

**2011 REORGANIZATIONAL MEETING  
BOONE COUNTY BOARD OF COMMISSIONERS  
ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska convened at 9:00 a.m. on Thursday, January 6, 2011, 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, Jerry L. Tisthammer and Ken Luettel. 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. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Motion made by Luettel, second by Schuele to appoint Jerry L. Tisthammer as Chairman of the Boone County Board of Commissioners for the year, 2011. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to appoint Tom Schuele as Vice Chairman of the Boone County Board of Commissioners for the year, 2011. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel 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 2011.

Motion made by Schuele, second by Tisthammer, that the budget committee for the ensuing 2011-2012 budget year is the Boone County Board of Commissioners, Boone County Clerk and Boone County Treasurer.

Motion made by Tisthammer, second by Schuele to reappoint Richard D. Martinsen, Certified Public Accountant, Albion, Nebraska, to do the County Budget for the 2011-2012 budget year, to be paid from the County General fund.

Motion made by Schuele, second by Luettel to reappoint Darrel Thorin, Bartlett, Nebraska, as full time County Highway Superintendent, for 2011.

Motion made by Luettel, second by Tisthammer to appoint Christopher C. Hays, of Osceola, Nebraska, as Boone County Surveyor for a four year term commencing January 6, 2011 through December 31, 2014, contingent upon the execution of a contract for services as provided in Section 23-1901.01. Roll call vote: Yeas: Luettel, Tisthammer. Nays: None. Abstain: Schuele because one of the applicants employs a family member.

Motion made by Schuele, second by Tisthammer to reappoint Jacqueline Lynne Wells as Boone County Veterans Service Officer on a part time basis for 2011.

Motion made by Schuele, second by Tisthammer to reappoint Shannon Landauer as Boone County Economic Development Director, for 2011.

Motion made by Schuele, 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 the initial two year term commencing from August 1, 2010 through July 31, 2012 and pursuant to further terms of the contract.

Motion made by Schuele, second by Luettel that the following are appointed to the Local Emergency Planning Committee for 2011:

Rich Good – St. Edward Fire Department  
Jenice Stevenson – Red Cross/Albion Rescue  
Mike Thiem – Boone County Emergency Management Director  
Amy Zaruba – Boone County Health Center/Albion Rescue  
Nicole DeShane – Valero/Emergency Management Certified  
Dave Spiegel – Boone County Sheriff  
Brent Lipker – Albion Police Chief  
Bruce Benne – Albion Fire Department/Emergency Management Certified

Mike Morgan – Cedar Rapids Fire Department  
Carolyn Beckman – CERT  
Mike Prothman – Petersburg Fire Department  
Larry Pochop – Albion Fire Department  
Jim & Irene Dresch – Primrose Fire Department/Community Organizations  
Jim Dickerson – Albion News  
Darrell Barnes – Boone Central Schools  
Jerry Tisthammer – Boone County Board of Commissioners  
Darrel Thorin – Boone County Highway Superintendent/Transportation  
East Central Health District – Public Health

Motion made by Schuele, second by Tisthammer to extend the appointment of Michael Thiem as Boone County Emergency Management Director, Emergency Services Coordinator and Homeland Security Director, through January 31, 2011; and delay further appointment pending continued discussion regarding possible combination of the Boone County Emergency Management Director, Emergency Services Coordinator and Homeland Security Director and Communication Manager positions commencing February 1, 2011.

Motion made by Tisthammer, second by Schuele to reappoint Randall Bruland as the Administrator and Maintenance Director of the Boone County Ambulance Service, under the supervision of the County Board, for 2011.

Motion made by Schuele, second by Tisthammer 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 2011.

Motion made by Tisthammer, second by Luettel to appoint Sheriff David Spiegel and his staff to be the E911 Coordinator, for 2011.

Motion made by Luettel, second by Schuele to reappoint Barb Hanson as County Zoning Administrator/Albion City Code Official and Regulatory Zoning Investigator, being accountable to the County Board, for 2011.

Motion made by Schuele, second by Luettel to reappoint Russell Stokes as Weed Superintendent on a part time basis, being accountable to the County Board, for 2011.

Motion made by Schuele, second by Luettel to appoint the Boone County Clerk as the Title VI representative, for 2011.

Motion made by Schuele, second by Tisthammer to appoint the Boone County Veterans Service Officer as the American with Disabilities Act (ADA) Coordinator, for 2011.

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 Luettel that the 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 Bank & Trust of Fullerton, St. Edward Branch, St. Edward, NE; First National Bank, Schuyler, Albion Branch, Albion, NE; Petersburg State Bank, Petersburg, NE; Great Western Bank, 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 Tisthammer, second by Schuele 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 2011.

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

Motion made by Schuele, second by Luettel 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, 2011, commencing at 9 AM. 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 Luettel, that the courthouse hours shall be 8:00 AM to 5:00 PM with a one-hour lunch break, and that all offices will post their hours, including the lunch break; and notice shall be posted if an office is to be closed when it otherwise would be open.

Motion made by Schuele, second by Tisthammer that agenda items must be provided to the Boone County Clerk's Office no later than noon on the Friday preceding a Board meeting in order to be considered for said Board meeting.

Motion made by Tisthammer, second by Schuele 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 2011.

Motion made by Schuele, second by Luettel, that the following be appointed to the various boards that Boone County is associated with for 2011:

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	Ken Luettel Tom Schuele - Alternate
Boone County Fitness Center	Tom Schuele Jerry L. Tisthammer - Alternate Ken Luettel - Alternate
Central Nebraska Joint Housing Authority	Tom Schuele Ken Luettel - Alternate
Northeast Nebraska Juvenile Services, Inc.	Ken Luettel Jerry L. Tisthammer - Alternate
Boone County Development Agency Board	Ken Luettel Tom Schuele
NENEDD – Council of Officials	Ken Luettel – Elected Official

Americans with Disabilities Act Board:

- (1) Third Member of the Boone County Board of Commissioners
- (2) Jeff Noble, Albion, NE, Representative for the disabled community
- (3) Boone County Highway Superintendent
- (4) County Attorney, as the legal advisor for the committee

Motion made by Schuele, second by Luettel to appoint Jerry Tisthammer as Courthouse Custodian Supervisor, for 2011.

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

Motion made by Luettel, second by Tisthammer to appoint the Boone County Clerk as the contact person for Boone County for the NIRMA Insurance, for 2011.

Motion made by Schuele, second by Tisthammer that (1) the following will serve on the Safety Committee according to LB 757, for 2011: Boone County Emergency Management Director; County Sheriff; Board of Commissioners; Highway Superintendent; County Treasurer; County ADA Coordinator and Custodial Maintenance Supervisor; and (2) the Safety Committee meetings are tentatively scheduled for February 28, 2011, May 31, 2011, August 29, 2011 and November 28, 2011, commencing at 1 PM.

Motion made by Luettel, second by Tisthammer, 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; Jim Carder (2009-2011) - 1st term and Jane Prothman (2011-2013) – 1st term. This board is in accordance with an Interlocal Agreement with the University of Nebraska for Cooperative Extension Services signed on December 14, 1998.

Motion made by Schuele, second by Luettel 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, 2011:

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

Motion made by Schuele, second by Luettel that the following members of the Boone County Board of Adjustment are appointed to the following terms of office, effective January 1, 2011:

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

Motion made by Tisthammer, second by Schuele 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:

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
Richard Heidemann* (12-14-2010)	2010-2012
Tracy Brodersen (12-15-2009)	2010-2012
Ed Knott (10-15-2007)	2011-2013
Dave Skillstad (10-15-2007)	2011-2013

\*Appointed to complete the remainder of the term of Tim Choat.

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

Chairman Tisthammer declared the Reorganizational meeting adjourned at 10:50 AM.

Lorrie Nicklasson, Deputy County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JANUARY 10, 2011  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 10, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board of Commissioners received one bid for the 2003 Ford Medtec E456 County Ambulance from the Petersburg EMTs for \$15,001.00, pending the fuel leak problem to be fixed. Motion by Luettel, second by Schuele to accept the bid of \$15,001.00 pending repair of the fuel leak problem, received by the Petersburg EMTs for the 2003 Ford Medtec E456 County Ambulance. Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Al Mittan, Prairieland RCD, and Jim Lightner were unable to attend the meeting due to inclement weather and will reschedule for a later date.

Barb Hanson, Boone County Zoning Administrator, was unable to attend the meeting due to inclement weather and will reschedule for a later date.

Darrel Thorin, Highway Superintendent, updated the Board on the status of the situation regarding the previous discussion with the Road Foremen held on December 20, 2010. Thorin advised the Board that the employee voiced his concerns regarding additional fuel expense and the possibility of his inability to make it to work at another district as a result of inclement weather due to the additional distance he would have to travel to get to work. Thorin indicated to the Board that he feels at this time it is best to leave this employee in his current district and not transfer him. Thorin feels that the issues that precipitated the transfer discussion have gotten better and that at this time, it would be best to leave the district assignments as is. Thorin also advised the Board that he is currently advertising to fill the vacancy left by the resignation of Dennis Krohn. Further matters discussed were employee evaluations and comp time regulation.

Darrel Thorin, Highway Superintendent, discussed several road, bridge maintenance and equipment issues:

- He advised the Board that the engine in the Freightliner semi tractor will need to be replaced or the vehicle replaced. He has checked with several dealers in the area regarding a replacement vehicle and advised that a comparable used vehicle with approximately 400,000 miles would cost in the neighborhood of \$70,000.00 to \$120,000.00. He said a refurbished engine with a 4 year warranty would cost about \$17,000.00. He advised the Board that he thought it best at this time to proceed with the refurbished motor.
- Thorin advised that with regard to the Cedar Rapids Bridge renovation project that he has received a statement regarding the conflict of interest issue. After a complete review, the Nebraska Department of Roads indicated that the county may proceed on.
- Thorin advised that with regard to the Prototype Girder Bridge to be located East of Primrose, that he was advised that there would be federal funds involved and that the County should have gone through the proper procedures and as a result, the County would not get that bridge. Thorin advised the Board that at no time

prior had he been told that there would be federal funds involved and that he contacted Nebraska Department of Roads regarding this. He indicated that since this is considered a research-type project is why federal funds are involved. He indicated that the alternative would be to buy a 40-foot bridge for approximately \$50,000.00 to \$60,000.00 but that it would not be this year inasmuch as it was not budgeted for. Correspondence was sent to Nebraska Department of Roads requesting information on what the County needed to do to be able to install the prototype bridge.

- Thorin advised the Board that Dr. Aziznamini, the County's current consultant with regard to the Cedar Rapids and Primrose bridge projects, will be leaving the University, however, he will remain as a consultant on the Cedar Rapids Bridge project.
- Thorin discussed with the Board the asphalt overlay project that was to be done this year on the Raeville road. Nebraska Department of Roads has notified the County that this would not be done this year due to an incorrect road classification which Thorin does not agree with but has resubmitted the project.

Joyce M. Sock, County Assessor, presented for the Board's review and consideration a Contractor Agreement between the County and Henry Thieman, for pickup work. Sock indicated that the rates provided in the agreement were contingent upon Thieman being able to use the county vehicle to conduct his inspections and that otherwise the contract was similar to one that was used with the previous service provider. Sock asked the Board that payment be paid one-half now and then the remaining one-half paid when the work was completed. Motion by Schuele, second by Luettel authorizing the Board Chairman to sign the Contractor Agreement as presented for the term of January 10, 2011 to March 31, 2011, with an additional 12 month period unless either party shall give the other party 60 days written notice to terminate said agreement. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None.

Motion made by Luettel, second by Schuele to approve the following reports of the County Officials as presented for December 2010: Clerk - \$13,072.50 (State of Nebraska - \$8,445.74/County of Boone - \$4,626.76); Clerk of the District Court - \$1,124.44 (State of Nebraska - \$729.00/County of Boone - \$395.44); Sheriff - \$1,552.59; Zoning & Planning - \$845.68; Treasurer's Fees - \$8.00; and Treasurer's Office Miscellaneous Receipt Nos. 10755-10847 - \$289,676.55. Total collected by County Treasurer was \$2,707,918.67. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$73,770.24; Road - \$104,363.01; Reappraisal Fund - \$478.94; Boone Co Economic Development - \$2,440.42; 911 Emergency Management - \$4,011.42; Law Enforcement - \$48.50; Courthouse Bldg Fund - \$4,619.73; Ambulance - \$4,837.81 and Veteran's Aid - \$500.00. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board and Board of Equalization proceedings of December 20, 2010 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board Reorganizational Proceedings of January 6, 2011, as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Lorrie Nicklasson, Deputy County Clerk, submitted a quote received from MIPS for a Fujitsu Scanner FI-6130. Nicklasson explained to the Board that this scanner would be used in conjunction with the new real estate recording program that would be installed to eliminate part of the hand indexing of real estate records received. Motion by Tisthammer, second by Luettel to approve the purchase of the Fujitsu Scanner for the sum of

\$930.00 as quoted by MIPS. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Dave Spiegel, County Sheriff; Lisa Langan, Boone County Clerk Magistrate, and Ellen Hirsch, Clerk of the District Court, met with the Board to discuss and determine which budget would be used to pay for the courtroom scanner operator fees. Services incurred would cost approximately \$150.00 per month or a total of around \$1,800.00 per year. Sheriff Spiegel indicated that on some court days, a deputy would be in charge of operating the scanner but on those days when a deputy is not available, that it was necessary to hire someone to be available to handle those duties. Hirsch indicated that Judge Senff said that security was not the responsibility of the Courts. Sheriff Spiegel and Langan indicated that they could fit it within their budgets and Hirsch indicated that depending on their jury trial schedule, she may or may not be able to fit it within her budget. After further discussion, it was decided that for the remainder of this fiscal year, that the cost for an individual to operate the courtroom scanner would be paid from the Sheriff's budget. Motion by Schuele, second by Luettel that the cost for the courtroom scanner operator fees would be paid from the Sheriff's budget. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, County Sheriff, asked for authorization to submit a grant application to the Nebraska Office of Highway Safety to receive an in-car digital camera system for the 2009 Dodge Charger. Sheriff Spiegel indicated that the cost would be \$3,995.00, with the grant being for \$2,995.00 and the remainder to be paid by the County of \$1,000.00. Sheriff Spiegel indicated to the Board that he had budgeted for the \$1,000.00 to be paid by the County. Motion by Schuele, second by Luettel to grant Dave Spiegel, County Sheriff, authorization to pursue a grant for the purchase of an in-car digital camera system for the 2009 Dodge Charger. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Christopher C. Hays, met with the Board regarding his recent appointment as Boone County Surveyor. The Board and Hays reviewed the information previously provided by Hays regarding his fee proposal. Hays indicated that he would not require any county employee assistance other than for digging and in those cases, he would probably be in touch with the Highway Superintendent. Hays indicated to the Board that in addition to his private business, he was also appointed as County Surveyor for Polk, Clay and Thayer counties and that the exact same fee proposal was presented to those counties as well. The Board indicated that pursuant to state statute, they would need to enter into a contract with Hays to act as Boone County Surveyor. Motion by Tisthammer, second by Schuele to authorize the Board Chairman to enter into a contract with Christopher C. Hays to act as Boone County Surveyor. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board discussed the situation regarding the combination of the Communications Manager and Emergency Management Director, Emergency Services Coordinator and Homeland Security positions. Motion made by Schuele, second by Luettel to authorize the Board Chairman to set up interviews for January 18, 2011, with the current Communications Manager and Emergency Management Director, Emergency Services Coordinator and Homeland Security, for the combined position. Roll call vote: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Jim Dickerson asked several questions of the Board regarding the current Emergency Manager and Communications Manager positions. Discussion was held regarding the latest audit for the Boone County Health Center. It was suggested that Vic Lee, CEO of Boone County Health Center, be contacted about meeting with the Board to go over the audit. Discussion was held regarding whether Health and Human Services would still be requiring space in the county owned building.

Chairman Tisthammer declared the meeting adjourned at 11:50 A.M. with the next Board meeting scheduled for January 18, 2011.



Lorrie Nicklasson, Deputy Boone County Clerk

# MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Tuesday, January 18, 2011 at 9:02 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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, Ken Luettel and Jerry L. Tisthammer. Steve Boyer, representative for the applicant Third Planet Windpower dba TPW Petersburg LLC and Barb Hanson, County Zoning Administrator, were present to answer any questions. Also, present was Lavern Werner, an interested landowner of a ten acre tract with building site south of the proposed substation construction site. Chairman Tisthammer 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 Third Planet Windpower dba TPW Petersburg, LLC. Waldean and Karen Scholl are the property owners of the real estate referenced herein. The application request is to split off a tract of land comprised of 4.54± acres from farm ground for construction of a substation located in a fraction of the SW1/4NE1/4 of Section 28, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Lavern Werner, expressed his concerns with regard to the already bright lighting of the new NPPD and Laredo Ridge substations and the Laredo Ridge O & M building. Werner expressed his concerns regarding more bright lights with a third proposed substation being considered just east of the Laredo Ridge and NPPD locations. Boyer responded to several questions with regard to substation lighting, wind tower construction, agreements signed with power companies and that Third Planet is working with the engineers regarding redesigning the lighting effects for the proposed substation. The lighting needs to meet the insurance company security requests, which is more of an enforced issue since 9-11. Hanson has visited with the Laredo Ridge Wind Farm site manager and he is supposed to address the lighting concerns with Werner. The County Planning Commission recommended approval of the request. A survey was completed for the 4.54± acre tract to be known as White Horse Substation.

Motion made by Luettel, second by Schuele to close said hearing at 9:25 A.M. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Schuele, second by Luettel to approve as presented the Lot Split Application submitted by Third Planet Windpower dba TPW Petersburg LLC. The approval is to split off a 4.54± acre tract from farm ground for the construction of a substation located in a fraction of the SW1/4NE1/4 of Section 28, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Kathy Thorberg, County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JANUARY 18, 2011  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, January 18, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees. The 102<sup>nd</sup> Legislature has convened and introduced several bills with county impact. Several bills involve veterans, elections, revenue, budgets and state aid. The location of some hay bales throughout the county are stacked along the road ditches and is causing snow removal difficulties. NIRMA is checking into options of enforcement of the law to prevent irrigation systems from watering the county roads. The goal is protection from accidents. January 17, 2011 was the 20<sup>th</sup> Anniversary of the Gulf War. The Moving Wall, Vietnam Veterans' Memorial is scheduled for public viewing July 8-10, 2011.

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 Boone County Weed Board is the same members as the Boone County Board of Commissioners. Russell Stokes, County Weed Superintendent, submitted the 2010-year end report. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the 2010-year end weed reports. Roll call vote: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

A Boone County Planning & Zoning Board member appointment was inadvertently omitted at the Boone County Board of Commissioners 2011 Reorganizational meeting held on January 6, 2011. Motion made by Tisthammer, second by Schuele to approve the appointment of Jim Meysenburg to the Boone County Planning & Zoning Board for a three-year term effective January 2011. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 Albion Area Arts Council submitted a request for assistance with advertising the Cedar Art Fair scheduled for January 30, 2011 in Cedar Rapids, Nebraska. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board proceedings of January 10, 2011 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, discussed her report with the Board regarding permits issued and material that the Planning and Zoning Commission Board may consider. Hanson

submitted a summary report of the zoning permits issued in 2010 for Boone County, Petersburg, Cedar Rapids and Albion. Hanson asked the Board to review a written article that she plans to submit to the county newspapers/shopper regarding zoning permit requirements. The article/ad will be published to inform residents of the Boone County Zoning Regulations and the requirements of a zoning permit before beginning construction.

The Board interviewed Sheryl Machacek, County Communications Manager and Michael Thiem, County Emergency Manager. The Board is seeking to combine the positions of Communications Manager and Emergency Management Director/Emergency Services Coordinator and Homeland Security as one full time position. No action was taken after the interviews and will be placed on the January 24, 2011 Board agenda.

Vic Lee, CEO and Mandy Kumm, CFO, representatives for the Boone County Health Center, reviewed the Boone County Health Center September 30, 2010 audit report with the Board. One of the policies is to have 90 days cash on hand as a safety net in order to pay bills. The health center has no debt at this time and construction is scheduled for completion within the next three weeks. The health center has three programs available that one may qualify for help when in need to pay health care costs. One of the health center goals is to give back to the communities it serves. Some of the programs include support groups, health fairs, education programs and career club for area school students. They also support the food pantry in Albion and Newman Grove. They also wrote a grant that placed a defibrillator in each of the area's fourteen schools.

Motion made by Tisthammer, second by Luettel to accept and approve the Boone County Sheriff's office 2010 fourth quarter report as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The family plans to provide for the county burial assistance request.

It is recommended that the County advertise for temporary/seasonal help on an annual basis. All applicants must be able to speak, read and understand the English language. The returned applications will remain on file for one year, if any county department needs temporary help in 2011. The applications are for temporary/seasonal help within the courthouse, road department and law enforcement. At anytime the County of Boone has a full time or permanent part time position open, the department with the opening will advertise separately. Motion made by Schuele, second by Luettel to advertise the yearly temporary/seasonal applications for help one week only in the Albion News as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: The County Board members have various board meetings scheduled this week pursuant to appointments made at the reorganizational meeting.

Chairman Tisthammer declared the meeting adjourned at 12:35 P.M. with the next Board meeting scheduled for January 24, 2011.

Kathy Thorberg, Boone County Clerk

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JANUARY 24, 2011  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 24, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board discussed looking into purchasing three new chairs for the boardroom to replace the existing chairs. No action was taken at this time.

On October 11, 1988, Donald R. Salber and Kathryn R. Salber, Lessors, leased a strip of land 100 feet in width that extended across the NE1/4NE1/4 of Section 27, Township 20 North, Range 6 West, Boone County, Nebraska consisting of approximately 2.5 acres, to Boone County, as Lessee. The Boone County Commissioners voted to terminate the lease agreement on May 3, 2004. Therefore, a lease termination document needs to be filed in the real estate records. Motion made by Luettel, second by Schuele to authorize the Board Chairman to sign the Lease Termination as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

There was no need for the scheduled executive session on the agenda. Motion made by Schuele, second by Luettel to cancel the executive session. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board of Commissioners interviewed Sheryl Machacek, Communications Manager and Michael Thiem, Emergency Manager on January 18, 2011. The two employees interviewed are presently employed full-time. The Communications Manager and Emergency Management Director, Emergency Services Coordinator and Homeland Security positions are being combined as one full time position pursuant to the January 6, 2011 Reorganizational Meeting. Schuele expressed that after interviewing each candidate, the candidate chosen will need to learn the additional position duties. Motion made by Schuele, second by Luettel to appoint Sheryl Machacek to fulfill the duties of the combined full time position effective February 1, 2011. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board, Public Hearing and Board of Equalization proceedings of January 18, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Wesley Ehlers, representing Sequoia Consulting Group presented to the Board information regarding Indirect Cost Allocation plans. Boone County presently has a cost allocation plan with Maximus, Inc. The Board will ask the County Attorney to review the present agreement with Maximus, Inc. and a proposed agreement from Sequoia Consulting Group. The Indirect Cost Allocation plans will be an agenda item discussion with the County Attorney following his review.

Al Mittan and Jim Lightner updated the Board with regard to the PrairieLand RC&D projects. The PrairieLand Resource Conservation and Development (RC&D) Council, is a nonprofit organization within east central

Nebraska. USDA's Natural Resources Conservation Service administers the RC&D program. Mittan highlighted the RC&D priority projects and distributed informational material to the Board.

