the two permanent meteorological (met) towers. Construction plans for the two permanent 80-meter met towers is within the next couple of weeks. The permanent met towers will collect the technology data that General Electric uses to confirm ratings and efficiency of the wind farm. The construction of the two met towers will have a minimal impact on the county roads; therefore, they are requesting the issuance of the two met tower building permits before the transportation impact analysis is completed. The locations of the two permanent met towers are the NW1/4 of 33-22-6 and the SE1/4 of 18-22-6, Boone County, Nebraska.

The County Roads Agreement entered into as of April 12, 2010 by and between Boone County, Nebraska and Laredo Ridge Wind, LLC amends the first sentence of Section 2(b) to read, "At least two weeks prior to the commencement of construction, Laredo Ridge Wind shall, provide a transportation impact analysis to the County." Dalseth explained to the Board that Section 10(e) Entire Agreement. This Agreement contains the entire understanding of the parties as to the matters set forth herein, and this Agreement supersedes any prior agreements or understanding by and between the parties. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the amended County Roads Agreement for the Laredo Ridge Wind, LLC made and entered into as of April 12, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

A motion made by Thieman, second by Schuele to approve Resolution No. 2010-15, that building permits be issued to Laredo Ridge Wind, LLC for the purpose of installing two Meteorological Towers prior to receiving a copy of the transportation impact analysis as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Harlan Aeevermann, CPA, County Auditor, provided an Attorney and Management Representative Letters for the June 2009 year-end audit for the Board to review. The June 2009 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 the attorney letter with regard to any pending or threatened litigations, 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 2009 year end audit report of finances and that all the county information was available and given to the auditor for the June 2009 year end. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Tim Shanle, Darrel Thorin, Highway Superintendent, and the Board discussed Shanle's request to trench a plastic 2" natural gas pipe line and finder wire along the east side of a minimum maintenance road known as 210<sup>th</sup> Avenue in the county road right-of-way of Section 1, Township 18 North, Range 7 West, Boone County, Nebraska. Shanle plans to connect to a present Source Gas line located in the southwest corner of the SW1/4SW1/4 of Section 1; thence north to the northwest corner of the NW1/4NW1/4 of Section 1, all in Township 18 North, Range 7 West, Boone County, Nebraska; thence boring under State Highway 56 to a grain bin located in the S1/2SW1/4 of Section 36, Township 19 North, Range 7 West, Boone County, Nebraska. The Board wants to discuss the request with the County Attorney before signing an agreement. The matter is set for further discussion at the April 26, 2010 meeting.

The Board reviewed a draft of a possible Interlocal Agreement to authorize the County of Boone to use the City of St. Edward's kennel for the housing of impounded pets. LB 241 amended the commercial dog and cat operator inspection act, Statute 54-625 to 54-643 effective August 30, 2009. The State of Nebraska requires an approved kennel for the housing of impounded pets, specifically dogs or cats. Motion made by Tisthammer, second by Schuele to approve the draft as presented with an original document prepared for the May 10, 2010 agenda for approval. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for March, 2010: Clerk \$13,670.25 (State of Nebraska \$8,932.26; County of Boone \$4,737.99); Clerk of the District Court \$763.53 (State of Nebraska \$422.00; County of Boone \$341.53); Sheriff \$1,555.85; Zoning \$264.00; Treasurer's Fees \$404.00; Treasurer Office Miscellaneous Receipts Number 10083-10168 in the amount of \$167,437.77. Total collected at the County Treasurer Office \$872,404.87. The County Sheriff's Office 2010 first quarter report 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 Proceedings of March 29, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Barb Hanson, Zoning Administrator, discussed the purchase of three 3-drawer lateral files. Lateral files are a special order and Western Office will need to charge the extension office a storage fee for the returned file cabinets. The file cabinets did not fit in the space provided after renovation of the extension office. Therefore, the extension needs to order a different size and the zoning office is in need of file cabinets in order to unpack files stored in boxes. Motion by Schuele, second by Thieman to allow the zoning office to purchase the three lateral file cabinets returned to Western Office by the extension office as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

John Morgan, County Attorney; Barb Hanson, Zoning Administrator, and the Board discussed sharing the County Attorney's clerical employee with the Zoning Administrator. Morgan offered a day and a half (12 hours) a week for the County Attorney's employee to help with clerical duties for the zoning office. When there is a deadline for both offices, the attorney deadline will take priority. This is an in house trial for the sharing of clerical duties, where full time clerical positions are not feasible for some offices. The Board thanked Barb Hanson, John Morgan and Pam Jochum for trying to share clerical duties among their offices.

Commissioner Tisthammer discussed the concerns he heard regarding the sharing of information among county officials. Tisthammer felt information should be before all members of the Board before reading about it in the newspaper. Commissioner Schuele asked Tisthammer to provide the misinformation and noted that he was not aware of any intentional information given to the newspaper. Schuele will apologize and correct any error that is noted. We are all humans and all make errors. Tisthammer was unable to provide the documentation at this time of the accusations. Commissioner Tisthammer feels Commissioner Schuele spends too much time checking on the Road District One employees and road maintenance, which is why we hired a Highway Superintendent. Schuele replied that the Board supervised road districts until a full time Highway Superintendent was hired and it takes time to relinquish the duties and get use to changes. Commissioner Schuele responded that the Highway Superintendent was aware of the concerns and issues brought up today. In reference to the March 29, 2010 Board meeting with several patrons, the more we can educate the public of the difficulties and regulations each construction project faces, the better everyone understands the procedures to complete a project. Commissioner Schuele offered the Board Chairman position to Tisthammer, which he declined.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$80,062.67; Road \$198,605.23; County Visitors Promotion \$409.65; Reappraisal \$3,675.61; Boone County Economic Development \$4,260.19; 911 Emergency Management \$4,371.60; Law Enforcement \$111.00; Courthouse Building \$215,506.12; Ambulance \$137,462.29; Fitness Center \$157.39, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem, Emergency Manager, reported on a discussion regarding an emergency plan and 911 addressing for the wind farm. Thorin received notice to proceed with the selection of a consultant for the Cedar Rapids Historical Bridge project. The road crew started four ten hour days on April 12, 2010. Fred Tiede discussed a prior agreement that has expired; the matter was scheduled for April 19, 2010 meeting for further discussion. Dave Spiegel, Sheriff, brought to the Board's attention a camera system with room for expansion when renovating the courtroom, the need for renovation of the 911 Center to add another computer system and a plan to back up the back up generator when the electricity is off. Ted Thieman complimented the county road conditions and maintenance in the northern area of the county. Ted Thieman, Highway Superintendent and the Board discussed a road maintenance schedule, proper maintenance by the equipment operators, and a flexible daily schedule due to weather and unforeseen events.

Commissioner Schuele declared the meeting adjourned at 1:45 p.m. with the next Board meeting scheduled for April 19, 2010.

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, April 12, 2010 at 9:00 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. 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. Applicants Brent and Tricia Martinsen and Barb Hanson, County Zoning Administrator, 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 an Application for Conditional Use Permit submitted by Brent and Tricia Martinsen, joint property owners of the real estate referenced herein. The application request is to divide 10.0± acres from pastureland to build a new house located in a fraction of the East Half (E1/2) of Section 6, Township 18 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. Martinsen provided a site plan and survey. Martinsen explained that the property owners are Brent and Tricia Martinsen and Kurt and Julie Martinsen. The request to split a 10.0± acre tract from the E1/2 is for the financing of the new home. The new home is close to the present dwelling; therefore, the current driveway will extend to the new home.

Motion made by Thieman, second by Tisthammer to close said hearing at 9:05 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 submitted by Brent and Tricia Martinsen. The approval is to divide a 10.0± acre tract from pastureland to build a new house located in a fraction of the East Half (E1/2) of Section 6, Township 18 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
APRIL 19, 2010 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, April 19, 2010, 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. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Mike Saner, EMS Territory Manager, demonstrated an AutoPulse System for the County Ambulance. The Board, Dr. Kusek, Amy Zaruba and Randall Bruland were present for the demonstration. The Board received a \$15,285.00 quote from Zoll Advancing Resuscitation regarding an AutoPulse System including the battery, charger, carry case and three compression bands. The AutoPulse provides proper CPR and ensures rescuer safety during transport. The AutoPulse is a revolutionary non-invasive cardiac life support pump that moves more blood, more consistently than is possible with human hands. It is easy to use and battery operated, its load-distributing LifeBand squeezes the entire chest. As a result, victims receive consistent, high-quality compressions that deliver improved blood flow. AutoPulse also minimizes no-flow time. It allows rescuers to provide compressions while performing other life-saving activities, or while transporting a victim down the stairs or in the back of a moving ambulance. Saner demonstrated the E Series monitor-defibrillators with an accelerometer to continuously record chest compression quality during resuscitation both at the scene and during ambulance transport. Europe already uses the E Series while the United States is waiting for the FDA approval. The Board discussed trading the current ambulance equipment for the AutoPulse. Saner will revise the quote to allow for trade-in of the current equipment. A decision to purchase or not will be discussed after receiving a revised quote.

Mike Gullikson, Certified Energy Specialist, representing Central Valley Ag discussed the Advanced Energy Fuels program with the Board. If one signs up with the program, the supplier installs a monitor on the fuel tank. The supplier monitors the fuel used monthly and automatically keeps the tank full. The supplier bills the entity each month for the gallons used based on a thirty-day average rate for the billing cycle. The use of the monitored program is not a requirement. Thieman commented that it eliminates competition and cuts the rest of the local suppliers. No decision made at the meeting.

The Board held their monthly meeting with the officials, department heads, or employees. Commissioner Thieman presented his views from a meeting he attended last week regarding the NACO/BCBS policy and shared Pam Bourne's, NIRMA legal council, opinion of the national health care program. Courthouse renovation appears to be ahead of schedule. The Board will discuss window coverings for the new windows with the contractor. The Courthouse Clock Tower received the new mechanical parts. Veteran Service Officer attended a weeklong conference last week. The conference was eventful, educational and provided information for many changes involving veterans' medical and other issues. Tisthammer plans to visit with the Fitness Center Board with regard to group discounts at their April 20, 2010 meeting. A larger propane tank was installed for the back up generator at the sheriff office. The State may be implementing furloughs with regard to the County Court and Probation Office to help cut expenses due to the budget shortfall. A surplus auction to be discussed after the completion of the renovation as some of the offices are receiving new furniture and cabinets. Employees complimented the renovation construction crews as being very cordial. The Board appreciates everyone's help in moving offices for relocation.

Fred Bader, Bader's Highway & Street of Norfolk, Nebraska, was present to discuss an estimate quote for crack sealing. The county road crew will patch everything, except for the two quoted areas. The estimate for crack sealing of 255<sup>th</sup> Avenue north five miles is \$15,685.20 and Old Mill Road six miles west of airport road, plus west of the old school is \$5,832.00. Bader's will blow out all cracks, clean, seal and squeegee all areas. Motion made by Tisthammer, second by Schuele to approve the crack sealing quotes as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed culvert pricing, road materials, and road improvement that may be required by the TransCanada Pipeline on 110<sup>th</sup> Avenue. Thorin plans to attend a TransCanada Pipeline meeting scheduled for May 10, 2010 for more information.

The Board discussed the Highway Superintendent's feasibility study and recommendations with regard to ingress and egress to the State of Nebraska's real estate located in Section 36, Township 22 North, Range 8 West, Boone County, Nebraska. A prior lease agreement with Fred and Leila Tiede dated May 1, 2004 has expired. A new lease agreement will be prepared for approval at the next Board meeting.

Russell Stokes, County Weed Superintendent, asked permission to be a member of the Sandhills Weed Association. Motion made by Schuele, second by Tisthammer to authorize Russell Stokes, Weed Superintendent, to join as a member of the Sandhills Weed Association. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-16, a request from Mescher Bros. to trench an electrical line from a utility pole located in the county road right-of-way on the West side of 230<sup>th</sup> Avenue, thence running East under and across said 230<sup>th</sup> Avenue to a pivot located in the center of the SW1/4 of Section 17, Township 21 North, Range 6 West, all in Boone County, Nebraska. 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 Public Hearing Proceedings of April 12, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 committee previously approved a request for advertising funds. The City of Albion, Nebraska submitted a request for assistance with advertising a community fireworks display scheduled for July 2, 2010. 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 State Department of Roads will construct a highway improvement project consisting of 6.35 miles in Boone County on Highway 39. This construction may involve the obliteration or destruction of land survey corners and witness corners. The agreement is with regard to surveying services. Motion made by Thieman, second by Schuele to authorize the Board Chairman to sign an agreement with the State of Nebraska, Department of Roads for Project No. RD-39-3(1005) as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board continued their discussion with regard to part time clerical help for the road department. The Board interviewed two applicants on April 12, 2010. One applicant is currently on her third year of part time employment with Nance County and currently works with some of the road programs. One applicant moved into the county last fall and has extensive accounting and computer technology background. Both candidates have spouses employed within the county system. A conflict of interest agreement will need to be signed by all parties involved regarding the clerical position. The clerical position will not be supervised at anytime by the spouse, or any supervision exchanged by either spouse within their respective departments. Commissioner Thieman visited with some of the references and shared the information. Commissioner Schuele contacted different area businesses with comparable type of clerical work performed for a part time hourly wage. The information received from the contacted businesses, indicated an average hourly wage of \$8 to \$9, with those having some experience at \$10. Commissioner Schuele felt he could not support a new part time employee to start at more than \$10.00 per hour, based on the present county employees' years of employment and hourly salary status. Motion made by Thieman, second by Tisthammer to offer the part time clerical road position of twenty-four hours per week to Mary Ziemba at \$10.25 per hour, and if declined, to Chyla Thiem at \$9.00 per hour. Roll call vote: Yeas: Thieman and Tisthammer. Nays: Schuele. Motion carried.

The Board conducted the annual 2009-year end and the first quarter 2010 walk through jail inspection per State Statute 47-109.

Open discussion and Miscellaneous Public Comments: Ron Levander of Levander Funeral Home, reviewed a 2008 funeral service bill with the Board that was discussed at a prior meeting with family members.

Chairman Schuele declared the meeting adjourned at 12:15 p.m. with the next Board meeting scheduled for April 26, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
APRIL 26, 2010 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, April 26, 2010, 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.

Tim Shanle was present to request permission to trench a natural gas pipeline in the east right-of-way of a county road known as 210<sup>th</sup> Avenue. Shanle explained connecting to the present Sourcegas line starting at the Southwest corner; thence north one mile to the Northwest corner all in Section 1, Township 18 North, Range 7 West, all in Boone County, Nebraska. Shanle's contractor plans to trench the natural gas pipeline, with the exception of boring under the dam and State Highway 56. Allen and Ed Braun were present to express their concerns regarding the upkeep of said private natural gas line along the minimum maintenance road. Allen Braun is the property owner adjacent to the east side of the county road. Braun asked that the buried gas line be a minimum of seven feet from the adjacent property line. The resolution will include the seven feet from the adjacent property line. The applicants are responsible for any necessary repairs to the county road right-of-way for five years from the date the project is completed. The natural gas pipeline is for the benefit of the real estate owned by Shanles described as the S1/2SW1/4 of Section 36, Township 19 North, Range 7 West, all in Boone County, Nebraska for a grain drying facility. Lower Loup Natural Resources District approved the pipeline construction provided a boring machine is used across the middle 200 feet of the dam's embankment. The Board asked Shanle to furnish a copy of the drawing/description submitted to Lower Loup NRD with regard to the crossing of the dam. The drawing/description will be an attachment to the resolution. Ted Thieman had concerns regarding setting precedent of pipelines in the road right-of-ways. It is the obligation of the County to protect everyone's interest involved. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-19 a request by Tim, Daniel, Terry and Larry Shanle to trench a natural gas pipeline with finder wire in the east right-of-way of a county road in Section 1, Township 18 North, Range 7 West, Boone County, Nebraska as presented contingent upon prior inspection by the County Highway Superintendent and contractor. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 and signs. The committee previously approved three requests for advertising funds.

The Albion Chamber of Commerce submitted a request for assistance with advertising the Bike Riders Across Nebraska (BRAN) scheduled for June 10, 2010. 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.

The Albion Chamber of Commerce submitted a request for assistance with advertising the Albion Chamber Golf Challenge scheduled for July 29, 2010 and August 1, 2010. 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 Albion Chamber of Commerce submitted a request for assistance with advertising the Rhythm & Ribs BBQ Cookoff scheduled for August 28, 2010. 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.

Alvin Luettel, property owner of a fence line along 140<sup>th</sup> Street, along with his tenant, Kenny Kerkman, discussed damage to the fence line from the winter storms. They felt the county road department destroyed the one-half mile of fence line during the winter storms and went on private property without permission. Kerkman asked for assurance to remedy the damage by the county cleaning up the wire and posts and help repair the damage. The group discussed remedies to help with future snow problems. A tree shelter on the south side causes the majority of the snow accumulation with nowhere to pile the snow when opening the roads. The county will remove the trees that are in the road right-of-way and clean up the damaged fence line. The purchase of the snowblower will help avoid such snow removal damage in the future. The County will seek an estimate to replace the half-mile fence line with three wires and alternate steel/wood posts. Once the Board receives an estimate then a procedure of who shares what costs will need to be determined since it was not a new fence. The Board needs to be careful of the precedence they set for damage repairs.

David Boschult, Department of Ag Inspection Specialist, Noxious Weed Program updated the Board regarding the State program and budget cuts. Boschult complimented Russell Stokes, County Weed Superintendent, for his services the past year.

Tom Pillen and Brenda Sanne, NPPD, updated the Board with regard to the TransCanada Keystone XL Pipeline 115 KV Transmission Line project. The transmission line from east of Petersburg to Ericson will consist of single posts. A public hearing is planned for July 2010 for the proposed transmission line route. The project appears to be on schedule. The construction window scheduled is for the summer 2011 through the spring of 2012.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2010-17, a request from Marjorie I. Briese, Trustee to trench an electrical line from a pole located in the county road right-of-way on the south side of 240<sup>th</sup> Street, running thence North under and across 240<sup>th</sup> Street to a pivot located approximately in the center of the S1/2 of Section 11, Township 20 North, Range 7 West, all in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-18, a request from Gottfried L. Buhlmann to trench an electrical line for irrigation purposes over and across a county road known as 140<sup>th</sup> Avenue, commencing from an electrical pole located in the county road right-of-way in the NE1/4 of Section 22, Township 20 North, Range 8 West; thence east to an irrigation well located in the NW1/4 of Section 23, Township 20 North, Range 8 West, all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2010-20, a request from Tammy S. Diessner to trench an electrical line for irrigation purposes over and across a county road known as 140<sup>th</sup> Avenue, commencing from an electrical pole located in the county road right-of-way in the SE1/4 of Section 22, Township 20 North, Range 8 West; thence east to an irrigation well located in the SW1/4 of Section 23, Township 20 North, Range 8 West, all in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-21, a request from Allan T. Rudman, Trustee to trench an electrical line for irrigation purposes over and across a county road known as 230<sup>th</sup> Avenue, commencing from an electrical pole located in the county road right-of-way in the SW1/4 of Section 20, Township 19 North, Range 6 West; thence west to an irrigation well located in the SE1/4 of Section 19, Township 19 North, Range 6 West, all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Mike Thiem, Emergency Manager, discussed the public assistance request of FEMA-1878-DR-NE with the Board. FEMA has changed the policy and requirements for the winter storm declaration. The winter storm damage that Boone County may request to meet the FEMA requirements is below the required minimum damage amount of \$20,200.00. FEMA is targeting emergency medical needs regarding the storms, not mother nature's damage to roads. Motion made by Thieman, second by Tisthammer to authorize the Board Chairman to sign a notification of withdrawal of request for public assistance for FEMA-1878-DR-NE as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Clint Zost, Deuty Sheriff, submitted a written resignation with an effective date of April 29, 2010. Zost is taking a position with the Nebraska State Patrol. Motion made by Schuele, second by Thieman regretfully accepting the resignation of Clint Zost effective April 29, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Boone County Board of Commissioners approved Resolution No. 2008-48 to contribute from the Inheritance Tax Fund \$5,000.00 to the proposed College of Nursing Northern Division at Northeast Community College in Norfolk, Nebraska in one equal annual installment in September 2008. The Board received another request for a \$5,000.00 support to the College of Nursing in 2010. There appears to be a misunderstanding regarding the donation amount proposed in 2008 to the College of Nursing. It is a worthy project and an economic impact for the area. Motion made by Thieman, second by Schuele to contribute a second and final \$5,000.00 donation from the Inheritance Tax Fund to the College of Nursing project. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board and Jacqueline Wells, Veteran Service Officer, discussed a donation to the Norfolk Veterans Home Heroes Park project. A capital campaign regarding information of the Heroes Park project was presented to the Board at the February 16, 2010 meeting. Schuele and Thieman both toured the Norfolk Veterans Home and park project area. Any donation will need to be budgeted for the fiscal year 2010-2011. Motion made by Thieman, second by Tisthammer to budget \$10,000.00 in fiscal year 2010-2011 from the Inheritance Tax Fund with 5,000.00 designated to the Norfolk Veterans Home Heroes Park project and \$5,000.00 to the Grand Island Veterans Home. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Barb Hanson, Zoning Administrator, presented reports with regard to permits issued and zoning applications. The five met tower permits for the Laredo Ridge Wind Farm are completed.