Jim Lightner served several years on the Lower Loup Natural Resources District board. Lightner is no longer on the NRD board and has volunteered to be the Boone County representative on the PrairieLand RC&D Council. Lynn Lehman resigned as a representative several months ago. Motion made by Schuele, second by Tisthammer to appoint Jim Lightner as the Boone County Representative on the PrairieLand RC&D Council. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board on the status of the MIPS highway superintendent program. MIPS will schedule a demonstration for Thorin and the Board to review all the functions of the program. Thorin had a sample resolution suggested by NIRMA for the Board to review regarding the enforcement of irrigation watering of roads. Thorin discussed several road, bridge maintenance, building maintenance and equipment repairs with the Board.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$82,456.24, BCBS \$33,674.62, Ameritas Ret \$5,650.16, EFTPS \$6,235.20; Road \$41,636.74, BCBS \$17,326.58, Ameritas Ret \$2,810.49, EFTPS \$3,162.20; Boone County Economic Development \$4,710.37, BCBS \$1,390.48, Ameritas Ret \$317.95, EFTPS \$350.60; Law Enforcement \$5,819.00, BCBS \$2,608.30, Ameritas Ret \$450.97, EFTPS \$445.15; Ambulance \$1,300.00, Ameritas Ret \$76.96, EFTPS \$99.44; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,875.49, Ameritas Ret \$292.14, EFTPS \$449.46, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Commissioner Luettel gave a report on the Northeast Nebraska Area Agency on Aging and Northeast Nebraska Juvenile Services meetings he attended last week. Mike Thiem will visit with Sheryl Machacek to update her on the emergency management open projects. Commissioner Schuele thanked Mike Thiem for his services as Emergency Manager. The Board appreciates Mike Thiem's cooperation regarding the combined position duties.

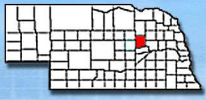
Motion made by Luettel, second by Schuele to recess said meeting at 12:10 P.M. to attend the Boone County Planning and Zoning Board meeting at 7:00 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to re-convene said Board of Commissioners meeting at 7:00 P.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board of Commissioners attended the Boone County Planning and Zoning Board meeting.

Chairman Tisthammer declared the meeting adjourned at 8:15 P.M. with the next Board meeting scheduled for January 31, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 31, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 31, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Dave Spiegel, County Sheriff, discussed the disposition of two patrol cars. The vehicles taking up space in the courthouse parking lot are a blue 1999 Ford with 135,450 miles and a white 2005 Ford with 131,530 miles, and neither car is currently used for law enforcement patrol. No action was taken at this time.

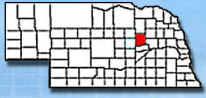
Motion made by Schuele, second by Tisthammer to approve the County Board Proceedings of January 24, 2011 as presented. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

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 Faith Lutheran Church of St. Edward submitted a request for assistance with the advertising of a fundraiser scheduled for March 26, 2011. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

No action was taken regarding revisions to a resolution concerning improvements within the fairgrounds area. The Board will discuss the Interlocal Agreement revisions at the February 28, 2011 Board meeting.

Dave Spiegel, Sheryl Machacek and the Board discussed the Communications/Emergency Manager combined duties position. Tim Hofbauer, Platte County Emergency Manager, was unable to attend due to inclement weather. Hofbauer rescheduled to meet with Spiegel, Machacek and the Board on February 14, 2011. No decisions or action was taken at this time.

Barb Hanson, County Zoning Administrator, discussed replacement of the zoning office telephone that is not working properly and also asked the Board for permission to purchase a second phone for the zoning office. The County Attorney asked Hanson to update the Board and discuss the protocol procedure regarding a court order violation of a conditional use permit.



# Boone County Board Minutes



The County Board conducted a quarterly visit of the county jail. It shall also be the duty of the County Board of each county of this state to visit the jail of its county once during each of its sessions in January, April, July and October of each year per Nebraska State Statute 47-109.

Open discussion and Miscellaneous Public Comments: Commissioner Tisthammer gave a report on the East Central District Health Department meeting he attended on January 27, 2011. The annual County Board Workshop is scheduled for February 9-11, 2011 in Kearney.

Chairman Tisthammer declared the meeting adjourned at 11:45 A.M., the next Board meeting is scheduled for February 14, 2011.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 14, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 14, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele and Ken Luettel. Commissioner Jerry L. Tisthammer was absent due to a family emergency. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Vice Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Dave Spiegel, County Sheriff, discussed the disposition of two patrol cars. The vehicles taking up space in the courthouse parking lot are a blue 1999 Ford with 135,450 miles and a white 2005 Ford with 131,530 miles, and neither car is currently used for law enforcement patrol. Motion made by Schuele, second by Luettel to allow the Board of Commissioners and county employees to use the cars for county related meetings and county work purposes. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Dave Spiegel, County Sheriff, discussed a quote for carpet installation. The new carpet installed during renovation in the courtroom has since been replaced at no cost to the county. The contractor left the originally installed carpet with the county and the Sheriff requests to use the carpet in the Law Enforcement Building. Motion made by Luettel, second by Schuele to approve the carpet removal and installation quote from John Johnson as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The chairs for the boardroom was tabled to the February 22, 2011 Board meeting.

The Board combined the duties of the Communications and Emergency Management positions into one full time position effective February 1, 2011. Due to the employee change, the appointment to the LEPC Board, County Safety Committee and Governing Regional Committee also needs to be changed. Motion made by Schuele, second by Luettel to appoint Sheryl Machacek as the Boone County Representative on the LEPC Board, County Safety Committee and Governing Regional Committee, replacing Michael Thiem effective retroactive to February 1, 2011. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Upon the completion of the renovation, it appears that a red duress (panic) pushbutton was not installed in the Veteran's Service office. The Board received two quotes from Accurate Controls, Inc. to install a panic button in said office. A quote for the pushbutton including separate wire, installation and material is \$6,725.00. A quote for the pushbutton only with local personnel installation and using the same wire connection as the office next to the Veteran's Service office is \$78.00. The Board discussed the situation with Sheriff Spiegel since the Sheriff's office monitors the lines. Motion made by Luettel, second by Schuele to authorize Rod Nelson, Maintenance to order and install the duress pushbutton for \$78.00 in the Veteran's Service office as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.



# Boone County Board Minutes



Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for January 2011: Clerk - \$7,573.25 (State of Nebraska - \$4,238.62/County of Boone - \$3,334.63); Clerk of the District Court - \$631.83 (State of Nebraska - \$365.00/County of Boone - \$266.83); Sheriff - \$1,151.24; Zoning & Planning - \$417.88; Treasurer's Fees - \$8.00; and Treasurer's Office Miscellaneous Receipt Nos. 10848-10927 - \$661,396.93. Total collected by County Treasurer was \$1,543,211.46. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

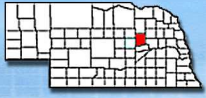
The revenue from the two percent county lodging tax that began in July 2006 is to be used to promote, encourage and attract visitors to come to the county and use the travel and tourism facilities within the county. The Nebraska Revised Statutes Section 81-1255 provides guidance for the County Visitors Promotion Fund and Visitors Committee. Boone County Visitors Committee consists of five members serving four-year terms expiring in January of the respective year. Motion by Schuele, second by Luettel to reappoint Walt Hoefer, Brian J. Yosten and Irene Dresch to the Boone County Visitors Committee to four-year terms expiring January 2015. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

One bid was received for gravel and no bids were received for culverts, grader blades and other materials as advertised in the Albion News. Motion made by Schuele, second by Luettel to reject the only bid and 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: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, Highway Superintendent, presented the 2010 annual written Highway Superintendent report for review by the Board. Motion made by Luettel, second by Schuele to accept and approve the 2010 annual Highway Superintendent written report as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

A designated Responsible Charge (RC) person is responsible for the project from planning through construction, with the express purpose of doing all things necessary for the project to remain eligible for federal aid project funding. A previously executed project program agreement for the Petersburg Northeast project asphalt overlay is in need of revisions. Kirkham Michael Associates are processing the revisions. The 80-20 expense for the required NDOR revisions is being negotiated. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-1 designating Darrel D. Thorin as Responsible Charge (RC) for NDOR Project Number STPE-2530(1) Petersburg Northeast as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board on the status of the job interviews to fill the vacancy in Road District #2. The Board and Thorin discussed the information that was provided at the County Board Workshop last week regarding a new idea "Money Exchange" for road improvement projects. Thorin explained the protocol of soft match funds for projects and the pro/con effects LB98, if passed, may have on road improvement projects. Thorin reported the County received \$28,406.00 to date from FEMA with regard to the 2010 flood damage. Thorin discussed several roads, bridge and equipment issues. Thorin updated the Board regarding the necessity of Interlocal Agreements for road maintenance upkeep when a portion of the road is involved within the city/village limits.



# Boone County Board Minutes



AmSan, a janitorial and cleaning product supplier is sponsoring training seminars regarding maintenance on March 9, 2011. Motion made by Luettel, second by Schuele granting approval for Rod Nelson to attend the training seminars as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

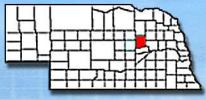
Motion made by Luettel, second by Schuele to approve the County Board and Board of Equalization proceedings of January 31, 2011 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Schuele, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$37,307.70; Road - \$143,828.49; County Visitors Promotion - \$870.50; Reappraisal - \$2,141.28; Boone Co Economic Development - \$640.57; 911 Emergency Management - \$4,893.80; Law Enforcement - \$38.50; Courthouse Building - \$97,226.24; Ambulance - \$2,704.68. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion: Sheriff Spiegel provided information regarding the NIRMA Assist program and an AED for the courthouse. Commissioners Schuele and Luettel briefly discussed information received from the Board Workshop held in Kearney last week and some legislative bills.

Vice Chairman Schuele declared the meeting adjourned at 1:20 P.M. with the next Board meeting scheduled for Tuesday, February 22, 2011.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 22, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 22, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

John Sorensen, Dianne Sindelar and Dean Hamling, members of the St. Edward City Council (Council) discussed zoning administration procedures with the Board, Shannon Landauer, Economic Development Director, and Abby Johnson, Zoning Assistant. The Council members are looking for more consistency and they feel the city has administrative weaknesses. The Board discussed the present Interlocal Agreements with Albion, Cedar Rapids and Petersburg. The Board felt it would be possible to enter into a similar Interlocal Agreement with St. Edward if they so choose. The Council plans to set up a meeting with Barb Hanson, Zoning Administrator, to discuss the differences of the County Zoning and City of St. Edward Zoning regulations.

Tim Hofbauer, Platte County/City of Columbus Emergency Manager, explained the duties required by State Law regarding an Emergency Manager position. Sheryl Machacek, Boone County Emergency Manager/Communications Director, Dave Spiegel, Sheriff, and the Board discussed the combined full time position with Hofbauer. The Emergency Manager coordinates the yearly update of the Local Emergency Operation Plan (LEOP) and the rewriting of the policy procedure every five years. The LEOP explains everyone's roll in the event of a disaster. Funding for programs and a portion of the county budget expenses is provided from federal funding that is passed to the state and then to the local level. The appointed Local Emergency Planning Committee (LEPC) assists with the writing of the plans. An Emergency Manager is a coordinator for training and policy procedures and a liaison between county and state when needed for disasters, not a first responder. Emergency Management Performance Grant (EMPG) is a 50% match for full time employee salary, expenses and equipment. Hofbauer suggested speaking with NEMA to further clarify the requirements of the position to qualify for the EMPG.

The Board held their monthly meeting with the officials, department heads, or employees. The 102<sup>nd</sup> Legislature has convened and introduced several bills with county impact. Several bills involve veterans, elections, revenue, budgets and state aid. The group briefly discussed some of the Legislative Bills. Commissioner Schuele has been in contact with Senator Sullivan regarding Legislative Bill 234, space maintained by counties for the Nebraska Department of Health and Human Services. Shannon Landauer, Economic Development, gave an update regarding projects and upcoming events. Sheriff Spiegel provided information regarding the NIRMA Assist program and an AED for the courthouse. The Nebraska Association of County Officials (NACO) is implementing a new wellness program. The Blue Cross Blue Shield county employee policyholder may participate in the new wellness program if they so choose. Commissioner Tisthammer acknowledged Barb Hanson as NACO Planning and Zoning Directors Vice-President and Jacqueline Wells as NACO Veteran Service Officers President and also an officer on several NE State Veterans Service Boards.





# Boone County Board Minutes



Matt Thieman, MIPS Programmer, demonstrated a new program designed for road department records. The Board and Darrel Thorin, County Highway Superintendent, discussed the program capabilities with Thieman. After the initial setup with the county road inventory, the program provides more efficiency for the annual reports that the Highway Superintendent must submit to the Nebraska Department of Roads (NDOR). The program information also provides a supply inventory, preventive maintenance, cost to operate each piece of equipment and signage maintenance. Therefore, the program provides more consistent information on forms submitted to NDOR vs. using the hand typed form where figures may be transposed.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of February 14, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board heard a general assistance request. Motion made by Schuele, second by Luettel to approve paying one month of the utility bill less the taxes and late payment fees. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed maintenance regarding roads, bridges, shop buildings and equipment with the Board. Thorin updated the Board regarding a new road employee planning to start on March 1, 2011.

Darrel Thorin, Highway Superintendent, asked the Board to consider training another employee as a Responsible Charge (RC) person. Thorin is appointed as the RC for three federal aid projects in 2011. If more than one of the construction projects is at the same time, he may need an assistant to cover one of the projects, due to the projects being at the opposite ends of the county. Motion made by Tisthammer, second by Schuele to authorize road employee Billy Frey to complete the training necessary for Responsible Charge (RC) person. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

A designated Responsible Charge (RC) person is responsible for the project from planning through construction, with the express purpose of doing all things necessary for the project to remain eligible for federal aid project funding. Motion made by Schuele, second by Luettel to approve as presented Resolution No. 2011-2 designating Darrel D. Thorin as Responsible Charge (RC) for NDOR Project Number ENH-6(5) Cedar Rapids Bridge Renovation. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

A Letter of Credit was issued on July 23, 2010 in favor of Boone County, Nebraska being the beneficiary. Letter of Credit applicant was Edison Mission Energy on behalf of Laredo Ridge Wind, LLC. The applicant contacted Darrel Thorin, County Highway Superintendent, requesting a cancellation of said Letter of Credit as all obligations have been met. Motion made by Tisthammer, second by Schuele to approve cancellation for the applicant Edison Mission Energy on behalf of Laredo Ridge Wind, LLC, of the Irrevocable Standby Letter of Credit No. L5LS-838419. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Abby Johnson, Zoning Office Assistant, updated the Board regarding Conditional Use Permits and the protocol the office is using to contact the entities involved.

The Board discussed the chair quotes for the boardroom. The preference was fabric over leather. Tisthammer will inquire about available fabric colors.



# Boone County Board Minutes



Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds with revision to employee payroll number seventy-three: General \$80,082.51, BCBS \$29,503.18, Ameritas Ret \$5,481.44, EFTPS \$6,053.62; Road \$40,132.75, BCBS \$17,326.58, Ameritas Ret \$2,708.97, EFTPS \$3,047.15; Boone County Economic Development \$4,506.33, BCBS \$1,390.48, Ameritas Ret \$304.18, EFTPS \$334.99; Law Enforcement \$5,819.00, BCBS \$2,608.30, Ameritas Ret \$450.97, EFTPS \$445.15; Ambulance \$2,147.50, Ameritas Ret \$113.24, EFTPS \$164.27; Public Defender Contract \$3,250.00; Boone County Fitness Center \$9,385.87, Ameritas Ret \$543.65, EFTPS \$718.00, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Commissioner Luettel gave a brief report on the Northeast Nebraska Juvenile Services meeting he attended. The Board acknowledges receiving a memorial donation from the family of Felica Landauer Houston to the Boone County Ambulance Service.

Chairman Tisthammer declared the meeting adjourned at 12:40 P.M. with the next Board meeting scheduled for February 28, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
FEBRUARY 28, 2011  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 28, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

David Noble, President of the Boone County Agricultural Society, Inc., and the Board discussed the revisions regarding County Resolution 2010-23/City Resolution 109(10) executed May 10, 2010. The Interlocal Agreement is between the City of Albion, County of Boone, Boone County Agricultural Society, Inc. and Boone County Historical Society, Inc., all political subdivisions of the State of Nebraska. There were concerns regarding liability insurance within the area of the City of Albion campground improvements. The revisions to the Interlocal Agreement address the liability insurance regarding bodily injury and property damage. Motion made by Schuele, second by Luettel to approve County Resolution No. 2011-04 revising the Interlocal Agreement Resolution No. 2010-23 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

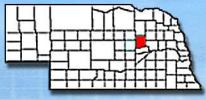
The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. Upon the approval of the funding, an acknowledgement must appear on the promotional materials to read: "Funded in Part by the Boone County Visitors Promotion 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 four requests for advertisement funding.

The American Legion Post #226 of St. Edward submitted a request for assistance with the advertising of a fundraiser scheduled for March 5, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Albion Area Arts Council submitted a request for assistance with the advertising of the Michael Fitzsimmons Concert scheduled for March 17, 2011. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Petersburg Volunteer Fire Department submitted a request for assistance with the advertising of the Petersburg Volunteer Fire Department Cruise Night and Dance scheduled for June 11, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Petersburg Volunteer Fire Department submitted a request for assistance with the advertising of the Petersburg Volunteer Fire Department Trail Ride scheduled for August 19, 20 and 21, 2011. Motion made by Tisthammer, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's



# Boone County Board Minutes



Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Donna Johnson, Independent Contractor, submitted an Agreement with regard to providing meals for the prisoner(s) held in the Boone County Jail. Donna Johnson has been providing meals for the prisoner(s) since April 2004. The Agreement is for a one-year period and provides that Johnson will receive the sum of \$22.00 a day for the first prisoner's meals and \$14.00 per day for each additional prisoner's meals. The Agreement is between the Boone County Board of Commissioners; Dave Spiegel, County Sheriff; and Donna Johnson, Independent Contractor. Motion made by Schuele, second by Luettel to approve the Agreement with Donna Johnson, Independent Contractor, to provide meals for the prisoner(s) effective March 1, 2011 and ending February 29, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The County of Boone used the Indirect Cost Allocation Services of Maximus, Inc. for several years. Wesley Ehlers, representing Sequoia Consulting Group presented to the Board information regarding Indirect Cost Allocation plans on January 24, 2011. The Board asked the County Attorney to review the present Maximus agreement and the proposed Sequoia agreement for comparison and as to legal form. The consulting group will provide indirect cost rates for quarterly claiming to the Nebraska Department of Health and Human Services Child Support Division to pass through federal funds for indirect costs relating to County Attorney and Clerk of the District Court child support enforcement programs. Sequoia's proposed agreement of recovered funds will be shared 60% by the County and 40% by the Consultant. The present agreement with Maximus is the County agrees to pay the Consultant one-half of the recovered funds. A letter of termination is to be forwarded to Maximus by certified mail. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign an Agreement for Indirect Cost Allocation Services with Sequoia Consulting Group as presented for fiscal years 2010, 2011 and 2012. Also, prepare a letter of termination to Maximus, Inc. regarding the agreement dated September 22, 2008. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented a Task Order Agreement for Federal Aid Project No. STPE-2532(1) Petersburg Northeast. The agreement is between the County of Boone and PB Americas, Inc., a consultant approved by the Nebraska Department of Roads. The project has been on the federal aid program since 1993. The project is scheduled for bid letting in May 2011 pending completion of an environmental study to fulfill the National Environmental Policy Act (NEPA) before project construction. The Nebraska Department of Roads selects the NEPA consultant. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign the Task Order Agreement for Project No. STPE-2532(1) as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed the minor issues following the insurance company safety inspections of the county road shops. The road crews are working to fix the issues in the next 90 days. Thorin has a conference call scheduled on March 1, 2011 with HDR regarding the Cedar Rapids Bridge Project. Thorin submitted an Interlocal Agreement to the City of Albion for review regarding the Sale Barn Road. Thorin discussed the possibility that the gravel truck drivers may have to take Mine Safety training each year for those entering the gravel pits.

Darrel Thorin, County Highway Superintendent, presented the 2011 One and Six Year Road Improvement Program for Boone County, Nebraska at the 10:00 A.M. public hearing. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2011-3 to adopt the 2011 One and Six Year Road Improvement





# Boone County Board Minutes



Program for Boone County, Nebraska as presented at the public hearing. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of February 22, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk, presented an Electronic Recording Approved Procedures Agreement. The Agreement is between SIMPLIFILE LC and Boone County Nebraska, Register of Deeds. There is no cost to the County to use the program. Nebraska State Statute legally authorizes the County to receive qualifying documents for filing/recording electronically. SIMPLIFILE LC facilitates the electronic filing/recording of documents with governmental entities. The organization submitting the document pays the fees. Motion made by Tisthammer, second by Schuele to authorize the County Clerk to sign an Electronic Recording Approved Procedures Agreement with SIMPLIFILE LC as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Kathy Thorberg, County Clerk, presented Agreements between the Nebraska Department of Health and Human Services and the Boone County Clerk. The 2011-2015 ERS II Agreement and Business Associate Agreement replace the existing software agreements. The agreements provide access to the ERS II program for completing electronic marriage licenses and transmitting data electronically to the State Department as required by Nebraska State Statute. Motion made by Schuele, second by Luettel to authorize the County Clerk to sign the ERS II Agreement and Business Associate Agreement as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed and discussed chairs for the boardroom. Leifeld Furniture of Albion submitted chair quotes. Motion made by Tisthammer, second by Luettel to approve the purchase of three Boss chairs for the boardroom at \$350.00 each as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: The Boone County Fair is scheduled for July 9-14, 2011. Ted Thieman expressed his concern with the sale of Nebraska Pork Partners to a large out-of-state producer. Thieman said the Board is the key to protection of the County and water supply for future generations. Thieman also expressed concerns for decommission plans, cleanup of confinement facilities that are abandoned and the monitoring of the conditions that are attached to Conditional Use Permits. Shannon Landauer, Economic Development, updated the Board regarding the Visitor's Promotion Committee meeting held on February 24, 2011. The Committee revised the application that organizations use to apply for advertisement reimbursement.

Chairman Tisthammer declared the meeting adjourned at 12:10 P.M., the next Board meeting is scheduled for March 14, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## **2011 ONE AND SIX YEAR ROAD IMPROVEMENT PROGRAM BOONE COUNTY, NEBRASKA**

### **PUBLIC HEARING PROCEEDINGS**

Jerry L. Tisthammer, Boone County Board of Commissioners Chairman, called for a motion to open a public hearing on Monday, February 28, 2011 at 10:00 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Schuele to open said public hearing. Commissioners present for said public hearing were Jerry L. Tisthammer, Tom Schuele and Ken Luettel. Darrel Thorin, Highway Superintendent, was present to answer the 2011 Road Improvement Program questions. Notice of the hearing given in advance by publication and the convened hearing was open to the public.

The public hearing is for the purpose of hearing testimony in favor of, or opposition to, and to answer questions in relation thereto the proposed 2011 One and Six Year Road Improvement Program for Boone County, Nebraska. The hearing is to remain open for one hour.

Darrel Thorin, Boone County Highway Superintendent, presented the 2011 One and Six Year Road Improvement Program for Boone County, Nebraska. Thorin acknowledged that the One Year Project Nos. 341 and 360 are for road reconstruction by Blattner Energy for the Third Planet Wind Farm project. The one-year road improvement plan consists of eleven projects and the six-year plan consists of sixteen projects. Thorin informed the Board that several projects were not on the plans due to reclassification as maintenance projects. Thorin discussed each of the projects with the Board and the public. Jim Dresch, Jerry Braun and Ron Braun were present to discuss water drainage problems on 110<sup>th</sup> Avenue. Thorin and the Board discussed the Project No. 336 at length, as it has been an issue since 1993. The three-mile project is on the six-year plan as one project and is in need of road and drainage reconstruction. Concerned citizens asked if it was possible to split the project into two or three projects in order to begin work on the water drainage problem. Thorin said the road department would try to do temporary repairs until the county can rebuild the road.

Attached hereto as part of the proceedings is a copy of the 2011 proposed projects one-year plan and the 2011 and beyond proposed projects for the six-year plan as presented by Boone County Highway Superintendent, Darrel Thorin.

Motion made by Luettel, second by Tisthammer to approve the 2011 One and Six Year Road Improvement Program for Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

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

Kathy Thorberg, County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MARCH 14, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 14, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Tisthammer called the meeting to order and Commissioners present for roll call were Ken Luettel, 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 Tisthammer acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

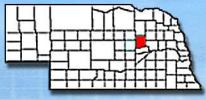
The Board discussed disposal of county surplus office and road equipment. The consensus of the Board is to offer the items first to the governmental entities within the county. The Board also discussed possible disposal during the City of Albion garage sales scheduled for May 14, 2011.

Dave Spiegel, Sheriff/911 Coordinator, submitted a GIS Data Maintenance Agreement between Boone County, Nebraska and GeoComm, Incorporated of Minnesota. GeoComm will provide Boone County with the following maintenance services: Digital Map Updates (wireline); Digital Map Updates (wireless); Master Street Address Guide (MSAG) and 9-1-1 Database Updates; and Address Updates. The GIS Data Maintenance Service is a five-year agreement with annual payments from May 1, 2011 through April 30, 2016. Motion made by Tisthammer, second by Schuele to approve and authorize Dave Spiegel to sign the GIS Data Maintenance Agreement as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

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 Schuele, second by Luettel to approve and authorize the Board Chairman to sign Resolution No. 2011-08, an Interlocal Agreement between the County of Boone and City of Albion Police Department as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator, discussed permits and zoning verification letters that the office has issued. Hanson presented a revised form for zoning permits for the Board to review. Hanson has been in contact with Dave Potter, JEO Consultant, regarding decommissioning regulations if there would be a need. DEQ has regulations to follow if there is a need for decommissioning livestock facilities and the regulations depend on the age of the facility. Hanson visited with the City of St. Edward with regard to the possibility of a zoning agreement between the County of Boone and City of St. Edward for zoning services.

Darrel Thorin, Highway Superintendent, updated the Board with regard to the meeting he attended on March 8, 2011 with Nebraska Department of Roads (NDOR) regarding the bridge project east of Primrose. The County has already invested \$36,400.00 in hydraulic studies for construction of a prototype bridge for the project east of Primrose and the hydraulic study indicated a need for a 50' bridge. Thorin may be able to apply for some federal funding for the project through the "Federal Highway Research Funding" program. Thorin discussed several equipment and maintenance issues. Thorin will meet today with FEMA/NEMA regarding the June 2010 flood damages. Thorin received a list of sixteen bridges that NDOR wants to close. The road crews are making the suggested upgrades/repairs. Thorin said the road crew would begin ten-hour days on April 4, 2011.



# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, submitted a LPA Program Agreement – STP Funds between Boone County and Nebraska Department of Roads (NDOR). The project program agreement is for NDOR Project Number STPE-2532(1) Petersburg Northeast. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-5 authorizing the Board Chairman to sign the LPA Program Agreement for NDOR Project Number STPE-2532(1) as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted an Interlocal Cooperation Agreement between Boone County and the City of Albion. The parties desire to provide for an economical and feasible method of financing, reconstructing, resurfacing and maintaining certain segments of highways, streets and roads common to the County and the City. There are nine segments of streets and roads described in the Interlocal Cooperation Agreement. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-6 authorizing the Board Chairman to sign the Interlocal Cooperation Agreement regarding County/City Common Roads as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Richard Dozler requested permission to trench an electrical line for irrigation purposes under a county road commonly known as 290<sup>th</sup> Street. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-07 granting permission to trench an electrical line from a pole located in the county road right-of-way south of 290<sup>th</sup> Street; thence North to an irrigation well located in the SE1/4 of 5-19-7, Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Shannon Landauer, Economic Development Director, updated the Board regarding the Visitor's Promotion Committee meeting held on February 24, 2011. The Committee revised the application that organizations use to apply for advertisement reimbursement. The revised application will be available online on the Boone County Economic Development website. Motion made by Luettel, second by Schuele to approve as presented the revised application that organizations use to apply for advertisement reimbursement effective April 1, 2011. Roll call vote: Yeas: Luettel, Schuele 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 Chamber of Commerce submitted a request for assistance with the advertising of the Albion Chamber Home, Farm and Garden Show scheduled for April 2, 2011. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for February 2011: Clerk - \$10,956.50 (State of Nebraska - \$7,211.96/County of Boone - \$3,744.54); Clerk of the District Court - \$1,163.56 (State of Nebraska - \$615.00/County of Boone - \$548.56); Sheriff - \$903.60; Zoning & Planning - \$297.64; Treasurer's Fees - \$12.00; and Treasurer's Office Miscellaneous Receipt Nos. 10928-11005 - \$385,026.70. Total collected by County Treasurer was \$766,330.18. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



The County received an email from Andy Devine, City of Albion Administrator, seeking interest levels of the School District and the County about purchasing the old fire hall in downtown Albion. The Board discussed the purchase/lease option of the old fire hall building and the maintenance issues regarding roof repair and water in the basement. The Board discussed several different options and the consensus was they might be interested in leasing space but not interested in owning the building at this time.

Motion made by Schuele, second by Luettel to approve the County Board and Public Hearing Proceedings of February 28, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board discussed the need for revisions to the Boone County Burial Policy dated October 11, 2005. The present policy does not address cremation services. The Board reviewed a March 2011 burial survey compiled by Wayne County. The Board acknowledged that the Boone County Burial Policy is already providing on the high end for a respectable Christian funeral service. The Board will further discuss revisions at a future meeting.

Motion made by Luettel, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$25,462.75; Road - \$113,618.39; County Visitor's Promotion - \$1,174.30; Reappraisal - \$346.55; Veteran's Aid - \$500.00; Boone Co Economic Development - \$1,204.44; 911 Emergency Management - \$1,262.37; Law Enforcement - \$300.00; Courthouse Building - \$1,543.95; Ambulance - \$3,617.33. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion: Sheryl Machacek completed the Emergency Manager course. Machacek is a certified Emergency Manager. Dave Spiegel and Sheryl Machacek discussed the additional address signs that are needed to complete the residential 9-1-1 signage addressing. Sheriff Spiegel suggested that the Board address a letter to inquire of the whereabouts of two inventory items unaccounted for with the change of Emergency Manager Directors. Sheriff Spiegel set up the AED training for courthouse employees with Amy Zaruba on Monday, March 21, 2011 at 10:00 A.M. and a second session to follow about 10:20 A.M. Joe Beckenhauer, Beckenhauer Construction, updated the Board with regard to the Courthouse renovation and on March 16, 2011, the electrical crews are to return for some minor repairs and walk through. Russell Stokes, Weed Superintendent, updated the Board with regard to information he received at the Grand Island and Kearney meetings. Stokes discussed LB597 and LB598 with regard to impact on the weed programs.

Chairman Tisthammer declared the meeting adjourned at 12:45 P.M. with the next Board meeting scheduled for March 21, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 21, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 21, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees. An automated external defibrillator (AED) is now located at the courthouse. Amy Zaruba, Paramedic, demonstrated how to use the new AED to the courthouse employees for use in a medical emergency. Sheryl Machacek, Emergency Manager, discussed various scheduled meetings and reminded the Board of the Local Emergency Planning Committee meeting scheduled for March 22, 2011 at 7:00 P.M. at the Albion Fire Hall. Jacqueline Wells, Veteran Service Officer, discussed various scheduled events involving Veterans. Commissioner Luettel updated the group with information from the Area Agency on Aging and Northeast Nebraska Juvenile Services Board meetings he attended. Commissioner Schuele updated the group with information from the County Officials Northeast meeting held March 18, 2011. Legislative Bill 234 addresses the building space that Department of Health and Human Services previously required in the county owned building. The Board is to contact NACO to negotiate allocated space for DHHS upon the passing of LB234, due to DHHS no longer having an office in the county. A reminder of the NACO Legislative Day scheduled for April 7, 2011 for anyone interested in attending.

Steve Pritchard, Boone-Nance Extension Educator, discussed temporary summer help for the Boone County Extension Office with the Board. Pritchard discussed temporary assistance for the office of 25 to 30 hours per week to help with the county fair preparation and activities. The Board and Pritchard discussed the minimum wage of \$7.25 per hour, with the hourly wage for the temporary help depending on the skill level. The Boone County Fair is July 9-14, 2011 and the Nance County Fair is July 10-13, 2011. Motion made by Luettel, second by Schuele to approve temporary summer help for the Boone County Extension Office of 25-30 hours per week from late May to the end of July, 2011. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of March 14, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Larry Rasmussen requested permission to trench an electrical line for irrigation purposes under a county road commonly known as 320<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-09 granting permission to trench an electrical line from a utility pole located in the county road right-of-way on the West side of 320<sup>th</sup> Avenue; thence East to an irrigation well located in the NW1/4 of 35-20-5, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



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Larry Rasmussen requested permission to trench an electrical line for irrigation purposes under a county road commonly known as 320<sup>th</sup> Avenue. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2011-10 granting permission to trench an electrical line from a utility pole located in the county road right-of-way on the West side of 320<sup>th</sup> Avenue; thence East to an irrigation well located in the S1/2SW1/4 of 23-20-5, Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Edmund Armatys requested permission to bore an electrical line for irrigation purposes under a county road commonly known as 390<sup>th</sup> Street. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-11 granting permission to bore an electrical line from a three phase utility pole located in the county road right-of-way on the North side of 390<sup>th</sup> Street; thence South to an irrigation well located in the NE1/4 of 34-18-8, Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Steve Swerczek requested permission to trench a three phase electrical line for a fertilizer mixer under a county road commonly known as 330<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-12 granting permission to trench a three phase electrical line from a Cornhusker Public Power utility pole located on the South side of 330<sup>th</sup> Street; thence North to a fertilizer mixer to be located on the N1/2N1/2NE1/4 of 31-19-7, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$78,174.65, BCBS \$29,503.18, Ameritas Ret \$5,333.99, EFTPS \$5,907.68; Road \$42,072.60, BCBS \$18,717.06, Ameritas Ret \$2,839.91, EFTPS \$3,195.55; Boone County Economic Development \$4,863.33, BCBS \$1,390.48, Ameritas Ret \$328.28, EFTPS \$362.31; Law Enforcement \$5,904.00, BCBS \$2,608.30, Ameritas Ret \$457.56, EFTPS \$451.65; Ambulance \$714.00, Ameritas Ret \$48.20, EFTPS \$54.61; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,504.13, Ameritas Ret \$274.33, EFTPS \$421.07, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: The Board discussed the various meetings scheduled for the week. Commissioner Tisthammer informed the Board that an invitation is extended by Nance County to Boone County regarding a meeting scheduled March 24, 2011 at 7:00 P.M. in Fullerton to discuss Emergency Manager services.

Chairman Tisthammer declared the meeting adjourned at 11:45 A.M. with the next Board meeting scheduled for March 28, 2011.

Kathy Thorberg, County Clerk



# ALBION, NEBRASKA

Barb Hanson, Zoning Administrator, submitted a report of old zoning records that the office needs to follow up on to see if they are completed. Hanson updated the Board with regard of the meeting with the St. Edward City Council and their interest in an Interlocal Agreement with the county for planning and zoning services. The City of St. Edward plans to administer their Property Maintenance program, but are interested in using the County Board of Adjustments Committee to replace the City Board of Adjustment Committee. City of St. Edward is looking for someone to follow through with the zoning regulations and enforcement of the zoning regulations. Hanson administers the City of Albion Property Maintenance program. Hanson requested the





# Boone County Board Minutes



Board to look at her wages the next budget year. The Board informed Hanson that the proper procedure is for her to keep track of her time that exceeds the 40-hour workweek.

Darrel Thorin, Highway Superintendent, discussed bridge and federal aid projects with the Board. NDOR has accepted the revisions for the Prototype Girder Bridge to be located East of Primrose. The project is now in the hands of the Federal Highway for review and approval. The Cedar River Bridge project is submitted for review, with the next step being the negotiations for project construction. The NDOR Project Number STPE-2532(1) Petersburg Northeast bid letting is set for May with a completion projection for fall of 2011. Boone and Nance Counties have an agreement that Nance County will pay \$50.00 per hour to Boone County for Darrel Thorin RC services for their federal aid project. The scheduled sixty-five day Nance County project includes some Saturdays and late evenings. The Board feels Thorin needs compensation for those extra hours from the agreement funds paid by Nance County. Thorin briefly discussed the hydraulic studies regarding drainage improvements that Kirkham Michael Associates completed. The Board and Thorin discussed road maintenance using bonnell drags, a new designed roadrunner drag and a new packing idea with a leased roller packer trial in Road Dist. #3.

Jerry Carder, the Board and Thorin discussed drainage problems on 250<sup>th</sup> Avenue south of State Highway 56. Carder said that a bridge was removed, then the county filled in the road base like a low water crossing and dug the road ditch out for water flow to Plum Creek. Carder said this started to take place when the same individual owned the real estate on both sides of the road. Today different individuals own the real estate and the water runs over the road and backs up on Carder's land. Thorin said that one is not suppose to change a natural drainage channel. A drainage study completed by Kirkham Michael Associates provided four options regarding the drainage problem on 250<sup>th</sup> Avenue. The culvert options will not eliminate water over the road or flooding of the land. A concrete box culvert placed under the road may help restore the original channel for water drainage. The NDOR did not receive notification of the bridge removal, as the bridge still appears on the state inventory records. Thorin plans to meet with the other property owners to discuss the drainage issue. The drainage problems on 250<sup>th</sup> Avenue need to be placed on the 2012 One Year Road Improvement Program.

Motion made by Schuele, second by Luettel to approve the County Board and Board of Equalization Proceedings of March 21, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Safety Committee members Sheryl Machacek, Rod Nelson, Dave Spiegel, Margarita Valencia for Jacqueline Wells and Commissioners Luettel, Schuele and Tisthammer held a meeting at 1:00 P.M. to discuss routine business. The Safety Committee elected Rod Nelson as chairperson and re-elected Laurie Krohn to secretary position. The Safety Committee reviewed the NIRMA Work Comp Claims and submitted their findings. The next safety meeting is scheduled for Wednesday, June 1, 2011.

Open discussion and Miscellaneous Public Comments: The Board discussed the upcoming NACO Counties Legislative Day on April 7, 2011, NIRMA's Employment Practice Seminars in April and the Board of Equalization Workshop scheduled for May 26, 2011. The Board discussed the surplus inventory and viewed the items at the storage locations. The Board and Shannon Landauer, Economic Development Director, discussed the part-time economic office vacancy position and the Visitor's Committee funding.

Chairman Tisthammer declared the meeting adjourned at 1:30 P.M., the next Board meeting is scheduled for April 11, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 11, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 11, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

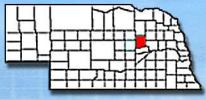
Steve Boyer, Third Planet Windpower representative, updated the Board regarding the location of the 27 wind generation towers to be built east of Petersburg. Darrel Thorin, Highway Superintendent, has signed the roads agreement and Barb Hanson, Zoning Administrator, said the wind tower permits are ready. The components for the 27 wind towers have all arrived to the storage site. Blattner Construction plans to begin the road construction this month starting at 290<sup>th</sup> Avenue; working west to 250<sup>th</sup> Avenue; and includes a portion of 130<sup>th</sup> Street. Weather permitting; they plan to have the construction staging area ready by early May. After completion of the wind farm GE may employ employee personnel of three to seven in the area. Third Planet presently maintains an office in Petersburg, but the staff will relocate to the wind farm staging area during construction. Location of the operations and maintenance building after completion of construction depends heavily on the fiber optic cables that need to be connected from each wind tower to the building facility, of which the location is yet to be determined.

The Board received a written resignation from Audra Borer, Economic Development part time employee. Motion made by Tisthammer, second by Schuele to accept Audra Borer's resignation effective March 31, 2011 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board regarding the Prototype Girder Bridge to be located east of Primrose. Thorin received information that the NDOR Project Number STPE-2532(1) Petersburg Northeast asphalt overlay may be delayed due to the required environmental study. Thorin discussed a resolution recommendation from NIRMA regarding obstruction to county roads. Thorin presented a draft of an "Official Notice" form. The "Official Notice" form is for notifying landowners of violations with regard to pivots watering county roads, obstruction of county roads and right-of-ways. Thorin will prepare the forms for approval at a future Board meeting. The Board and Thorin discussed road maintenance, fuel costs, bridge repairs, road classifications, office computer with more memory and the FEMA funds received regarding the 2010 flooding.

Dennis Bauer, on behalf of Bauer Brothers LLC, requested permission to trench an electrical cable for irrigation purposes under and across a county road commonly known as 300<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-14 granting permission to trench an electrical cable from a utility pole located on the North side of 300<sup>th</sup> Street; thence South to an irrigation well located in the NW1/4 of Section 16, Township 19 North, Range 7 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Jim Lightner, PrairieLand RC&D, was unable to attend the meeting and will reschedule.



# Boone County Board Minutes



Joe Beckenhauer, Beckenhauer Construction, updated the Board with regard to the courthouse renovation. Beckenhauer presented a proposed renovation change order regarding the installation of a separate heat/cool unit for temperature control in the computer room. The separate heat/cool unit in the computer room will allow better temperature control in the offices on the north side of the courthouse. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Contract Change Order Request No. 13 in order to solve the temperature control issue as presented. Roll call vote: Yeas: Schuele, Luettel 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 three requests for advertisement funding.

The Beaver Valley Senior Center submitted a request for assistance with the advertising of the annual Memorial Day Luncheon scheduled for May 30, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Petersburg Community Club submitted a request for assistance with the advertising of the annual Petersburg Carnival Days scheduled for June 21, 22, and 23, 2011. Motion made by Tisthammer, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Andy Devine, on behalf of the City of Albion, submitted a request for assistance with the advertising of a Community Fireworks Display at the fairgrounds scheduled for Friday, July 1, 2011. 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 Luettel. Nays: None. Motion carried.

The Nebraska State Statute 28-1439.03 requires the continuation of a County Drug Law Enforcement and Education Fund Board. The Boone County Drug Enforcement Board needs to have its membership terms updated. Board members are the Boone County Attorney, Tim Stopak, Dave Spiegel and Brent Lipker. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-15 the Boone County Drug Law Enforcement and Education Fund Board as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: none. Motion carried.

A regular Board of Commissioners meeting is scheduled for May 31, 2011. The Board of Commissioners by State Statute convenes as the Board of Equalization on June 1, 2011. Therefore, the Board decided to convene the Board of Equalization and hold a regular Board of Commissioners meeting on Wednesday, June 1, 2011. Motion made by Tisthammer, second by Schuele to change the Board of Commissioners meeting from May 31, 2011 to Wednesday, June 1, 2011. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of March 28, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Schuele, second by Tisthammer to approve the following reports of the County Officials as presented for March 2011: Clerk - \$33,752.50 (State of Nebraska - \$23,333.42/County of Boone - \$10,419.08); Clerk of the District Court - \$783.69 (State of Nebraska - \$362.00/County of Boone - \$421.69); Sheriff - \$4,597.22; Zoning & Planning - \$1,359.12; Treasurer's Fees - \$288.00; and Treasurer's Office Miscellaneous Receipt Nos. 11006-11090 - \$269,274.44. Total collected by County Treasurer was \$1,219,059.75. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Commissioner Schuele met with a representative from Nebraska Department of Health and Human Services (DHHS) on Friday, April 8, 2011 with regard to the space they occupied in the County Annex building formerly known as Source Gas. DHHS no longer has an office located in Boone County since November 2010. LB234 addresses the language and space previously required by DHHS, which allows the entities that no longer have a local office to utilize the vacated space. If DHHS needs to meet a client in Boone County, the space requirement for privacy needs to have a desk, two chairs and internet availability. The Board discussed the possibility of moving one of the offices located in the courthouse to the County Annex building and set the front portion of the building up for meetings. Schuele said the objective is to best utilize the County Annex building. No decision was made at this time.

The Board discussed the disposal of county surplus. The Board addressed the possible disposal of county surplus on Saturday, May 14, 2011, in conjunction with the Albion City wide garage sales.

Doug Young, on behalf of Cornerstone Bank, Schalk Auto and Albion Thriftyway, discussed a car show with the Board. Young asked the Board for permission to use the courthouse north parking lot to set up a DJ and display of motorcycles for the car show scheduled for June 18, 2011 from 9:00 A.M. to 2:00 P.M. Young informed the Board that there is liability coverage and that the funds received from the car show support the Community Firework Display scheduled for July 1, 2011. Motion made by Luettel, second by Tisthammer to approve the use of the courthouse north parking lot for the Smoke n Chrome Car Show & Shine scheduled for June 18, 2011 from 9:00 A.M. to 2:00 P.M. as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. 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 with the exception of \$59.67 being a partial rejection of vendor claim number 759 for mileage reimbursement. The following amounts were approved from the various funds: General - \$29,552.73; Road - \$177,974.68; Reappraisal - \$736.92; Boone Co Economic Development - \$3,858.61; 911 Emergency Management - \$1,011.30; Law Enforcement - \$311.53; Ambulance - \$1,210.31. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Commissioners Schuele and Luettel plan to attend NIRMA's Employment Practice Seminar on April 15, 2011 and the Board of Equalization Workshop scheduled for May 26, 2011. The Board reviewed the County's loss reports from NIRMA for the quarter ending March 31, 2011 with regard to Worker's Compensation.

Chairman Tisthammer declared the meeting adjourned at 12:55 P.M., the next Board meeting is scheduled for April 18, 2011.



# Boone County Board Minutes



Kathy Thorberg, County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, April 11, 2011 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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, Ken Luettel and Jerry L. Tisthammer. Applicant Shawn Novacek and Barb Hanson, County Zoning Administrator, was present to answer any questions. Chairman Tisthammer acknowledged the notice for the record.

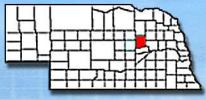
The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Shawn and Lara Novacek. Shawn and Lara Novacek are the property owners of the real estate referenced herein. The Boone County Planning Commission and Board of Commissioners advanced hearing publications refer to 11± acre tract to be divided from farm ground. The boundary survey dated March 21, 2011 divides 9.07± acres from the farm for the farmstead/building site. The application request is to divide the farmstead/building site comprised of 9.07± acres from farm ground located in a fraction of the W1/2SW1/4 of Section 11, Township 19 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Shawn Novacek explained to the Board that they own the 80 acres of real estate and are splitting off the farmstead/building site comprised of 9.07± acres to be used as a personal residence and plan to sell the farm ground. Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request with conditions. Hanson informed the Board that Novacek met the conditions set forth by the County Planning Commission. Cheryl Stevenson Pilkington, Real Estate Broker, said the boundary survey is completed and she will provide Hanson with a copy.