Scott Haller, Country Partners Representative, presented information with regard to an automated fuel program that has been in use for sometime. Once an agreement is signed for the automated fuel program, you then become a captive customer when choosing your fuel vendors. Mike Gullikson, Central Valley Ag Representative, presented their advance energy fuel program at the April 19, 2010 Board meeting. The consensus of the Board is to continue purchasing fuel as in the past.

Darrel Thorin, Highway Superintendent, discussed minimum maintenance roads. There appears to be no record designating some of the signed minimum maintenance roads. The Highway Superintendent plans to research the minimum maintenance road records and complete an assessment of each one. Action regarding the status of the minimum maintenance roads to be taken after the assessments. Thieman and Thorin discussed the availability to complete bridge projects via bonding instead of applying for partial federal funding grants.

A written policy needs to be in place for Title VI and ADA requirements involving federal funded road projects. Platte County Road Department and others contacted Thorin to join in a pool to complete these written requirements. If several counties pool together for the revisions necessary for Title VI and ADA project requirements they would use Spencer Fane Britt & Browne, Attorneys and Counselors at Law, to draft the policies and share the costs.



The Board and the City of Albion Police Department has had an Interlocal Agreement for several years with regard to a one-mile radius jurisdiction of the city limits of the City of Albion. It is a joint jurisdiction of the two law enforcement agencies for the one-mile radius outside the City of Albion. This agreement is reviewed on an annual basis. Motion made by Tisthammer, second by Thieman to authorize the Board Chairman to sign Resolution No. 2010-22, an Interlocal Agreement between the County of Boone and City of Albion Police Department as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

At the April 19, 2010 Board meeting Mike Saner, EMS Territory Manager, demonstrated an AutoPulse System and E Series AED. The AutoPulse provides proper CPR and ensures rescuer safety during transport. The Board asked Saner to revise the AutoPulse System quote to include the E Series AED and allow for a trade-in on the present ambulance equipment. A revised quote from Zoll Medical Corporation allows \$3,000.00 trade-in on the present county ambulance equipment. A motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign the necessary papers for the purchase of an AutoPulse System and E Series AED for \$25,157.00 for the Boone County Ambulance from Zoll Medical Corporation. 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 April 19, 2010 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$77,591.27, BCBS \$27,725.85, Ameritas Ret \$5,316.96, EFTPS \$5,859.12; Road \$41,271.50, BCBS \$15,883.26, Ameritas Ret \$2,785.86, EFTPS \$3,130.60; Boone County Economic Development \$4,300.01, BCBS \$1,287.48, Ameritas Ret \$290.25, EFTPS \$322.04; Law Enforcement \$5,723.00, BCBS \$2,415.09, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$1,235.00, Ameritas Ret \$66.16, EFTPS \$94.47; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,842.70, Ameritas Ret \$297.21, EFTPS \$446.97, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The State of Nebraska currently owns Section 36, Township 22 North, Range 8 West, Boone County, Nebraska. The State of Nebraska has leased said property to Ed Veik. Fred and Leila Tiede own Section 31, Township 22 North, Range 7 West, Boone County, Nebraska. Tiedes agree to allow Veik permission to cross their property as set out in the terms of a signed agreement effective May 1, 2010. The parties agree that instead of asking Boone County to provide a fully maintained road along the described section line, the County will compensate Tiedes \$325.00 annually for the use of their property. Motion made by Schuele, second by Thieman to approve and authorize the Board Chairman to sign an Agreement effective May 1, 2010 between the County of Boone and Fred and Leila Tiede as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem, Emergency Manager submitted a written activity report. Thiem updated the Board with regard to an emergency plan and training regarding the construction of the Laredo Ridge Wind Farm. Thieman reported from the Boone County Fitness Center Board meeting. The Fitness Center Board took no action with regard to the inquiry of county employees receiving a membership discount since the Fitness Center is not tax funded. Thieman contacted the renovation construction crew with regard to window treatments. The Board plans to address window treatments later, as they are not included in the bond funding. There are some old files from the old courthouse in the basement of the current Boot Rack building. The Board will address the matter as the files have been there since the move from the old courthouse to the present at a future meeting.

Chairman Schuele declared the meeting adjourned at 12:35 p.m. with the next Board meeting scheduled for May 10, 2010.

Kathy Thorberg, County Clerk

# 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.

Darrel Thorin, Highway Superintendent, and the Board discussed the deterioration of 250<sup>th</sup> street. Larry Krings, Larry and Marilyn Ransen discussed their concerns regarding increased truck traffic, dust and dangerous road conditions on part of 250<sup>th</sup> Street. Barb Hanson, Zoning Administrator, informed the Board that there is a request to the City of Albion to rezone property within the mile jurisdiction along 250<sup>th</sup> Street for the installation of a concrete crusher facility. Thorin said he plans to attend a meeting this week that includes a topic on dust suppressants. The County has tried calcium chloride in the past to control dust, but the calcium chloride is very corrosive on vehicles. Thorin and the Board discussed addressing the road concerns with short term fixes to include signage, new dust control products and shaping of the ditch. The shaping of the road and other road condition concerns will need to be studied by the Highway Superintendent.

Lori Krohn, Boone County Raceway, Inc. presented a request on behalf of the Raceway for a special designated liquor permit. The request is for the Alumni Volleyball Tournament scheduled for June 19, 2010. The special designated permit request is to extend the Raceway license to include the volleyball area of the fairgrounds on June 19, 2010. Motion made by Tisthammer, second by Thieman to approve the special designated liquor permit as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board and Board of Equalization Proceedings of April 26, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for April, 2010: Clerk \$5,889.75 (State of Nebraska \$2,220.81; County of Boone \$3,668.94); Clerk of the District Court \$706.99 (State of Nebraska \$373.00; County of Boone \$333.99); Sheriff \$1,620.35; Zoning \$1,247.19; Treasurer Office Miscellaneous Receipts Number 10169-10267 in the amount of \$713,285.84. Total collected at the County Treasurer Office \$6,646,265.30. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The State has plans for the improvement of Highway 39. The State desires the County provide a Registered Land Surveyor to tie out land monuments prior to the above construction and tie and remonument after construction. The State agrees to reimburse the County for the actual cost of \$100.00 per corner for tying out and remonumenting. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign the Agreement with the State of Nebraska, Department of Roads for Project No. RD-39-3(1005) as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board. It appears a fence line is being installed in the middle of a county road. State Statutes provide for a procedure to place fence lines in a non-closed county road that has not been in use by the public for more than fifteen years. The Board recommended the issue be a future agenda item and follow the statute requirements.

The City of Albion requested a temporary road closure for public safety reasons during the set-up and execution of the 2010 community fireworks display scheduled for July 2, 2010. The road closure is from 11<sup>th</sup> Street west on 260<sup>th</sup> Street and ending at Fairgrounds Road, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2010-24 a temporary road closure for community fireworks display as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, presented an Interlocal Agreement regarding a campground improvement plan along the west side of Fuller Park at the April 12, 2010 Board meeting. The plan is to add six camper hookup units that include electricity, water and sewer to the south of the existing eight camper hookup units. Chuck Rolf, President of Boone County Agricultural Society, was also present for the discussion of future improvement plans to add twelve electricity and water hookups west of the park where the Ag Society has planted new trees. The County of Boone owns the fairgrounds property subject to a lease with the Agricultural Society and Boone County Historical Society. The campground improvement plan requires that all the parties involved execute an Interlocal Agreement. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2010-23 an Interlocal Agreement regarding campground improvements with the City of Albion as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Shannon Landauer, Economic Development Director, prepared thank you cards for the Board to sign and send to the UNL Architecture students.

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 and signage. The committee previously approved four requests for advertising funds.

The Board approved the Albion Chamber Golf Challenge at their April 26, 2010 meeting. The dates submitted for said event need correcting. Motion made by Schuele, second by Thieman to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund for July 31, 2010 and August 1, 2010 for said event as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Petersburg Community Club submitted a request for assistance with advertising the annual Petersburg Carnival Days scheduled for June 22, 23, and 24, 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 Petersburg Community Club submitted a request for assistance with advertising the Bash-In-Burg scheduled for August 14, 2010. 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 Punkin' Chunkin' event scheduled for October 31, 2010. 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 Rae Valley Heritage Association submitted a request for assistance with advertising the annual Nebraska State Tractor and Horse Plowing Bee event scheduled for August 28 and 29, 2010. 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.

Between June 1 and July 25 each year the County Board of Equalization must meet for the purpose of reviewing and deciding property tax protests and may need to correct assessment of undervalued or overvalued property. Motion made by Schuele, second by Tisthammer to convene the 2010 County Board of Equalization on June 1, 2010 at 8:45 a.m. and a regular Board of Commissioners meeting at 9:00 a.m. on June 1, 2010. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Barb Hanson, Zoning Administrator, discussed office activity and zoning report programs with the Board.

Motion made by Thieman, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$93,395.06; Road \$144,724.58; Boone County Economic Development \$1,172.25; Business Development \$16.50; Inheritance Tax \$5,000.00; 911 Emergency Management \$2,050.06; Law Enforcement Operations \$1,054.78; Courthouse Building \$126,532.64; Ambulance \$29,082.78. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem, Emergency Manager, reported on future scheduled emergency exercises, fair booth, FEMA contacts and submitted an activity report. Commissioner Thieman reported on the Hospital Board meeting he attended. Commissioner Thieman discussed change orders for the courthouse renovation to include replacement of the four roll down office windows, back and front entrance doors.

Commissioner Schuele declared the meeting adjourned at 11:59 a.m. with the next Board meeting scheduled for May 17, 2010.

Kathy Thorberg, County Clerk

**BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MAY 17, 2010  
ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, May 17, 2010, 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. 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. Commissioner Thieman discussed possible renovation change orders for four office security windows and the front and back entrance doors. When removing and replacing the hallway carpet, the construction crew may ask the Board to close the courthouse to avoid public traffic on Friday, October 8, 2010. Some concern expressed by employees regarding the renovation paint and carpet. The Veteran Memorial Wall outside Albion Veterans Club is progressing and memorial bricks are still available for purchase. LEPC plans to have a booth at the fair with a "shelter in place" demonstration. Sheriff Spiegel completed the jail standards certification. Paula Wilhelmi, Jail Dispatcher, completed reserve officer training. Denny Johnson will begin deputy sheriff duties June 1, 2010, replacing Clint Zost. Darrel Thorin, Highway Superintendent, completed the site manager training required for federal aid projects. Thorin, County Road Foremen, Mike Thiem, Commissioners Schuele and Thieman, attended a meeting on May 13, 2010 regarding FEMA mitigation regulations. A FEMA representative toured some of the County roads after the meeting. Senator Kate Sullivan plans to attend the June 21, 2010 Board meeting.

Joyce Sock, Assessor, discussed data entry into the CAMA System for the commercial and rural residential properties. Stanard Appraisal Services, Inc. of Central City, Nebraska provided a bid of \$9,175.00 for data entry of 337 commercial properties and 1,207 rural residential properties. Any additional parcels not in the bid will be billed at a rate of \$6.00 per parcel. The Assessor's office is currently using the 1988 Marshall Swift pricing program for buildings and calculating by hand. Motion made by Thieman, second by Schuele to grant approval of an agreement between the Boone County Assessor Office and Stanard Appraisal Services for data entry as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Joyce Sock, Assessor, and Barb Hanson, Zoning, discussed Pictometry, a visual intelligence program. An informational meeting is scheduled for June 8, 2010 at 10:00 a.m. Sock will notify entities that may benefit from the program by letter regarding the informational meeting. Pictometry is a revolutionary information system that lets you see up to twelve different views of every square foot in your jurisdiction. A pictometry program enhances a GIS program.

Motion made by Tisthammer, second by Schuele to approve the County Board and Public Hearing Proceedings of May 10, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Dave Spiegel, Sheriff, and Brent Lipker, Albion City Police Chief, requested the use of STOP funds to purchase law enforcement equipment. Spiegel explained the advantage of law enforcement using Stinger/Tasers versus batons in difficult situations. Stingers use off-the-shelf batteries while Taser requires special batteries. Stinger has an on-board microcomputer that actually can manage the flow of current. Spiegel requested four Stingers for the County and one for the City. Spiegel and Lipker requested \$1,860.00 from the STOP Fund to purchase two for the County and one for the City, including extra cartridges. Spiegel requested to purchase two Stinger/Tasers from the Sheriff budget for \$1,160.00. Motion made by Tisthammer, second by Thieman to purchase three Stinger/Tasers and cartridges for \$1,860.00 from the STOP Fund providing two for the County and one for the City as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried. Motion made by Schuele, second by Tisthammer to purchase two Stinger/ Tasers for \$1,160.00 from the Sheriff budget for the County. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Ambrose Placzek, Midwest Service and Sales Co. representative; Nicole DeShane, Valero employee and a certified Emergency Manager; Sheriff Spiegel and employee Sheryl Machacek, discussed signage for 911 addressing outside of city and village limits. DeShane researched signage costs and grants to sign all of the 911 addresses outside corporate and village limits. Valero employees are required to provide a certain amount of service hours to the communities during their employment. Midwest quote of \$14.92 per address includes a 7' steel post and the 6" x 18" white on blue reflective address sign printed on both sides. Machacek said a policy would need to be drafted to include the uniformity of installation of the 911 address signs, maintenance after the initial installation and liability, if the sign is removed. The address signage would enhance the 911 system especially for emergency vehicles. Motion made by Thieman, second by Tisthammer to approve the 911 address signage of \$14.92 per set for each 911 address outside the corporate and village limits in Boone County, Nebraska payable from the 911 Emergency Services budget. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Schuele and Thieman plan to attend scheduled committee meetings throughout the next two weeks.

Chairman Schuele declared the meeting adjourned at 10:35 a.m. with the next Board meeting scheduled for May 24, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MAY 24, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, May 24, 2010, 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.

Laurie Krohn, Treasurer, presented a proposal for a custom-made desk. Motion made by Schuele, second by Thieman to approve the County Treasurer Office furniture request proposal of \$2,500.00 from BEL Cabinets as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 and signs. The committee previously approved a request for advertising funds. The Cedar Rapids Community Club submitted a request for assistance with advertising the Cedar Rapids Community Picnic scheduled for June 19, 2010. 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.

Tim Johnson, Account Manager for GasRite, presented their program to the Board and Darrel Thorin, Highway Superintendent. GasRite is an independent marketing company that specializes in working for clients by establishing agreements between buyers and sellers. Each driver or vehicle will be assigned its own card. All cards have flexible security restriction capabilities, based on the needs of the employer. Cards can be used only for blended unleaded gasoline or #2 clear diesels. Johnson scheduled another meeting with the Board on June 1, 2010.

Andy Devine, Board Representative, presented a request on behalf of the Albion Country Club for a Special Designated License. The request is for a wine tasting event scheduled for August 1, 2010. The special designated permit request is to allow the Country Club to give away wine tasting samples. Motion made by Thieman, second by Tisthammer to approve the Special Designated License as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, presented the plans for the construction of a park shelter within the campground improvements. The Boone County Health Center agreed to replace the picnic shelter that was removed from the pool area for Health Center employee parking. The Health Center approved a structure bid from Sentinel Building Systems. County Resolution 2010-23, Interlocal Agreement, states that no building or other structure shall be erected thereon and no other use of the land shall be made by the City, which has not been, approved by the County and its lessees. The new picnic shelter will be placed on the southwest corner within the campground improvement area. Devine and the Board acknowledged cooperation between the County, City, Agricultural Society, Historical Society, Health Center and Economic Development for the improvements within the park, fairgrounds and health center area. Motion made by Tisthammer, second by Thieman to approve the addition of the picnic shelter within the campground improvements as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to appoint Michael Thiem, Boone County Emergency Manager, as the authorized representative for Boone County for the federally declared disaster #1902 and authorize Darrel Thorin, Boone County Highway Superintendent, to serve as proxy signer on all documents. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

A request from Dennis D. Borer, Power Attorney for Mildred J. Borer, for the Board to discuss the possibility of constructing a fence on the South boundary of the SW1/4 of Section 2, Township 21 North, Range 6 West, Boone County, Nebraska, to establish the correct property line. State Statute 39-301 refers to roads; injuring or obstructing; penalties; exception: "Any public roads which have not been worked and which have not been used or traveled by the public for the last fifteen years may be fenced by the owners of adjoining lands if written permission is first obtained from the county board of commissioners or supervisors and if adequate means of ingress and egress are provided by suitable gates." The half mile of road known as 170<sup>th</sup> Street, is a primitive open county road. The adjacent landowners need to agree on the center location of the road. Motion made by Thieman, second by Tisthammer to approve the construction of a fence line on the half mile primitive open county road known as 170<sup>th</sup> Street, located on the South boundary of the SW1/4 of Section 2, Township 21 North, Range 6 West, Boone County, Nebraska, contingent upon that ingress and egress being provided by suitable gates on the east and west entrances. Roll call vote: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board approved Resolution No. 2009-22 on June 1, 2009. The request was to trench an electrical line for irrigation purposes from a pole in the county road right-of-way in the NW1/4 of Section 9, Township 21 North, Range 5 West; commencing west across 300<sup>th</sup> Avenue to a well located in the E1/2NE1/4 of Section 8, Township 21 North, Range 5 West, Boone County, Nebraska. The applicant did not proceed with the 2009 approved request. Therefore, the 2010 request is to amend Resolution No. 2009-22 to bore an electrical line instead of trenching. Motion made by Schuele, second by Tisthammer to amend Resolution No. 2009-22 to bore the electrical line and refund the 2009 deposit for trenching as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve Resolution No. 2010-26, a request from Cornhusker Public Power District to trench an electrical cable from a pole located in the county road right-of-way in the SW1/4 of Section 36, Township 19 North, Range 6 West; commencing west across 270<sup>th</sup> Avenue to a grain bin located in the SE1/4 of Section 35, Township 19 North, Range 6 West, all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-27, a request from Marcella M. Reinhart and Julie A. Fehringer as Co-Trustees of the Ambrose M. Reinhart Family Trust, to bore an electrical line for irrigation purposes over and across a county road known as 260<sup>th</sup> Street, commencing from an electrical pole located in the county road right-of-way in the NE1/4 of Section 28, Township 20 North, Range 6 West; thence north to an irrigation well located in Fr. W1/2SE1/4 of Section 21, Township 20 North, Range 6 West, all in Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Payroll Claims filed for payment from the various funds: General \$74,452.59, BCBS \$27,725.85, Ameritas Ret \$5,076.89, EFTPS \$5,619.03; Road \$42,011.55, BCBS \$15,883.26, Ameritas Ret \$2,835.81, EFTPS \$3,187.21; Boone County Economic Development \$4,254.11, BCBS \$1,287.48, Ameritas Ret \$287.15, EFTPS \$318.52; Law Enforcement \$5,723.00, BCBS \$2,415.09, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$870.00, Ameritas Ret \$36.46, EFTPS \$66.55; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,989.11, Ameritas Ret \$265.53, EFTPS \$381.65, which is all reimbursed back to the County. 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 May 17, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem, Emergency Manager submitted a written activity report and updated the Board with regard to the FEMA Mitigation Hazard Workshop he attended. Joe Beckenhauer updated the Board with regard to the courthouse renovation and change order requests. Commissioner Thieman plans to attend meetings this week regarding County Zoning and NIRMA. Commissioner Schuele plans to attend the NACO Budget Workshop in Kearney on May 27, 2010.

Chairman Schuele declared the meeting adjourned at 10:55 a. m. with the next Board meeting scheduled for Tuesday, June 1, 2010.

Kathy Thorberg, County Clerk



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 1, 2010 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 a.m. on Tuesday, June 1, 2010, 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.

Chairman Schuele welcomed Kim Rozeboom, Boy Scout Troop #155 Leader, and scout members. The scouts introduced themselves and observed the Board meeting. The scouts are working on their Citizens in the Community Merit Badge.

Randall Bruland, County Ambulance Administrator, presented two quotes for a new laptop computer. The quote for online Toughbook C1 is for \$3,000.00 and the quote of \$2,061.56 is from Applied Connective Technologies for a Lenovo ThinkPad. Bruland received notice of a software upgrade regarding the EMS Field Bridge Support. The 2005 laptop computer lacks memory space to handle the upgrade. Motion made by Schuele, second by Thieman to approve the Applied Connective Technologies quote of \$2061.56 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Tim Johnson, Account Manager for GasRite, presented their program at the May 24, 2010 Board meeting. GasRite is an independent marketing company that specializes in working for clients by establishing agreements between buyers and sellers. Each driver or vehicle will be assigned its own card. All cards have flexible security restriction capabilities, based on the needs of the employer. Cards can be used only for blended unleaded gasoline or #2 clear diesels. The local vendor receives the current day pump price of each gallon purchased from GasRite, then GasRite bills the locked in price to the County once a month for gallons purchased. Johnson discussed a six month locked in price contract for gasoline and #2 clear diesels. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign a six-month contract for unleaded blended gasoline and #2 clear diesel for the ambulance, road and sheriff departments as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, received two consultant bids for the Cedar Rapids bridge project. The Board and Thorin are the consultant selection committee. Each committee member is to complete a questionnaire form to select the consultant. The Nebraska Department of Roads (NDOR) then needs to approve the selected consultant. Once the NDOR approves, then the County conducts an interview negotiating the construction costs. Motion made by Schuele, second by Thieman to approve for an interview the consultant selection committees' recommendation of HDR Engineering, Inc. for NDOR Project No. ENH-6(5) State Control No. 32083 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

A LPA Civil Rights Training is schedule for June 22-24, 2010. The training is to provide information for Title VI Civil Rights and American Disabilities Act compliance for federal aid projects. The Nebraska Department of Roads is sponsoring the training with no cost to the county. Motion made by Tisthammer, second by Thieman to approve Darrel Thorin, Highway Superintendent to attend the training. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Bernard Ruther expires in June 2010. Motion made by Thieman, second by Tisthammer to reappoint Bernard Ruther of Petersburg to a five-year term expiring in June 2015 to the Boone County Veteran Service Board. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board discussed the information received from NACO/BCBSNE. The health insurance premium rates will increase eight percent on July 1, 2010. There is a premium change beginning July 1, 2010 for both health and dental. The deductible will remain at \$1,500.00 for the term of July 1, 2010 through June 30, 2011. Motion made by Schuele, second by Thieman to approve the NACO/BCBS Subgroup Application for the fiscal year July 1, 2010 through June 30, 2011 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The offices located in the law enforcement building are in need of a fresh coat of paint. The law enforcement building is not included in the courthouse renovation project. Motion made by Thieman, second by Schuele to grant Rod Nelson, Maintenance, authority to have the offices in the law enforcement building painted. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Several of the offices have visited with Creative Window Designs regarding window coverings for the new courthouse windows due to the renovation. Motion made by Tisthammer, second by Thieman to approve the quotes from Creative Window Designs of \$303.25 per window and paid from each offices budget. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of May 24, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The County Clerk/Register of Deeds vault for real estate records is in need of more storage space. Mobile Binders of Wessington Springs, South Dakota quoted a six-unit roller shelves and slant top double face roller shelf desk. The quote of \$10,338.00 is for the six-unit roller shelves for the north wall from floor to ceiling. The slant top double face roller shelf desk quote is \$4,487.00. The quotes do not included freight or assembling. The shelving change will add more real estate document storage to the vault. Motion made by Thieman, second by Schuele to approve the shelving unit for the Register of Deeds vault from Mobile Binders as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported on the County Zoning meeting held May 24, 2010 and the NIRMA meeting on May 27 & 28, 2010. Commissioner Schuele reported on the Hospital Board meeting held May 25, 2010 and the NACO Budget Workshop on May 27, 2010. The County will receive a premium increase for the NIRMA Insurance for fiscal year 2010-2011 due to increased workers' compensation claims and the building valuation due to the renovation of the courthouse. Added language to the NIRMA policy is the exclusion of liability coverage of non-owned county auto vehicles. An example of this is when an employee attends a county meeting and is in an accident driving their personal car; NIRMA will not cover the liability.

Motion made by Tisthammer, second by Schuele to go into an executive session at 10:55 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, Schuele and Thieman. Nays: None. Motion carried. The Board and County Assessor discussed personnel issues. Motion made by Schuele, second by Tisthammer to come out of executive session at 11:15 a.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Chairman Schuele declared the meeting adjourned at 11:16 a.m. with the next Board meeting scheduled for Monday, June 14, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 14, 2010 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, June 14, 2010, 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. Jerry L. Tisthammer was absent due to vacation. 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 service agreement between Applied Connective Technologies and Boone County Courthouse is due to expire. The agreement covers the Gateway AV/Anti-Spyware/Intrusion Prevention subscription and on-site service to the county's network equipment and internet connection. The cost has remained the same for the year June 2010 through May 2011. There was a slight increase in the Anti-Virus/Anti-Spyware subscription costs but less on-site maintenance of the SonicWALL and network equipment. Motion made by Schuele, second by Thieman to approve the Managed Network/Firewall Services Agreement of \$1,249.56 with Applied Connective Technologies, LLC as presented. Roll call vote: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Ed Knott, Applied Connective Technologies, LLC discussed cleaning up the accumulated wiring in the computer room. Upon the completion of the courthouse renovation, Knott suggested a closed-in rack with ventilation, to store the computer units off the floor. The Board acknowledged Applied Connective Technologies services and asked them to clean up and organize the computer room as needed.

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 Clerk/Register of Deeds Office received a \$19,465.00 quote from MIPS, Inc., Technology Services Division of NACO. The quote is to microfilm Mortgage Record Books 1 through 112 in the Register of Deeds Office. Approximately fifty of the 112 books are bound, requiring more equipment for microfilming. Once microfilmed, the older record books may be moved to a different storage location in order to provide more space in the County Clerk/Register of Deeds vault. The older record books will be stored, not destroyed. The microfilming quote is for the fiscal year 2010-2011 budget. Motion made by Thieman, second by Schuele to approve the microfilming quote from MIPS, Inc. for Register of Deeds records as presented. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The County Clerk/Election Commissioner Office requested the purchase of twelve Tote-a-Vote Voting Booths. 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. The Tote-a-Vote Voting Booth System takes up less storage space and assembles much easier than the standing voting booths. Motion made by Schuele, second by Thieman to approve the purchase of twelve Tote-a-Votes in the amount of \$948.00 for use at the election polling sites as presented. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Steve Boyer, Third Planet Windpower representative and Cheyenne Smith, Project Manager, discussed a Roads Agreement with the Board and Darrel Thorin, Highway Superintendent. The Letter of Agreement is between Boone County, Nebraska and TPW Petersburg, LLC. The developer has developed plans and intends to construct and operate a Wind Farm Facility in Boone County utilizing county roads. The County has consented to the location of Wind Farm Facility utilizing county roads pursuant to county zoning regulations and county road standards. Motion made by Thieman, second by Schuele to approve a Letter of Agreement regarding road infrastructure for a Wind Farm Facility between Boone County, Nebraska and TPW Petersburg, LLC as presented. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Third Planet Windpower has requested authorization to upgrade certain Boone County Roads for moving heavy materials and construction equipment used in the construction of a wind farm. The Boone County Highway Superintendent has requested the addition of three new road projects not currently on the Boone County One Year Road Improvement Plan to accommodate the request. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-28 to revise the 2010 Boone County One Year Road Improvement Plan as presented. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, Highway Superintendent, reported on the annual County Highway Superintendents, Engineers and Surveyors meeting held in Valentine. The federal aid projects that are still on the books need to be prioritized and any federal aid project over ten years still on the books will be dropped. Thorin discussed several road issues with the Board.

The County Board; Darrel Thorin, Highway Superintendent; Robert Mohler, Lower Loup Natural Resources District Engineer; and Francis and Virginia Whidden, were present to discuss a flooding problem regarding a creek that drains a large area. Approximately ten years ago, a timber bridge was removed and two 12' arch culverts were installed to replace the bridge on 320<sup>th</sup> Avenue south of St. Edward. Ever since that time, the cropland is flooded when it rains. Whidden is asking someone to take the responsibility to fix the problem created ten years ago when the bridge was removed. Thorin indicated that it is on the Boone County One Year Road Improvement Plan. Engineers designed the road using existing culverts. Several ideas were discussed and the protocol procedure was explained for the steps to be taken. Motion made by Schuele, second by Thieman to authorize Darrel Thorin, Highway Superintendent, to proceed with an engineering study for the consideration of a bridge. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Board and Board of Equalization Proceedings of June 1, 2010 as presented. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Schuele, second by Thieman to approve the following reports of the County Officials as presented for May, 2010: Clerk \$4,213.50 (State of Nebraska \$1,821.80; County of Boone \$2,391.70); Clerk of the District Court \$1,206.59 (State of Nebraska \$626.00; County of Boone \$580.59); Sheriff \$1,286.79; Zoning \$12,704.41; Treasurer Office Miscellaneous Receipts Number 10268-10337 in the amount of \$220,713.89. Treasurer's fees \$4.00; Total collected at the County Treasurer Office \$1,023,867.02. Roll call vote: Yeas: Schuele and Thieman. Nays: None. Absent: Tisthammer. 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 and signage. The committee previously approved four requests for advertising funds.

The Albion Area Arts Council submitted a request for assistance with advertising the Missoula Children's Theatre scheduled for June 21-26, 2010. 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 and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Albion Area Arts Council submitted a request for assistance with advertising the Army Band Concert scheduled for June 28, 2010. 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 and Thieman. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Thieman, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$178,181.91; Road \$236,498.74; Veteran's Aid \$500.00; Boone County Economic Development \$2,118.33; 911 Emergency Management \$1,010.91; Law Enforcement Operations \$133.25; Courthouse Building \$68,563.56; Noxious Weed \$533.20; Ambulance \$3,712.12; Boone County Fitness Center \$9,923.00, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Mike Thiem, Emergency Manager, submitted an activity report and briefed the Board with regard to the flooding in the area. Boone County has suffered damage to roadways due to severe weather and widespread flooding. The Boone County Board of Commissioners has declared a state of emergency authorized under Nebraska State Statute R. R. S. 81-829.50 on behalf of Boone County. On behalf of Boone County, the Emergency Manager will execute the application to the State of Nebraska for assistance from the Governor's Emergency Fund and any other resources he deems necessary in the fulfillment of his duties. Motion made by Thieman, second by Schuele to approve and authorize the Board Chairman to sign a State Emergency Disaster Declaration as presented. Roll call vote: Yeas: Thieman and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion and Miscellaneous Public Comments: Kim Beierman discussed a dangerous road situation on 220<sup>th</sup> Avenue south of the Boone Road with the Board and Highway Superintendent. Thorin explained that the road is in a Class A flood plain and it is on the County One Year Road Improvement Plan. Thorin explained the protocol of state and federal requirements and flood plain requirements. Thorin has received information to try using geo-synthetic material along with aggregate along the road edges to channel water. Commissioner Thieman reported on the July 1, 2010 MFO Funding request application. Commissioner Schuele reported on the Pictometry presentation.

Commissioner Schuele declared the meeting adjourned at 12:10 p.m. with the next Board meeting scheduled for June 21, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 21, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, June 21, 2010, 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.

State Senator Kate Sullivan was present for the Board of Commissioners monthly meeting with the officials, department heads or employees. Sullivan gave an overview regarding the prospective state finances, budget cuts, 2011 redistricting process and several other issues. Sullivan indicated there is pessimism and optimism with regard to all issues. The 2011 redistricting may possibly result in less rural senators. The current law is population representation of 35,000 per senator. The revenue growth is the slowest it has been in twenty-eight years. The process begins to balance a budget for the next two years without stimulus funds and a projection of a \$765 million shortfall for state revenue. The chairperson of the legislative appropriations committee has asked all fourteen standing committees to work out their budget needs with a projected 10% decrease. In the past the appropriations committee prepared the budget, this year all committees are to be involved. Sullivan said it is important for everyone to be involved in the strategic planning process, as Nebraskans will see significant changes in state and local government services. Seventy-five percent of the state budget is aid to individuals and education. The challenge ahead is to look carefully at what government can do for us with reduced government services. On a positive note, Nebraska has a \$327 million cash reserve to assist with weathering the economy for the next two years.

County employees visited with Senator Sullivan regarding windpower legislation, state employee issues and government regulations that slow emergency funding and road projects. County employees gave respective office activity updates. FEMA/NEMA is in the area to assess flood damage. Veterans and/or families of veterans are encouraged to check activity dates posted by the County Veteran Service office or call the office for information of activities currently scheduled July 31, 2010 through November 2010. Commissioner Thieman informed employees that effective July 1, 2010 NIRMA, policies would have a non-liability clause for employees in an accident while using their own vehicle for county business. Commissioner Schuele attended a budget workshop in Kearney. Boone County is fortunate not to be one of the 60 counties that have less than 10% cash reserve at this time. The recommendation for cash reserve is 20%, especially with the possibility of less state and federal aid appropriated for the counties.

Rebecca Rayman, East Central District Health Department, did not attend the Board meeting.

The Boone County Board of Commissioners has determined that there is no longer a need to have a separate noxious weed budget as Governor Heineman signed LB 731 in March 2010. The County Treasurer is directed to transfer all money remaining in the Noxious Weed Fund (5400) to the General Fund (0100) and close the Noxious Weed Fund (5400) as of June 30, 2010. The noxious weed budget is now a function within the General Fund. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-29 to close the Noxious Weed Fund (5400) as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Board and Board of Equalization Proceedings of June 14, 2010 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

A Memorandum of Agreement is a short form of the actual County Roads Agreement signed April 12, 2010 by and between Boone County, Nebraska and Laredo Ridge Wind, LLC. The County and Laredo Ridge Wind hereby agree that the requirements of Section 10(n) of the original Agreement shall be satisfied upon the recordation of this Memorandum of Agreement. Motion made by Thieman, second by Tisthammer to approve the Memorandum of County Roads Agreement by and between Boone County, Nebraska and Laredo Ridge Wind, LLC as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board. Once the water levels have receded from the flooding, the state is requiring re-inspection of the seven fracture critical bridges. Thorin will contact Brendan Lilley of Kirkham Michael to inspect the bridges, look at the road situation on 220<sup>th</sup> Avenue south of the Boone Road and an engineer study for the consideration of a bridge on 320<sup>th</sup> Avenue south of St. Edward.

Thorin discussed the present road equipment payments and the paying off some of the equipment. Motion made by Thieman, second by Tisthammer to prepare a resolution to transfer \$105,000.00 from the Inheritance Tax Fund to the County Road Fund to payoff the new snow blower amount of \$124,658.64 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board, County Highway Superintendent and Tim Johnson, GasRite Account Manager, heard the concerns of local businesses regarding the six-month contract for unleaded gasoline and #2 clear diesel the County signed with GasRite on June 1, 2010. John Sellhorst of White Star Oil; Jeff Briese of Hwy #91 Oil Co.; and Scott Haller of Country Partners Cooperative, discussed their concerns regarding the 3.1% transaction fee their business pays for the customer to use the voyager card, federal excise fuel tax, and that the voyager card does not work at all of the pumps throughout the county. The transaction fee cuts into the comfortable margin the businesses have to keep afloat. The Board was not aware of the transaction fee and impact it has on businesses. Sellhorst indicated that the voyager fleet cards have one of the highest transaction fees. Johnson indicated that they are looking at other fleet cards for their business. Briese felt the Board should have contacted the local fuel dealers for prices and input since we all pay taxes in the county, whereas GasRite does not. Haller indicated a Country Partners Cooperative fuel contract would have been eleven cents less signed on the same date the Board signed with GasRite. The Board wants to continue supporting the businesses in each of the respective communities. Today a business needs to accept credit cards to stay in business. The profit margin of a business includes credit card transaction fees of which some card companies are working on a procedure to reverse the transaction fee from the business to the cardholder. Johnson came in good faith to offer a service that some entities use for budgeting purposes and try to help save some on fuel expenses. Johnson will start the process to cancel the contract and will call Chairman Schuele with the results.

Motion made by Thieman, second by Tisthammer to go into an executive session at 11:50 a.m. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. The Board and County Sheriff discussed personnel issues. Motion made by Tisthammer, second by Schuele to come out of executive session at 12:40 p.m. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Motion made by Thieman, second by Tisthammer to approve the County Payroll Claims and fiscal year end Accounts Payable Vendor Claims filed for payment from the various funds: General \$81,430.46, BCBS \$29,942.10, Ameritas Ret \$5,510.56, EFTPS \$6,147.09, CenTec Cast Metal Products \$437.93, Harold Claar \$102.00, Frontier \$75.20, Helena Chemical Company \$3,272.50, NG-911 Inc \$1,430.00, Russell Stokes \$10.00; Road \$42,255.30, BCBS \$17,153.92, Ameritas Ret \$2,852.27, EFTPS \$3,209.51, Bomgaars Supply Inc \$529.52, Duckwall-Alco Stores Inc \$3.98, John Frey \$552.93, Hwy 91 Oil Co \$159.00, Kerford Limestone Co \$723.12, Kimball Midwest \$231.44, Martin Marietta Materials \$1,593.06, Matteo Sand & Gravel Co \$1,271.06, Midwest Service & Sales Co \$199.00, Staples \$1,038.17, Werner Service & Trucking Inc \$686.36, 1st Source Bank \$124,658.64; Boone County Economic Development \$4,451.48, BCBS \$1,390.48, Ameritas Ret \$300.47, EFTPS \$330.80, Petersburg State Bank \$121.17; 911 Emergency Services-QWest \$309.27; Law Enforcement \$5,723.00, BCBS \$2,608.30, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$1,245.00, Ameritas Ret \$70.88, EFTPS \$95.24; Public Defender Contract \$3,041.67; Boone County Fitness Center \$4,695.98, Ameritas Ret \$261.37, EFTPS \$359.25, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Kathy Luhr of Wayne, Nebraska introduced their new business and products, Nebraska Culverts & Steel, Inc., to the Board and Highway Superintendent. The Board received by mail the ECDHD 2010 first quarter report.

Chairman Schuele declared the meeting adjourned at 12:45 p. m. with the next Board meeting scheduled for June 28, 2010.

Kathy Thorberg, County Clerk



# ALBION, NEBRASKA

Nebraska.

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

Schuele. Nays: None. Motion carried.

and Schuele. Nays: None. Motion carried.

Motion carried.

September 14, 2009. Interfund transfers were approved within various budget funds.

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

Nays: None. Motion carried.

Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-33 transfers within the General Fund (0100) functions for the fiscal year ending June 30, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve Resolution No. 2010-34 a request from Great Plains Communications, to bury a temporary fiber optic cable for wind farm construction starting at the intersection of State Highway 32 and 240th Avenue located in Section 28, Township 22 North, Range 6 West; thence plowing North on the east side of 240<sup>th</sup> Avenue; boring under and across 130<sup>th</sup> Street; continue plowing North to the SW1/4 of Section 9, Township 22 North, Range 6 West, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Richard D. Martinsen, CPA, submitted a letter of agreement to assist with the preparation of the annual county budget. The budget document that Martinsen assists with is being prepared solely for fulfilling the State of Nebraska budget law requirements. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign an agreement with Richard D. Martinsen, CPA to assist in preparing the annual county budget for the fiscal year 2010-2011 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board and Board of Equalization Proceedings of June 21, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board. Thorin reported on the LPA Civil Rights Training that the Nebraska Department of Roads sponsored June 22-24, 2010. The training provided information for Title VI Civil Rights and American Disabilities Act (ADA) compliance for federal aid projects. Thorin felt he would be able to draft the necessary regulations with the material and training he received from the three-day seminar. The Board will need to submit an annual report to receive federal funding. The Board needs to designate a Title VI position and have the Title VI and ADA regulations in place before receiving FEMA funding.

The County Board, Tim Johnson, GasRite Account Manager, Darrel Thorin, Highway Superintendent and Jeff Briese, Hwy 91 Oil Co., discussed revisions for the fuel contract signed on June 1, 2010. A maximum price contract was not discussed and the voyager fleet cards will be cancelled. A revised contract will utilize the AAA's Daily Fuel Gauge Report (fuelgaugereport.com) pricing for the Norfolk area, plus five cents. Johnson said the Boone County area averages five cents more per gallon at the pump than Norfolk. Briese suggested that the Board discuss the revised contract with area fuel dealers and asked Johnson about using an AAA Fuel Gauge average between Norfolk and Columbus prices. Briese asked Johnson what type of fuel stations AAA is using for their average pricing. The revised contract will eliminate the voyager cards and continue fuel usage from the local vendors as has been done in the past. GasRite will eliminate the contracted gallons of fuel for June. The revised contract will have no effect on vendors, billing the same as in the past and be for July to November instead of six months. If the price drops below the five-cent range of the contracted amount then the County will pay the difference to GasRite. If the price rises above the five-cent range of the contracted amount then GasRite will pay the difference to the County. The County can either use the contracted gallons at the pump or bulk purchase. This gives the Board a way to honor the contracted gallons of fuel through November and do the same business with the local vendors as in the past. Johnson plans to attend the Board meeting on July 12, 2010 with a revised contract.

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 Local Emergency Planning Committee (LEPC) will have a booth at the Boone County Fair. The LEPC plans to have items to give away at the fair, informational material and a "Shelter in Place" display. A reimbursable HMEP Planning Mini Grant was approved for pens and "Shelter in Place" kits through the State of Nebraska Emergency Response Commission. Motion made by Thieman, second by Schuele to approve the LEPC grant purchase of \$275.00 for pens and \$1,803.51 for sixty "Shelter in Place" kits as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

No County Zoning Administrator report was available.

The County Safety Committee held a quarterly meeting at 1:30 p.m. to review the claims filed with NIRMA. One of the duties of a safety committee is to investigate all incidents and events to determine the cause and see what can be done to insure it does not happen again. The safety committee then completes a report for NIRMA. The safety committee discussed an evacuation plan for the courthouse.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported on the Boone County Health Center open house. Commissioner Thieman gave an update with regard to the courthouse renovation. Mike Thiem, Emergency Manager, submitted and activity report and updated the Board with regard to the disaster declaration. Shannon Landauer, Economic Development Director, briefed the Board with regard to the youth entrepreneurship camp held June 21-24, 2010 at the Boone Central Schools.

Commissioner Schuele declared the meeting adjourned at 2:00 p.m. with the next Board meeting scheduled for July 12, 2010.

Kathy Thorberg, County Clerk

## 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.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board. Thorin and Dan Theis, certified federal bridge inspector, inspected ten scour critical bridges for damage. Thorin informed the Board that the County would withdraw the request for public assistance with regard to FEMA No. 1902 spring disaster declaration. FEMA has changed the policy and requirements and the Boone County damage is below the required minimum damage. Boone County still plans to pursue assistance for the flood damage. Thorin received fourteen applications to review for the open road position.