Motion made by Schuele, second by Luettel to close said hearing at 9:05 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve as presented the Application for Conditional Use Permit submitted by Shawn and Lara Novacek. The approval is to divide the existing farmstead/building site comprised of 9.07± acres for personal residence from farm ground located in a fraction of the W1/2SW1/4 of Section 11, Township 19 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 18, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 18, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Jill Anding, Albion Chamber representative, discussed the City of Albion ordinances with the Board. The Chamber scheduled a Rhythm 'n Ribs event from 8:00 A.M. on Saturday, August 27, 2011 through 1:00 A.M. on August 28, 2011. Some downtown area streets will be closed for the event and the event committee needs to obtain business/residential signatures for approval of the event within a 300-foot radius. Anding asked permission of the Board for the Rhythm 'n Ribs event to be held on Saturday, August 27, 2011 from 8:00 A.M. through 1:00 A.M. on August 28, 2011. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the agreement for the Rhythm'n Ribs event as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Tom Mangus, Sentinel Building Systems representative, discussed the City of Albion zoning ordinance with the Board. Sentinel is requesting permission to install a bicycle rack for their employees in front of the Sentinel building. County of Boone is owner of the former SourceGas building north of Sentinel. The neighboring owner needs to approve an agreement for the installation of the bicycle rack. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the agreement for the neighboring business installation of a bicycle rack as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to accept and approve the Boone County Sheriff's 2011 first quarter report. Roll call vote: Yeas: Luettel, Schuele 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 advertisement funding. The Albion Area Arts Council submitted a request for assistance with advertising the Missoula Children's Theatre scheduled for June 20-25, 2011. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board and Public Hearing Proceedings of April 11, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



The Board held their monthly meeting with the officials, department heads, or employees. Commonwealth Electric is present today to complete the lighting and outlet portion of the renovation project. Plans are to move the county surplus items to one location, the former Albion Fire Hall building for disposal during the May 14, 2011 Albion City wide garage sales. County offices were encouraged to view the surplus items for their office use vs. purchasing new. The Board requested Rod Nelson, Maintenance, to work with Jarecki Lawncare regarding sowing new grass and Schrad's KLawn regarding fertilizing the existing grass during the 2011 calendar year. Steve Pritchard, Extension Educator, visited with four of the five NE delegates in Washington DC earlier this month. Pritchard felt that the hearings he sat in on proposed several cuts towards agricultural related funding. He felt it is not going to be good for agricultural related states. A new jailer/dispatcher will start at the Sheriff's office on May 1, 2011. Jacqueline Wells, Veteran Service Officer, gave a report regarding the schooling she attended last week. Commissioners Luettel and Schuele gave a report regarding the NIRMA personnel system seminar they attended on April 15, 2011. Schuele updated everyone regarding a meeting with DHHS representative on April 8, 2011, LB234 space requirement change for DHHS, and the County being able to utilize the Annex building due to DHHS no longer having an office in the county. The two-hour parking sign needs to be replaced in the west parking lot and be honored by employees. Employees at the Board meeting received information regarding the 2011 NACO Walk for Your Life Challenge and the BCBS National Walk @Lunch Day on Wednesday, April 27, 2011.

The Board of Commissioners received a letter from the City of St. Edward regarding the consideration of entering into an Interlocal Agreement with Boone County Zoning Administration. Boone County would administer the City of St. Edward's zoning/building permits and additionally, the City would utilize the services of the County Board of Adjustment. The City of St. Edward inquired if they would also have the same monthly rate of \$100.00 and asked the Board to draft a proposed agreement so that the City Council can study this proposal in depth. In discussion, the County Board and Barb Hanson, Zoning Administrator, indicated that St. Edward is in a flood plain and it is not known what extra work would be involved with zoning regulations. At this point of time, the Zoning Administrator feels she would not be able to provide adequate justice to all entities with additional increased workload. Motion made by Schuele, second by Luettel to delay drafting an Interlocal Agreement with the City of St. Edward until the 2011-2012 budgets are prepared and the Board needs to address staffing of the Zoning Office before approving an increased workload for the office. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Chuck Rolf, Boone County Agricultural Society representative, asked the Board for permission for a Special Designated License (SDL) to serve alcohol at the Boone County Fair from July 9-13, 2011. The SDL is for the grandstand and underneath the grandstand. Rolf will prepare the necessary papers for the SDL request. Motion made by Luettel, second by Tisthammer to approve the Special Designated License for the Boone County Fair from July 9-13, 2011 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Jim Lightner, PrairieLand RC&D representative, updated the Board with regard to the PrairieLand RC&D projects and dissolution. The federal cuts included funding to Resource Conservation and Development (RC&D) Councils. Al Mittan will be reassigned duties in Norfolk through the USDA's reassignment program. The Natural Resources Conservation Service will absorb the present contracted projects from the PrairieLand RC&D Council. The PrairieLand RC&D Council plan to meet April 19, 2011 to make dissolution decisions.



# Boone County Board Minutes



Darrel Thorin, County Highway Superintendent, updated the Board with information regarding requirements and mandates from the bridge conference he attended last week. Thorin discussed the proposed 'Purchase Program' regarding funding for bridge and road projects. Thorin further discussed a computer system for the Highway Superintendent office. Thorin received a quote from Applied Connective Technologies. Purchasing locally allows for maintenance and troubleshooting accessibility. Motion made by Tisthammer, second by Schuele to approve the purchase of a Dell computer system for the County Highway Superintendent as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County purchased the main computer system and printer in 1999. The hardware maintenance contract expired in 2005. The computer system, especially the printer is showing wear. The quote for the computer system is from MIPS through the Associated Computer Systems, Ltd located in Des Moines, Iowa. The new computer equipment installation is scheduled after the additional renovation change order is completed in the computer room. Motion made by Schuele, second by Luettel to approve the purchase of the IBM System 9202-E4B with a three year maintenance agreement for \$16,143.91 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Anji Knuth, Fitness Center Manager, visited briefly with the Board. Dave Primrose visited with the Board and Darrel Thorin with regard to a drainage issue flooding approximately 10 acres of his field. Primrose said he is willing to help and compensate the County for what it takes to lower the culvert and clean the ditch. Rick Fangman and Jerry Niewohner discussed with the Board concerns about the timeline for zoning hearings and permit issuance. Ted Thieman expressed to the Board his feeling that zoning regulations and enforcement is the most important position in the county. Ted Thieman said the Zoning Comprehensive Plan is written for the health and welfare of the county and by enforcing the zoning plans, the Board protects the environment and quality of life for the future of the County. Ted Thieman said one cannot protect who purchases the real estate or consolidation of business operators, but the Board can enforce the County resources through zoning regulations and enforcement. Ted Thieman thanked the Board for listening to his zoning opinion, and for the support for PrairieLand RC&D the past years.

Chairman Tisthammer declared the meeting adjourned at 11:45 A.M. with the next Board meeting scheduled for April 25, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 25, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 25, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

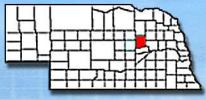
Chairman Tisthammer called the meeting to order and Commissioners present for roll call were Ken Luettel, Jerry L. Tisthammer and Tom Schuele. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Tisthammer acknowledged the agenda and noted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

Barb Hanson, County Zoning Administrator/Albion City Code Official, discussed her report with the Board regarding permits issued and material that the Planning and Zoning Commission Board may consider. Hanson and the Board discussed her time spent dealing with complaints and inquiries from the public. The consensus of the Board is that Hanson will only investigate formal written complaints in the future. Hanson needs to schedule a Zoning Board of Adjustments meeting to review several non-compliance permits.

Darrel Thorin, Highway Superintendent, updated the Board with regard to LB84 and a Federal Funds Purchase Program. A meeting is scheduled in Norfolk on May 4, 2011 to discuss the proposed Federal Funds Purchase Program with regard to road construction projects. Thorin and the Board discussed safety issues with regard to road maintenance. Public drivers need to have patience and respect for the road crews while they are maintaining or spreading gravel onto the roads. A gravel truck spreads the gravel down the center of the county road. The daily average gravel transport is six to ten loads, depending on where the gravel is hauled from and a good day of applying gravel may complete six miles.

Thorin and the Board discussed reclaiming the County Road right-of-way(s) at previous Board meetings. Nebraska Revised Statute Sections 39-301 to 39-304 prohibits anyone from injuring or obstructing a public road or bridge. Section 39-302 provides that any sprinkler system which due to location or design, diverts, or is capable of diverting water onto or across a public road, shall be equipped with a device to automatically shut off the end gun. Section 39-301 allows for any officer in charge of road work, having given reasonable notice to the owner(s) of the obstruction or person(s) obstructing such road, may remove any obstruction and repair any damage caused by the owner(s), or person(s) and recover the necessary cost required to remove the obstruction or repair such road. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-16 adopting a Boone County Form C6-1, a standard form for the notification to anyone who injures or obstructs any County Road or diverts water onto or across a County Road as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable for irrigation purposes under a county road commonly known as 300<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-17 granting permission to bury an electrical cable underground in the roadway in a North-South direction from a pole located in Section 14, Township 19 North, Range 7 West trenching across 300<sup>th</sup> Street to an irrigation well service for Ray Sueper located in Section 11, Township 19 North, Range 7 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Boone County Ambulance Service submitted one uncollectible ambulance account. The recommendation for the November 2010 of \$147.18 ambulance service is to turn the file over to the County Attorney to attempt further collection. Motion made by Luettel, second by Schuele to write off the uncollectible ambulance account for \$147.18 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of April 18, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$78,427.17, BCBS \$29,503.18, Ameritas Ret \$5,332.55, EFTPS \$5,927.00; Road \$43,953.28, BCBS \$18,717.06, Ameritas Ret \$2,849.80, EFTPS \$3,339.41; Boone County Economic Development \$3,333.33, BCBS \$1,390.48, Ameritas Ret \$225.00, EFTPS \$245.26; Law Enforcement \$5,904.00, BCBS \$2,608.30, Ameritas Ret \$457.56, EFTPS \$451.65; Ambulance \$1,245.00, Ameritas Ret \$55.36, EFTPS \$95.23; Public Defender Contract \$3,250.00; Boone County Fitness Center \$6,064.17, Ameritas Ret \$300.04, EFTPS \$463.89, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The County Board conducted its quarterly visit of the county jail. It shall also be the duty of the County Board of each county of this state to visit the jail of its county once during each of its sessions in January, April, July and October of each year per Nebraska State Statute 47-109.

Motion made by Schuele, second by Luettel to go into an executive session at 11:17 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, Luettel and Tisthammer. Nays: None. Motion carried. The Board discussed evaluation of an office. Motion made by Luettel, second by Schuele to come out of executive session at 1:21 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Open discussion: Shannon Landauer, Economic Development, asked the Board if there was a possibility of using the County Annex Building for the June Entrepreneur Camp. The Board discussed the various meetings scheduled for the week.

Chairman Tisthammer declared the meeting adjourned at 1:25 P.M. with the next Board meeting scheduled for May 9, 2011.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, April 25, 2011 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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, Ken Luettel and Jerry L. Tisthammer. Barb Hanson, County Zoning Administrator, was present to answer any questions. Chairman Tisthammer acknowledged 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 Donald Beierman. Donald Beierman is the property owner of the real estate referenced herein. The application request is to divide 1.23± acres from farm ground to operate a seed sales business located in a fraction of the SW1/4 of Section 2, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Jeannette Simons was present to affirm she sold the ground to Donald Beierman. Barb Hanson explained to the Board that Beierman owns the real estate adjacent to the 1.23± acres. The bulk bins and seed treatment equipment are on site and Beierman wants to put up a building to enclose the seed treatment equipment. The County Planning Commission questioned why such a business requires a Conditional Use Permit. When Hanson checked through the regulations, she found that a feed and seed sales business requires a Conditional Use Permit within the county zoning regulations manual. Hanson said the County Planning Commission feels the feed and seed sales business needs addressing in the county zoning regulations manual. Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request.

Motion made by Schuele, second by Luettel to close said hearing at 9:06 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by Don Beierman. The approval is to divide 1.23± acres from farm ground to operate a seed sales business located in a fraction of the SW1/4 of Section 2, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 9, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 9, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Vic Lee, CEO for Boone County Health Center, discussed with the Board the Elgin Veteran Medical Clinic located in Elgin, Nebraska. The clinic in Elgin is an outpatient department of the Boone County Health Center (BCHC). The Veterans Club organization in Elgin has dissolved and offered the real estate to the Boone County Health Center. The plan at this time is to demolish the present rented facility and build a new building for the Medical Clinic in the same location. Lee will work with LeRoy Kerkman of Elgin with regard to the protocol procedure for the real estate transfer.

Steve Pritchard, Boone-Nance Extension Educator, discussed with the Board the replacement of the office lap top computer. The University has signed five-year warranty/leases regarding computer equipment. The new Dell lap top computer lease payment is split with the UNL share being \$750.00; Nance County share being 39% and Boone County share being 61%. Motion made by Schuele, second by Luettel to approve the Boone County share of \$1,086.00 for the replacement of the Boone-Nance Extension Educator's lap top computer as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Brent Lipker on behalf of the Albion Baseball organization discussed with the Board a cabinet that is on the county surplus inventory. The cabinet discussed is for storage use at the sports complex. The consensus of the Board was to donate a cabinet for storage to the baseball organization.

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 Cedar Rapids Community Club submitted a request for assistance with the advertising of the annual Cedar Rapids Community Picnic event scheduled for June 25, 2011. 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 Luettel. Nays: None. Motion carried.

The Board discussed the policy revisions regarding the 2011-2012 NACO BCBS dental program. The Board will discuss the two dental program options at the May 16, 2011 Board meeting when they meet with the employees, officials or department heads.



# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, updated the Board with a handout and short review of the Federal Funds Purchase Program. Thorin attended an informational meeting regarding the Federal Funds Purchase Program on May 4, 2011. Federal transportation funds are made available to Nebraska Department of Roads (NDOR) through the Federal Highway Administration. NDOR will purchase certain federal funds, which have traditionally been made available to the Local Public Agencies (LPAs). NDOR will enter into an agreement with the LPA to purchase its federal funds. The state will purchase each dollar of federal funds with eighty cents of state cash. The LPA uses the state funds for local transportation projects, with minimal oversight. The Federal Funds Purchase Program has its benefits and unanswered questions involving the effect on the road-operating budget. The first signed agreement is for four years and then on a yearly basis thereafter, with the first available funds being March 1, 2014. The Board and Thorin discussed the NDOR Project Number STPE-2532(1) Petersburg Northeast asphalt overlay that may be delayed until 2012 due to a required environmental study.

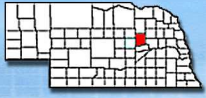
Fred Bader, Bader's Highway & Street of Norfolk, Nebraska, was present to discuss an estimate quote for crack sealing. The estimate for sealing only new cracks on 255<sup>th</sup> Avenue north five miles is \$7,659.00 and Old Mill Road west is \$3,100.00. The estimate for sealing cracks, spider cracks and repair potholes at Bader's discretion for four asphalt areas in the county is \$12,631.00. Bader's will blow out all cracks, clean, seal and squeegee all areas. Motion made by Tisthammer, second by Luettel to approve the crack sealing quotes as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Barb Hanson, County Zoning Administrator/Albion City Code Official, discussed zoning administrative services. Hanson has been in contact with Dave Potter, JEO Consultant, regarding a zoning assistant position. Potter indicated you could not have two zoning administrators doing separate office duties. Hanson indicated that the City of St. Edward is still interested in contracting zoning administrative services. Hanson and the Board discussed hours for an assistant within the zoning office. Ted Thieman expressed his feeling that zoning regulations and enforcement is the most important position in the county. Hanson will ask the City of Albion to attend a future Board meeting to discuss the Albion City Code Official duties and the Zoning Interlocal Agreement.

The Board received a written resignation from part time zoning office employee, Abby Johnson, with an effective date of June 7, 2011. Johnson enjoyed working the twenty-four hours per week, but feels she cannot fulfill the suggested working hours of thirty-two per week. Johnson thanked the Board for the work opportunity and experience. Motion made by Tisthammer, second by Schuele to accept the written resignation of Abigail Johnson effective June 7, 2011. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for April 2011: Clerk - \$6,089.25 (State of Nebraska - \$3,482.60/County of Boone - \$2,606.65; Clerk of the District Court - \$1,808.11 (State of Nebraska - \$1,038.00/County of Boone - \$770.11); Sheriff - \$999.18; Zoning & Planning - \$7,436.05; Treasurer's Fees - \$10.00; and Treasurer's Office Miscellaneous Receipt Nos. 11091-11187 - \$809,479.33. Total collected by County Treasurer was \$6,043,285.10. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board, Board of Equalization and Public Hearing Proceedings of April 25, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Luettel, 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 \$300.00 and vendor claim number 986 for \$300.00, are to be paid with the June payroll per handbook policy. The following amounts were approved from the various funds: General - \$91,993.33; Road - \$113,555.68; County Visitor's Promotion - \$300.00; Reappraisal - \$1,180.80; Boone Co Economic Development - \$1,433.21; 911 Emergency Management (2910) - \$3,288.58; 911 Wireless Services (2913) - \$3,638.25; Ambulance - \$1,927.97. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: The Board discussed disposal of the county surplus office equipment and various items on May 14, 2011. The items will be located in the old Albion Fire Hall. Ted Thieman discussed the Nebraska Department of Roads (NDOR) asphalt project for State Highway 14 between Albion and Petersburg. Thieman shared information regarding his conversation with NDOR. Thieman drafted a letter in support of keeping the turnout on the highway near the abandoned cemetery on the west side of State Highway 14. The Board discussed fixing and refinishing the jury room table from the old courthouse. The consensus of the Board is to have it fixed and refinished.

Chairman Tisthammer declared the meeting adjourned at 12:20 P.M. with the next Board meeting scheduled for May 16, 2011.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 16, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 16, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Tisthammer called the meeting to order and Commissioners present for roll call were Ken Luettel, Tom Schuele and Jerry L. Tisthammer. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Tisthammer acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. Chairman Tisthammer 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 Board reported that the county surplus garage sale held on May 14, 2011 went well with very few items left for disposal. The Board asked that excess county inventory be kept minimal and visit with another office when in need of office furnishings before asking the Board for a new purchase. MIPS is installing the new main county computer (AS400) today. Shannon Landauer, Economic Development, reported that eighteen youth signed up for the June Entrepreneur Camp and the new part time employee in the Economic office is Megan Zoucha. Michelle Prothman will be the summer help in the Boone County Extension office. The group received information and discussed the NACO BCBS dental coverage changes. The updated NIRMA Personnel Manual has arrived, therefore the County Employee Manual needs updating. The present postage machine lease expires in June 2011.

Andy Devine, Albion City Administrator, Barb Hanson, County Zoning/Albion City Code Official, and the Board discussed zoning administration and the agreement with the City of Albion. The Board discussed staffing the zoning office by increasing the part time hours to 32 per week effective July 1, 2011 for budgeting purposes. At this point of time, the Zoning Administrator feels the City of Albion is not receiving a fair share of the office time. The Albion City property maintenance program appears complex and time consuming. Devine will look into ideas regarding the city property maintenance program.

Vic Lee, Boone County Health Center CEO, informed the Board that terms would expire at the end of June for two Boone County Health Center Board of Trustee members. A replacement is needed for Janice Rasmussen who will complete her second term. Richard Stephens completes his first term and is eligible for re-appointment. The Board will place an ad in the local newspapers to accept applications from interested persons in Boone County to serve on the Boone County Health Center Board of Trustees. The appointment is for a six-year term effective July 1, 2011 with the application deadline at noon on Tuesday, May 31, 2011.

The Board discussed Nebraska State Statutes 32-524 and 22-417 with the Clerk of the District Court personnel. Counties may consolidate the Clerk of District Court office with the County Clerk office in counties having a population of less than seven thousand inhabitants. The consolidation proposal would be decided by a vote of the people in 2012 and the outcome would be effective in 2015. The Board and District Court personnel briefly discussed LB669 regarding the Clerk of the District Court and County Court providing assistance in each other's absence.



# Boone County Board Minutes



The Board discussed the information received from NACO/BCBSNE. The health insurance premium rates will increase seven percent on July 1, 2011. There is a premium change beginning July 1, 2011 for both health and dental. The health deductible will remain at \$1,500.00 for the term of July 1, 2011 through June 30, 2012. The NACO Board offered two of the BCBS dental options. The dental options are PPO Plan Option 4 and the Indemnity Plan Option 12. Motion made by Schuele, second by Tisthammer to approve the NACO/BCBSNE Subgroup Application with a \$1,500.00 health deductible and the PPO dental plan Option 4 for the fiscal year July 1, 2011 through June 30, 2012 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Federal Surplus Property Program application is renewable every three years for Public Agencies. It is a method of reutilizing federal surplus personal property, such as office and shop equipment, tools, road equipment and vehicles that are no longer needed by the Military and Civilian Federal Agencies. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Application for Eligibility to receive Federal Surplus Property as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of May 9, 2011 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County Audit Agreement is for services for the fiscal year ending June 30, 2010. Harlan Aevermann, C.P.A. plans to retire after completion of the fiscal year end June 30, 2010 audit. It was decided by the Board to contact other counties in the Northeast Nebraska County Officials' District and neighboring counties to obtain a list of audit firms currently working with other counties in this area.

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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Cedar Rapids Community Club submitted a request for assistance with advertising the Music and Mayhem event scheduled for August 20, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Chairman Tisthammer declared the meeting adjourned at 11:55 A.M. with the next Board meeting scheduled for May 23, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 23, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 23, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Tisthammer called the meeting to order and Commissioners present for roll call were Tom Schuele, Jerry L. Tisthammer and Ken Luettel. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Tisthammer 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 road maintenance issues and disposition of county vehicles. Thorin updated the Board with regard to the asphalt overlay near Raeville and the Cedar River project. Matt Thieman, MIPS Programmer, demonstrated a new program designed for road department records on February 22, 2011. Some information the program provides is a supply inventory, preventive maintenance, cost to operate each piece of equipment and signage maintenance. MIPS formula of total county road miles determined the monthly software support fee. Motion made by Schuele, second by Tisthammer to approve the MIPS road department program and monthly software support fee of \$123.80 for the County Highway Superintendent office as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

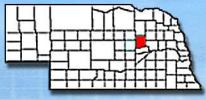
The Nebraska Department of Roads will construct a highway improvement project on State Highway 32 east of Petersburg. The State desires the County provide a Registered Land Surveyor to tie out land monuments prior to the above construction and tie and remonument after construction. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Agreement between Boone County, Nebraska and State of Nebraska, Department of Roads for Project No. RD-32-5(1007) as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Kevin Preister and Dale Preister requested permission to bore an electrical line for irrigation purposes under a county road known as 140<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-18 granting permission to bore an electrical line from a utility pole located on the West side of 140<sup>th</sup> Avenue; thence East to an irrigation well located in the NW1/4 of Section 26, Township 20 North, Range 8 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Ann L. Knust, Trustee of the Mary Ann Borer Trust, requested permission to trench an electrical line for irrigation purposes under a county road known as 180<sup>th</sup> Street. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-19 granting permission to trench an electrical line from a utility pole located on the South side of 180<sup>th</sup> Street; thence North to an irrigation well located in the SW1/4SE1/4 of Section 10, Township 21 North, Range 6 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The City of Albion requested a temporary road closure for public safety reasons during the set-up and execution of the 2011 community fireworks display scheduled for July 1, 2011. The road closure is from 11<sup>th</sup> Street west on 260<sup>th</sup> Street and ending at Fairgrounds Road. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-20 a temporary road closure for community fireworks display as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable for a grain bin service under a county road known as 290<sup>th</sup> Avenue. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-21 granting permission to bury an electrical cable underground in an East-West direction from a pole located in Section 5, Township 19 North, Range 5 West; thence trenching across 290<sup>th</sup> Avenue to Section 6, Township 19 North, Range 5 West, Boone County, Nebraska to a grain bin service for Olson Farms as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Barb Hanson, County Zoning Administrator/Albion City Code Official, discussed her report with the Board regarding permits issued and requested variances for the Boone County Board of Adjustment. Hanson discussed additional phone services for the Zoning office; no action taken by the Board at this time.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of May 16, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The County Audit Agreement is for services for the fiscal year ending June 30, 2010. Harlan Aeevermann, C.P.A. plans to retire after completion of the fiscal year end June 30, 2010 audit. The Board asked the County Clerk's office to contact other counties in the Northeast Nebraska County Officials' District and neighboring counties to obtain a list of audit firms currently working with other counties in the area at the May 16, 2011 meeting. The Board selected several auditing services to contact by mail. The sealed proposals will be accepted until 5:00 P.M. on June 10, 2011 at the Boone County Clerk's office. Said proposals to be opened and reviewed on June 13, 2011. The proposal shall include an offer for the fiscal years ending June 2011, June 2012 and June 2013. Boone County reserves the right to reject any and all proposals received and to waive any informalities or technicalities.