Thorin is drafting the Title VI policy that is required to be in place before receiving FEMA funding. Thorin attended the LPA Civil Rights Training that the Nebraska Department of Roads sponsored in June. The training provided information for Title VI Civil Rights and American Disabilities Act (ADA) compliance for federal aid projects. A requirement is for the Board to designate a Title VI Coordinator by appointing an office not an individual. Motion made by Thieman, second by Schuele to designate the County Clerk Office as the Title VI Coordinator. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board received a request from Frontier Communications for a construction permit to place buried telephone cables and terminal pedestals on public right-of-way. The project replaces cable along 190<sup>th</sup> Avenue due to a service application at 2821 190<sup>th</sup> Avenue. Motion made by Schuele, second by Tisthammer to approve the construction permit request from Frontier Communications to replace cable along 190<sup>th</sup> Avenue as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board of Directors of the Boone County Historical Society Museum asked if the Boone County Board of Commissioners would provide county support for installation of telephone and internet service to the museum. The Historical Society operates on donations and volunteer time. The Historical Society has not submitted a budget asking for tax dollars since fiscal year 1998-1999. The Board approves county support for the libraries and ambulances within the county each year to help with costs. Motion made by Thieman, second by Tisthammer to approve county support of \$2,000.00 each fiscal year for the Boone County Historical Society Museum communications as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to accept and approve as presented the County Clerk/Register of Deeds 2009-2010 fiscal year end report per request of the county auditor. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for June, 2010: Clerk \$5,643.25 (State of Nebraska \$3,006.59; County of Boone \$2,636.66); Clerk of the District Court \$1,234.50 (State of Nebraska \$613.00; County of Boone \$621.50); Sheriff \$1,482.98; Zoning \$1,012.51; Treasurer Office Miscellaneous Receipts Number 10338-10414 in the amount of \$204,818.88. Treasurer's fees \$2.00; Total collected at the County Treasurer Office \$463,584.87. 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." Disbursement of the funds upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material and signage. The committee previously approved a request for advertising funds. The St. Edward Community Club submitted a request for assistance with advertising the annual Beaver Valley Days scheduled for July 31, 2010 and August 1, 2010. 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 County Board, Tim Johnson, GasRite Account Manager, and Darrel Thorin, Highway Superintendent, discussed the revisions for the fuel contract signed on June 1, 2010. GasRite cancelled the voyager fleet cards. The revised contract fuel price will be determined from the market off the AAA's Daily Fuel Gauge Report (fuelgaugereport.com) website for the Norfolk area, plus five cents. Johnson said the Boone County area averages five cents more per gallon at the pump than Norfolk. Gallons will be lifted every working day at the rate of total contracted gallons divided by the number of working days in a month. The weekends and holidays are excluded from the working days in a month. The revised contract eliminates the voyager cards and continues fuel usage from the local vendors as has been done in the past. The revised contract will have no effect on vendors, billing the same as in the past and be for the months of July to November. If the price drops below the five-cent range of the contracted amount then the County will pay the difference to GasRite. If the price rises above the five-cent range of the contracted amount then GasRite will pay the difference to the County. The County can either use the contracted gallons at the pump or bulk purchase. This gives the Board a way to honor the contracted gallons of fuel through November and do the same business with the local vendors as in the past. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign a revised contract for five months dated July 12, 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The County Sheriff and Treasurer submitted Distress Warrant Reports. There were twenty-two distress warrants issued for 2007 and 2008 personal property taxes. As of fiscal year end June 30, 2010, seventeen were collected leaving five distress warrants returned unpaid, but attempting to collect. Motion made by Schuele, second by Tisthammer to accept and approve the County Sheriff and Treasurers' Distress Warrant Reports as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Boone County Ambulance Service submitted two uncollectible ambulance accounts. The United States Bankruptcy Court discharged an ambulance service for 2009. The recommendation for the 2008 ambulance service of \$925.00 is to turn the file over to the County Attorney to attempt further collection. Motion made by Schuele, second by Tisthammer to write off two uncollectible ambulance accounts for \$3,300.00 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board and Board of Equalization Proceedings of June 28, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board discussed an additional quote of \$19,625.00 for courtroom security. The portable walk-through metal detector is taller than the doorframe. The Board plans to discuss the doorframe problem with Beckenhauer Construction. Rapiscan Systems quote is for a Metor 300 portable walk-through metal detector. This portable metal detector was not included in the renovation bond quote. Motion made by Thieman, second by Tisthammer to approve the portable walk-through metal detector as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. 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 \$36,937.80; Road \$103,370.58; Boone County Economic Development \$1,980.94; 911 Emergency Management \$847.51; Courthouse Building \$94,818.09; Ambulance \$4,168.14. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Thorin and the Board discussed a bond amount as requested from Edison Mission Energy for the Laredo Ridge Wind Farm. The bond is protection for the county with regard to the road construction for the wind farm. Motion made by Schuele, second by Thieman to require Edison Mission Energy to provide a \$100,000.00 bond to guarantee the condition of the county roads for construction of the Laredo Ridge Wind Farm. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem, Emergency Manager, submitted an activity report. Shannon Landauer, Boone County Economic Development Director, updated the Board with regard to the office activities. Barb Hanson, Zoning Administrator, briefed the Board with regard to a rezoning issue within the mile jurisdiction of Albion city limits. The Board discussed other county proposals with regard to wages and benefits. The Board plans to discuss the wages and benefits with personnel at the July 19, 2010 Board meeting.

Commissioner Schuele declared the meeting adjourned at 4:20 p.m. with the next Board meeting scheduled for July 19, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JULY 19, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, July 19, 2010, 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.

The Board held their monthly meeting with the officials, department heads, or employees. Technology and communication equipment in the County Law Enforcement building received damage due to a lightning storm on July 17-18, 2010. The Veteran Memorial Wall outside Albion Veterans Club is progressing and memorial bricks are still available for purchase. The American Legion Class B Area 5 Juniors District baseball tournament was held at the Albion Sports Complex. Veterans are encouraged to contact the County Veteran Service Office for upcoming events and information on the new veteran/business owner program. Groundbreaking is July 21, 2010 for the Laredo Ridge Wind Farm, LLC at the Werner Hall in Petersburg. Department heads preparing budgets for fiscal year 2010-2011 may use 2% of the base salary for the employee position in order to figure a cost of living wage increase in January 2011. The Board discussed new north and west entrance doors for the courthouse. New entrance doors are not in the renovation bond bid. The Board discussed the air conditioning system since one of the old roof units has stopped working. Due to the usage of the new and old roof units for the installation of the new air/heat system, the Board decided that the repair and upkeep for the air/heat system be provided by Eller Heating, Air Conditioning & Plumbing of Columbus, Nebraska.

There is a request to provide addressing for the fairgrounds and campground outside the city limits of Albion. Donna Johnson and Sheryl Machacek, Sheriff office employees, discussed the assignment of addresses for the requested area provided by GeoComm. Motion made by Tisthammer, second by Thieman to approve the 911 addressing as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

County of Boone and Village of Cedar Rapids entered into a police protection agreement dated April 2, 2008. In the agreement Paragraph, 3D reads, "The Sheriff shall provide one Deputy, who shall live within the Village, and whose primary responsibility shall be to provide general law enforcement services to the Village." There is a request to amend Paragraph 3D of the Agreement by adding, "the Deputy shall live within the Village when adequate housing is available, and that every attempt will be made to find housing within the Village first." Motion made by Schuele, second by Thieman to approve and authorize the Board Chairman to sign the Addendum to Agreement amending Paragraph 3D as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Dave Hoefer, representing the Elgin Knights of Columbus, presented a request for a Special Designated License. The request is for a wedding reception/dance scheduled for September 11, 2010 in Raeville, Nebraska. Motion made by Schuele, second by Thieman to approve the Special Designated License as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board tabled a policy decision with regard to Special Designated Licenses to the July 26, 2010 Board meeting.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board. Thorin conducted interviews with regard to the road employee position.

Thorin is drafting the Title VI policy that is required to be in place before receiving FEMA funding. Thorin attended the LPA Civil Rights Training that the Nebraska Department of Roads sponsored in June. The training provided information for Title VI Civil Rights and American Disabilities Act (ADA) compliance for federal aid projects. A requirement is for the Board to designate an ADA/504 Coordinator. Motion made by Tisthammer, second by Schuele to designate the Veteran Service Office as the ADA/504 Coordinator. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Jeffrey Doerr, Public Defender, discussed with the Board a two-year contract for August 1, 2010 through July 31, 2012 and the number of cases he has represented. Doerr has served as Boone County Public Defender since January 1999 with the last two-year contract amount being \$36,500.00 per year with a limit to being appointed to seventy-two (72) cases annually. Motion made by Thieman, second by Tisthammer to approve a contract from August 1, 2010 through July 31, 2012 for \$39,000.00 per year with a limit to being appointed to seventy-two (72) cases annually. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The County Treasurer submitted a semi annual statement for January 1, 2010 through June 30, 2010. Motion made by Thieman, second by Schuele to approve the County Treasurer semi annual statement as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Board tabled action to the July 26, 2010 Board meeting regarding an employee resignation.

The Board received a resignation from Boone County Visitors Promotion Committee member Vanessa Mason effective July 9, 2010. Motion made by Schuele, second by Thieman to accept and approve the resignation of Vanessa Mason from the Boone County Visitors Promotion Committee effective July 9, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Shannon Landauer, Economic Development Director, made contacts for the vacant Visitors Promotion Committee member position. Motion made by Thieman, second by Tisthammer to appoint Walt Hoefer as a member to the Boone County Visitors Promotion Committee effective July 19, 2010. 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 and signage. The committee previously approved a request for advertising funds. The St. Edward Volunteer Fire & Rescue Unit submitted a request for assistance with advertising for a fundraiser scheduled for August 28, 2010. 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.



Barb Hanson, Zoning Administrator, discussed the May and June reports with the Board. Hanson discussed concerns with the monitoring of Conditional Use Permits.

Hanson received a request for an environmental study exemption. A temporary concrete plant is proposed with regard to the wind farm construction. The County zoning regulations do not require an air quality permit for the temporary concrete plant. Motion made by Thieman, second by Tisthammer directing Barb Hanson, Zoning Administrator, to send a letter to Winter, Inc. of Brookings, South Dakota stating that there is no requirement for an air quality permit to set up a temporary concrete plant regarding construction of the wind farm. Roll call vote: Yeas: Thieman, Tisthammer 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, 2010. The Board discussed a letter received from the Nebraska Auditor of Public Accounts. The Board discussed using the audit services one more year with Gary J. Pavel. The Board discussed starting the process to search for a new accounting firm to perform the audit. Harlan Aevermann, CPA of Norfolk, Nebraska will perform the fieldwork for the county audit. Aevermann has numerous years of experience and knowledge in performing county audits. Motion made by Schuele, second by Thieman to approve as presented an agreement for audit services for year ending June 30, 2010 not to exceed \$10,350.00. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Board and Board of Equalization Proceedings of July 12, 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to go into an executive session at 11:30 a.m. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried. The Board and Emergency Manager discussed personnel issues. Motion made by Tisthammer, second by Schuele to come out of executive session at 1:07 p.m. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Open discussion and Miscellaneous Public Comments: NIRMA "Self Defense" Course for County Officials registration deadline is July 22, 2010 for the August 5-6, 2010 meeting.

Chairman Schuele declared the meeting adjourned at 2:10 p. m. with the next Board meeting scheduled for July 26, 2010.

Kathy Thorberg, County Clerk

# ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, July 26, 2010, 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.

Vanessa Mason, part-time employee for Boone County Economic Development, submitted a written resignation with an effective date of July 15, 2010. Motion made by Thieman, second by Tisthammer to accept the resignation of Vanessa Mason with an effective date of July 15, 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The fiscal year end audit of June 30, 2009 was received from Gary J. Pavel, CPA. Motion made by Schuele, second by Thieman to accept and approve the fiscal year end county audit for June 30, 2009 as submitted. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The County Board of Commissioners approves a Special Designated License for a request within the county but outside city/village limits. Before submitting applications to the Liquor Control Commission, the Special Designated License has requirements to be completed. One of the application requirements was “include signed statement from the local law enforcement.” The revised application form no longer includes the law enforcement requirement. The Liquor Control Commission no longer requests this information and it is the County Board’s decision whether to continue or discontinue the local law enforcement requirement. The Board and Sheriff Spiegel discussed the law enforcement involvement with Special Designated Licenses. Motion made by Tisthammer, second by Schuele to continue the policy requirement for approval of Special Designated License to “include a signed statement from the local law enforcement.” Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Andy Devine, Albion City Administrator; Barb Hanson, Zoning Administrator; and the Board discussed the County/City Interlocal Agreement beginning March 2, 2009 through September 30, 2010. The Interlocal Agreement shares a full time employee for the position of County Zoning Administrator and Code Official for the City of Albion. The City of Albion on a part-time basis will initially pay the sum of \$500.00 per month to the County. In October 2009, the City increased the sum to \$600.00 per month, with the additional \$100.00 contributed towards office space and use of equipment. The Board feels the city business volume exceeds the estimation and the institution of a property maintenance program will require additional time. The Board felt there might be a need to add part-time clerical of twenty-four hours a week to help the Zoning Administrator with the increased volume of new development and programs with regard to zoning regulations. The Board is asking the City to contribute \$1,000.00 per month, to help cover part-time clerical expenses. The Board asked Devine to request an increase of the city share for zoning expenses to \$1,000.00 per month at the August council meeting.

Alvin Luettel, property owner of a fence line along 140<sup>th</sup> Street, along with his tenant, Kenny Kerkman, discussed damage to the fence line from the winter storms on April 26, 2010. They felt the county road department destroyed the one-half mile of fence line during the winter storms and went on private property without permission. Kerkman asked for assurance in April to remedy the damage by the county cleaning up the wire and posts and help repair the damage. Board members have looked at the damaged fence line and visited with an individual that constructs and repairs fence lines. Kerkman, Luettel, Darrel Thorin, Highway Superintendent, and the Board discussed at length fence damage during snow removal, age and condition of fence, remedies for future snow removal, precedence set for damage repairs and policies regarding damages inadvertently caused by county employees to private property or damages by the public to the county roads. Motion made by Schuele, second by Tisthammer to approve supplying enough fence material for the damaged area to include steel posts, barbwire for three wires and wooden posts for a gate, with the owner providing the labor to rebuild the fence. Roll call vote: Yeas: Schuele and Tisthammer. Nays: Thieman. Motion carried.

Laurie Krohn, County Treasurer, presented the Board with a list of delinquent 2007 real estate taxes not sold at the tax sale held in March 2010, as per Nebraska State Statute. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-36, 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 2007 and subsequent years as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to accept and approve the fiscal year end June 30, 2010 County Ambulance report 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 Payroll Claims filed for payment from the various funds: General \$79,082.95, BCBS \$32,723.06, Ameritas Ret \$5,386.11, EFTPS \$5,968.03; Road \$39,704.06, BCBS \$15,936.10, Ameritas Ret \$2,680.05, EFTPS \$3,014.35; Boone County Economic Development \$3,707.90, BCBS \$1,390.48, Ameritas Ret \$250.28, EFTPS \$273.92; Law Enforcement \$5,723.00, BCBS \$2,608.30, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$1,102.50, Ameritas Ret \$53.33, EFTPS \$84.33; Public Defender Contract \$3,041.67; Boone County Fitness Center \$5,283.99, Ameritas Ret \$283.92, EFTPS \$404.21, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Mike Seda; Darrel Thorin, Highway Superintendent; and the Board discussed Seda's request to trench/bore an electrical and gas line across and under 265<sup>th</sup> Street. If the electrical and gas line are buried in the same trench, the electrical line shall be buried below the gas line with a minimum of two feet of soil between said lines. The trenching/boring of the gas line in the road ditch shall be as deep as possible with the minimum depth being at least two feet. The request is from a pole located in the county road right-of-way on the North side of 265<sup>th</sup> Street in the NE1/4 of Section 27, Township 20 North, Range 6 West, thence running south under and across said 265<sup>th</sup> Street to a grain bin and dryer to be located in the SE1/4 of Section 27, Township 20 North, Range 6 West, Boone County, Nebraska. The point of crossing 265<sup>th</sup> Street is asphalt. Seda would prefer to trench, but the Board would prefer him to bore due to the road being asphalt instead of gravel. The Board and Thorin discussed a possible additional fee if trenched or paying for the asphalt replacement. Seda will check on the fee to bore said request. The Board tabled the decision to the August 9, 2010 meeting.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board.

Motion made by Thieman, second by Tisthammer to accept and approve a Letter of Credit in favor of Boone County, Nebraska for the account of Edison Mission Energy on behalf of Laredo Ridge Wind, LLC for an amount of \$100,000.00 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board, Public Hearings and Board of Equalization Proceedings of July 19, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman gave an update with regard to the courthouse renovation. Thieman and Schuele registered for the NIRMA "Self-Defense" Conference scheduled in August. Gary Choat discussed road concerns with the Board and Thorin.

Chairman Schuele declared the meeting adjourned at 11:55 a. m. with the next Board meeting scheduled for Monday, August 9, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
AUGUST 9, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, August 9, 2010, 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.

Discussion regarding the Zoning Interlocal Agreement between the County of Boone and City of Albion was tabled and will be rescheduled at a later date.

A resolution to trench/bore an electrical /gas line across 265<sup>th</sup> Street was tabled to the August 16, 2010 Board meeting.

Ellen Hirsch, Clerk of the District Court, presented quotes regarding new chairs and tables for the courtroom upon the completion of the renovation. Hirsch presented an invoice for two televisions and wall mounts for the courtroom. The new courtroom furnishings are not included in the bond bid. The purchase of chairs includes thirteen jury; twelve jury chair bases; and seven for counsel, court reporter and witness. Motion made by Schuele, second by Thieman to approve the \$5,314 quote for twenty chairs and twelve jury chair bases from Western Office Plus as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board received a request from Great Plains Communications to plow a fiber optic cable for wind energy construction. The request commences at the intersection of 240<sup>th</sup> Avenue/130<sup>th</sup> Street; plowing east on the south side in the road on 130<sup>th</sup> Street; thence north on 250<sup>th</sup> Avenue on the west side in the road to end point approximately 2500 feet. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-37 a request from Great Plains Communications to plow a fiber optic cable in the road of 130<sup>th</sup> Street and 250<sup>th</sup> Avenue between Sections 21 and 16, Township 22 North, Range 6 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board received a request from Jeff Preister to trench an electrical line from a pole in the county road right-of-way running east under and across 320<sup>th</sup> Avenue to a grain bin. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-38 to trench an electrical line from a pole located in the NE1/4 of Section 27, Township 20 North, Range 5 West; thence running east across 320<sup>th</sup> Avenue to a grain bin located in the NW1/4 of Section 26, Township 20 North, Range 5 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, drafted the Title VI Civil Rights and American Disabilities Act (ADA) policies to be in compliance for federal aid projects. The policies are required to be in place before receiving FEMA funding. Thorin attended the LPA Civil Rights Training that the Nebraska Department of Roads sponsored in June. The Title VI Nondiscrimination Agreement also needs approval and signature of the Nebraska Department of Roads Civil Rights Coordinator. Thorin presented the Title VI and ADA policies to the Board and addressed questions and concerns.

Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the Title VI Nondiscrimination Agreement as drafted and presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the American with Disabilities Act of 1990 (ADA) policy as drafted and presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve Resolution No. 2010-39, Title VI-Civil Rights and American with Disabilities/Section 504 of Rehabilitation Act (ADA) as drafted and presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed the protocol for the Cedar Rapids bridge renovation. Thorin will contact HDR Engineering, Inc. and Kirkham Michael & Associates, Inc., to schedule teleconference interviews for the August 16, 2010 Board meeting. Once the county selects the consultant, then the Nebraska Department of Roads (NDOR) needs to approve the consultant selection. The consultant selection is for the Cedar Rapids Bridge NDOR Project No. ENH-6(5) State Control No. 32083.

The Board reviewed Resolution No. 2005-37 regarding county burial policy. The 2005 policy is in need of updating in order to address recent county burial requests. The Board will review current policy and research updated information regarding county burial requirements.

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 and signage. The committee previously approved two requests for advertising funds. The Board, Economic Development Director and County Clerk, discussed receiving the proper requirements from the organization requesting reimbursement and the organizations properly using "Funded in part by the Boone County Visitors Promotion Committee" within the advertisement.

The Primrose Rural Fire Department submitted a request for assistance with advertising the Primrose Mud Drags fundraiser scheduled for September 5, 2010. 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.

The Petersburg Community Club submitted a request for assistance with advertising the Petersburg Q125 Prom Party fundraiser scheduled for December 31, 2010. 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.