Sue Warner, NACO BCBS representative, updated the Board with regard to the health and dental insurance policy changes and premiums. Warner informed the Board that approximately 4% of the 7% premium increase is due to the Patient Protection and Affordable Care Act (PPACA) that took effect September 2010. In compliance with PPACA, NACO is making the following changes to the group's health care coverage effective July 1, 2011: Children up to age 26 may be covered as a dependent; waiting periods for pre-existing conditions will be eliminated for members under the age of 19; the plan's overall contract benefit maximum per person will be removed; and benefits for preventive services are covered at 100% when the services are obtained from a BCBS of NE network provider. Warner explained the new Signature Blue Dental options.

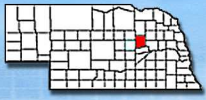
Bud Andersen, Principal of Western Energy Planning, an independent contractor for TransCanada Keystone XL Pipeline updated the Board regarding the pipeline safety and the Ogallala Aquifer. The U.S. Department of State (DOS) has issued a Supplemental Draft Environmental Impact Statement (SDEIS) for the Keystone XL Project for public review and comment. Public support is important as the final steps are approached in the regulatory review process. Andersen informed the Board of several public concerns addressed by the SDEIS. Interested individuals may review the SDEIS paper copy and/or CD Version at the local libraries within the counties of the pipeline route.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$79,040.47, BCBS \$29,503.18, Ameritas Ret \$5,389.07, EFTPS \$5,973.93; Road \$46,447.89, BCBS \$18,717.06, Ameritas Ret \$2,857.10, EFTPS \$3,530.22; Boone County Economic Development \$4,373.33, BCBS \$1,390.48, Ameritas Ret \$295.20, EFTPS \$324.83; Law Enforcement \$5,348.02, BCBS \$2,608.30, Ameritas Ret \$414.47, EFTPS \$409.13; Ambulance \$585.00, Ameritas Ret \$33.76, EFTPS \$44.76; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,221.32, Ameritas Ret \$270.64, EFTPS \$399.43, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Ted Thieman discussed with the Board his concern regarding the appearance of a livestock confinement waste spill into the ditch along 170<sup>th</sup> Avenue. Thieman discussed his concern that it appeared dirt is being filled into the ditch along 170<sup>th</sup> Avenue. The Board discussed the various meetings scheduled for the week.

Chairman Tisthammer declared the meeting adjourned at 12:20 P.M. with the next Board meeting scheduled for Wednesday, June 1, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes







# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 1, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, June 1, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Members of the Boone County Health Center Board of Trustees are appointed to serve a six-year term. Board Members may serve two consecutive six year terms. The Board members terms expiring in June 2011 are Janice M. Rasmussen and Richard L. Stephens. Motion made by Schuele, second by Tisthammer to reappoint Richard L. Stephens to a second six year term expiring June 30, 2017. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried. Janice M. Rasmussen has completed two terms. Motion made by Luettel, second by Schuele to appoint Mike Grape to serve on the Boone County Health Center Board of Trustees for a six year term beginning July 1, 2011. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Steve Boyer, TPW Petersburg LLC, requested temporary road closures for nine county roads during installation of buried electrical cable in conjunction with the construction of a wind farm east of Petersburg. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-22, temporary closures of county roads as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Steve Boyer, TPW Petersburg LLC, and contractor, Blattner Energy, Inc. requested permission to trench electrical cable under nine county roads for TPW Petersburg LLC wind farm electrical collection purposes. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-23 granting permission to trench nine electrical cables for wind farm electrical collection purposes a presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Board of Commissioners convened per State Statute as the Boone County Board of Equalization on June 1, 2011.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Kenneth McIntyre expires in June 2011. Motion made by Schuele, second by Luettel to reappoint Kenneth McIntyre of Primrose to a five-year term expiring in June 2016 to the Boone County Veteran Service Board. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed aggregate purchases and preparing a workable program for scheduling equipment upgrades and payments. Thorin and the Board discussed road conditions and maintenance.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of May 23, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Fred Buhlmann discussed his concerns regarding 230<sup>th</sup> Street/110<sup>th</sup> Avenue road right-of-way with the Board and Darrel Thorin, County Highway Superintendent. Buhlmann presented the Board a petition requesting a right-of-way reduction from 66' to 40' on the existing road known as 230<sup>th</sup> Street from 110<sup>th</sup> Avenue, then east-southeast across the southwest corner of the Southwest Quarter of Section 5, Township 20 North, Range 8 West where the existing road intersects the section line road to the east. Buhlmann said the road has worked east over the years and is not on a section line and cuts through the quarter. Buhlmann acknowledged that the crops are planted in the road right-of-way and both irrigation pivots come right up to the county road. Thorin said the road records show a 66' East right-of-way and 40' West right-of-way on the same road as it curves. Questions and options were discussed with Thorin explaining the protocol procedure. The curve signage installation is mandatory. The crops planted in the road right-of-way obstruct the driving view and brings up a safety issue. Motion made by Schuele, second by Luettel to authorize Darrel Thorin, County Highway Superintendent, to draft a resolution to schedule a public hearing to change or not change the right-of-way as requested. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The lease for the postage machine with Western Office of Norfolk used by the courthouse offices expires in June 2011. Quotes were received for Ultimail and Centromail from Western Office Plus of Norfolk. Scott Erickson of Kearney quoted Secap postal machines. The County Clerk's office emailed the Northeast District Clerk's and found that there are several different digital mailing systems in use. Lease quotes for three to five years ranged from \$131.57/mo to \$407.10/mo depending on the type of machine features and maintenance. Motion made by Luettel, second by Schuele to approve a 63 month postage machine lease of \$131.57/mo with no maintenance agreement for an Ultimail 65 as quoted from Western Office Plus of Norfolk. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Safety Committee members Laurie Krohn, Rod Nelson, Dave Spiegel, Darrel Thorin, Jacqueline Wells and Commissioners Schuele, Tisthammer and Luettel held a meeting at 1:00 P.M. to discuss routine business. The Safety Committee discussed tornado plans for evacuation. Rod Nelson is working on the floor plan for fire escapes. The Safety Committee reviewed the NIRMA Work Comp Claims and submitted their findings. The next safety meeting is scheduled for Monday, September 12, 2011 at 1:00 P.M.

Open discussion and Miscellaneous Public Comments: Tom Schuele and Ken Luettel attended the Board of Equalization seminar on May 26, 2011. Schuele and Luettel discussed recommendations, TERC Board members and issues from the seminar with Joyce Sock, County Assessor. The Board acknowledged receiving a Resolution Certificate from the Board of Public Roads Classifications and Standards honoring former board member, Hank Thieman. Hank Thieman served on the State of Nebraska board from June 1992 through December 2010.

Chairman Tisthammer declared the meeting adjourned at 2:06 P.M., the next Board meeting is scheduled for June 13, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 13, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 13, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Boone County Ambulance Service submitted one uncollectible ambulance account. The recommendation for the November 2010 of \$1,244.00 ambulance service is to turn the file over to the County Attorney to attempt further collection. Motion made by Tisthammer, second by Luettel to write off the uncollectible ambulance account for \$1,244.00 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Dave Spiegel, County Sheriff, and Sheryl Machacek, Communications/Emergency Manager, discussed with the Board the combined duties for one full time employee position that was effective February 1, 2011. Commissioner Schuele and Sheriff Spiegel both visited by phone with the legal council provided by NIRMA regarding the combined duties. Spiegel and Machacek feel that Machacek is unable to fulfill the requirements of the combined Communications/Emergency Manager position due to health issues. Machacek would like to keep the Communications portion of the duties and resign from the Emergency Manager portion of the duties. No action was taken, as the Board needs to follow protocol procedure for this employment position.

Harlan Aevertmann, CPA, County Auditor, provided an Attorney and Management Representative Letters for the June 2010 year-end audit for the Board to review. The June 2010 year-end audit has no pending litigations and all information was available for the audit. Motion made by Schuele, second by Tisthammer 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: Schuele, Tisthammer and Luettel. Nays: None. Motion carried. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign a management representative letter for the 2010 year end audit report of finances and that all the county information was available and given to the auditor for the June 2010 year end. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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 2011 through May 2012. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Managed Network/Firewall Services Agreement of \$1,249.56 with Applied Connective Technologies, LLC as presented. Roll call vote: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Boone County Clerk received a copy of a Manager Application from the Nebraska Liquor Control Commission. The Manager Application is for Greg Packard in connection with the Albion Country Club. The Nebraska Liquor Control Commission asked that the Manager Application be presented to the County Board of Commissioners for their review and action. Motion made by Luettel, second by Schuele to approve the Manager Application for Greg Packard for the Albion Country Club, Inc. as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

George and Betty Patrick of Grand Island, Nebraska and granddaughter Brianna Patrick were present for the dedication of a donated vase for display in the Boone County Courthouse. The blue vase with a hand painting of the Boone County Courthouse structure built in 1897 was the original property of George and Mary Patrick. The Board of Commissioners accepted the vase for display.

The Board opened and reviewed the six audit proposals received for the County of Boone. The Board tabled a decision to allow further review and discussion regarding the proposals.

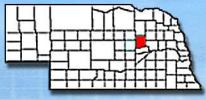
James F. Daubert, First Concord Benefits Group, LLC, presented a Section 125 Plan proposal and deductible buy-down option to the Board. NACO pays half of the Section 125 Plan administration fee for the NACO Blue Cross county participation medical plans. Daubert explained the flexible spending account plan and answered questions from the Board. The Board made no decision to allow further discussion with interested employees and review the material presented.

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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Petersburg Community Club submitted a request for assistance with advertising the annual Bash in the Burg event scheduled for August 13, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board regarding the Federal Funds Purchase Program, LB84 and information received at the Highway Superintendent Conference he recently attended. The Board and Thorin discussed road projects and an equipment replacement program.

Robert and Susan Malander requested permission to trench an electrical cable for irrigation purposes over and across 200<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-24, granting permission to trench an electrical cable from a utility pole located in the SW1/4 of 26-18-7; thence West to an irrigation well located in the SE1/4 of Section 27, Township 18 North, Range 7 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried

The Boone County Board of Commissioners received a petition on June 1, 2011 requesting a right-of-way reduction from 66' to 40' on the existing road known as 230<sup>th</sup> Street from 110<sup>th</sup> Avenue, then east-southeast across the southwest corner of the SW1/4 of 5-20-8 where the existing road intersects the section line road to the east. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-25 to schedule a public hearing at 9:30 A.M. on July 11, 2011 to consider the right-of-way request as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



The Boone County Board of Commissioners authorizes the Boone County Treasurer to transfer funds from the General Fund to the Road Fund on a monthly basis each fiscal year. The County Treasurer disperses the percentage of delinquent taxes received each month to the respective funds. Motion made by Tisthammer, second by Schuele to adopt said Resolution No. 2011-26 authorizing the Boone County Treasurer to discontinue the transfer of funds from the General Fund to the Road Fund for the delinquent tax years 2008 and 2009 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for May 2011: Clerk - \$7,597.25 (State of Nebraska - \$4,676.13/County of Boone - \$2,921.12; Clerk of the District Court - \$1,496.55 (State of Nebraska - \$991.00/County of Boone - \$505.55); Sheriff - \$944.30; Zoning & Planning - \$753.75; Treasurer's Fees - \$16.00; and Treasurer's Office Miscellaneous Receipt Nos. 11188-11266 - \$229,777.22. Total collected by County Treasurer was \$2,124,166.17. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

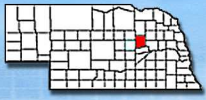
Motion made by Tisthammer, second by Schuele to approve the County Board and Board of Equalization Proceedings of June 1, 2011 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$161,646.39; Road - \$494,814.49; County Visitors Promotion - \$1,319.88; Reappraisal - \$728.78; Boone Co Economic Development - \$1,171.36; 911 Emergency Management (2910) - \$1,013.14; Law Enforcement Operations - \$37.25; Courthouse Building - \$586.14; Ambulance - \$1,766.33; Boone County Fitness Center - \$9,875.00 which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Joe Beckenhauer, Beckenhauer Construction, updated the Board with regard to the courthouse renovation project and an equipment change order. Nick Gasper discussed road maintenance concerns with the Board.

Chairman Tisthammer declared the meeting adjourned at 12:55 P.M. with the next Board meeting scheduled for June 20, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes







# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, June 13, 2011 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, 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 Tom Schuele, Ken Luettel and Jerry L. Tisthammer. Applicant Tammy Bode and Barb Hanson, County Zoning Administrator, were present to answer any questions. Chairman Tisthammer acknowledged 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 Ted and Tammy Bode. Jerry and Carol Bode are the property owners of the real estate referenced herein. The application request is to divide 6.406± acres from farm ground located on a fraction of the NW1/4 of Section 1, Township 22 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Tammy Bode explained to the Board that they plan to construct a new home. Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. A Waiver of Distance with regard to a neighboring feedlot has been signed and a survey is completed.

Motion made by Tisthammer, second by Schuele to close said hearing at 9:04 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve as presented the Application for Conditional Use Permit submitted by Ted and Tammy Bode. The approval is to divide 6.406± acres from farm ground to construct a new home to be located on a fraction of the NW1/4 of Section 1, Township 22 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 20, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 20, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Richard D. Martinsen, CPA, submitted a letter of agreement regarding 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 Luettel, 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 2011-2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Sheryl Machacek, Communications/Emergency Manager, submitted a faxed letter of resignation to the Board of Commissioners. Machacek submitted her resignation from the position of Boone County Emergency Manager effective at 5:00 P.M. on June 30, 2011. Machacek plans to retain the position of Communications Manager. Motion made by Tisthammer, second by Luettel to accept the resignation of the Emergency Manager position as submitted by Sheryl Machacek. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board held their monthly meeting with the officials, department heads, or employees. The installation of the required curve signage on the county roads is almost completed. The Boone County Fair is July 9-13, 2011 and the Nance County Fair is July 10-13, 2011. The courthouse clock tower received maintenance last week. Economic Development reported on a successful entrepreneur camp. The Vietnam War Memorial Moving Wall replica will be on display during the county fair.

Barb Hanson, County Zoning Administrator/Albion City Code Official, discussed her report with the Board regarding permits issued, requested variances and Conditional Use Permits. Hanson and the Board discussed updating the zoning regulations. Hanson is conducting interviews for the zoning office part time position.

Tom Pillen, NPPD, updated the Board regarding the TransCanada Keystone XL Pipeline 115 kV Transmission Line project. The informational material included a final 37 miles line route from Petersburg to Ericson with a projected start date of January 2012.

Harlan Aevertmann, CPA, was unable to attend the meeting, but indicated by phone that he had received the document by mail on Saturday that was needed for completion of the 2009-2010 audit fieldwork.

The 1999 main computer system was replaced in May 2011 and needs to be removed from the computer room to allow space. The consensus of the Board is to store the old unit in the county annex building until the calendar year end.



# Boone County Board Minutes



Due to the resignation of Sheryl Machacek from the Emergency Manager position, the Board discussed re-establishing separate positions. The Communications and Emergency Manager were separate positions in the past and were combined effective February 1, 2011. Commissioner Schuele commented that the Communications/Emergency Manager position seemed to be a good fit because of the need to access the 911 equipment in the law enforcement building. The Board has tried everything in good faith, but nothing seems to be working. The Board is undecided at this time if the Emergency Manager position will be full time, part-time, as needed or the services joined with another county. Motion made by Tisthammer, second by Luettel to re-establish separate positions for Communications Manager and Emergency Manager effective July 1, 2011. Roll call vote: Yeas: Tisthammer and Luettel. Nays: Schuele. 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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding. The annual Cedar's Rapid Run submitted a request for assistance with advertising the event scheduled for August 6, 2011. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund with exceptions concerning the request. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. The Rae Valley Heritage Association, Inc. submitted a request for assistance with advertising the annual Nebraska State Antique Tractor & Horse Plowing Bee event scheduled for August 27-28, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board, Public Hearing and Board of Equalization Proceedings of June 13, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$84,112.25, BCBS \$34,220.46, Ameritas Ret \$5,618.53, EFTPS \$6,362.33; Road \$46,925.26, BCBS \$20,100.68, Ameritas Ret \$2,848.22, EFTPS \$3,563.35; Boone County Economic Development \$4,853.33, BCBS \$1,492.40, Ameritas Ret \$327.60, EFTPS \$360.32; Law Enforcement \$6,504.00, BCBS \$2,800.06, Ameritas Ret \$457.56, EFTPS \$497.55; Ambulance \$1,070.00, Ameritas Ret \$66.49, EFTPS \$81.85; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,133.56, Ameritas Ret \$268.99, EFTPS \$392.68, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Lynn Choat discussed road maintenance concerns with the Board. The Board and Joe Beckenhauer of Beckenhauer Construction discussed by teleconference a renovation change order. Vic Lee, Boone County Health Center CEO, informed the Board of a special meeting scheduled June 23, 2011 to review bids for construction of a medical clinic in Elgin. Commissioners reported on the various meetings they attended last week.

Chairman Tisthammer declared the meeting adjourned at 12:30 P.M. with the next Board meeting scheduled for Monday, June 27, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 27, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 27, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Boone County Board of Commissioners re-established separate positions for Communications Manager and Emergency Manager effective July 1, 2011 at their Board meeting held on June 20, 2011. The Board discussed the appointment of an interim Emergency Manager until a decision is made regarding the status of the position. Motion made by Tisthammer, second by Luettel to appoint Dave Spiegel, County Sheriff, as the interim Emergency Manager effective July 1, 2011. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board regarding the county bridge projects. The road crew plans to finish the waste lagoon bridge south of St. Edward this week and then move to the two box culverts on 280<sup>th</sup> Avenue south of State Highway 56. The Board and Thorin discussed road maintenance procedures and armor coating projects. Thorin and the Board discussed the proposed 2011 armor coat project received from Figgins Construction, Inc. of Red Cloud, Nebraska. Aggregate to be furnished by Boone County of approximately 200 tons of armor coat gravel a square mile. The contractor agrees to clean, place oil, spread gravel and maintenance roll according to state specifications. The cost of armor coating is \$1.10 per square yard. The proposal submitted by Figgins Construction for three armor coat projects is \$14,197.70.

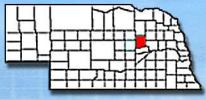
Matt Schriver, Darrel Thorin and the Board discussed the procedure to reclassify a half mile of minimum maintenance road on 320<sup>th</sup> Street to a local road for maintenance purposes. Thorin explained the protocol procedure for road reclassifications. The first step is for the Board to receive a signed petition requesting a certain portion of a road to be reclassified from minimum maintenance to local.

Merlin Bolling and LeRoy Kerkman, Antelope County Supervisors, and the Board discussed duties of an Emergency Manager position. The County of Antelope, Madison and Pierce presently share an Emergency Manager employee with the City of Norfolk. Bolling, Kerkman and the Board discussed if it would be more beneficial for the same size county to share the Emergency Manager position with regard to NEMA and FEMA funding. The Antelope County Supervisors need to make a decision to continue in Region 11 or seek other alternatives regarding Emergency Manager services. The Boone County Commissioners need to make a decision regarding the status of Emergency Manager services or seek other alternatives.

The Boone County Board of Commissioners adopted the County Budget for the fiscal year 2010-2011 on September 13, 2010. Interfund transfers were approved within various budget funds.

Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-27 to authorize the Boone County Treasurer to transfer the sum of \$100,000.00 from the Inheritance Tax Fund (2700) to the Courthouse Bond Fund (3000) for the 2010-2011 budget. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve Resolution No. 2011-28 to authorize the Boone County Treasurer to transfer the sum of \$20,200.00 from the Boone County Economic Development Operations Fund (2605) to the Business Development Fund (2606) for the 2010-2011 budget. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-29 a transfer within the General Fund (0100) functions for the fiscal year ending June 30, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

LTP Farms, LLC, c/o Theodore Pelster requested permission to trench an electrical cable over and across 260<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-30, granting permission to trench an electrical cable from a utility pole located in the NE1/4 of 10-22-6; thence East to a bin located in the NW1/4 of Section 11, Township 22 North, Range 6 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried

Ron Levander, Levander Funeral Home of Albion and Tony Levander of Elgin, discussed Resolution No. 2005-37 regarding county burials with the Board. The county burial policy needs updating with regard to the financial affidavit, covered services and assets. The Board asked Levander to review the county burial policy and present suggested revisions at a future Board meeting.

Motion made by Luettel, second by Schuele to approve the County Board and Board of Equalization Proceedings of June 20, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele 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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding. The Boone County Agricultural Society, Inc. submitted a request for assistance with advertising the annual Boone County Fair scheduled for July 9-13, 2011. 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 Luettel. Nays: None. Motion carried. The St. Edward Community Club submitted a request for assistance with advertising the annual Beaver Valley Days scheduled for July 29-31, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

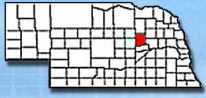
Harlan Aevermann, C.P.A. plans to retire after completion of the fiscal year end June 30, 2010 audit for County of Boone. The Board selected several auditing services to contact by mail and opened the sealed proposals on June 13, 2011 for review and discussion. Proposals for auditing service were received from Contryman Associates; Kruse, Schumacher, Smejkal & Brockhaus; Morrow Davies & Toelle; Michael J. Pommer; Romans, Wiemer & Associates; and State Auditors Office. Proposals for the June 30, 2011 fiscal year end audit ranged from \$8,000.00 to a maximum of \$14,000.00. The Board considered the information in each proposal regarding specifications of contract. Motion made by Luettel, second by Schuele to accept the three-year audit proposal for the years ending June 30, 2011, June 30, 2012 and June 30, 2013 with Romans, Wiemer & Associates of York, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Lee Reichmuth discussed a road concern with the Board. Kevin Kunzman discussed drainage concerns if a culvert is installed on a county road with the Board. The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 12:05 P.M. with the next Board meeting scheduled for Monday, July 11, 2011.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, July 11, 2011 at 9:30 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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 Tom Schuele, Ken Luettel and Jerry L. Tisthammer. 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 proposed reduction of a county road right-of-way. The hearing is to consider narrowing the right-of-way of a certain county road located in the SW1/4 of Section 5, Township 20 North, Range 8 West, Boone County, Nebraska running in a North-Northwesterly direction, commonly known as 230<sup>th</sup> Street.

Darrel Thorin, County Highway Superintendent, stated the County Road Department prefers not to change the existing right-of-way. Fred Buhlmann was present for the hearing to answer any questions as the road meanders through his property. The Boone County Board of Commissioners received a petition on June 1, 2011 from Fred Buhlmann requesting a right-of-way reduction from 66 feet to 40 feet on the existing road known as 230<sup>th</sup> Street. The reduction request is on the existing road known as 230<sup>th</sup> Street from 110<sup>th</sup> Avenue, thence east-southeast across the southwest corner of the SW1/4 of Section 5, Township 20 North Range 8 West where the existing road intersects the section line road to the east. The question was asked how the right-of-way of 40 feet on the west half and 66 feet on the east half occurred on the same road. Thorin stated that the county road records show the right-of-way difference. The standard road right-of-way before 1903 is 66 feet; 1903 statutes specified 40 feet and 66 feet; and there are no right-of-way specifications in the 1953 statutes. A road with no specific width is automatically 66 feet. The Board felt the right-of-way reduction for a portion of 230<sup>th</sup> Street was feasible since that portion of the road is not a section line road. The County Board instructed that a resolution be prepared to narrow the road right-of-way from 66 feet to 40 feet with stipulations for Board approval at the July 18, 2011 meeting.

Motion made by Luettel, second by Schuele to close said hearing at 10:30 A.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve narrowing the road right-of-way from 66 feet to 40 feet on the existing road known as 230<sup>th</sup> Street as presented with stipulations set forth in the resolution. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, July 11, 2011 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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, Ken Luettel and Jerry L. Tisthammer. Applicant George Beierman and Barb Hanson, County Zoning Administrator, were present to answer any questions. Chairman Tisthammer acknowledged 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 George Beierman. Jerry Beierman is the property owner of the real estate referenced herein. The application request is to divide 4.10± acres from farm ground located on a fraction of the NE1/4NW1/4 of Section 34, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

George Beierman explained to the Board the plan to construct a new storage building. Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. Hanson explained the zoning regulations regarding the Conditional Use Permit requirement when the land use and ownership change. A survey is completed.

Motion made by Tisthammer, second by Schuele to close said hearing at 9:10 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by George Beierman. The approval is to divide 4.10± acres from farm ground to construct a new storage building to be located on a fraction of the NE1/4NW1/4 of Section 34, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JULY 11, 2011  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 11, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding. The Albion Chamber of Commerce submitted two requests for assistance with advertising. The requests were for the annual Rhythm & Ribs event scheduled for August 27, 2011 and the annual Albion Chamber of Commerce Golf Tournament scheduled for September 25, 2011. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds for the Rhythm & Ribs event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried. Motion made by Tisthammer, second by Luettel to approve the recommendation for disbursement of funds for the Albion Chamber of Commerce Golf Tournament from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed road maintenance with the Board. Thorin updated the Board regarding the progress of the road and bridge construction projects. A portion of 180<sup>th</sup> Avenue North of 200<sup>th</sup> Street does not appear classified as an open road with the State of Nebraska, Department of Roads. Thorin and the Board discussed protocol procedure regarding the portion of road in question.

Clark Bryan requested permission to trench an electrical line for irrigation purposes over and across a county road known as 310<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-31 granting permission to trench an electrical line from a utility pole located in the NW1/4 of 10-19-5; thence West to an irrigation well located in the NE1/4 of Section 9, Township 19 North, Range 5 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Harlan Aevermann, CPA, and County Auditor for several years retired June 30, 2011. Aevermann completed the fiscal year audit of June 30, 2010. The Board previously reviewed audit proposals and agreed to sign an agreement with Romans, Wiemer & Associates of York, Nebraska. The fees for audit services are June 30, 2011 - \$9,500.00; June 30, 2012 - \$9,700.00; and June 30, 2013 - \$9,850.00. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign a three-year agreement for auditing services with Romans, Wiemer & Associates of York, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report. Krohn explained the procedures for collecting delinquent personal property taxes. There were twenty-three distress warrants issued for 2008 and 2009 personal property taxes. As of fiscal year end June 30, 2011, twenty were collected leaving three distress warrants returned unpaid, but attempting to collect. Motion made by Schuele, second by Luettel to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

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



# Boone County Board Minutes



National Insurance Services is the policy provider for the Long Term Care insurance coverage through NACO. The individual long-term care policies will be changing slightly and issued by National Insurance Company of Wisconsin (NICW). Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the amended Long Term Care Administrative Agreement as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to accept and approve as presented the County Clerk/Register of Deeds 2010-2011 fiscal year end report per request of the County Auditor. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for June 2011: Clerk - \$7,329.25 (State of Nebraska - \$4,439.88/County of Boone - \$2,889.37; Clerk of the District Court - \$654.45 (State of Nebraska - \$479.00/County of Boone - \$175.45); Sheriff - \$1,060.94; Treasurer's Fees - \$14.00; and Treasurer's Office Miscellaneous Receipt Nos. 11267-11370 - \$209,248.59. Total collected by County Treasurer was \$548,942.11. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board and Board of Equalization Proceedings of June 27, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Boone County Ambulance Service is registered with the Drug Enforcement Administration. Every three years a renewal registration application needs to be completed and a non-refundable fee sent to the Drug Enforcement Administration. The requirements are under the Controlled Substances Act. The renewal registration is for August 1, 2011 through July 31, 2014. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Renewal Application for Registration for the Boone County Ambulance as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Joyce Sock, County Assessor, submitted a quote from MIPS for a "server" type PC. The quoted PC for \$1,645.20 contains three hard drives. Sock informed the Board that this one "server" could handle the MIPS and CAMA programs along with the addition of GIS. Motion made by Schuele, second by Luettel to approve and authorize the County Assessor to purchase the "server" type PC from MIPS for \$1,645.20 plus backup fee, if any. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$31,139.80; Road - \$146,632.72; Reappraisal - \$109.32; Veteran's Aid - \$500.00; Boone Co Economic Development - \$2,358.93; 911 Emergency Management (2910) - \$1,037.90; Ambulance - \$5,333.52. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: The consensus of the Board is to continue with the change order previously signed with Beckenhauer Construction and have the separate air conditioner unit installed in the computer room. The IRS increased the reimbursable mileage rate beginning July 1, 2011 and the Department of Administrative Services has implemented the rate change to 55.5 cents. Boone County is one of several NIRMA members selected to have their buildings and contents property re-inspected and valued. It was the decision of the Board to add two older storage sheds that appear omitted in the past to the buildings schedule. One storage shed is located at the road department yard in Albion and one at the road department site in Cedar Rapids.

Chairman Tisthammer declared the meeting adjourned at 2:20 P.M. with the next Board meeting scheduled for July 18, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 18, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 18, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees. Highway Superintendent indicated that the county is one step closer with regard to the Cedar Bridge. Steve Pritchard, Extension Agent, indicated that both the Boone and Nance County Fairs are completed with a few matters remaining to be finished up. Shannon Landauer, Boone Co Economic Development Director, reported that the new St. Edward website was to go live today and that Petersburg's new website will be up and running within a couple of weeks. She also reported that Community Attitude Surveys are being circulated in St. Edward with regard to a wastewater project and new community building. Community Attitude Surveys were also going to be circulated in Petersburg and Cedar Rapids in the near future. Landauer reported that there were six new businesses within the county and the Economic Development office was assisting with loan applications for two new businesses. Jackie Wells, Veterans Service Officer, indicated that the traveling Vietnam War Memorial was a big attraction at the Boone County Fair. She indicated that over 2,000 persons signed in to view the wall. Ken Luettel indicated that at the last Juvenile Detention meeting that he attended that it was discussed that Boone County would be receiving a refund of funds provided to the district by way of crediting future billing. No interest would be received. Tom Schuele spoke briefly about future redistricting regarding the County Commissioners districts. He noted this on a personal level since the redistricting would not affect any other offices directly. Officials and department heads were reminded about filing their office inventories by August 1st and submitting their budget worksheets before August 10th. The Board has received a proposal for a Section 125 (Cafeteria) Plan and indicated that the information was available for review, if any employees were interested. Depending on employee response, the Board will review and decide on the matter at a later date with any implementation to be effective January 1, 2012. Board indicated that they would be discussing at the July 25th Board Meeting budget issues concerning cost of living allowances and other matters related to budget preparation.

Shannon Landauer, Boone County Economic Development Director, reported to the Board that approximately \$180,000.00 of housing grant funds were going to be turned back in/deobligated and reapplied for next spring as part of a new grant totaling \$300,000.00. It was hoped that the remaining funds could be used for Lot Acquisition Demolition; however, there was not enough time to purchase and clear lots before the funds are required to be used. Landauer was confident that the funds would be recouped as part of a larger grant next spring.

The fiscal year end audit of June 30, 2010 was received from Gary J. Pavel, CPA. Motion made by Luettel, second by Schuele to accept and approve the fiscal year end county audit for June 30, 2010 as submitted. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Ellen L. Hirsch, Clerk of the District Court, met with the Board regarding a Subgrant Agreement with the NE Department of Health and Human Services, Division of Children and Family Services. The agreement provides for reimbursement to the county for salaries, insurance, postage and supplies based on quarterly reports submitted by the Clerk of the District Court regarding child support enforcement. Last year approximately \$24,912 was reimbursed to the county. Hirsch indicated that in the past the agreement was signed every 5 years but will now be an annual agreement. Motion made by Schuele, second by Luettel, to approve the Subgrant Agreement between the NE Department of Health and Human Services, Division of Children and Family Services, and Clerk of the District Court and authorize the Board Chairman to sign said agreement. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding. The Primrose Rural Fire Department submitted a request for assistance with advertising for an event scheduled for September 4, 2011. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. The St. Edward Fire Department submitted a request for assistance with advertising for an event scheduled for August 20, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Pursuant to Nebraska State Statute 23-1704.04, the County Board shall furnish the Sheriff with such deputies as it shall deem necessary and fix the compensation of such deputies who shall be paid by warrant drawn on the general fund. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-35 to close the Law Enforcement-Operating Fund (2960) as of July 1, 2011 and authorizing the County Treasurer to transfer all money remaining in the Law Enforcement-Operating Fund (2960) on July 1, 2011, to the General Fund (0100). Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Dave Spiegel, Boone County Sheriff, and the Board discussed the position of Emergency Manager. It was reported that Antelope County, who had indicated it would be open to a possible consolidation of counties, had decided to remain in their present arrangement. Tom Schuele reported that he had received a call from Dennis Jarecki, Nance County Supervisor, about the possibility of meeting to discuss the consolidation of the position with Nance and Merrick Counties. Sheriff Spiegel indicated to the Board that at the present time the Nance County Sheriff and Merrick County Sheriff both act as Emergency Managers in their respective counties and that both Sheriffs would like to see the position combined. Sheriff Spiegel also indicated that a consolidated position with Nance and Merrick Counties would be a good fit since Boone, Nance and Merrick Counties are within the same governance region and would have the same regional director who handles most of the paperwork. While discussion took place, Dave Moore, Nance County Sheriff, called on behalf of Dennis Jarecki and talked to the Board about setting up a meeting to discuss the situation. It was decided that a meeting would take place on July 20, 2011 at 7 P.M. at the Nance County Courthouse and that Tom Schuele and Sheriff Spiegel would attend.

Mark Niewohner on behalf of Niewohner Farms Partnership, and Darrel Thorin, Highway Superintendent, appeared before the Board to discuss road access options regarding the Orford/Pioneer Cemetery. The Nebraska Department of Roads (NDOR) contacted Niewohner and Thorin regarding a request for access to the Orford/Pioneer Cemetery. Currently the cemetery is reached by parking cars along the highway and accessing from State Highway 14. Thorin was advised by the NDOR that following the completion of the overlay project on State Highway 14 in 2012 that parking will no longer be allowed along the highway and that a turnout will not be provided due to liability and monetary reasons and that access will need to be gained from the county road. It was discussed that access could be provided from Y Road approximately 3/4 miles off the state highway. Niewohner indicated that they would be agreeable to a turnout at that point and would be willing to provide an entrance gate. No action was taken by the Board at this time until further review.

Darrel Thorin, Highway Superintendent, updated the Board regarding the motor grader bid process. Thorin reported to the Board that originally Nebraska Machinery said they would not be submitting a bid, however, since that time Nebraska Machinery has indicated that they would like to bring a motor grader to demo. In addition, Thorin reported that John Deere had received the state bid for motor graders so the county could purchase through the state without having to obtain a bid from John Deere. John Deere also indicated that they would like to bring a demo out for their electric over hydraulic and standard machines. Standard control machines are approximately \$25,000 less than electric over hydraulic machines. The new motor grader will go to District 1 (Cedar Rapids) and that is where the demos will be held and the rebuilt machine will go to Petersburg with that old machine to be gotten rid of. Thorin indicated that the maintenance on John Deere machines is much easier, however, the John Deere machines do not have as high a resale value as Caterpillar, but the gap is narrowing. Further discussion was held regarding prices for off-brands, however, with off-brands issues can arise regarding parts, service and durability. It was suggested that a road employee from each district attend the demos.



# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, reported to the Board that because of citizen complaints, a notice was sent to a farmer regarding planting his beans too close to the road. Also, that during the course of watering the beans, the pivot end gun had caused some water damage to the road. Thorin indicated that the road crew could remove the beans, however after discussion, it was decided that Commissioner Luettel would speak to the farmer and ask that he shred the beans from the road to the bottom of the ditch and ask that the pivot end gun be fixed so as not to water the road.

On July 11, 2011, the Board held a public hearing regarding a petition received requesting narrowing the right-of-way of that part of a county road located in the SW1/4 of Section 5, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, running in a North-Northwesterly direction, commonly known as 230<sup>th</sup> Street, from 66 feet to 40 feet subject to stipulations. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-32, reducing the above described road right-of-way from 66 feet to 40 feet pursuant to the stipulations contained in said resolution. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, after review of the road records of Boone County, has informed the Board that no documentation can be found to verify that a certain county road, running North and South between Sections 20 and 21, all in Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, commonly known as 180<sup>th</sup> Avenue, was ever officially opened. Further, a previous agreement provides for the construction and maintenance of said road and that the Board feels it would be best to hold a public hearing regarding the matter. Thorin indicated to the Board that since the road was to be established pursuant to a Boone County Zoning directive, that a feasibility study would not be required. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-33, to schedule a public hearing for August 8, 2011 at 9:30 A.M. to consider opening said road and allowing for public comments, either for or against officially opening such county road. Additional discussion was held regarding language contained in prior documents referencing the road to be maintained as a minimum maintenance road. The Board indicated that this would be further discussed at the public hearing. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented Resolution No. 2011-34, Signing of the Federal Funds Purchase Program Agreement, for the Board's consideration. The resolution and attached Federal-Aid Transportation Fund Purchase-Sale Agreement, provides for payment of federal funds to the county through the State of Nebraska. Thorin advised the Board that the county would receive 80¢ on the dollar with the remaining 20¢ paid to the state to assume all liabilities for meeting federal aid requirements. When determining each county's proportional share, the number of rural residents (25%), number of rural motor vehicles registered in the county (25%) and number of centerline miles of classified rural road in the county (50%) is considered. The first payment will be made in March 2014 and based on money allocated in 2013, so the payment will always be paid a year behind. Thorin said the first payment is projected at \$102,000 for both roads and bridges; however, the amount is subject to highway allocation by the federal and state governments. Motion made by Jerry Tisthammer, second by Schuele to approve Resolution No. 2011-34, authorizing the Board Chairman to sign the Federal-Aid Transportation Fund Purchase-Sale Agreement between Boone County and Nebraska Department of Roads. Roll call vote: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board, Public Hearings and Board of Equalization Proceedings of July 11, 2011. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

As a result of the 2010 census and population changes within the county, a review is required regarding possible redistricting of commissioners districts. The Board was presented with a spreadsheet and maps regarding the current population for each district pursuant to the 2010 census results. State statute provides that each district be within  $\pm 5\%$  of the average number of voters within each district. At the present time, District 1 is 3% below the average, District 2 is 15% above the average and District 3 is 12% below the average. Options were provided to the Board as to how the discrepancy between districts could be corrected. Upon review of the information provided, the Board decided that a public hearing would be required to discuss the redistricting options and to allow public comment, either for or against such redistricting. Motion made by Tisthammer, second by Schuele to authorize the Boone County Clerk to proceed with scheduling a public hearing to further discuss redistricting of commissioners districts within the county. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Commissioner Luettel excused himself at 11:00 A.M.





# Boone County Board Minutes



Barb Hanson, County Zoning Administrator/City Code Official, discussed her report with the Board regarding permits issued, requested variances and Conditional Use Permits. Hanson indicated to the Board that her office is currently researching airport zoning regulations and advised the Board that new airport zoning regulations will need to be adopted. Hanson indicated that she has been in contact with Ron Levander and that the Albion City Council will be reviewing the matter in the future. Hanson updated the Board regarding the progress of her new employee and indicated that she is pleased with her work. Hanson reported to the Board regarding her on-site inspections of the Niewohner hog facilities. The deficiencies that Hanson noted regarded the trees that had not be planted and water tests that had not been provided to her office pursuant to stipulations contained in a previous agreement. She noted no odor on the south side of the facilities and only a faint odor on the North side of the facilities where the fans were located. The Board advised Hanson to contact Niewohner regarding the deficiencies that need to be corrected. Hanson indicated to the Board that there were several zoning violations for structures without permits and that letters would be sent regarding those violations.

Commissioners Tisthammer and Schuele conducted a quarterly visit of the county jail. It shall also be the duty of the County Board of each county of this state to visit the jail of its county once during each of its sessions in January, April, July and October of each year per Nebraska State Statute 47-109.

Open discussion and Miscellaneous Public Comments: Tom Schuele will be attending with Dave Spiegel, County Sheriff, a meeting with Nance and Merrick Counties regarding possible consolidation of the Emergency Manager position. Lorrie Nicklasson, Deputy County Clerk, informed the Board that the County Clerk's Office was looking into the possibility of adding more all-mail precincts.

Chairman Tisthammer declared the meeting adjourned at 12:03 P.M., the next Board meeting is scheduled for July 25, 2011.

Lorrie Nicklasson  
Deputy Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 25, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 25, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Darrel Thorin, Highway Superintendent, updated the Board regarding motor grader demonstrations and road projects. Thorin received a notice to proceed with the Cedar Rapids Bridge project. Thorin updated the Board regarding his RC position with a Nance County Bridge project.

The Board and department heads discussed issues regarding the 2011-2012 budget preparation. The NACO Blue Cross Blue Shield Health Insurance premium increased 7% for July 1, 2011 through June 30, 2012. A full time employee benefit is the full health insurance premium paid by the county. The monthly or hourly base wages within the Employee Handbook are for starting new employees and used when figuring the cost of living, if given, in January each year. The County established a Longevity Program for full-time employees several years ago. The elected and appointed officials and department heads are not eligible for the Longevity Program. The Board proposed setting the cost of living increases taking into account the employee's receiving/not receiving the Longevity Program. Over the last twelve months, the consumer price movements have fluctuated from a -.8 to 37.3 percent, which includes food, energy, commodities, etc. The average before seasonal adjustment is 3.6 percent. Motion made by Luettel, second by Schuele to approve cost of living percent increase computed on the base wage as follows: 3% for all full time employees that participate in the Longevity Program; 3% for elected part time officials (Attorney and Commissioners); 3% computed on the hourly wage for Ambulance and Weed, with no change for the bookkeeping services; 5% for the appointed full and part time positions of Economic, Highway Superintendent, Veteran, and Zoning; 5% for full time elected officials; and 50 cents per hour increase for permanent part time employees effective January 2012. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board discussed the possibility of consolidating Emergency Management Services with Merrick County and Nance County. Nance County Sheriff asked that each county run an ad for a full time position regarding Emergency Management with an application deadline of Monday, August 15, 2011. The consensus of the Board is not to run an ad at this time for the position until details are ironed out and an Interlocal Agreement is in place with specified responsibilities. The Board is not comfortable advertising for a full time position inasmuch as the three County Boards have not discussed details or signed any agreement to date. Commissioner Schuele will notify the Nance County Sheriff that Boone County will not be publishing an ad for the Emergency Manager position until further negotiations and details are available.



# Boone County Board Minutes



The County Treasurer submitted a semi annual statement for January 1, 2011 through June 30, 2011. Motion made by Schuele, second by Luettel to approve the County Treasurer semi annual statement as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The County Treasurer submitted to the Board a list of delinquent 2008 real estate taxes not sold at the tax sale held in March 2011, as per Nebraska State Statute. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2011-36, 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 2008 and subsequent years as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

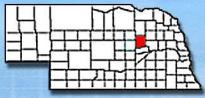
Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of July 18, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$88,240.44, BCBS \$35,802.70, Ameritas Ret \$6,038.62, EFTPS \$6,678.13; Road \$47,566.43, BCBS \$20,100.68, Ameritas Ret \$2,856.03, EFTPS \$3,612.40; Boone County Economic Development \$4,613.33, BCBS \$1,492.40, Ameritas Ret \$311.40, EFTPS \$341.96; Ambulance \$1,137.50, Ameritas Ret \$62.61, EFTPS \$87.02; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,933.32, Ameritas Ret \$294.40, EFTPS \$453.89, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Matt Schriver submitted a petition to the Board to consider reclassifying a portion of a county road known as 320<sup>th</sup> Street starting at 230<sup>th</sup> Avenue thence west ½ mile located between the SE1/4 of 19-19-6 and the NE1/4 of 30-19-6. The request is to reclassify the road to a local gravel road. The request will be an agenda item for the August 8, 2011 Board meeting.

Chairman Tisthammer declared the meeting adjourned at 1:47 P.M. with the next Board meeting scheduled for Monday, August 8, 2011.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 8, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 8, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

As a result of the 2010 census and population changes within the county, a review is required regarding possible redistricting of commissioners districts. The Board was presented with a spreadsheet and maps regarding the current population for each district pursuant to the 2010 census results at the July 18, 2011 Board meeting. Section 32-553 of the Nebraska statutes require redistricting after each federal census. After research and discussion with Clerks/Election Commissioners within the State by the Boone County Clerk's office, they did not see any requirements that a special public hearing is necessary. Supreme Court rulings have allowed a plus or minus 5% variance in equal numbers of citizens represented by each governing board member. Presently District 1 is 3% below the average, District 2 is 15% above the average and District 3 is 12% below the average. Upon the review of the options, the redistricting preference is to move Boone Precinct to Commissioner District 1 and Dublin/Bonanza Precinct to Commissioner District 3 at this time. As the rural population declines adjustments need to be made within the County Commissioner voting districts. The Commissioner District precinct lines need to be contiguous. The redistricting will not require changing the current precinct boundaries. After redistricting, Beaver, Boone and Cedar Precincts will comprise Commissioner District 1; Commissioner District 2 will consist of Southeast Manchester and Southwest Manchester Precincts; and Commissioner District 3 will be Dublin-Bonanza, North Manchester, North Branch-Shell Creek and Oakland Precincts. District 1 would be 6% below the average, District 2 would be 2% above the average and District 3 would be 4% above the average. This option allows more flexibility for the future of the 2020 census without changing voter precinct boundaries. The decision of the Board is scheduled as an agenda item for the August 29, 2011 regular Board meeting.

Darrel Thorin, County Highway Superintendent, discussed road maintenance with the Board. Thorin updated the Board regarding the progress of the road and bridge construction projects. Thorin received an approval letter regarding the Federal Funds Purchase Program Agreement. Thorin is scheduled to attend a meeting regarding the Cedar Rapids bridge project on August 19, 2011.