Motion made by Tisthammer, second by Schuele to approve the County Board and Board of Equalization Proceedings of July 26, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General \$43,217.84; Road \$153,744.54; County Visitors Promotion \$1,057.25; Boone County Economic Development \$1,819.79; Inheritance Tax \$10,000.00; 911 Emergency Management \$1,100.49; Courthouse Building \$71,372.50; Ambulance \$3,349.20. 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, 2010: Clerk \$3,199.50 (State of Nebraska \$621.27; County of Boone \$2,578.23); Clerk of the District Court \$1,204.41 (State of Nebraska \$790.00; County of Boone \$414.41); Sheriff \$3,515.25; Zoning \$472.07; Treasurer's fees \$48.00; Treasurer Office Miscellaneous Receipts Number 10415-10479 in the amount of \$171,608.17. Total collected at the County Treasurer Office \$443,724.56. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Rob Stevenson discussed road concerns regarding 160<sup>th</sup> Street and 160<sup>th</sup> Avenue with the Board and Highway Superintendent. Nebraska Public Power District (NPPD) has chosen a preferred route for the 37-mile power line from the new NPPD substation located east of Petersburg thence west to a pumping station near Ericson for the proposed TransCanada Keystone XL pipeline. Stevenson asked if it was possible to open 160<sup>th</sup> Street and close two miles of 160<sup>th</sup> Avenue for a preferred route for the power line to be located in that portion of the closed road rather than being routed through the fields. The county road records indicate that both portions of 160<sup>th</sup> Avenue and 160<sup>th</sup> Street are open roads since 1909 and no record shows an official closing. 160<sup>th</sup> Street from the southeast corner of 31-22-7 thence west to the southwest corner of 31-22-7 is a legally opened road with a portion of said 160<sup>th</sup> Street being maintained by the county. Stevenson's request is that: (1) 160<sup>th</sup> Street from the southeast corner of 31-22-7 to the southwest corner of 31-22-7 be opened and all fence lines removed with that part of the opened road being considered a trail road with no maintenance required by the county; and (2) close a legally opened county road known as 160<sup>th</sup> Avenue beginning at the northwest corner of the NW1/4 of 6-21-7 thence south two miles to the northwest corner of the NW1/4 of 18-21-7, all of said property being located in Boone County, Nebraska. Motion made by Thieman, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to do a feasibility study to consider closing a legally opened county road known as 160<sup>th</sup> Avenue beginning at the northwest corner of the NW1/4 of 6-21-7 thence south two miles to the northwest corner of the NW1/4 of 18-21-7, Boone County, Nebraska. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Brendan Lilley, project manager for Kirkham Michael; Darrel Thorin, Highway Superintendent; and the Board discussed the Primrose Bridge Project No 315. Lilley presented a proposal for professional engineering services for C-6(315) Prototype Bridge Design soft match services. The scope of services includes preliminary field surveying, environmental permitting services, hydraulic design for the structure, and project-bidding services for the bridge and roadway project. This project is funded through local funds (no Federal Aid). This project is located east of Primrose in 10-19-8. The bridge/substructure plans will be completed by the State for a prototype bridge that they will supply the main structural members for. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign the agreement with Kirkham Michael & Associates for \$36,400.00 to proceed with engineering services for Boone County C-63(315) Soft Match Prototype Bridge as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Billy Frey, County Road Employee, discussed road maintenance concerns with the Board.

Open discussion and Miscellaneous Public Comments: Don Noecker briefly discussed the area volunteer fire departments rolls in helping with the county's installation of the 911 address signs. Schuele, Thieman and Tisthammer reported from the NIRMA "Self-Defense" Conference they recently attended. Schuele accepted the NIRMA dividend of \$11,155 on behalf of the County at the conference.

Commissioner Schuele declared the meeting adjourned at 2:40 p.m. with the next Board meeting scheduled for August 16, 2010.

Kathy Thorberg, County Clerk

**BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS**  
**AUGUST 23, 2010** **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, August 23, 2010, 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.

The Board held their monthly meeting with the officials, department heads, or employees. The county will not receive property tax relief from the state resulting in a loss of budget revenue of approximately \$151,000. The county expenditure requests increased approximately 2.3% primarily due to salaries and health insurance increases. The Board discussed the issue with department heads that were present and asked that all offices look at their 2010-2011 budget expense requests. Any offices that can reduce their expense request are to notify the Board before the budget hearing on September 13, 2010. It will take budgetary cuts from all offices to make a substantial difference. The State Auditors Office recommends a budget cash reserve of 20%. Tisthammer discussed meal reimbursement and feels a policy needs to be drafted. The employee handbook needs to clarify that the employee is responsible for their noon meal. The County purchases are sales tax exempt. An employee picking up supplies for the County needs to present the Nebraska Sales Tax Exempt Form 13 when paying for a purchase that will not be billed direct to the County. The employee handbook states "do not expect sales tax reimbursement." Shred Monster, Inc. of Columbus, Nebraska was contacted regarding available dates for their services.

Richard Martinsen, CPA and the Board reviewed the 2010-2011 preliminary county budget figures. The preliminary budget figure increase is 9.9%; this percentage was arrived at by taking \$600,000 from Inheritance Tax. The Board lowered the percentage to 7.3% by decreasing some expense request figures. The expense line of \$290,000 to \$200,000 in the road budget regarding freight, which is mainly the hauling charge paid to truckers hauling rock for the county to the county yards. They discussed possibly combining some job positions. The 5% difference of the 7.3% is the loss of the property tax relief revenue. If the Inheritance Tax transfers and budgeted expenses are all used, the County will not have the suggested 20% cash reserve. The 2010-2011 County Budget Hearing is scheduled for September 13, 2010 at 11:00 a.m.

The Board has discussed the Boone County Ambulance Service rates with Nicole Levander, County Ambulance Bookkeeper and Randall Bruland, County Ambulance Administrator. The prior resolution regarding the rates that the county pays to medical personnel and drivers together with the rate charges for patient loaded miles was approved in 2006. The Board increased the rates received by medical personnel and drivers as suggested. The charges for patient transports include the BLS rate of \$330.00, which remained the same; ALS rate increased to \$494.00; loaded mileage rate remains at \$15.00, which has been used since June 2009; and all miscellaneous supplies will be billed according to usage. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2010-40, Boone County Ambulance Service operation rates as presented with an effective date of September 1, 2010. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The county clerk's office requested permission to extend the former computer desk unit used for motor vehicles, with a bridge and credenza shell, in order to make a workstation/desk. Motion made by Thieman, second by Schuele to approve the Western Office Plus quote of \$824.43 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Boone County is one of the ten county members of the East Central Planning, Exercise, Training (PET) and Interoperable Communications Region established by the State of Nebraska. Michael D. Thiem, Boone County Emergency Manager, was appointed to the governing regional Committee on September 28, 2009. Thiem informed the Board that the Governing Regional Committee met in July and approved appointing alternates to vote in the absence of the appointed committee representative. Motion made by Tisthammer, second by Thieman to appoint Sheryl Machacek, as the alternate representative for Boone County, to the Governing Regional Committee as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board, Darrel Thorin, Highway Superintendent, and Mike Seda discussed his request to trench/bore an electrical and gas line across and under 265<sup>th</sup> Street on July 26, 2010. Seda would prefer to trench, but the Board would prefer him to bore due to the road being asphalt instead of gravel. If the electrical and gas line are buried in the same trench, the electrical line shall be buried below the gas line with a minimum of two feet of soil between said lines. The trenching/boring of the gas line in the road ditch shall be as deep as possible with the minimum depth being at least two feet. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2010-35 a request to bore an electrical/gas line across 265<sup>th</sup> Street from a pole located in the county road right-of-way on the north side of 265<sup>th</sup> Street in the NE1/4 of Section 27, Township 20 North, Range 6 West, thence running south under and across 265<sup>th</sup> Street to a grain bin and dryer to be located in the SE1/4 of Section 27, Township 20 North, Range 6 West, Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues and concerns with the Board.

Motion made by Tisthammer, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$79,115.26, BCBS \$31,332.58, Ameritas Ret \$15,303.54 (Payroll \$5,394.69; R. Smith \$9,908.85 military make-up contribution), EFTPS \$5,970.52; Road \$41,260.06, BCBS \$15,936.10, Ameritas Ret \$2,785.07, EFTPS \$3,133.38; Boone County Economic Development \$3,143.33, BCBS \$1,390.48, Ameritas Ret \$212.17, EFTPS \$230.73; Law Enforcement \$5,723.00, BCBS \$2,608.30, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$945.00, Ameritas Ret \$51.65, EFTPS \$72.29; Public Defender Contract \$3,250.00; Boone County Fitness Center \$4,707.07, Ameritas Ret \$264.80, EFTPS \$360.08, 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 Schuele to approve the County Board and Board of Equalization Proceedings of August 16, 2010 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Fred Tiede discussed a road concern by his property. Ron Braun discussed a road concern with regard to 110<sup>th</sup> Avenue south of Highway 56, the Board provided information that the area of concern is on the One and Six Year Road Improvement Plan. Rod Nelson, Maintenance, discussed the ceiling fans that were removed from the offices during renovation. Some offices would like them reinstalled, but the new heat/air system is a ventilation system and they say ceiling fans are not necessary. Nelson discussed renovation changes and progress.

Chairman Schuele declared the meeting adjourned at 1:20 p.m. with the next Board meeting scheduled for August 30, 2010.

Kathy Thorberg, County Clerk



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
AUGUST 30, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, August 30, 2010, 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.

The Board and Darrel Thorin, Highway Superintendent, held teleconference interviews regarding consultant selection with HDR Engineering, Inc. at 8:45 a.m. and Kirkham Michael & Associates, Inc. at 1:30 p.m. The project consists of the rehabilitation of the historic Cedar River Bridge located at the east edge of Cedar Rapids, Nebraska. The preliminary interviews provided project understanding and approach with regard to the historic truss bridge and eligible federal funds through the Transportation Enhancement Program.

Once the county selects the consultant, then the Nebraska Department of Roads (NDOR) needs to approve the consultant selection. The consultant selection is for the Cedar Rapids Bridge NDOR Project No. ENH-6(5), State Control No. 32083. Motion made by Schuele, second by Tisthammer to approve the consultant request by submitting the committee's recommendation of HDR Engineering, Inc. for the Cedar Rapids Bridge NDOR Project No. ENH-6(5). Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board discussed the request for a Certificate of Insurance with regard to the Zoning Administrator and the Zoning Interlocal Agreements. The Board held a teleconference with NIRMA regarding the request. Commissioner Schuele plans to attend the Village of Cedar Rapids meeting to discuss the request and the Interlocal Agreement. Commissioner Thieman plans to attend the Village of Petersburg meeting to discuss the request and that there is currently no Interlocal Agreement.

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 prior to January 1 each year. The present contract for services expires in October 2010, with no plans for renewal. Joyce Sock, Assessor, suggested to the Board that they may want to save the county some expense by having each Board member do the pick-up work in their respective district. The Board members plan to research legal answers and think about it for further discussion at the September 13, 2010 Board meeting.

Lawrence Stuhr and Randy Pelster discussed compensation for damage to a fence line during the winter storms snow removal along 240<sup>th</sup> Avenue. Stuhr presented transaction summaries from Bomgaars Supply showing purchases on March 17 & 18, 2010 in the amounts of \$210.07 and \$128.22. The transactions showed purchase price for posts while Stuhr said he had a roll of new barbwire on hand. The estimation for a new roll of barbwire was \$62.00. Stuhr previously presented a \$600.00 labor bill that was paid to Pelster. Stuhr estimated the damaged fence line to be ten years old. Stuhr said a County Road Employee suggested that he turn in a bill for the fence damages that occurred during snow removal by the county. The Board previously paid for fence material but not for labor on an incident where they were aware of the damage. The Highway Superintendent was not aware of the damage request presented today. Therefore, no documentation or pictures were available showing the damage with regard to the fence line in question along 240<sup>th</sup> Avenue. Motion made by Schuele, second by Thieman to reimburse the fencing material less the sales tax in the amount of \$363.18 to Lawrence Stuhr for fence damages. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board received a request from Lawrence A. Dohmen to trench an electrical line from a pole located in the county road right-of-way on the east side of 290<sup>th</sup> Avenue thence west across 290<sup>th</sup> Avenue to a grain bin. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-41 to trench an electrical line from a pole located in the county road right-of-way on the east side of 290<sup>th</sup> Avenue; thence running west across 290<sup>th</sup> Avenue to a grain bin located in the NE1/4 of Section 19, Township 18 North, Range 5 West, Boone County, Nebraska as presented. 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 August 23, 2010 as presented. Roll call vote: Yeas: Schuele, Tisthammer 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." Disbursement of the funds upon the submission of verifiable receipt(s) showing the paid advertising and that the acknowledgement appeared on the material and signage. The committee previously approved one request for advertising funds. The Boone County Agricultural Society, Inc. submitted a request for assistance with advertising the Pam Tillis Concert scheduled for September 14, 2010. 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 Board discussed the installation of address signs at previous Board meetings. A policy needed to be in place before installing the signage. The purpose of a resolution policy is to provide consistent signing/signage for effective and rapid location of properties within Boone County. It is expected that uniform and consistent signage throughout the county will benefit emergency responders as well as many other individuals, entities, and delivery companies who need to locate properties within the unincorporated areas of the county. Ownership and the subsequent maintenance of the E911 signs will be the responsibility of Boone County, with the exception of accidental or purposeful destruction. In the case of destruction, the party responsible for the destruction will pay for replacement. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-42 a signing policy for Boone County, Nebraska Enhanced 9-1-1 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board approved Resolution No. 2010-40 on August 23, 2010 with regard to Boone County Ambulance Service operation rates. The Boone County Health Center (BCHC) has also signed the resolutions since 1996. In review of the 2010 resolution, the BCHC requested that the paragraphs numbered 4, 5, and 6 read "COUNTY" not "PROVIDER" as the prior resolutions have read. Revisions to the Resolution 2010-40 include changing the word "PROVIDER" to BCHC throughout the resolution; change paragraphs numbered 4, 5, and 6 to read "COUNTY" not "PROVIDER"; and language in paragraph number 14 with regard to bookkeeping services. The BCHC will review the revisions to Resolution No. 2010-40 before signing. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2010-40 with the revisions to the Boone County Ambulance Service as presented with an effective date of September 1, 2010. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. 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 Tisthammer, second by Schuele to approve the 2009-2010 County Office Inventories as presented from the various offices. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Ellen Hirsch, Clerk of the District Court, presented quotes regarding new jury chairs and bases on August 9, 2010. The approved jury chairs ordered on August 9, 2010 arrived with the chair shaft being 5mm smaller than the base; therefore, the chairs are not sturdy. Motion made by Thieman, second by Schuele to approve the revised order for the jury chairs with an additional cost of approximately \$1,300.00 from Champion Seating Company of Texas as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Ellen Hirsch, District Court, and Lisa Langan, County Court, discussed the courts' copier lease. The current lease expires in October 2010. The courts requested authorization to sign a new four-year lease with the same company. The new lease will be for a copy/fax machine combination with monthly lease payments of \$196.36. The current fax machine used by the courts will be provided to the Zoning office. Motion made by Schuele, second by Tisthammer to approve the courts new copy/fax machine lease as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to closing or vacating two miles of a legally opened county road known as 160<sup>th</sup> Avenue. 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. A vacated road allows the adjacent landowners each half of the right-of-way and is placed on the tax roll. The Boone County Highway Superintendent recommends vacating a portion of a county road known as 160th Avenue, running two (2) miles North and South between Sections 6 and 7, in Township 21 North, Range 7 West and Sections 1 and 12, in Township 21 North, Range 8 West, all in Boone County, Nebraska. Motion made by Thieman, second by Schuele to set the public hearing date to vacate two miles of a county road known as 160<sup>th</sup> Avenue as presented for September 20, 2010 at 11:00 a.m. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Barb Hanson, Zoning Administrator, gave a report regarding a planning and zoning conference she attended last week. Commissioner Schuele gave a report regarding the road-funding seminar he attended in Omaha last week.

Commissioner Schuele declared the meeting adjourned at 2:15 p.m. with the next Board meeting scheduled for September 13, 2010.

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, August 30, 2010 at 11:35 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. 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. Applicant Scott Brengelman and Barb Hanson, County Zoning Administrator, 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 an Application for Conditional Use Permit submitted by Scott Brengelman. John and Jody Brengelman are the property owners of the real estate referenced herein. The application request is to divide part of the farmstead comprised of 3.53± acres from farm ground to remodel the existing home located in a fraction of the NE1/4 of Section 11, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. Brengelman provided a survey that includes a road easement. Brengelman explained that the property owners are John and Jody Brengelman. The request to split the 3.53± acre tract is for the financing of a home loan.

Motion made by Tisthammer, second by Thieman to close said hearing at 11:45 a.m. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by Scott Brengelman. The approval is to divide a 3.53± acre tract from farm ground in order to remodel an existing home located in a fraction of the NE1/4 of Section 11, Township 20 North, Range 7 West of the 6<sup>th</sup> 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**  
**SEPTEMBER 13, 2010** **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, September 13, 2010, 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.

The Board discussed the Interlocal Agreements with regard to zoning. Schuele attended the Village Board of Cedar Rapids meeting and reported on the suggested revisions to the present agreement. Thieman attended the Village Board of Petersburg meeting and reported on the suggested revisions for an agreement. The Board reviewed the agreement with the City of Albion. The Board will ask the County Attorney to review the agreements and proposed revisions to the Interlocal Zoning Agreements for the September 20, 2010 Board meeting.

The Board discussed the signage invoice for the courthouse office doors received from ASI. No action was taken.

There is a need to purge records in accordance the retention schedules and to provide storage space. Shred Monster, Inc. of Columbus, Nebraska provided information regarding their services. One may leave the rubber bands, paper clips and staples with the material to be shredded. Motion made by Schuele, second by Thieman to authorize the Board Chairman to sign an On-Site Destruction Proposal with Shred Monster, Inc. for their services on October 19, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

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

Donald (Kelly) Noble discussed compensation for damage to a fence line as a result of snow removal during the winter storms along 210<sup>th</sup> Street. Noble presented a receipt from Bomgaars showing the purchase price for posts on September 8, 2010 of \$309.79. The Board previously paid for fence material but not the sales tax. The Highway Superintendent was aware of the damage request presented today and has documentation/pictures of the damaged fence line. Motion made by Schuele, second by Tisthammer to reimburse the fencing material less the sales tax in the amount of \$289.52 to Donald (Kelly) Noble for fence damages. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The Board received a request from the Betty Merrell Trust to trench an electrical line from a pole in the county road right-of-way running east under and across 310<sup>th</sup> Avenue to a grain bin. The request commences in an east-west direction from a pole located on the west side of 310<sup>th</sup> Avenue; thence trenching east across 310<sup>th</sup> Avenue to a grain bin located in the SW1/4 of Section 34, Township 20 North, Range 5 West, Boone County, Nebraska. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-43 a request from the Betty Merrell Trust to trench an electrical line across 310<sup>th</sup> Avenue to a grain bin located in the SW1/4 of Section 34, Township 20 North, Range 5 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board received a request from Cornhusker Public Power District to trench an electrical cable underground for Paul Kettelson. The request commences in a north-south direction from a pole located in the SE1/4 of Section 6, Township 21 North, Range 5 West; thence trenching south across 170<sup>th</sup> Street to a grain bin located in the NE1/4 of Section 7, Township 21 North, Range 5 West, Boone County, Nebraska. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-44 a request from Cornhusker Public Power District to trench an electrical cable across 170<sup>th</sup> Street to a grain bin located in the NE1/4 of Section 7, Township 21 North, Range 5 West, Boone County, Nebraska 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 August, 2010: Clerk \$4,554.50 (State of Nebraska \$2,016.06; County of Boone \$2,538.44); Clerk of the District Court \$1,391.34 (State of Nebraska \$811.92; County of Boone \$579.42); Sheriff \$1,708.28; Zoning \$337.00; Treasurer's fees \$6.00; Treasurer Office Miscellaneous Receipts Number 10480-10557 in the amount of \$232,828.01. Total collected at the County Treasurer Office \$5,505,472.19. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board, Board of Equalization and Public Hearing Proceedings of August 30, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 and signage. The committee previously approved two requests for advertising funds

The Albion Area Arts Council submitted a request for assistance with advertising the annual Enchanted Trail event held at the Olson Nature Preserve scheduled for October 2, 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 Petersburg Community Club submitted a request for assistance with advertising the annual Punkin Chunkin event scheduled for October 31, 2010. 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.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds with the exception of vendor claim number 850 for \$30.00 and vendor claim number 986 for \$30.00, being rejected due to the claims varied from the handbook policy. The following amounts were approved from the various funds: General \$85,921.24; Road \$175,595.86; County Visitors Promotion \$2,125.80; Reappraisal \$68.73; Veteran's Aid \$500.00; Federal Grant (NAHF) \$575.00; Boone County Economic Development \$3,842.01; 911 Emergency Management \$5,038.62; Courthouse Building \$155,191.44; Ambulance \$1,050.17. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. 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 prior to January 1 each year. The present contract for services expires in October 2010, with no plans for renewal. Joyce Sock, Assessor, suggested to the Board that they might want to save the county some expense by having each Board member do the pick-up work in their respective districts at the August 30, 2010 Board meeting. Presently pick-up work needs to be completed for 79 parcels with improvements. Commissioner Thieman offered to do assessment pick-up work with assistance from the staff on a trial basis. Motion made by Schuele, second by Tisthammer to approve Henry R. Thieman to assist with assessment pick-up work on a trial basis. Roll call vote: Yeas: Schuele and Tisthammer. Abstain: Thieman. Nays: None. Motion carried.

The Board received a written resignation from Rochelle Earl, an employee for the Sheriff's office. Motion made by Tisthammer, second by Schuele to accept the employment resignation of Rochelle Earl with an effective date of September 8, 2010. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Board discussed the request for additional E911 address signage. The Board has several questions regarding the information that was presented. No action was taken and will be an agenda item for the September 20, 2010 Board meeting.

Open discussion and Miscellaneous Public Comments: The Board discussed the estimate of \$600.00 to remove a damaged tree on the east side of the courthouse that is leaning towards Fourth Street. The consensus of the Board is to have the tree removed. Mike Thiem, Emergency Manager, submitted a written report of activities. Thiem updated the Board with regard to the MFO meeting and the area fire departments hazmat training. The Board acknowledged correspondence of appreciation received from the Grand Island Veterans' Home and College of Nursing in Norfolk.

Commissioner Schuele declared the meeting adjourned at 1:00 p.m. with the next Board meeting scheduled for September 20, 2010.