The installation of the curve signing materials is complete in accordance with the applicable sections of the Manual of Uniform Traffic Control Devices. The County is responsible for the future maintenance of the signage. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman and County Highway Superintendent to sign the Certification of Compliance for Project No. HRRR-STWD-(84)-Horizontal Curve Signage as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

SourceGas Distribution, LLC submitted an Owner/Tenant Consent form for approval. The consent form is for the proposed construction and installation of an anode bed (approximately 150' in length) buried a minimum of 42" on the E/W County Road located in the SW1/4 of Section 5, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve and authorize the County Highway Superintendent to sign the Owner/Tenant Consent form regarding maintenance work by SourceGas Distribution as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board and Board of Equalization Proceedings of July 25, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Matt Schriver submitted a petition to the Board on July 25, 2011 to consider reclassifying a portion of a county road known as 320<sup>th</sup> Street starting at 230<sup>th</sup> Avenue thence west ½ mile located between the SE1/4 of 19-19-6 and the NE1/4 of 30-19-6, Boone County, Nebraska. The request is to reclassify the road to a local gravel road. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2011-37 appointing Darrel Thorin, Boone County Highway Superintendent, to complete a feasibility study regarding the reclassification of a ½ mile county road, running East and West between SE1/4 of Section 19 and NE1/4 of Section 21, all in Township 19 North, Range 6 West, Boone County, Nebraska, commonly known as 320<sup>th</sup> Street as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received motor grader bids from Murphy Tractor & Equipment Co. and Nebraska Machinery Co. regarding the purchase of a new motor grader with a trade-in of a 1988 Cat 140G. The bid balance less trade-in allowance was for 2011 models: John Deere 770G - \$170,639.00; John Deere 770GP - \$184,954.00; and Caterpillar 140M2 - \$185,038.99. The John Deere graders are a state bid. The John Deere 770G and Caterpillar 140M2 were demonstrated at the road shop in Cedar Rapids. The Board and Nolan Rocky, John Deere representative, discussed the differences between the 770G and 770GP. The GP has more technology features such as grading slope control and has both the steering wheel and joystick controls. Motion made by Luettel, second by Schuele to approve the purchase order of \$184,954.00 for a 2011 John Deere 770GP Motor Grader from Murphy Tractor & Equipment Co. as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for July 2011: Clerk - \$4,898.25 (State of Nebraska - \$2,425.57/County of Boone - \$2,472.68; Clerk of the District Court - \$406.86 (State of Nebraska - \$222.00/County of Boone - \$184.86); Sheriff - \$3,659.56; Treasurer's Fees - \$6.00; and Treasurer's Office Miscellaneous Receipt Nos. 11371-11453 - \$199,471.62. Total collected by County Treasurer was \$514,088.92. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board; Dave Spiegel, Boone County Sheriff; Dave Moore, Nance County Sheriff; and Dennis Jarecke, Nance County Supervisor discussed the possibility of consolidating Emergency Management Services. Merrick County had no representation at the meeting. Nance County has already advertised for applicants for the possible consolidated position. The budgeted expense figure of \$18,000.00 for each county was the consensus of the officials present at this time. After contacting Merrick County to find out if they are still interested in consolidating the services, a meeting of Board members will take place to discuss details for the possibility of an Interlocal Agreement. The Boone County Board decided not to advertise the position until details are available.

Motion made by Schuele, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$31,209.13; Road - \$218,027.00; County Visitors Promotion - \$465.20; Reappraisal - \$2,452.42; Boone Co Economic Development - \$1,150.43; Business Development - \$5,000.00; 911 Emergency Management (2910) - \$1,774.51; 911 Wireless Service (2913) - \$2,660.80; Courthouse Building - \$6,259.09; Ambulance - \$1,323.54. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Rod Nelson, Maintenance, discussed the hours and no weapon decal options with the Board regarding the courthouse entrance doors. Chad Engle, NIRMA Safety Specialist, met with the Board and representatives of the county safety committee. Engle discussed safety practices, programs and services and provided material/forms for reviewing.

Chairman Tisthammer declared the meeting adjourned at 2:36 P.M. with the next Board meeting scheduled for August 15, 2011.

Kathy Thorberg, County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 15, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 15, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

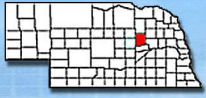
No one appeared before the Board regarding the general assistance request, therefore no action taken at this time.

Motion made by Schuele, second by Luettel to accept and approve the Boone County Sheriff's 2011 second quarter report. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board and Public Hearings Proceedings of August 8, 2011. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board held their monthly meeting with the officials, department heads, or employees. Rod Nelson, Maintenance and Safety Committee, provided a handout regarding NIRMA online courses that employees may take. The Board, Nelson, and safety committee members met with Chad Engle, NIRMA Safety Specialist, on August 8, 2011. Highway Superintendent indicated that lightning struck the fiberglass radio antenna and as a result, the county road crew has been without radio contact for three weeks. A new metal antenna has been ordered. Lisa Langan, County Court State Employee, questioned the legality regarding the Cost of Living percentages suggested for January 2012 within the July 25, 2011 Board Proceedings. The Board asked the County Clerk to forward the information to NACO legal counsel for review. Veteran's Day is August 29, 2011 at the Nebraska State Fair. The second half of Real Estate and Personal Property Tax is delinquent September 1, 2011. Dave Spiegel, Sheriff, is receiving quotes to replace 911 Communication Recording System that quit. The Sheriff's office is working on converting the wideband operation to "narrowband" as the facilities must comply with the Federal Communications Commissions narrowbanding rules by January 1, 2013. The St. Edward Fire Department is installing the E911 resident address signage in their area and Albion Fire Department is soon to start. Boone County Economic Development plans to apply for funds to help demolish ten houses in the county. Steve Pritchard, UNL Extension Educator, indicated that preparation is taking place for the Nebraska State Fair in Grand Island. Assessor's office is working on valuations and certification letters. Northeast Association of County Officials meeting is scheduled for September 16, 2011. NACO convention is December 14-16, 2011 in Kearney. The Board is meeting with Richard Martinsen, CPA today to begin the budget preparation. The Board is not pleased with the discontent of some employees regarding the cost of living allowance.

Darrel Thorin, Highway Superintendent, updated the Board regarding the progress of road and bridge construction projects. Thorin and the Board received complaints regarding the maintenance and condition of rural roads. Thorin feels no county road operator intentionally creates a dangerous road.



# Boone County Board Minutes



A public hearing was held on August 8, 2011 regarding the opening of approximately 0.8 miles of a county road known as 180<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-38 to open approximately 0.8 miles of road between Sections 20 and 21, Township 21 North, Range 7 West known as 180<sup>th</sup> Avenue with 66 feet right-of-way as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Resolution 2011-37 approved on August 8, 2011 has an incorrect legal description. The legal description should read: A County Road, running East and West between the SE1/4 of Section 19 and the NE1/4 of Section 30 all in Township 19 North, Range 6 West, Boone County, Nebraska, commonly known as 320<sup>th</sup> Street. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-39 correcting the legal description of and supersedes Resolution No. 2011-37 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Richard Martinsen, CPA and the Board discussed preliminary preparation of the 2011-2012 County Budget. The County Attorney budget was not completed or returned in order for Martinsen to complete a General Fund total for a preliminary figure. The Board and Martinsen used figures from the previous year and salary figures as approved pursuant to the July 25, 2011 Board Proceedings, in order to continue budget preparation. The Board and Martinsen plan another budget work session on August 22, 2011.

Open discussion and Miscellaneous Public Comments: Sue Warner, BCBS representative, was in the area and stopped by to answer any questions the Board may have regarding BCBS insurance coverage.

Vice Chairman Schuele declared the meeting adjourned at 3:35 P.M., the next Board meeting is scheduled for August 22, 2011.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, August 15, 2011 at 11:30 A.M. in the Boone County Courthouse Courtroom in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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 roll call were Tom Schuele, Ken Luettel and Jerry L. Tisthammer. Also present was Barb Hanson, Zoning Administrator and Natalie Pugh, Zoning office personnel. In attendance for applicant were Jerry Niewohner and Dana Cox. In addition, approximately fourteen interested citizens attended the hearing.

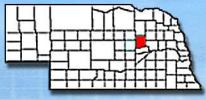
The public hearing is to approve or deny the application for a Conditional Use Permit by Niewohner Farms Partnership to construct a Class I Livestock Feeding Operation, Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the NE1/4 of Section 5, Township 20 North, Range 6 West, Boone County, Nebraska. Niewohner Bros., Inc. owns the property hereinto referenced. After receiving testimony from the proponents and opponents the Board has the option to approve, deny or postpone the decision.

Chairman Tisthammer opened the floor for the applicants. Jerry Niewohner, Applicant, indicated that the request is to build a new planned confined swine finisher operation. Niewohner said the new modern facility for raising hogs is a better environment for the hogs than raising them in open pens. The plans are for an eight-foot concrete lined manure pit under the building. An eight-foot pit can hold approximately ten months of waste. Niewohner indicated three quarters of cropland is available nearby to receive direct injection of manure from pit. Niewohner and Dana Cox addressed concerns regarding set back requirements; distance between the new proposed facility, Bogey 4 unit and occupied residential homes; nutrient management plan; and truck traffic.

Following the applicant, Commissioner Tisthammer opened the floor for proponents and opponents. Ted Thieman read his testimony of opposition and provided a copy to the Board and Hanson. Thieman referenced Boone County Zoning manual pages, conditions not followed on previous units, DEQ report, and protection of ground water and land for the future generations. Marion Kunzman said the already increased truck traffic over the years is an infringement on her rights and she can no longer walk safely on the road around the section as in the past. Joan Luettel indicated it was unsafe to walk on the roads due to increased heavy truck traffic and the creation of dangerous road conditions. Luettel further noted that livestock confinement odor and dangerous road conditions are keeping the younger generation from moving back to the area. Luettel read a statement from her husband indicating to the Board to follow rules as written, bending rules for one sets a precedence. Chairman Tisthammer asked twice for any further testimony, hearing none he asked for a motion to close said hearing.

Motion made by Luettel and second by Schuele to close said hearing at 12:08 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Barb Hanson, Zoning Administrator, provided the Board and Applicant with the Boone County Planning Commission hearing proceedings of June 27, 2011, the compliance status of the conditions as of July 14, 2011 for the four previous Conditional Use Permits, along with other material. The Planning Commission recommended approval subject to Niewohner meeting the previous conditions set by the Boone County Board of Commissioners as referenced in the Board Proceedings of November 13, 2007 for four livestock hog confinements west of Loretto.



# Boone County Board Minutes



Commissioner Schuele asked Niewohner questions regarding the Bogey 4 unit in relation to the proposed new unit. Bogey 4 is a 5000 unit finish operation; the proposed is for a smaller unit of 2,599 head of hogs. Dana Cox answered questions with regard to the lagoon with the Bogey 4 unit and water quality testing. Schuele asked if the addition of the proposed unit would be too much manure concentration application in the area where Bogey 4 already exists. Niewohner indicated there would be three separate quarters of crop ground for the nutrient management for the proposed unit. Further discussion involved zoning regulations, compliance of the four units west of Loretto, soil types, trees, and times per year pits are emptied by knifing in the nutrients into cropland.

Commissioner Tisthammer questioned Niewohner about non-compliance issues with regard to the four units west of Loretto. Niewohner indicated that DEQ has the reports; he will furnish a copy to the county. The reports to be furnished to the county are the manure application dates/locations and annual water quality test results. Tisthammer commented that it is best to keep the lines of communication open when equipment or facility breakdowns occur. An obvious spill needs to be reported right away such as the one west of Loretto and an open line of communication of what happened, so several assumptions are not floating around the community.

Joan Luettel, Ramona Thieman, Jack Kunzman, and Joan Majerus expressed their concerns with increased truck traffic deteriorating the roads, additional livestock odor and protection of ground water.

The newer technology of knifing has improved manure application and lingering odor, but there is no way to avoid some livestock odor.

Motion made by Schuele, second by Luettel to table decision to the August 22, 2011 Board meeting after receiving and reviewing the requested information. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 22, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 22, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Commissioner Schuele attended a meeting in Fullerton on August 18, 2011 regarding the possibility of consolidating Emergency Management Services with Merrick County and Nance County. The county representatives discussed consolidating services and agreed on some details regarding a future agreement. No Interlocal Agreement has been drafted to date. The consensus of the group is that the Emergency Manager position is not a full time position for one county, but a workable shared position. Details discussed included: one county will administer the shared position; a percentage used for a cost share budget; Boone and Merrick have larger populations and higher valuations than Nance; and possible consolidated services to begin January 1, 2012. Nance and Merrick have already advertised the position. Motion made by Schuele, second by Luettel to advertise a possible consolidated Emergency Management Services position in the four Boone County newspapers with an application deadline of September 16, 2011. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

No report was received from Darrel Thorin, Highway Superintendent; he was working at a construction site.

Richard Martinsen, CPA and the Board reviewed the 2011-2012 preliminary county budget figures. The preliminary budget figure expense as submitted increased 9.7% over last fiscal year. The Board lowered the preliminary percentage to 8.1% by decreasing some expense request figures and transferring \$450,000.00 from Inheritance Tax. The Inheritance Tax transfer is \$100,000.00 for Courthouse Bond and \$350,000.00 for Road. The State Auditor's Office recommends a budget cash reserve of 20%. The Board will review the information received from NACO legal counsel regarding the cost of living for January 2012 referenced in the July 25, 2011 Board Proceedings and in Resolution No. 2010-1 for elected officials. The 2011-2012 County Budget Hearing is scheduled for Monday, September 12, 2011 at 11:00 A.M.

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. The Boone County Visitors Promotion Committee previously approved one request for advertisement funding. The Primrose American Legion Auxiliary submitted a request for assistance with advertising a Patriotic Freedom Walk event scheduled for September 11, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, Sheriff, and Sheryl Machacek, Communications Director, discussed replacement of the 911 Communication Recording system. The old recorder has been out of service for some time and is not repairable. Machacek presented bids from DSS Corporation and Midland Telecom/Wahltek for digital logging recorders. Wahltek bid for \$14,390.00 plus installation and maintenance contract and DSS Corporation bid for \$17,167.00 plus installation and maintenance contract. DSS Corporation offered a five-year annual payment of \$5,525.00 that includes upgrades, plus installation. The DSS Corporation equipment includes the latest technology. Motion made by Schuele, second by Luettel to approve and authorize the County Sheriff to purchase a DSS Equature NG9-1-1 Communication Recording System with the five-year payment plan from DSS Corporation. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

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





# Boone County Board Minutes



A public hearing was held on August 15, 2011 to approve or deny the application for a Conditional Use Permit (CUP) by Niewohner Farms Partnership to construct a Class I Livestock Feeding Operation, Hog Confinement Unit, to be located on a Fraction of the NE1/4 of Section 5, Township 20 North, Range 6 West, Boone County, Nebraska. The Planning Commission recommended approval subject to Niewohner meeting the previous conditions set by the Boone County Board of Commissioners as referenced in the Board Proceedings of November 13, 2007 for four livestock hog confinements west of Loretto. The decision was tabled from August 15, 2011 to the August 22, 2011 Board meeting after receiving and reviewing the requested information from the hearing. Dana Cox presented the requested water test results and information on manure applications for Niewohner Farms. The Board reviewed compliance reports. The water tests and manure application reports were not supplied before the hearing and tree-planting stipulations have not been met. A report submitted for nutrient management showed manure applied to wrong areas. The Board discussed a DEQ investigation dated October 21, 2010 and the report states poor management regarding an overflow of one of the storage facilities. Schuele drove through the area of the present four units and proposed new unit after the hearing. Schuele liked the looks of the units, no offensive odor and crops look great. Schuele is not in favor of approving this CUP until he can see improvement in management operation of the four units, following regulations and conditions, and review another year of reports. Tisthammer liked the proposed size of the unit but is dissatisfied with the violation not being reported in a timely manner and indicated that better communication is needed. Luettel wants another year of reports before consideration of another unit and proof they can manage the present four units within the regulations and conditions. Barb Hanson, Zoning Administrator, informed the Board that the four units west of Loretto do not have Zoning Permits. Hanson explained that an approved "Conditional Use Permit" is not a Zoning Permit. Conditional Use Permit gives the right to use the parcel of property for the use applied for but does not give you the right to build. Once the CUP is approved then one needs to apply for a Zoning Permit to build and follow zoning regulations. Motion made by Luettel, second by Tisthammer to deny the application of Conditional Use Permit submitted by Niewohner Farms Partnership due to the fact that the previous conditions of four livestock hog confinements west of Loretto have not met the conditions; better communication with Zoning Office is needed; improve the management of the present facilities; and prove the operation of the four facilities meet regulations and conditions. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board and Public Hearing Proceedings of August 15, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$85,601.55, BCBS \$36,438.70, Ameritas Ret \$5,897.45, EFTPS \$6,476.26; Road \$45,697.19, BCBS \$20,100.68, Ameritas Ret \$2,869.41, EFTPS \$3,469.40; Boone County Economic Development \$4,853.33, BCBS \$1,492.40, Ameritas Ret \$327.60, EFTPS \$360.32; Ambulance \$705.00, Ameritas Ret \$41.52, EFTPS \$53.93; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,020.87, Ameritas Ret \$274.25, EFTPS \$384.10, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

No action was taken with regard to funeral policy revisions.

Open discussion: Luettel plans to attend the Planning and Zoning Commission meeting scheduled for the evening of August 22, 2011.

Chairman Tisthammer declared the meeting adjourned at 12:08 P.M. with the next Board meeting scheduled for Monday, August 29, 2011.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 29, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 29, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Frank Lautenberg, United States Senator for New Jersey, has sponsored and received unanimous support for his resolution, S. R. 237, "A National Moment of Remembrance at 1:00 p.m., Eastern Daylight Time on September 11, 2011" to stop and remember those we lost in the September 11<sup>th</sup> attacks. The Senator calls for counties, cities and towns across America to sound sirens and ring bells at 1:00 p.m. Eastern Daylight Time. This year we mark the 10<sup>th</sup> anniversary of the terrorist attacks of September 11, 2001, a day that changed America forever. The Moment of Remembrance will take place for one full minute at 1:00 p.m. Eastern Daylight Time on September 11, 2011. Motion made by Schuele, second by Tisthammer to adopt said Resolution 2011-40, County of Boone, Nebraska joining in the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. 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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council submitted a request for assistance with advertising the annual Enchanted Trail event scheduled for October 1, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board regarding road and bridge projects. Thorin updated the Board regarding the status of the asphalt overlay for the Raeville road and the engineering negotiations for the Cedar Rapids Historical Bridge project. Thorin has had several requests for widening of rural driveways due to larger trucks and equipment. Presently there is no policy in place for upgrading existing driveways. Thorin will draft a policy for the next Board meeting to address the requests. Thorin shared information of a study by the Kansas Department of Roads regarding heavy equipment damage to asphalt roads. Thorin asked the Board to consider adding an additional eight hours for office clerical help. Presently the road part time clerical is twenty-four hours per week; no decision was made at this time.

Ron Levander and the Board discussed revisions to Resolution No. 2005-37 regarding the county burial policy. The present burial policy does not address cremation disposition. Levander and the Board discussed adding "County Commissioners may request services of County Sheriff's Department to review and confirm personal asset items." The 2005 Resolution addresses accounts and funds, but not personal assets when applying for assistance for a county burial. The suggested revisions address a more complete review of personal assets, mileage rate, and language for cremation. A new resolution will be drafted with the suggested revisions for the next Board meeting.

Motion made by Schuele, second by Luettel to approve the County Board and Board of Equalization Proceedings of August 22, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



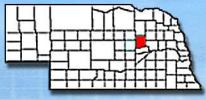
# Boone County Board Minutes



As a result of the 2010 census and population changes within the county, a review is required regarding possible redistricting of Commissioners districts. The Board was presented with a spreadsheet and maps regarding the current population for each district pursuant to the 2010 census results at the July 18, 2011 Board meeting. Section 32-553 of the Nebraska statutes require redistricting after each federal census. After research and discussion with Clerks/Election Commissioners within the State by the Boone County Clerk's office, they did not see any requirements that a special public hearing is necessary. Supreme Court rulings have allowed a plus or minus 5% variance in equal numbers of citizens represented by each governing board member. Presently District 1 is 3% below the average, District 2 is 15% above the average and District 3 is 12% below the average. Upon the review of the options, the redistricting preference is to move Boone Precinct to Commissioner District 1 and Dublin/Bonanza Precinct to Commissioner District 3 at this time. As the rural population declines adjustments need to be made within the County Commissioner voting districts. The Commissioner District precinct lines need to be contiguous. The redistricting will not require changing the current precinct boundaries. After redistricting, Beaver, Boone and Cedar Precincts will comprise Commissioner District 1; Commissioner District 2 will consist of Southeast Manchester and Southwest Manchester Precincts; and Commissioner District 3 will be Dublin-Bonanza, North Manchester, North Branch-Shell Creek and Oakland Precincts. District 1 would be 6% below the average, District 2 would be 2% above the average and District 3 would be 4% above the average. This option allows more flexibility for the future of the 2020 census without changing voter precinct boundaries. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-41, hereby establishing Commissioner District 1 consisting of Boone, Beaver and Cedar Precincts; District 2 shall consist of Southeast Manchester and Southwest Manchester Precincts; and District 3 shall consist of Dublin-Bonanza, North Branch-Shell Creek, North Manchester and Oakland Precincts as adopted this 29<sup>th</sup> day of August, 2011. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The July 25, 2011 Board Proceedings regarding a cost of living for employees effective in January 2012 was questioned at the August 15, 2011 Board meeting. The Board asked the County Clerk to forward the information to NACO legal counsel for review. The Board discussed the NACO legal counsel review of the July 25, 2011 proceedings, longevity program and Resolution No. 2010-1. The review of Resolution No. 2010-1, salaries for all elective offices for calendar years 2011 through 2014, did not distinguish a cost of living rate increase between full-time and part-time elected officials. The resolution reads cost of living increase "based on the Consumer Price Index (CPI) as established by the Bureau of Labor Statistics, U. S. Department of Labor". The resolution did not reference a specific calculation of CPI use. Legal counsel suggested that the CPI calculation decided upon be recorded in the minutes for record since there is no clarification in the resolution. As for non-elected employees, there is no statutory requirement to provide salary increases and the Board can recommend a zero-increase. There is a statute regarding the salary for one full-time deputy and it shall not be less than 65 percent of the elected official's salary. Since the 2011-2012 County budget has not been adopted to date, the Board may rescind their July 25, 2011 motion. The consensus of the Board is to use the CPI annual average rate for elected officials' cost of living as set forth in Resolution No. 2010-1. The Board rescinds the motion of July 25, 2011 regarding the cost of living effective January 2012.

The NACO Blue Cross Blue Shield Health Insurance premium increased 7% for July 1, 2011 through June 30, 2012. A full time employee benefit is the full health insurance premium paid by the county. The monthly or hourly base wages within the Employee Handbook are for starting new employees and used when figuring the cost of living, if given, in January each year. The County established a Longevity Program for full-time employees several years ago. The elected and appointed officials and department heads are not eligible for the Longevity Program. The Board proposed setting the cost of living increases taking into account the employee's receiving/not receiving the Longevity Program. Motion made by Schuele, second by Tisthammer to approve cost of living percent increase computed on the base wage as follows: 3% for all full time employees that participate in the Longevity Program; 3% computed on the hourly wage for Ambulance and Weed, with no change for the bookkeeping services; 5% for the appointed full and part time positions not participating in the Longevity Program for the Economic, Highway Superintendent, Veteran, and Zoning offices; 50 cents per hour increase for permanent part time employees; and the average annual CPI rate (3.6%) for elected officials. This motion supersedes the July 25, 2011 motion and is effective January 2012. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.



# Boone County Board Minutes



Shannon Landauer, County Economic Development Director, and the Board discussed renovation and interior painting/carpet for the county annex building now vacated by DHHS. The Boone County Economic Development office plans to move into the annex building once renovation is completed. No renovation plan or dollar amount has been agreed on to date.

Motion made by Schuele, second by Luettel to go into an executive session at 11:17 A.M. for the protection of the public interest. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. The Board and Shannon Landauer, Economic Development Director discussed strategy. Motion made by Luettel, second by Schuele to come out of executive session at 11:36 A.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Motion made by Luettel, second by Schuele to go into an executive session at 11:37 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. The Board and Joyce Sock, Assessor discussed personnel issues. Motion made by Tisthammer, second by Luettel to come out of executive session at 11:48 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. Motion made by Tisthammer, second by Schuele to accept the resignation effective August 29, 2011 of Kathleen Langan, clerical employee for the Boone County Assessor. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel 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: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. The Board discussed personnel issues. Motion made by Luettel, second by Schuele to come out of executive session at 12:22 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Open discussion: Commissioner Schuele reported on the Boone County Fitness Center meeting. Mark Niewohner discussed with the Board their decision regarding the denial of the Conditional Use Permit (CUP) application by Niewohner Farms Partnership to build a hog confinement. Niewohner felt they could provide additional information that would favor the application. Niewohner asked the Board to re-open the Board meeting of August 22, 2011 and reconsider the CUP application. Jerry Niewohner arrived later to discuss with the Board their decision to deny the permit and asked the Board to re-open the August 22, 2011 Board meeting. Niewohner felt that the application would be approved which is why he did not attend the Board meeting on August 22, 2011; otherwise, he would have prepared more information. The Board agreed to check on the legality of re-opening a meeting regarding the process of a Conditional Use Permit. The Board visited by teleconference with Stephen D. Mossman, attorney for Niewohner.