Kathy Thorberg, County Clerk

## MINUTES OF PUBLIC HEARING PROCEEDINGS

Tom Schuele, Boone County Board of Commissioners Chairman, called to order a public hearing on Monday, September 13, 2010 at 11:00 a.m. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Tom Schuele, Jerry L. Tisthammer and Henry R. Thieman. 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 2010-2011 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 2010-2011 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 8, 2010 issue of the Albion News.

The County Board, Albion News representative and Ted Thieman 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 2010-2011 proposed property tax requests is \$3,209,632.00 with a proposed 2010 tax rate of .309418. It takes a 75% vote to exceed the additional 1% lid. The allowable levy limit is 45 cents; Boone County is currently at .309418. The 2010 County valuation is \$1,037,312,181.00 compared to the 2009 valuation of \$936,192,518.00.

The 2010-2011 County Budget adopted tax request increased 7.183% more than the 2009-2010 fiscal year budget request. The 2010-2011 County proposed property tax request is asking for \$215,093.00 more than the 2009-2010 fiscal year. The majority of the County Budget increase reflects the proposed Courthouse renovation project over a 10-year period, 8% health insurance increase and 2% cost of living wage increases. The valuation has increased which lowers the tax rate. Ted Thieman asked the Board what their vision was for Boone County and if there is a long-term plan. He is uncomfortable with no vision in place for the county. Ted Thieman said some departments are inefficient and changes are coming regarding the consolidation of services for more efficiency. Therefore, the County needs to be preparing for expansion to be a county with the center of activity, not one left behind.

Motion made by Tisthammer, second by Thieman to close said public hearing at 12:00 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 2010-2011. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the 2010-2011 County Budget as advertised and presented with an Unused Budget Authority created for next year of \$203,767.42; and set the 2010 County Tax Rate at .309418, which is different than the County Tax Rate of .319864 for 2009. Roll call vote: Yeas: Thieman, Schuele 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



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
SEPTEMBER 20, 2010

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, September 20, 2010, 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.

The Board held their monthly meeting with the officials, department heads, or employees. The group discussed County Government Day with regard to new and old ideas for the event. The County Veteran's Office polled the schools involved with County Government Day. The schools preferred the half-day program on the Wednesday before Thanksgiving verses a full day for the students. Various offices reported on their office activity. The group discussed arrangements for a holiday gathering. Mike Thiem offered to contact the Boone County Ag Society to obtain a list of open dates for the Casey's Building in December. The courthouse renovation was discussed. The construction crew is asking the Board to close the courthouse on Friday, October 8, 2010 for removal of the hallway carpet and prepare for the installation of the new carpet on Monday, October 11, 2010. The courthouse is closed on October 11, 2010 for observance of the Columbus Holiday.

The Board received a request from Tim Beierman to trench an electrical line from a pole in the county road right-of-way running west under and across 170<sup>th</sup> Avenue to a grain bin. The request commences in an east-west direction from a pole located in the county road right-of-way on the East side of 170<sup>th</sup> Avenue; thence trenching west across 170<sup>th</sup> Avenue to a grain bin located in the northeast corner of the NE1/4 of Section 18, Township 20 North, Range 7 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2010-45 a request from Tim Beierman to trench an electrical line across 170<sup>th</sup> Avenue to a grain bin located in the NE1/4 of Section 18, Township 20 North, Range 7 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Dan Theis, Theis Inspection Services, LLC of Osceola, Nebraska discussed a Bridge Inspection Agreement with the Board. Theis is the Polk County Highway Superintendent and a licensed bridge inspector. Theis is starting his own company to service counties with bridge inspections. Theis inspected bridges for Boone County while employed with Kirkham Michael Associates of York, Nebraska. Motion made by Thieman, second by Tisthammer to approve as presented and authorizes the Board Chairman to sign a Bridge Inspection Agreement for 2010 and 2011 inspection years with Daniel J. Theis. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board discussed revisions to the Interlocal Agreements with regard to zoning at previous meetings. The respective city/village boards and the county attorney reviewed the revisions. The City of Albion agreement is revised to change their monthly contribution towards the zoning services from \$600.00 to \$1,000.00 per month. The Village of Cedar Rapids revised certain language within the previous agreement to address insurance liability concerns. The Village of Petersburg had no agreement with the county, but would like to contract with the county due to the new construction taking place in the area.

Motion made by Thieman, second by Tisthammer to approve as presented and authorizes the Board Chairman to sign Resolution No. 2010-46 an Interlocal Agreement regarding the County of Boone Zoning Administrator

also serving as the Code Official for the City of Albion. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as presented and authorizes the Board Chairman to sign Resolution No. 2010-47 an Interlocal Agreement regarding the County of Boone Zoning Administrator also serving as the Code Official for the Village of Cedar Rapids. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve as presented and authorizes the Board Chairman to sign Resolution No. 2010-48 an Interlocal Agreement regarding the County of Boone Zoning Administrator also serving as the Code Official for the Village of Petersburg. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

No action was taken with regard to the request for additional E911 signage. The matter was tabled to the September 27, 2010 Board meeting.

Motion made by Schuele, second by Thieman to go into an executive session at 10:40 a.m. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried. The Board discussed personnel issues. Motion made by Schuele, second by Tisthammer to come out of executive session at 10:50 p.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Motion made by Tisthammer, second by Thieman to approve the County Board, Board of Equalization and Public Hearing Proceedings of September 13, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board held a teleconference with Bill Caroulis, Rapiscan Systems, regarding the purchase of a courtroom x-ray security system. The quote for a portable RAP618XRW X-Ray Screening System is \$19,625.00; .5-meter output Roller Table is \$700.00; and Metor 300 portable walk-through metal detector is \$5,835.00. The quotes include freight, installation and training, one-year warranty for the screening system and two-year warranty for the walk-through metal detector. Rapiscan Systems will prepare purchase orders for signature approval. Motion made by Thieman, second by Schuele to approve and authorize the Board Chairman to sign the purchase orders for the X-Ray Screening System, roller table and walk-through metal detector for \$26,160.00 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Payroll Claims filed for payment from the various funds: General \$89,533.88 (Payroll \$82,021.88; R. Smith \$7,512.00 military make-up leave of 120 hours for each year 2007-2010), BCBS \$34,808.79, Ameritas Ret \$6,173.92, EFTPS \$6,768.03; Road \$40,613.23, BCBS \$17,326.58, Ameritas Ret \$2,741.42, EFTPS \$3,083.89; Boone County Economic Development \$3,143.33, BCBS \$1,390.48, Ameritas Ret \$212.17, EFTPS \$230.73; Law Enforcement \$5,723.00, BCBS \$2,608.30, Ameritas Ret \$443.53, EFTPS \$437.82; Ambulance \$950.00, Ameritas Ret \$64.14, EFTPS \$72.69; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,053.07, Ameritas Ret \$266.55, EFTPS \$386.57, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

John V. Morgan was appointed to represent the County of Boone on the inheritance tax matters October 17, 2005. John Morgan was appointed Boone County Attorney on December 11, 2009. Morgan cannot represent the County of Boone when he is the attorney probating an estate matter and clearing the inheritance tax. Morgan requested the appointment of Darren Wright, Special County Attorney for Inheritance Tax purposes.

Motion made by Tisthammer, second by Schuele to approve the appointment of Darren Wright, Special County Attorney for inheritance tax purposes. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Tom Johnson discussed a road concern by his property. Rod Nelson, Maintenance, discussed with the Board renovation change orders and drainage around the buildings. Darrel Thorin, Highway Superintendent, discussed road issues with the Board.

Chairman Schuele declared the meeting adjourned at 12:10 p.m. with the next Board meeting scheduled for September 27, 2010.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
SEPTEMBER 27, 2010

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 a.m. on Monday, September 27, 2010, 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.

The Board held a meeting with the county road foremen and highway superintendent. They discussed road maintenance procedures, sharing use of equipment and cooperation between the road districts with regard to road projects.

Darrel Thorin, Highway Superintendent, discussed with the Board several road concerns, bridge projects, FEMA and his involvement with the Nance County Federal Aid project.

Thorin submitted the annual Standardized System of Annual Reporting (SSAR) for approval. The annual report is submitted to the Board of Public Roads Classifications and Standards pursuant to Neb. Rev. Statute 39-2510. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the annual SSAR report as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Tom Pillen and Adam Ecklund, representing Nebraska Public Power District (NPPD), updated the Board with regard to the TransCanada Keystone XL Pipeline 115 kV Transmission Line Project. NPPD's current activity with regard to the transmission line includes appraisal work, engineering activities and right-of-way agents are obtaining right-of-entry agreements from property owners. The goal for completion of construction is summer of 2012.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of September 20, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried

The State of Nebraska, Department of Roads Bridge Division Office informed all owners that Nebraska Department of Roads (NDOR) would be formalizing an agreement between NDOR and each Local Bridge Owner regarding National Bridge Inspection Standards (NBIS) responsibilities. The Bridge Owner's responsibilities remain as in the past, to inspect and load rate bridges in your jurisdiction. NDOR will arrange for the inspection and load rating of all fracture critical bridges. NDOR will also continue to coordinate the underwater inspection of bridges as necessary. Motion made by Schuele, second by Thieman to approve and authorize the Board Chairman to sign Resolution No. 2010-49, adopting and approving the execution of an agreement with the State of Nebraska, Department of Roads regarding the national bridge inspection standards responsibility. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Interchange is a bimonthly publication of the Nebraska Intergovernmental Risk Management Association (NIRMA). The publication features a member profile and Commissioner Thieman was contacted to set a date for a Boone County profile. Motion made by Tisthammer, second by Thieman to endorse NIRMA to conduct a Boone County profile on October 18, 2010. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board discussed the installation of address signs at previous Board meetings and approved Resolution No. 2010-42 on August 30, 2010. Sheriff Spiegel, Sheryl Machacek and Darrel Thorin discussed with the Board the installation of the address signage that has arrived. Thorin will call the diggers hotline each time a group of volunteer firefighters are ready to install the signs in a block area. The group discussed the installation of a uniform height of the signs and a uniform location by the mailbox, and if no mailbox, then the fence line. The first signage installation will be for occupant addresses.

Barb Hanson, Zoning Administrator, is requesting part time help. The request is for twenty-four hours a week to help with the increased office work. Commissioner Schuele met with Hanson and the Clerk of the District Court employees for a tentative plan of in house clerical to help the zoning office. The prior arrangement with the county attorney office did not work out. The District Court will cooperate the month of October with tentative clerical help, while the zoning office advertises for part time help.

Open discussion and Miscellaneous Public Comments: The Board discussed bills with Beckenhauer Construction that the county received for repair of damage to the underground sprinklers, during renovation construction. Mike Thiem, Emergency Manager, asked the Board about attending a NEMA meeting in Lincoln September 28-30, 2010. The Board's consensus was for Thiem to attend the meeting. County Government Day is scheduled for November 24, 2010.

Chairman Schuele declared the meeting adjourned at 12:00 p.m. with the next Board meeting scheduled for Tuesday, October 12, 2010.

Kathy Thorberg, County Clerk

# 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 by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for September, 2010: Clerk - \$2,461.75 (State of Nebraska - \$668.52/County of Boone - \$1,793.23); Clerk of the District Court - \$949.80 (State of Nebraska - \$330.00/County of Boone - \$619.80); Sheriff - \$785.13; Zoning & Planning - \$301.38; and Treasurer's Office Miscellaneous Receipts Nos. 10558-10623 - \$196,155.98. Total collected by the County Treasurer - \$1,121,983.06. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion by Thieman and seconded by Tisthammer to appoint the Highway Superintendent as the Conflict of Interest Officer regarding federal aid projects. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received a request from James Martinsen to trench an irrigation and electrical line across 110<sup>th</sup> Avenue to a pivot located in the SW1/4 of 32-20-8, Boone County, Nebraska. Motion made by Schuele and seconded by Tisthammer to approve Resolution 2010-50 to trench an irrigation and electrical line for irrigation purposes, commencing from a well located in the center of SE1/4 of 31-20-8, and attaching to an existing irrigation and electrical line; thence east over and across 110<sup>th</sup> Avenue to a 4 tower pivot to be located in the Northeast corner of the SW1/4 32-20-8, Boone Co., NE, with said irrigation pipe and electrical line to be located in the same trench. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$42,265.82; Road - \$141,707.66; County Visitors Promotion - \$1,256.50; Reappraisal - \$660.00; Boone Co Economic Development - \$2,247.72; 911 Emergency Management - \$12,514.67; Law Enforcement - \$51.50; Courthouse Building - \$100,828.45; Ambulance - \$4,878.44 and 911 Wireless - \$164.30. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman and second by Schuele to approve the County Board Proceedings of September 27, 2010 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported that he would be attending a NIRMA meeting in Ogallala on October 13-15. Commissioner Tisthammer reported that he had attended a hospital board meeting and would report further at the next meeting. Mike Thiem, Emergency Manager, reported on training that he attended over the weekend and updated the Board on upcoming meetings that he will be attending in Grand Island and North Platte in the next week.

Commissioner Schuele declared the meeting adjourned at 12:10 P.M. with the next Board meeting scheduled for October 18, 2010.

Lorrie Nicklasson, Deputy 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 Tuesday, October 12, 2010 at 8:45 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Thieman to open said public hearing. 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 Tom Schuele, Henry R. Thieman and Jerry Tisthammer. Randy Benson, Applicant, and Barb Hanson, County Zoning Administrator, were 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 answers questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Randy and Julie Benson. Shirley Laudenklos is the owner of the real estate referenced herein. The application request is to divide approximately 3.643 acres from the farm ground to erect a warehouse and bulk tanks for a Pioneer Seeds business to be located on a fraction of the NE1/4 NE1/4 of Section 25, Township 21 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The Zoning Administrator also noted to the Board that notices were sent to the adjacent Madison County landowners as well. The County Planning Commission recommended approval of the request. Benson indicated that the driveway created was located on a flat stretch of the road and no blind spot would exist. Benson also indicated that at the present time the concrete was being poured for the bulk bins and once that was completed then the bulk bins would be moved onto the real estate.

Motion made by Thieman, second by Tisthammer to close said hearing at 9:00 A.M. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve as presented the Application for Conditional Use Permit submitted by Randy Benson. The approval is to divide an approximately 3.643 acre tract from farm ground owned by Shirley Laudenklos in order to erect a warehouse and bulk tanks to be located on a fraction of the NE1/4 NE1/4 of Section 25, Township 21 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Lorrie Nicklasson, Deputy 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 Tuesday, October 12, 2010 at 11:00 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Thieman to open said public hearing. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Present for roll call was Commissioners Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Also present were Darrel Thorin, County Highway Superintendent, and Tom Johnson.

The purpose of the public hearing is to hear support or opposition with regard to the denial or approval to vacate a portion of a county road known as 160<sup>th</sup> Avenue, running two (2) miles North and South between Sections 6 and 7, in Township 21 North, Range 7 West and Sections 1 and 12, in Township 21 North, Range 8 West, all in Boone County, Nebraska. The reason for the request was due to the possibility of an overhead power transmission line being installed by NPPD along this section line.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study to the Board on August 30, 2010, with the recommendation to vacate the two mile segment of 160<sup>th</sup> Avenue as presented. The road runs two miles North and South and upon vacation of said road all right-of-way rights will be relinquished and shall revert to the owners of the adjacent real estate, one-half on each side thereof.

The Board received no opposition to the vacation at the hearing. The County Board instructed that a resolution be prepared to vacate that portion of 160<sup>th</sup> Avenue as presented for the Board's approval at the October 18, 2010 meeting.

Motion made by Tisthammer, second by Thieman to close said hearing at 12:00 Noon. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the vacation of a two mile stretch of 160<sup>th</sup> Avenue located in Sections 6 and 7, in Township 21 North, Range 7 West, and Sections 1 and 12, in Township 21 North, Range 8 West, all in Boone County, Nebraska, as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Lorrie Nicklasson, Deputy 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 Tuesday, October 12, 2010 at 11:00 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Thieman to open said public hearing. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Present for roll call was Commissioners Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Also present were Darrel Thorin, County Highway Superintendent, and Tom Johnson.

The purpose of the public hearing is to hear support or opposition with regard to the denial or approval to vacate a portion of a county road known as 160<sup>th</sup> Avenue, running two (2) miles North and South between Sections 6 and 7, in Township 21 North, Range 7 West and Sections 1 and 12, in Township 21 North, Range 8 West, all in Boone County, Nebraska. The reason for the request was due to the possibility of an overhead power transmission line being installed by NPPD along this section line.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study to the Board on August 30, 2010, with the recommendation to vacate the two mile segment of 160<sup>th</sup> Avenue as presented. The road runs two miles North and South and upon vacation of said road all right-of-way rights will be relinquished and shall revert to the owners of the adjacent real estate, one-half on each side thereof.

The Board received no opposition to the vacation at the hearing. The County Board instructed that a resolution be prepared to vacate that portion of 160<sup>th</sup> Avenue as presented for the Board's approval at the October 18, 2010 meeting.

Motion made by Tisthammer, second by Thieman to close said hearing at 12:00 Noon. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the vacation of a two mile stretch of 160<sup>th</sup> Avenue located in Sections 6 and 7, in Township 21 North, Range 7 West, and Sections 1 and 12, in Township 21 North, Range 8 West, all in Boone County, Nebraska, as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Lorrie Nicklasson, Deputy County Clerk

# ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 A.M. on Monday, October 18, 2010, 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.

The Board held their monthly meeting with the officials, department heads, or employees. The renovation of the courthouse is nearing completion with a walk-through to be scheduled within a week. This fall will be the tenth year for Boone County Economic Development Agency. An open house is scheduled for October 27, 2010 from 3:00-6:00 P.M. at the Albion Country Club. The new courthouse security system is in operation. Thorin and Thiem continue working this week with FEMA regarding flood damages. The new change for motor vehicle titling begins in November. The Shred Monster truck is scheduled for Tuesday, October 19, 2010. The protocol for County Government Day on November 24, 2010 was discussed. The Boone County American Legion discussed moving County Government Day to the month of March beginning with 2012 and making it an all day event. Marshall Tofte is the editor for the NIRMA publication "The Interchange." Tofte is preparing a Boone County profile for publication in "The Interchange" and plans to arrive today at 11:00 A.M. to interview and take photos.

A public hearing was held on October 12, 2010 to vacate a portion of 160<sup>th</sup> Avenue and a motion was made to vacate said road as presented. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-51 to vacate a portion of a county road known as 160<sup>th</sup> Avenue, running two miles North and South between Sections 6 and 7, Township 21 North, Range 7 West and Sections 1 and 12, Township 21 North, Range 8 West, all in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

The Board, Sheriff Spiegel and Joe Beckenhauer discussed an architectural drawing that was prepared regarding preliminary renovation for needed space within the dispatcher portion of the law enforcement building. Spiegel said the plan was not favored by the employees and would not provide the additional space needed for the additional communications and security equipment. The jail is under a grandfather clause and one will need to visit with the Jail Standards Board regarding modifications if any. The group discussed several ideas with regard to the needed space with no decision being made at this time.

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 and signage. The committee previously approved two requests for advertising funds.

The Albion Area Arts Council submitted a request for assistance with advertising the Mary Carrick Concert scheduled for October 24, 2010. 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.

The St. Edward Development Company submitted a request for assistance with advertising the Holiday Extravaganza event scheduled for November 12-14, 2010. 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.

Motion made by Tisthammer, second by Thieman to approve the County Board, Board of Equalization and Public Hearings Proceedings of October 12, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Boone County Ambulance Service submitted one uncollectible ambulance account. The recommendation for the August 2009 ambulance service of \$1,119.65 is to turn the file over to the County Attorney to attempt further collection. Motion made by Thieman, second by Tisthammer to write off the uncollectible ambulance account for \$1,119.65 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried

The Board reviewed letters from the Villages of Cedar Rapids and Petersburg regarding changes to the Interlocal Agreements relating to the Zoning Administrator. The Village of Cedar Rapids proposed that Paragraph #2 should be removed and should state: "The Village of Cedar Rapids contracts the services of the office of the Boone County Zoning Administrator to administer the zoning regulations within the Village of Cedar Rapids," and that Paragraph #10 should be removed because the official is not acting in an official capacity. A new Paragraph #10 should state "The County of Boone shall name the Village of Cedar Rapids as an additional insured with reference to the County's General Liability and Errors & Omissions coverages."

The Village of Petersburg proposed to rephrase Paragraph #2 to read "The Village of Petersburg contracts the services of the Office of the Boone County Zoning Administrator to administer the zoning regulations within the Village of Petersburg. That the Village of Petersburg be named as an additional insured on the County's General Liability and Errors and Omissions Policy" and strike Paragraph #10 entirely.

Motion made by Thieman, second by Tisthammer to respond to the requests with the Board's preference to leave Paragraph #10 as it is currently written and change Paragraph #2 to state "The Village of Cedar Rapids/Petersburg contracts the services of the office of the Boone County Zoning Administrator to administer the zoning regulations within the Village of Cedar Rapids/Petersburg." Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Mike Thiem submitted an activity report and discussed training/meetings. The Board and Rod Nelson, Maintenance, discussed the pop machine, damaged tree, renovation walk-through and disposal of surplus items. Nelson informed the Board that Steve Pritchard, Extension Educator, and an arborist that works for the forestry service, looked at the tree. The Board decided the pop machine would be left a few more months on a trial basis with a padlock.

Chairman Schuele declared the meeting adjourned at 10:56 A.M., the next Board meeting is scheduled for October 25, 2010.

Kathy Thorberg, County Clerk

# ALBION, NEBRASKA

Motion made by Tisthammer, second by Thieman to approve the County Board Proceedings of October 18, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

A temporary road closing request for October 31, 2010 with an alternate date of November 7, 2010 was submitted by the Petersburg Community Club Punkin' Chunkin' Committee for their annual fall event for public safety. Motion made by Schuele, second by Tisthammer to approve as written Resolution No. 2010-52 to temporarily close 140<sup>th</sup> Street beginning at the junction of 220<sup>th</sup> Avenue and 140<sup>th</sup> Street, thence east to the junction of 140<sup>th</sup> Street and 230<sup>th</sup> Avenue, being approximately one mile, all in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed bridge repair estimates for a bridge located on a minimum maintenance road known as 210<sup>th</sup> Avenue between 290<sup>th</sup> and 300<sup>th</sup> Streets. The concrete deck bridge is closed due to damaged wings and south abutment. The Board and Thorin discussed repairing the existing bridge or making it a low water crossing. The consensus is to repair the bridge, since there will be no reimbursement through FEMA. Motion made by Schuele, second by Tisthammer to approve the estimate cost of \$25,000.00 for the bridge repair as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board. Thorin received an email from the Nebraska Department of Roads (NDOR) regarding the consultant selection of HDR Engineering, Inc. on August 30, 2010 for the Cedar Rapids Bridge Project No. ENH-6(5), stating that there may be a conflict of interest. The NDOR sent a map asking for updated road and resident information. Discussed the county owned 54' Timber Bridge over Beaver Creek on the southwest edge of St. Edward, which is closed due to the loss of the center piling.

The county purchased property and built a road east of the ethanol plant and that said road known as 265<sup>th</sup> Avenue needs official documents in order to be classified as an open road. The road runs one-half mile south between 260<sup>th</sup> and 265<sup>th</sup> Streets. Motion made by Thieman, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to complete a feasibility study with a recommendation to the Board to open the one-half mile of 265<sup>th</sup> Avenue for inventory. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Thorin presented a Certification of Compliance for the Board Chairman's signature with regard to the Project No. HRRR-STWD-(84) Horizontal Curve Signage. The signs have arrived with the installation completion date estimated to be late April or May 2011. Motion made by Thieman, second by Tisthammer to approve and authorize the Board Chairman to sign the Certificate of Compliance as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$80,293.81, BCBS \$31,490.10, Ameritas Ret \$5,490.64, EFTPS \$6,069.81; Road \$41,827.01, BCBS \$17,326.58, Ameritas Ret \$2,823.35, EFTPS \$3,176.75; Boone County Economic Development \$4,478.33, BCBS \$1,390.48, Ameritas Ret \$302.28, EFTPS \$332.85; Law Enforcement \$5,723.00, BCBS \$2,608.30, Ameritas Ret \$443.53, EFTPS \$437.81; Ambulance \$2,400.00, Ameritas Ret \$138.38, EFTPS \$183.58; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,763.12, Ameritas Ret \$286.99, EFTPS \$440.87, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Rob Stevenson presented a petition with approximately seventy to seventy-five signatures regarding 160<sup>th</sup> Street. The landowners and other residents signed a petition asking the Board to consider changing a mile of a present minimum maintenance road to a maintained local road, located on 160<sup>th</sup> Street between 200<sup>th</sup> Avenue and Y Road. Thorin and the Board explained the protocol procedure to change road classifications. Motion

made by Thieman, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to complete a feasibility study with a recommendation to the Board to reclassify approximately a mile segment of 160<sup>th</sup> Street from minimum maintenance to a local road as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Ted Thieman discussed the evergreen tree that was damaged during renovation. Ted Thieman asked the Board if they were aware of an apparent spill of hog confinement waste with regard to liquid manure in a road ditch west of Loretto, he reported it to DEQ. Mike Thiem, Emergency Manager, informed the Board that the 'Shelter in Place' and paint was returned to Custer County last week. Thiem updated the Board with regard to the EPW Conference he attended in North Platte last week and the NIMS new requirements. Commissioner Thieman discussed the courthouse renovation walk through documentation for minor repairs and a follow-up walk through will take place after the documented repairs are completed. The Third Planet Windpower turbines will arrive throughout the winter months. The Third Planet Windpower tower components are to be stored at a designated site until construction begins in the spring of 2011.

Safety Committee members Mike Thiem, Laurie Krohn, Darrel Thorin, Rod Nelson, Donna Johnson for Dave Spiegel, and Commissioners Schuele and Thieman met at 1:30 P.M. to discuss routine business.

Chairman Schuele declared the meeting adjourned at 2:00 p.m. with the next Board meeting scheduled for November 8, 2010.

Kathy Thorberg, County Clerk

**BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS**  
**NOVEMBER 8, 2010**                      **ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 A.M. on Monday, November 8, 2010, 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.

The Board discussed several options regarding the disposal of surplus courthouse inventory once the courthouse renovation is complete. The Board may contact other governmental entities, while some items just need to be disposed of. If it is decided there are enough items for an auction, it was the consensus that it would be best to wait until spring. The Board asked Rod Nelson, Maintenance, to compile a list of everything that is in storage.

Dean Eickhoff discussed with the Board his concerns regarding an action taken by the County Assessor's office. Eickhoff felt it was a poor approach to call the landowner to find out the owner of an irrigation pivot and permit holder on a particular quarter of ground. Joyce Sock, Assessor, explained that the records they receive from the FSA are for landowners. If the irrigation system had been reported on a Personal Property Schedule, then there would have been no need to contact the landowner.

The Board received an inquiry about a trailer setting at the Cedar Rapids Road shop that appears not to be used often. They were wondering if the county would sell the trailer. Darrel Thorin, Highway Superintendent, said he is having all three road departments take inventory of the equipment that is not in use.

Joyce Sock, Assessor, discussed with the Board a contract of \$9.00 per picture for aerial photos of approximately 1640 parcels with Morning Star Photography of Watertown, South Dakota. The last update of the aerial photos was in 2000. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign the aerial photo contract as presented, contingent upon the County Attorney's approval. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Joyce Sock, Assessor, presented a copy of the former pick-up work contract for review by the Board. The prior contract will need to be revised due to a change in personnel doing the pick-up work for the Assessor's office. No formal action was taken and a revised contract will be an agenda item at a future meeting.

The General Fund receives the real estate and personal property taxes with a designated percentage transferred to the Road Fund on a monthly basis. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-53, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) 55.78% to the Road Fund (0200) for the 2010-2011 Tax Year on a monthly basis not to exceed \$1,652,700.00. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Barb Hanson, Zoning Administrator, proposed tripling the zoning permit fees not to exceed five hundred dollars as non-conforming fees. Zoning regulations in Boone County began in 1999. The Board and Hanson discussed several scenarios for late fees when one does not obtain a zoning permit before construction. The Board suggested doubling the permit fees as non-conforming fees. The non-conforming fees will be an agenda item for the November 15, 2010 meeting.



Barb Hanson, Zoning Administrator, reviewed applications for the part time clerical position at twenty-four hours per week with the Board. Hanson will set up the interviews.

Motion by Thieman, second by Tisthammer to approve the following reports of the County Officials as presented for October, 2010: Clerk \$6,020.75 (State of Nebraska \$3,067.84/County of Boone \$2,952.91); Clerk of the District Court \$986.57 (State of Nebraska \$531.00/County of Boone \$455.57); Sheriff \$1,401.02; Zoning & Planning \$415.50; Treasurer's Fees \$6.00; and Treasurer's Office Miscellaneous Receipts Nos. 10624-10684 \$172,487.79. Total collected by the County Treasurer \$483,685.37. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve the County Board and Board of Equalization Proceedings of October 25, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. 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 \$45,954.01; Road \$91,453.26; County Visitors Promotion \$30.00; Reappraisal \$19.48; Boone Co Economic Development \$4,827.48; 911 Emergency Management \$1,152.96; Law Enforcement \$53.75; Courthouse Building \$107,318.60; Ambulance \$1,276.11. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to changing the classification of a certain county road from minimum maintenance to local gravel road as requested by a petition. The approximately one mile segment of road known as 160<sup>th</sup> Street located between 200<sup>th</sup> Avenue and Y Road provides direct access for current residents and is a well traveled road. Motion made by Thieman, second by Tisthammer to approve the recommendation and authorizes Darrel Thorin, County Highway Superintendent, to prepare a resolution for the reclassification of an approximate one mile segment of road known as 160<sup>th</sup> Street as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to opening the one-half mile of 265<sup>th</sup> Avenue for inventory purposes located between 260<sup>th</sup> and 265<sup>th</sup> Streets. The opening of said road allows for the closure of the Railroad Crossing DOT No. 818026R. Motion made by Schuele, second by Tisthammer to set the public hearing date to open a one-half mile of a county road known as 265<sup>th</sup> Avenue as presented for November 22, 2010 at 11:00 a.m. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported that he would be speaking at the Wind Conference in Kearney on November 9, 2010. Dave Spiegel, Sheriff, informed the Board that the jail inspection is completed and in compliance. Spiegel indicated the office might need to hire extra help on court days to operate the new x-ray equipment. Darrel Thorin, Highway Superintendent, provided the Board information regarding several federal and state issues including a letter he drafted to Senator Sullivan noting the issues he has had with FEMA. Commissioner Schuele reported on the Zoning and Hospital Board meetings. Joe Beckenhauer updated the Board with regard to the renovation. Mike Thiem, Emergency Manager, submitted a written report. Commissioner Schuele met with two individuals from Department of Health and Human Services on October 28, 2010. The office located in Albion will be closed effective

November 8, 2010. The County still has to provide approximately 900 square feet for DHHS, in case they need to use it periodically. Schuele asked Senator Sullivan to look into the law requirements with regard to the DHHS square footage requirement since they are no longer located within the county and that the County wants to know why they have to maintain an empty building for DHHS.

Commissioner Schuele declared the meeting adjourned at 12:25 P.M. with the next Board meeting scheduled for November 15, 2010.

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, November 8, 2010 at 10:00 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. 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. Applicants Andrew Devine and Edmond Knott were present to answer any questions. Chairman Schuele read the notice for the record.

The purpose of the public hearing is to hear testimony in support of, protest against, and to answer questions concerning the approval or denial of the issuance of a Craft Brewery Liquor License (Class L). Beaver View Brewing LLC dba Beaver View Brew Co. has filed an application with the Nebraska Liquor Control Commission to craft brew for local retail/bar outlets.

Andy Devine and Ed Knott answered questions with regard to the new business. There was no one present in opposition. They explained the long process of getting Federal and State approval, inspections by the State Patrol and Fire Marshal Offices and the cost for bonding to start and each year thereafter. They indicated the brewery process in Nebraska is long and expensive. They applied for a wholesale license and have an agreement with a local bar to sell their product. The home brew product is all tap.

Motion made by Thieman, second by Tisthammer to close said hearing at 10:13 A.M. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Thieman to approve as presented the Application by Beaver View Brewing LLC dba Beaver View Brew Co. for the issuance of a Craft Brewery Liquor License (Class L) to craft brew for local retail/bar outlets. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

# ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 A.M. on Monday, November 15, 2010, 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. 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. The renovation of the courthouse is nearing completion. Thorin and Thiem continue working with FEMA regarding flood damages. County Government Day is scheduled for November 24, 2010. Commissioner Thieman participated on a panel regarding Zoning regulations for renewable energy at the Wind Energy Conference in Kearney last week.

Boone County Ambulance Service submitted two uncollectible ambulance accounts. The recommendation for the February 2009 of \$750.00 and June 2009 of \$2,350.00 ambulance services is to turn the files over to the County Attorney to attempt further collection. Motion made by Tisthammer, second by Thieman to write off the two uncollectible ambulance accounts for \$3,100.00 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted. Roll call vote: Yeas: Tisthammer, Thieman 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 and signage. The committee previously approved three requests for advertising funds.

The Albion Area Arts Council submitted a request for assistance with advertising the musical performance of Mulberry Lane that is scheduled for November 28, 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 11, 2010. 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.

The Cedar Rapids Community Club submitted a request for assistance with advertising the annual Melodrama scheduled for March 2011. 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.

Motion made by Thieman, second by Tisthammer to approve the County Board and Public Hearing Proceedings of November 8, 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kinsley Johnson of Lincoln, Nebraska introduced Green Capital Power, a wind development company. The company has thirty years of renewable energy experience and is owned by Martin Buezas & Associates of Spain.

Darrel Thorin, Highway Superintendent, discussed several road issues with the Board and reported on the hydraulic study with regard to a prototype bridge on 300<sup>th</sup> Street east of Primrose.

Gary Seier was present to ask the Board to consider closing a portion of a county road known as 300<sup>th</sup> Avenue. The road records show it as an open road. Thorin and the Board explained the protocol procedure to close a road. Motion made by Schuele, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to complete a feasibility study with a recommendation to the Board to close approximately a one mile segment of 300<sup>th</sup> Avenue located between 120<sup>th</sup> and 130<sup>th</sup> Street. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Ron Krohn and Kurt Kruse were present to ask the Board to consider changing one-half mile of a present minimum maintenance road to a maintained local gravel road, located on 270<sup>th</sup> Street between 180<sup>th</sup> and 190<sup>th</sup> Avenue. Thorin and the Board explained the protocol procedure to change road classifications. Motion made by Thieman, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to complete a feasibility study with a recommendation to the Board to reclassify approximately one-half mile segment of 270<sup>th</sup> Street from 180<sup>th</sup> Avenue east from minimum maintenance to a local gravel road as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to changing the classification of a certain county road from minimum maintenance to local gravel road on November 8, 2010. The approximately one mile segment of road known as 160<sup>th</sup> Street located between 200<sup>th</sup> Avenue and Y Road provides direct access for current residents and will improve access to residences in the event of an emergency. The segment of road to be reclassified starts at the SE corner of Section 34, Township 22 North, Range 7 West, thence West for one and one-eighth (1 1/8) miles to the SW corner of the East Half of the East Half of Section 33, Township 22 North, Range 7 West, of the 6<sup>th</sup> P.M. Boone County, Nebraska. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-54 for the reclassification of an approximate one and one-eighth mile segment of road known as 160<sup>th</sup> Street between 200<sup>th</sup> Avenue and Y Road from minimum maintenance to local gravel road as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Bill Klassen requested permission to trench an electrical cable under a county road known as 260<sup>th</sup> Street. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-55 granting permission to trench an electrical cable from a power pole located in the county road right-of-way in the NE1/4 of Section 25, Township 20 North, Range 5 West, thence North to a grain dryer located in the SE1/4 of Section 24, Township 20 North, Range 5 West, Boone County, Nebraska. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Steven D. and Lorene M. Bartos, Trustees requested permission to trench an electrical line under a county road known as 320<sup>th</sup> Street. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-56 granting permission to trench an electrical line from a utility pole located on the south side of said road, thence running North to a center pivot to be located on a fraction of the SE1/4 of Section 21, Township 19 North, Range 5 West, Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

John Morgan, County Attorney; Larry Bird, Albion City Attorney; and Andy Devine, Albion City Administrator, were present to discuss the Interlocal Agreements with the Board. Morgan will draft the discussed revisions regarding the campground Interlocal Agreement County Resolution No. 2010-23/City Resolution No. 109 (10) and submit the revisions for all the entities involved to review.

Open discussion and Miscellaneous Public Comments: Mel Andrews discussed with the Board the possibility of displaying a blue vase with a painting of the old courthouse. The Board suggested a display case be made for the vase in order to be displayed safely in the courthouse lobby. The Board discussed placing hail guard units over the three new roof heat/air units for protection. There are several meetings for the Board to attend this week.

Chairman Schuele declared the meeting adjourned at 11:55 A.M., the next Board meeting is scheduled for November 22, 2010.

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 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.

Brian Andreassen requested permission to trench an electrical cable under a county road known as 290<sup>th</sup> Street. Motion made by Schuele, second by Thieman to approve Resolution No. 2010-57 granting permission to trench an electrical cable from a power pole located in the county road right-of-way in the SW1/4 of Section 2, Township 19 North, Range 5 West, thence South to an irrigation well located in the E1/2NW1/4 of Section 11, Township 19 North, Range 5 West, Boone County, Nebraska. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Nick Gasper requested permission to trench an electrical cable under a county road known as 330<sup>th</sup> Street. Motion made by Tisthammer, second by Thieman to approve Resolution No. 2010-58 granting permission to trench an electrical cable from a power pole located in the county road right-of-way in the NE1/4 of Section 35, Township 19 North, Range 5 West, thence North to a shop building located in the SE1/4 of Section 26, Township 19 North, Range 5 West, Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board received a petition with several signatures regarding 340<sup>th</sup> Street. The Cedar Rapids Post Office is asking the Board to consider reclassifying a segment of 340<sup>th</sup> Street ¾ mile west of 130<sup>th</sup> Avenue from minimum maintenance to a regular maintained road. Motion made by Tisthammer, second by Schuele to authorize Darrel Thorin, County Highway Superintendent, to complete a feasibility study with a recommendation to the Board to reclassify approximately a ¾-mile segment of 340<sup>th</sup> Street from minimum maintenance to a regular maintained road as presented. 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 November 15, 2010 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board and officials/department heads discussed changing the Courthouse hours beginning in January 2011. The present hours are 8:30 A.M. to 5:00 P.M. with an hour lunch break. One suggestion was to open at 7:30

A.M., one-half hour lunch break and close at 4:00 P.M., for employee's eight-hour day. Some feel we need to accommodate the public with an earlier opening time. The employees are to have suggestions to further discuss the hours at the December 20, 2010 Board meeting.

An annual certification of a County Highway Superintendent is due each year by December 31<sup>st</sup> 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 2010 as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed several road issues and record requirement changes with the Board. Thorin discussed with the Board several federal/state possible changes that were discussed at the two-day seminar he attended for the Responsible Charge (RC) person recertification. Thorin discussed bridge inspection requirements, changes to Title VI, protocol for interviewing engineers for road projects and auditing of road records. Due to bird migration, the road department may not remove trees between April and October when working on road projects.

Thorin submitted hydraulic study estimated costs for four county road bridge projects from Kirkham Michael Engineering. The hydraulic study cost of \$4,100.00 each are required for road projects on 250<sup>th</sup> Avenue south of Albion; intersection of 290<sup>th</sup> Avenue and 220<sup>th</sup> Street northeast of Albion; 320<sup>th</sup> Avenue north of Highway 32; and a timber bridge located on 130<sup>th</sup> Street of Section 14, Township 22, Range 5. Motion made by Schuele, second by Thieman to approve Kirkham Michael Engineering to complete the four hydraulic studies as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. 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 \$80,429.56, BCBS \$32,106.58, Ameritas Ret \$5,513.15, EFTPS \$6,080.18; Road \$41,711.39, BCBS \$17,326.58, Ameritas Ret \$2,815.54, EFTPS \$3,167.91; Boone County Economic Development \$4,438.33, BCBS \$1,390.48, Ameritas Ret \$299.58, EFTPS \$329.79; Law Enforcement \$5,723.00, BCBS \$2,608.30, Ameritas Ret \$443.53, EFTPS \$437.81; Ambulance \$689.00, Ameritas Ret \$36.39, EFTPS \$52.70; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,160.33, Ameritas Ret \$265.67, EFTPS \$394.76, which is all reimbursed back to the County. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Sheriff Spiegel asked the Board to review the present Employee Handbook with regard to language for employee probation.

Chairman Schuele declared the meeting adjourned at 12:15 P.M. with the next Board meeting scheduled for November 29, 2010.

Kathy Thorberg, County Clerk



# ALBION, NEBRASKA

A public hearing was held on November 22, 2010 to open one-half mile of a county road known as 265<sup>th</sup> Avenue. The State of Nebraska and the Nebraska Central Railroad made a request for the closing of the railroad-crossing DOT No. 818026R. To close the referenced railroad crossing a road was established known as 265<sup>th</sup> Avenue located partially in both the NW1/4 and NE1/4 of Section 26, Township 20 North, Range 6 West, Boone County, Nebraska. Motion made by Thieman, second by Tisthammer to approve Resolution No. 2010-59 to open one-half mile of a county road known as 265<sup>th</sup> Avenue with a complete legal description referenced in the resolution as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to vacating one mile of a Boone County road known as 300<sup>th</sup> Avenue. The approximately one mile segment of road known as 300<sup>th</sup> Avenue located between Sections 16 and 17, Township 22 North, Range 5 West is not part of the road inventory listed with the State of Nebraska. Thorin recommended that the one mile segment of road be vacated and that all right-of-way rights be relinquished to the owners of the adjacent real estate. Motion made by Tisthammer, second by Thieman to set the public hearing date to vacate one mile of a county road known as 300<sup>th</sup> Avenue as presented for December 13, 2010 at 11:00 A.M. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The County Highway Superintendent received a request regarding 285<sup>th</sup> Street located between State Highway 52 and 130<sup>th</sup> Avenue. Cornhusker Public Power will be repairing the electrical line. The landowner would appreciate the power poles be replaced in a straight line, allowing more acreage for farm ground. The request may involve substantial maintenance and expense for the primitive county road. Motion made by Schuele, second by Thieman to authorize Darrel Thorin, County Highway Superintendent, to complete a feasibility study with a recommendation to the Board to possibly close or vacate one mile of 285<sup>th</sup> Street as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Thorin discussed with the Board the Hazard Elimination Program that is a “core safety program” for Highway Safety Construction. The State of Nebraska maintains a Multi-Disciplinary High Risk Rural Road Committee to oversee facets of the Highway Safety Improvement Program. The State of Nebraska Department of Roads purchased for distribution work zone and road closure traffic control devices for use by counties on rural roads. The cost to the counties upon grant approval is 10% of matching the federal funds. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2010-60 for the purchase of traffic control devices for the three county road districts for the amount of \$488.40 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board and Public Hearing Proceedings of November 22, 2010 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

The Board reviewed and approved Interlocal Agreements relating to the Zoning Administrator on September 20, 2010. The Board reviewed letters from the Villages of Cedar Rapids and Petersburg regarding changes to the Interlocal Agreements at their meeting on October 18, 2010. At the Board meeting on October 18, 2010, they approved leaving Paragraph #10 as written and changed Paragraph #2 to state “The Village of Cedar Rapids/Petersburg contracts the services of the office of the Boone County Zoning Administrator to administer the zoning regulations within the Village of Cedar Rapids/Petersburg.” The Board reviewed additional information received regarding revisions to the Interlocal Agreements at their November 29, 2010 meeting. The Village Board of Cedar Rapids is in agreement with the County Board proposed changes within the October 18, 2010 Board Proceedings. The Village Boards still prefer that the agreements include “The County of Boone shall name the Village of Cedar Rapids/Petersburg as an additional insured with reference to the County’s General Liability and Errors & Omissions policy.” The County Board feels the Village of Petersburg needs to be consistent with the Village of Cedar Rapids with the contribution of \$100.00 per month to help defray the Zoning Administrator’s salary.

Motion made by Thieman, second by Tisthammer to approve a revision to Resolution No. 2010-47 regarding the Zoning Interlocal Agreement between the County of Boone and Village of Cedar Rapids, adding Paragraph #11 “The County of Boone shall name the Village of Cedar Rapids as an additional insured with coverage per

the terms and conditions of this Interlocal Agreement.” Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve a revision to Resolution No. 2010-48 regarding the Zoning Interlocal Agreement between the County of Boone and Village of Petersburg adding Paragraph #11 “The County of Boone shall name the Village of Petersburg as an additional insured with coverage per the terms and conditions of this Interlocal Agreement.” Also, set \$100.00 per month contribution in order to be consistent with the Village of Cedar Rapids. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Sheriff Spiegel informed the Board regarding state bids for new vehicles and an available 2009 Kansas State Patrol vehicle for the law enforcement fleet. Commissioner Thieman reported on the compliment received from the Legion personnel with regard to County Government Day. Thieman discussed possible date changes and suggestions by the County Legion Committee for the next County Government Day event. Commissioner Schuele reported on the Hospital Board meeting and that the meeting room at the Boone County Health Center is available to other organizations for meeting usage.

Chairman Schuele declared the meeting adjourned at 11:30 A.M., the next Board meeting is scheduled for December 13, 2010.

Kathy Thorberg, County Clerk

**BOONE COUNTY BOARD OF EQUALIZATION PROCEEDINGS**  
**NOVEMBER 29, 2010** **ALBION, NEBRASKA**

The Boone County Board of Equalization of Boone County, Nebraska, met at 8:45 A.M. on Monday, November 29, 2010, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Thieman called the meeting to order and present for roll call were Commissioners 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 Thieman read the agenda for the record and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed two tax list corrections presented from the County Assessor's office. Motion made by Schuele, second by Tisthammer to approve the Tax List Correction Nos. 90 and 91 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Chairman Thieman declared the Board of Equalization meeting adjourned at 8:50 A.M.

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, November 29, 2010 at 9:15 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Thieman, second by Commissioner Schuele to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Henry R. Thieman, Tom Schuele and Jerry L. Tisthammer. Applicant Shawn Olnes; Property owner James Olnes; and Barb Hanson, County Zoning Administrator, 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 Lot Split Application by Shawn R. and Amber S. Olnes. James R. and Rebecca D. Olnes are the property owners of the real estate referenced herein. The application request is to split off a tract of land comprised of 10.76± acres from farm ground to build a new home located in a fraction of the SW1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. Olnes provided a survey for the 10.76± acre tract. Hanson explained that the property is located outside the Albion City limits mile jurisdiction and the agricultural property is zoned A-3. Therefore, a lot split application request was completed instead of a conditional use permit for the 10.76± acre tract for building a new home.

Motion made by Schuele, second by Tisthammer to close said hearing at 9:20 A.M. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as presented the Lot Split Application submitted by Shawn R. and Amber S. Olnes. The approval is to split off a 10.76± acre tract from farm ground in order to build a new home located in a fraction of the SW1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

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, November 29, 2010 at 9:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Thieman to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Tom Schuele, Henry R. Thieman and Jerry L. Tisthammer. Applicant William A. Noble and Barb Hanson, County Zoning Administrator, 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 an Application for Conditional Use Permit submitted by William A. Noble. Alton and Charlotte Noble are the property owners of the real estate referenced herein. The application request is to divide the farmstead/building site comprised of 3.96± acres from farm ground located in a fraction of the N1/2SW1/4 of Section 6, Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. Noble provided a survey dated November 17, 2010.

Motion made by Thieman, second by Schuele to close said hearing at 9:08 A.M. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by William A. Noble. The approval is to divide the existing farmstead/building site comprised of 3.96± acre tract from farm ground located in a fraction of the N1/2SW1/4 of Section 6, Township 19 North, Range 5 West of the 6<sup>th</sup> 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  
DECEMBER 13, 2010  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:45 A.M. on Monday, December 13, 2010, 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.

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

Dave Spiegel, Sheriff, presented a proposal to replace the 2005 Ford Crown Victoria with a 2009 Dodge Charger. The Nebraska State bid prices for the 2011 production year are \$19,433 for Chevrolet Impala; \$23,449 for Ford Crown Victoria; and \$26,614 for Dodge Charger. The Kansas Highway Patrol has a 2009 Dodge Charger with 48,000 miles for \$15,800.00. Spiegel stated we have purchased vehicles in the past and have had very good luck with them. Motion made by Schuele, second by Tisthammer to authorize Dave Spiegel, Sheriff, to purchase the 2009 Dodge Charger from the Kansas Highway Patrol for \$15,800.00 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to designate the official county newspapers for 2011 to include the Albion News, Cedar Rapids Press, Petersburg Press and The St. Edward Advance. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Ambulance Service submitted two uncollectible ambulance accounts. It is recommended that the two uncollectible accounts in the amounts of \$218.18 and \$1,031.75 be forwarded to the County Attorney for further collection. Motion made by Tisthammer, second by Schuele to write off the uncollectible ambulance accounts for \$1,249.93 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Motion by Schuele, second by Thieman to approve the following reports of the County Officials as presented for November, 2010: Clerk \$12,831.50 (State of Nebraska \$8,865.75/County of Boone \$3,965.75); Clerk of the District Court \$1,115.18 (State of Nebraska \$634.00/County of Boone \$481.18); Sheriff \$1,423.36; Zoning & Planning \$472.50; Treasurer's Fees \$6.00; and Treasurer's Office Miscellaneous Receipts Nos. 10685-10754 \$214,559.65. Total collected by the County Treasurer \$417,901.07. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Thieman to approve the County Board, Board of Equalization and Public Hearings Proceedings of November 29, 2010 as presented. Roll call vote: Yeas: Schuele, Thieman and Tisthammer. Nays: None. Motion carried.

No action required regarding advertisement for the appointed County Surveyor position since three proposals have been received to date. When there is no qualified surveyor within a county who will accept the office of county surveyor, the county board of such county may employ a competent surveyor either on a full-time or part-time basis from any other county of the State of Nebraska to such office. An appointed surveyor shall

serve the same four-year term as that of an elected surveyor. The county board shall negotiate a contract with the surveyor. The Boone County Board of Commissioners appoints an individual for surveying services at their reorganizational meeting.

A resume and proposal for the County Surveyor position were received from Chris Hays, Hays Surveying Services; and also from Chad Marsh, of Kirkham Michael. The Board and Ken Luettel asked both applicants questions with regard to their surveying services. The Board informed them that if any more surveyor proposals arrive before the appointment on January 6, 2011, that they will have equal opportunity to present their qualifications and proposals.

Darrel Thorin, Highway Superintendent, discussed several road, bridge and federal aid issues with the Board. Dennis Krohn, Road District #2 employee, submitted a resignation to Thorin effective January 14, 2010. Thorin discussed with the Board his conversation with Nebraska Department of Roads regarding the Boone County projects omitted from the NDOR list by the State office. The Board asked Thorin when a public hearing is necessary. A public hearing is necessary when a road is opened or closed but not necessary when a road is reclassified. The NDOR approves or disapproves a road reclassification. Thorin discussed the purchase of a new program designed by MIPS for road records and reports. Thorin informed the Board that FEMA signed off on the flooding Disaster 1924, with Boone County possibly receiving approximately \$600,000.00 for nineteen projects including the bridge washed out by Primrose and two box culverts on 280<sup>th</sup> Street.

Lee Diessner discussed his concern regarding 285<sup>th</sup> Street with Darrel Thorin and the Board. Diessner indicated that Cornhusker Public Power is presently repairing the damaged electrical line and poles. Diessner would like to see the poles set in a straight line on part of 285<sup>th</sup> Street therefore allowing him more irrigated ground. If the County decides to close that segment of road, an access easement would need to be in place for the utility company. The best way to determine the proper location of the road and road right-of-way is to have a survey completed. Thorin said that temporary road closed signs shall be in place until Cornhusker Public Power and the county roadwork is completed in the spring. Motion made by Schuele, second by Tisthammer to authorize the Highway Superintendent to have a survey completed to determine the road area and county right-of-way for the installation of power poles. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to changing the classification of a certain county road from minimum maintenance to local gravel road as requested by landowners at the November 15, 2010 Board meeting. The approximate one-half mile segment of road known as 270<sup>th</sup> Street is located between Sections 28 and 33, Township 20 North, Range 7 West beginning at the intersection of 180<sup>th</sup> Avenue and 270<sup>th</sup> Street, thence east for one-half mile. The minimum estimated cost to upgrade the one-half mile to current State Standards is \$41,120.00. It is the recommendation of the Highway Superintendent to not change the road classification at this time. Motion made by Thieman, second by Schuele to place the one-half mile segment of road known as 270<sup>th</sup> Street on the County One and Six Year Road Improvement Program. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to changing the classification of a certain county road from unimproved to a local gravel road as requested on November 22, 2010 at the Board meeting by the Cedar Rapids Post Office to shorten a current postal route by two miles. The approximate 7/8 mile segment of road known as 340<sup>th</sup> Street is located between Section 4, Township 18 North, Range 8 West and Section 33, Township 19 North, Range 8 West, beginning at the intersection of 130<sup>th</sup> Avenue and 340<sup>th</sup> Street thence west 7/8 of a mile. The minimum estimated cost to upgrade the 7/8 mile to current State



Standards is \$117,900.00. It is the recommendation of the Highway Superintendent to not change the road classification at this time. Motion made by Schuele, second by Tisthammer to place the 7/8 mile segment of road known as 340<sup>th</sup> Street on the County One and Six Year Road Improvement Program. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, submitted an Interlocal Agreement for renewal 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. Motion made by Tisthammer, second by Thieman to approve and authorize the Board Chairman to sign Resolution No. 2010-61 an Interlocal Agreement between the County of Boone and City of Albion for licensed Highway and Street Superintendent services effective January 1, 2011 as presented. Roll call vote: Yeas: Tisthammer, Thieman and Schuele. Nays: None. Motion carried.

The Board discussed foregoing the previously scheduled Board meeting on December 27, 2010. The swearing in ceremony of the County Officials elected in the 2010 General Election is scheduled for 8:45 A.M. on Thursday, January 6, 2011, therefore the Board decided to have the 2011 Reorganizational Meeting at 9:00 A.M. on January 6, 2011. Elected County Officials shall begin on the first Thursday after the first Tuesday in January succeeding their election. With the Reorganizational Meeting scheduled for January 6, 2011 there will be five Board meetings in January. Motion made by Schuele, second by Tisthammer to not have a Board meeting on December 27, 2010 and schedule the 2011 Reorganizational Meeting for 9:00 A.M. on Thursday, January 6, 2011. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

The courthouse renovation required the installation of an automatic fire protection system. The Nebraska State Fire Marshal's office mandates that a licensed contractor perform all fire sprinkler inspections. Meininger Fire Protection, Inc. of Lincoln, Nebraska submitted a contract for automatic sprinkler equipment inspection. The contract is for three years with an annual amount due of \$255.00 after completion of the inspection. Motion made by Thieman, second by Tisthammer to authorize the Board Chairman to sign the three year contract for automatic sprinkler equipment inspection as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. 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 \$74,516.74; Road \$122,371.59; County Visitors Promotion \$1,283.31; Reappraisal \$14,085.07; Federal Grant NAHF 137,924.00; Boone Co Economic Development \$2,325.02; 911 Emergency Management \$1,010.79; Law Enforcement \$12.00; Courthouse Building \$44,695.81; Ambulance \$4,569.24. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioner Thieman reported on sessions he attended at the 116<sup>th</sup> annual Nebraska Association of County Officials (NACO) Convention. Mike Thiem, Emergency Manager, submitted an activity report and briefed the Board with regard to FEMA. Melvin Andrews delivered a vase for display in the Boone County Courthouse. The blue vase has a painted picture of the old courthouse and the original property owner of the vase was George and Mary Patrick of Albion. Their son, George L. Patrick of Grand Island, is donating the vase. In the event that some time in the future it is

decided not to display this vase, it is the request of George L. Patrick that the vase be returned to his granddaughter, Brianna Patrick, daughter of Justin Patrick.

Commissioner Schuele declared the meeting adjourned at 1:00 P.M. with the next Board meeting scheduled for December 20, 2010.

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, December 13, 2010 at 11:10 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Thieman, second by Commissioner Tisthammer to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Present for roll call was Commissioners Henry R. Thieman, Jerry L. Tisthammer and Tom Schuele. Also present was Darrel Thorin, County Highway Superintendent.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and answer questions in relation to the denial or approval to vacate the proposed one mile of a Boone County road known as 300<sup>th</sup> Avenue. The approximately one mile segment of road known as 300<sup>th</sup> Avenue is located between Sections 16 and 17, Township 22 North, Range 5 West, all in Boone County, Nebraska.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study to the Board on November 29, 2010, recommending vacating one mile of a Boone County road known as 300<sup>th</sup> Avenue. The road runs one mile North and South and upon vacation of said road all right-of-way rights be relinquished to the owners of the adjacent real estate, one-half on each side thereof.

The Board received no opposition to the vacation at the hearing. The road is not part of the road inventory listed with the State of Nebraska. The County Board instructed that a resolution be prepared to vacate that portion of 300<sup>th</sup> Avenue as presented for the Board's approval at the December 20, 2010 meeting.

Motion made by Tisthammer, second by Thieman to close said hearing at 12:10 P.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 a one mile segment of road known as 300<sup>th</sup> Avenue located between Sections 16 and 17, in Township 22 North, Range 5 West, all in Boone County, Nebraska, as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk

**BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
DECEMBER 20, 2010  
ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 8:55 A.M. on Monday, December 20, 2010, 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. 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. The Laredo Ridge Wind Farm towers are all constructed and GE operation managers are in the area. A meal expense policy was discussed. The Clerk's office will send an email to the other counties for a copy of their policies. The time which regular Board meetings are convened was discussed with a proposal being made for 9:00 A.M. Continued discussion and setting the time to convene regular Board meetings will be done at the Reorganizational meeting. The discussion regarding the courthouse hours continued from the November 22, 2010 meeting. Motion made by Schuele, second by Tisthammer to open the courthouse at 8:00 A.M. and close at 5:00 P.M. with a one-hour lunch break effective January 3, 2011. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried. Commissioner Thieman acknowledged his appreciation to everyone he has worked with in county government since 1979 and gave his best wishes to Ken Luettel.

Steve Pritchard, Boone-Nance Extension Educator, presented a board member recommendation from the Boone-Nance County Extension Board. Board member Frank Jasa of St. Edward has completed his term, therefore the Boone-Nance County Extension Board is in need of a replacement. The Boone-Nance County Extension Board recommended the appointment of Jane Prothman of Albion, Nebraska to serve a three-year term on the Boone-Nance County Extension Board beginning January 2011. 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 Jane Prothman of Albion to serve a three-year term on the Boone-Nance County Extension Board beginning January 2011, as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board held a meeting with the county road foremen and Highway Superintendent. They discussed road maintenance procedures, alternatives for evaluation and maintenance assignments for road employees and cooperation between the road districts. The discussion regarding evaluation and assignment of county road employees will be continued at the Board meeting on January 10, 2011.

A resume and proposal for the County Surveyor position was received from Grant Miller, Olsson Associates. The Board and Ken Luettel asked the applicant questions with regard to surveying services. The Board received three surveyor proposals for the position to be appointed at the January 6, 2011 Board Reorganizational meeting.

Darrel Thorin, Highway Superintendent, discussed several road issues, bridge maintenance, signage, and construction crews. Thorin discussed the MIPS monthly road program fee and the Gasrite fuel contract that was

basically a wash. Thorin signed off on the roads agreement for the Laredo Ridge Wind Farm, with the construction crew returning in the spring to finish the roadwork. The county did receive some culverts and aggregate material left at the construction site.

The Board received a written resignation from Dennis Krohn, an employee for the County Road Department. Motion made by Tisthammer, second by Schuele to accept the employment resignation of Dennis Krohn with an effective date of January 14, 2011. Roll call vote: Yeas: Tisthammer, Schuele and Thieman. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented revisions for the road department job descriptions to comply with the Title VI regulations. Motion made by Thieman, second by Schuele to approve the revisions to the job descriptions to comply with the Title VI regulations as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Gary Seier was present on November 15, 2010 to ask the Board to consider closing a portion of a county road known as 300<sup>th</sup> Avenue. The approximately one mile segment of road known as 300<sup>th</sup> Avenue is located between Sections 16 and 17, Township 22 North, Range 5 West is not part of the road inventory listed with the State of Nebraska. The county road records show it as an open road. Darrel Thorin, Highway Superintendent, submitted and discussed a feasibility study with regard to vacating one mile of a Boone County road known as 300<sup>th</sup> Avenue on November 29, 2010. Thorin recommended that the one-mile segment of road be vacated effective December 20, 2010 and that all right-of-way rights be relinquished to the owners of the adjacent real estate, one-half. A public hearing was held on December 13, 2010 to vacate a portion of 300<sup>th</sup> Avenue and no testimony heard in opposition to the vacation. Motion made by Schuele, second by Tisthammer to approve as presented Resolution No. 2010-62 to vacate one mile of road known as 300<sup>th</sup> Avenue, a road running North and South between Sections 16 and 17, Township 22 North, Range 5 West, of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Motion made by Thieman, second by Schuele to approve the County Board and Public Hearing Proceedings of December 13, 2010 as presented. Roll call vote: Yeas: Thieman, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Thieman, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$83,085.48, BCBS \$32,106.58, Ameritas Ret \$5,716.13, EFTPS \$6,283.35; Road \$41,719.18, BCBS \$17,326.58, Ameritas Ret \$2,816.07, EFTPS \$3,168.50; Boone County Economic Development \$4,268.33, BCBS \$1,390.48, Ameritas Ret \$288.11, EFTPS \$316.79; Law Enforcement \$6,368.20, BCBS \$2,608.30, Ameritas Ret \$493.53, EFTPS \$487.17; Ambulance \$1,095.00, Ameritas Ret \$58.06, EFTPS \$83.76; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,156.78, Ameritas Ret \$263.12, EFTPS \$394.50, 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 as written Resolution No. 2010-63 to accept and approve the written applications as the following designated County Depositories of the County Funds for the year 2011: Boone County Bank, Albion; Cedar Rapids State Bank, Cedar Rapids; Cornerstone Bank of York, Albion and St. Edward Branches; First Bank & Trust of Fullerton, St. Edward Branch; First National Bank of Schuyler, Albion Branch; Petersburg State Bank; Great Western Bank, Albion Branch; and alternate investment NPAIT, Lincoln. Roll call vote: Yeas: Schuele, Tisthammer and Thieman. Nays: None. Motion carried.

Barb Hanson, Zoning Administrator, submitted a written report regarding permits issued and conditional use applications. Hanson discussed meetings she attended and the response she received after the newspaper article regarding zoning permits before construction.

Barb Hanson, Zoning Administrator, submitted quotes regarding the purchase of office equipment. Motion made by Thieman, second by Tisthammer to approve the purchase of a Dell laptop computer for \$1,081.87 and a HP OfficeJet color printer for \$104.95 from Applied Connective Technologies; and a five-drawer file cabinet for \$475.00 from Eakes Office as presented. Roll call vote: Yeas: Thieman, Tisthammer and Schuele. Nays: None. Motion carried.

The Board discussed revisions regarding Resolution 2005-37, the County Burial Policy. The Board plans to review the policy with Levander Funeral Home, before making the necessary revisions.

Safety Committee members Mike Thiem, Laurie Krohn, Darrel Thorin, Rod Nelson, Dave Spiegel, and Commissioners Schuele, Thieman and Tisthammer met at 1:30 P.M. to discuss routine business.

Open discussion and Miscellaneous Public Comments: Joe Beckenhauer, Beckenhauer Construction, discussed the renovation with the Board. The carpet in the courtroom will be replaced and have a few small projects to complete.

Chairman Schuele declared the meeting adjourned at 2:25 P.M. with the next Board meeting scheduled for January 10, 2011.

Kathy Thorberg, County Clerk