Chairman Tisthammer declared the meeting adjourned at 1:34 P.M. with the next Board meeting scheduled for September 12, 2011.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 12, 2011 at 11:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, 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 Ken Luettel, Tom Schuele and Jerry L. Tisthammer. Richard Martinsen, CPA was present to answer budget questions. Chairman Tisthammer 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 2011-2012 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 2011-2012 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 August 31, 2011 issue of the Albion News.

The County Board and Albion News representative discussed with Martinsen the differences from last fiscal year's budget in the areas of asking dollar increase, land valuation, tax rate and property tax requirement. Martinsen answered and explained the questions with regard to the proposed budget and publication. The 2011-2012 proposed property tax request is \$3,458,208.00 with a proposed 2011 tax rate of .311368. It takes a 75% vote to exceed the additional 1% lid. The levy authority of 50 cents includes the County levy and all the entities such as Agricultural/Historical Societies, Fire Districts, etc. added together. The County allowable levy limit is 45 cents of the 50 cents; Boone County is currently at .311368. The 2011 County valuation is \$1,110,651,547.00 compared to the 2010 valuation of \$1,037,312,181.00.

The 2011-2012 County Budget adopted tax request increased 7.7446% more than the 2010-2011 fiscal year budget request. The 2011-2012 County proposed property tax request is asking for \$248,576.00 more than the 2010-2011 fiscal year. The majority of the County Budget increase reflects the proposed Courthouse renovation project over a 10-year period, 7% health insurance increase, various cost of living wage increases and loss of state aid that was addressed in LB 383.

Motion made by Luettel, second by Schuele to close said public hearing at 12:03 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve exceeding the lid by an additional 1% growth for fiscal year 2011-2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the 2011-2012 County Budget as advertised and presented with an Unused Budget Authority created for next year of \$75,087.41; and set the 2011 County Tax Rate at .311368, which is different than the County Tax Rate of .309418 for 2010. Roll call vote: Yeas: Luettel, 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 Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 12, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 12, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board received a written resignation from Lori Swerczek, Deputy Assessor. Motion made by Schuele, second by Luettel regretfully accepting the resignation of Lori Swerczek with an effective date of September 30, 2011. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board received a written resignation from Barb Hanson, County Zoning Administrator. Motion made by Schuele, second by Luettel regretfully accepting the resignation of Barb Hanson with an effective date of September 13, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. 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 Luettel, second by Schuele to approve the 2010-2011 County Office Inventories as presented from the various offices. Roll call vote: Yeas: Luettel, Schuele 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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council submitted a request for assistance with advertising the Daniel Christian Concert scheduled for October 22, 2011. Motion made by Luettel, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board and Ron Levander, Levander Funeral Home, have discussed revisions regarding the County burial policy. The last update is Resolution No. 2005-37 dated October 11, 2005. The previous policy did not address cremation disposition. The revised policy includes language for cremation services and disposition, mileage rate, and that the County Commissioners may request the services of the County Sheriff's Department to review and confirm personal asset items. Motion made by Schuele, second by Tisthammer to approve County Burial Policy Resolution No. 2011-42 as presented with the change of "will" to "may" request the services of the County Sheriff's Department and supersedes all prior resolutions and agreements regarding County burials. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board reviewed a general assistance request with regard to rent. No action was taken at this time.

John Morgan, County Attorney, submitted a resolution for approval regarding Safety Training Option Program (STOP) revisions. The Nebraska Department of Motor Vehicles-Legal Division has approved the change of the curriculum for STOP classes, from eight hours to four hours driver's safety training. In accordance with the



# Boone County Board Minutes



revised rules and regulations, it is necessary to approve a resolution for the change to be effective in Boone County. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign Resolution No. 2011-43 changing the STOP curriculum from eight hours to four hours driver's safety training as presented and approved this 12<sup>th</sup> day of September 2011. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Public Service Commission (PSC) established a permanent funding mechanism for Wireless 911 Service. This new process required each county and/or city with a Public Safety Answering Points (PSAPs) to establish a new fund to account for the money coming from the State. The money will come from the State each month and will be used to implement and update equipment related to the PSAP. The QWEST trunk line billings for the 2010-2011 budget year were paid from the 911 Emergency Management Fund (2910). A percentage of the trunk line billings may be paid from the 911 Wireless Service Fund (2913). Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-44 and authorizes Laurie Krohn, Boone County Treasurer, to transfer the sum of \$2,137.51 from the 911 Wireless Service Fund (2913) to the 911 Emergency Management Fund (2910) as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding the progress of the road and bridge construction projects. Thorin provided the Board a sample copy of a Haul Route Agreement to review.

Resolution No. 2011-39 dated August 15, 2011 appointed Darrel Thorin, County Highway Superintendent, to complete a feasibility study. The feasibility study is in regard to the reclassification of a county road, running East and West between the SE1/4 of Section 19 and the NE1/4 of Section 30 all in Township 19 North, Range 6 West, Boone County, Nebraska, commonly known as 320<sup>th</sup> Street. After reviewing the road records of Boone County, Thorin has informed the Board that no documentation can be found to verify that this section of road was ever officially opened. Thorin and the Board discussed the feasibility study. The Board tabled a decision at this time. Thorin will visit with Matt Schriver regarding the road reclassification request.

The increase in the size of farm equipment and length of trailers has resulted in numerous requests for the widening of existing driveways to accommodate the increased size. The Board wishes to establish a standard policy for the upgrading of those existing driveways for the purpose of ingress and egress off of county roads. Driveways that qualify under this policy will be determined on a case-by-case basis. Driveways that do not qualify under this policy shall be subject to the policy as stated in a resolution dated January 6, 1976. Motion made by Luettel, second by Schuele to approve as presented Resolution No. 2011-45 for driveways that qualify under this policy, the County and the person/persons requesting the upgrade to the driveway will share the cost of material 50/50 and the County will supply the labor for installation of the driveway upgrade. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of August 29, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel 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 August 2011: Clerk - \$6,730.75 (State of Nebraska - \$3,885.11/County of Boone - \$2,845.64; Clerk of the District Court - \$810.44 (State of Nebraska - \$583.00/County of Boone - \$227.44); Sheriff - \$3,146.71; Planning and Zoning for June, July and August - \$3,014.99; Treasurer's Fees - \$14.00; and Treasurer's Office Miscellaneous Receipt Nos. 11454-11536 - \$156,583.42. Total collected by County



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Treasurer was \$5,592,318.44. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the Accounts Payable Vendor Claims and other claims filed for payment from the various funds: General - \$74,059.44; Road - \$240,291.91; County Visitors Promotion - \$800.00; Reappraisal - \$2,473.95; Veteran's Aid - \$500.00; Federal Grant (09-TFHP-2012) - \$14,315.84; Boone Co Economic Development - \$2,923.62; Business Development - \$20,000.00; 911 Emergency Management (2910) - \$11,527.28; 911 Wireless Service (2913) - \$5,940.00; Courthouse Building - \$1,492.11; Ambulance - \$528.96; and General Payroll - \$348.16, Ameritas Ret. - \$23.50. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The County Budget Act (State Statute Section 23-904) requires a budget message to be completed by the budget making authority outlining the fiscal policy for the budget period. The budget message must include a list of all cash amounts being held by officials that do not appear in the County Treasurer's Office six month balance reports. The Board has approved and authorized accounts within County Offices to receive and disburse fees, etc. Some of the accounts balance to zero and some accounts have a beginning balance. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-46 authorizing the accounts within County Offices as stated in the resolution. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

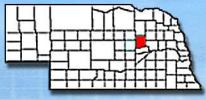
Safety Committee members Laurie Krohn, Rod Nelson, Sheryl Machacek, Darrel Thorin, Jacqueline Wells and Commissioners Schuele, Tisthammer and Luettel held a meeting at 1:00 P.M. to discuss routine business. The Safety Committee discussed the floor plan for emergency fire and tornado evacuation. Rod Nelson made sure that all the offices received the online courses list that NIRMA offers. The Safety Committee reviewed the NIRMA Work Comp Claims and submitted their findings. The next safety meeting is scheduled for Monday, November 28, 2011 at 1:00 P.M.

Motion made by Luettel, second by Schuele to go into an executive session at 1:32 P.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. Barb Hanson, Zoning Administrator and the Board discussed personnel issues. Motion made by Tisthammer, second by Luettel to come out of executive session at 2:12 P.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. Barb Hanson offered zoning administrative services for a maximum of eight weeks.

Open discussion: The Board reviewed the NIRMA Property Appraisal for Boone County, NE as of July 8, 2011 and letters regarding NIRMA board members and an October meeting. The Board discussed conducting employee exit interviews; it is a suggestion from a NIRMA meeting.

Chairman Tisthammer declared the meeting adjourned at 2:32 P.M. with the next Board meeting scheduled for September 19, 2011.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, September 12, 2011 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Tisthammer, 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 Jerry L. Tisthammer, Tom Schuele and Ken Luettel. Applicant Kenneth F. Luettel and Barb Hanson, County Zoning Administrator, were present to answer any questions. Chairman Tisthammer acknowledged 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 Kenneth F. Luettel. Kenneth F. and Jacquelyn K. Luettel are the property owners of the real estate referenced herein. The application request is to divide 6.74± acres of the farmstead from farm ground located on a fraction of the SW1/4 of Section 13, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska to sell the property for a personal residence.

Kenneth Luettel explained to the Board that the plan is to sell the property with the existing home for a personal residence. Barb Hanson, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. A Waiver of Distance with regard to livestock will be signed and a survey is completed. Luettel explained the easements that will be filed regarding power lines, water, and ingress/egress driveway access to the remaining farm buildings.

Motion made by Schuele, second by Tisthammer to close said hearing at 9:05 A.M. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as presented the Application for Conditional Use Permit submitted by Kenneth F. Luettel. The approval is to divide 6.74± acres of the farmstead from farm ground to sell the property for a personal residence located on a fraction of the SW1/4 of Section 13, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Abstain: Luettel. Motion carried.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 19, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 19, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees. County Government Day is scheduled for Wednesday, November 16, 2011 from approximately 8:30 A.M. to 2:30 P.M. County officials reported on the Northeast Association of County Officials meeting they attended on September 16, 2011. Commissioner Luettel and Highway Superintendent Thorin reported on the NDOR Highway Superintendent/RC meeting they attended on September 15, 2011. Commissioner Schuele reported on the joint meeting he attended with Merrick and Nance County regarding the Emergency Management Services position. There were fourteen applications for the possible consolidated Emergency Management Services. The county representatives narrowed the applications to seven for review/interviews. The next meeting for representatives of the three counties is scheduled for September 29, 2011.

The Board received a written resignation from Natalie Pugh, County Zoning office employee. Motion made by Tisthammer, second by Schuele regretfully accepting the resignation of Natalie Pugh with an effective date of September 28, 2011 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board discussed the appointment of an interim Zoning Administrator until a decision is made regarding the status of the position. Motion made by Schuele, second by Luettel to appoint Barb Hanson as the interim Zoning Administrator effective September 19, 2011 not to exceed eight weeks. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Former employees of the County are not eligible for re-hire without prior approval of the County Board as stated on page 14 of the Boone County Employee Handbook.

Motion made by Tisthammer, second by Luettel to approve the re-employment of Barb Hanson, County Assessor's office, retroactive September 14, 2011. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the re-employment of Natalie Pugh, County Assessor's office, effective September 29, 2011. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board and Public Hearings Proceedings of September 12, 2011. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Jessica Whalen, Community Liaison for Congressman Smith, and the Board discussed the growth in government regulations. Whalen indicated that the majority of the population is not happy with the reform. A recent report published by the Office of Information and Regulatory Affairs confirmed an additional 4,257 new regulations and rules are currently in the works. These taxing regulations will continue to hamper job creation by tying the hands of small business owners and placing undue burden on America's job creators. One of the regulations included on this list is the Environmental Protection Agency's farm dust rule, which directly impacts Nebraska agriculture industry. Congressman Smith is co-sponsoring the Farm Dust Regulation Prevention Act (H.R. 1633). Congressman Smith has not issued a particular view regarding the pipeline issue. The U. S. needs to be independent from foreign oil. Smith would like to see what is best scientifically for the U. S. as a whole while still have safety and protection for the aquifers. The Board and Highway Superintendent discussed the Federal Funds Purchase Program pros and cons with Whalen.

Darrel Thorin, Highway Superintendent, updated the Board regarding the progress of road and bridge construction projects. Thorin updated the Board with regard to Highway Superintendent and RC regulations, as it appears the responsibility is shifting from the state consultants to the local level. Trees are an increasing concern along county road right-of-ways and intersections. A site plan for tree distance may need to be discussed for safety reasons with regard to intersections.

The Board discussed the renewal of the Interlocal Agreement with the City of Albion regarding zoning services. The present agreement ends September 30, 2011. The consensus of the Board is to table a decision at this time due to the Zoning Administration office vacancy positions and no applications received for the position to date. Motion made by Luettel, second by Schuele to table a decision regarding an Interlocal Agreement with the City of Albion for zoning services. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and Miscellaneous Public Comments: Orrin Strand discussed safety/liability issues with the Board and Darrel Thorin, Highway Superintendent regarding trees/fences within the road right-of-way. State Statute Section 39 addresses the landowner's responsibility with regard to destroying weeds, removing trees/brush and mowing ditches. The Nebraska Department of Roads regulations allow a classified minimum maintenance road to be maintained a minimum of three times a year. The Board reported on the various meetings they attended last week. The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 11:53 A.M., the next Board meeting is scheduled for September 26, 2011.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 26, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 26, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

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 Schuele, second by Luettel to approve Resolution No. 2011-47, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) 55.50% to the Road Fund (0200) for the 2011-2012 Tax Year on a monthly basis not to exceed \$1,770,000.00. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

County of Boone received a Final Performance Report for the Project Title 09-TFHP-2012, Purchase/Rehabilitation/Resale Single Family Housing Program, from Northeast Economic Development District. The expense requests for NAHTF Funds disbursements are rounded and sixteen cents remains in the Grant Fund (2502) regarding an advertisement publication. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-48 authorizing Laurie Krohn, Boone County Treasurer, to transfer the sixteen cents from the Grant Fund (2502) to the County General Fund (0100) as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

William J. Robinson, Mary M. Robinson and Margaret D. Swerczek, Trustee requested permission to trench a 11/2 inch water line for livestock purposes over and across a county road known as 130<sup>th</sup> Avenue. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-49 granting permission to trench a water line from a well located in the SE1/4 of 33-18-8; thence east to a livestock water tank located in the SW1/4 of Section 34, Township 18 North, Range 8 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$85,617.30, BCBS \$32,273.48, Ameritas Ret \$5,875.03, EFTPS \$6,491.66; Road \$46,575.46, BCBS \$20,100.68, Ameritas Ret \$2,853.81, EFTPS \$3,536.59; Boone County Economic Development \$4,693.33, BCBS \$1,492.40, Ameritas Ret \$316.80, EFTPS \$348.08; Ambulance \$872.50, Ameritas Ret \$56.03, EFTPS \$66.73; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,508.11, Ameritas Ret \$302.97, EFTPS \$421.36, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of September 19, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



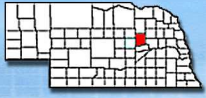
The Board received a petition with thirty-six signatures requesting the Board to repair and keep three miles of asphalt and replace the one mile of asphalt that was torn up located from State Highway 14/32 junction and 145<sup>th</sup> Street going west of Petersburg for four miles to the junction of 145<sup>th</sup> Street and 170<sup>th</sup> Avenue. The Board and Highway Superintendent discussed the asphalt road conditions with eight of the petitioners. Thorin explained that the Federal Aid asphalt overlay project was cancelled when the State eliminated collector road classifications. The removal of the one mile of asphalt is to rebuild the base as the high water table is causing problems. The petitioners asked for assurance that the removed asphalt will be replaced once a solid base is established. The crushed white rock on the roads creates severe dust and safety hazard. The severe dust is the immediate problem that needs addressing. The group discussed the “No Trucks” sign posted for the four miles of asphalt, but truck drivers ignore it. The group asked if at certain times of the year, the posting of a weight limit with enforcement, would help preserve the asphalt. The idea would be helpful, but the road department cannot enforce it. Judd Wagner discussed several different grades and types of aggregate with Thorin and the Board.

Darrel Thorin, Highway Superintendent, updated the Board regarding the progress of road and bridge construction projects. Thorin and the Board discussed liability issues regarding minimum maintenance roads.

Darrel Thorin, Highway Superintendent, visited with Matt Schriver regarding the 320<sup>th</sup> Street feasibility study. No documentation can be found to verify that this section of road was ever officially opened. Schriver prefers reclassification of the said portion of 320<sup>th</sup> Street versus a private drive. Thorin indicated that said reclassification request of a county road, running East and West between the SE1/4 of Section 19 and the NE1/4 of Section 30 all in Township 19 North, Range 6 West, Boone County, Nebraska, commonly known as 320<sup>th</sup> Street is not used for residential or mail route. Therefore, the Board may request cost sharing to upgrade a minimum maintenance road. The Board cannot justify the cost to reclassify a portion of a minimum maintenance road to a local road, that does not lead to a residence or mail route. The Board tabled a decision at this time. Thorin will visit with Matt Schriver regarding the road reclassification request.

Boone County and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for a Federal Aid project. The NDOR Project No. IBRD-6(6) is to construct a prototype Folded Girder Bridge on 300<sup>th</sup> Street approximately 0.25 miles east of Primrose, Boone County, Nebraska located between the SW1/4 of Section 10 and the NW ¼ of Section 15, Township 19 North, Range 8 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-50 authorizing Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, to sign the Project Program Agreement as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to go into an executive session at 12:05 P.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried. Darrel Thorin, County Highway Superintendent, and the Board discussed personnel issues. Motion made by Luettel, second by Schuele to come out of executive session at 1:18 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. No action was taken at this time.



# Boone County Board Minutes



The Board reviewed applications concerning the County Zoning Administrator vacancy position. The Board plans to attend the Boone County Planning Commission meeting scheduled for 7:30 P.M. September 26, 2011 to discuss the Zoning Administrator vacancy.

Open discussion: The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer recessed said meeting at 1:57 P.M. with plans to attend the Boone County Planning Commission meeting scheduled for 7:30 P.M.

Motion by Schuele, second by Tisthammer to reconvene said meeting at 7:29 P.M. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board discussed the Zoning Administrator vacancy with the Planning Commission. The consensus was to re-advertise for the Zoning Administrator position with a 4:00 P.M. deadline on October 14, 2011.

Chairman Tisthammer declared the meeting adjourned at 10:15 P.M. with the next Board meeting scheduled for Tuesday, October 11, 2011.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 26, 2011 at 11:30 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, 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. Present for roll call was Commissioners Jerry L. Tisthammer, Tom Schuele and Ken Luettel. Also present was Lisa Hurley, Northeast Economic Development District and Shannon Landauer, Boone County Economic Development.

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

The public hearing is a formality to answer any questions concerning 09-TFHP-2012, a funded application to the Department of Economic Development. This grant is available for local affordable housing activities.

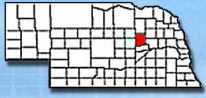
Lisa Hurley, Shannon Landauer and the Board discussed the NAHP. Boone County received \$320,900.00 for a Purchase/Rehabilitation/Resale single-family affordable housing program in which \$259,000.00 could be used for direct housing costs, \$32,100.00 for housing management costs, \$7,500.00 for lead-based paint testing/abatement and \$22,300.00 for general administration of the grant. Homebuyers contribute \$1,000.00 each towards closing costs. All NAHP funds benefit low and moderate-income people. This project did not result in persons being displaced, however the County follows the adopted plan to minimize displacement of people as a result of NAHP activities and for assisting persons actually displaced.

County of Boone received a Final Performance Report for the Project Title 09-TFHP-2012, Purchase/Rehabilitation/Resale Single Family Housing Program, from Northeast Economic Development District. Lisa Hurley answered questions and explained the Nebraska Affordable Housing Trust Fund (NAHTF) guidelines. Boone County Project 09-TFHP-2012 NAHTF total approved was \$320,900.00 with a total activity cost of \$157,537.00 leaving an unobligated NAHTF balance of \$163,363.00. NeighborWorks Northeast Nebraska inspected seven additional properties for buyers, six additional properties for Spec, performed work write ups on seven properties and processed three applications for projects that were not able to be completed due to infeasibility or ineligibility. Two houses were completed instead of the target of five. The additional funds of \$163,363.00 are being de-obligated. The unutilized balance of \$163,363.00 will be returned to the state project pool. No positive or negative comments were received from the public.

Motion made by Schuele, second by Luettel to close said public hearing at 11:45 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 11, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 11, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Jerome Anderson discussed with the Board concerns that he had regarding the proposed Dohmen lot split scheduled for hearing on October 17, 2011. He inquired whether or not the same access road would be used to get to the grains bins and building after the lot split. Barb Hanson, interim Zoning Administrator, indicated that it was her understanding that the same access road would be used. The Board thanked Mr. Anderson for his inquiries and encouraged him to attend the meeting set for October 17th, if he had any further concerns.

Dave Spiegel, County Sheriff, appeared before the Board to request approval for the purchase of two new chairs for the dispatch area at the Sheriff's office. Sheriff Spiegel indicated that the current chairs being used have been there for a number of years and since they are used 24/7, that they receive a lot of wear and tear. He indicated that he had contacted several vendors, including locally, and that he has decided on two chairs from Eakes Office Supply for a total for both chairs in the sum of \$898.00. Motion by Luettel, second by Schuele to approve the purchase of two chairs for the dispatch area from Eakes Office Supply in the total sum of \$898.00. Roll call vote: Yeas: Luettel, Schuele 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. The Boone County Visitor's Promotion Committee previously approved a request for advertisement funding. The Petersburg Community Club submitted a request for assistance with advertising the Punkin' Chunkin' event scheduled for October 30, 2011. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Joyce Sock, County Assessor, met with the Board to review and approve a Contractor Agreement with Henry Thieman to do the pickup work for the Assessor's Office. Sock advised the Board that the pickup work would be considerable this year and would need to be done by mid-January. Sock presented the Board with an agreement and a schedule for payment based on the type of pickup work to be performed. Sock advised the Board that Thieman was not sure he would be available to do the pickup work and wanted to wait until after the Board approved the agreement before making a final decision. Sock indicated that if Thieman was unable to do the pickup work that she would probably advertise the position and the pay would be based upon experience. It was the Board's opinion that whoever was doing the pickup work should be required to use a county vehicle rather than their personal vehicle due to liability issues. Motion was made by Tisthammer, second by Luettel to approve the Contractor Agreement with Henry Thieman as presented and authorizes the Board Chairman to sign said agreement. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, came before the Board to report on the following road issues:



# Boone County Board Minutes



- Thorin reported on a meeting he attended in Lincoln at the request of the Nebraska Department of Roads (NDOR) regarding the Primrose prototype bridge. Thorin reported that NDOR had made additional changes and that the county's cost for the bridge had again increased to approximately \$97,000, up from the initial figure of \$46,000. He advised the Board that he had contacted a couple of vendors regarding the possibility of the County installing a 50 foot bridge. He was advised that it would be between \$120,000 and \$150,000, which did include the approximately \$18,500 already spent on the project. Thorin advised the Board that the State indicated that they thought this would be the last change to the project, which initially was estimated at \$186,000 and now is estimated at \$404,000. Thorin advised that soft match funds could not be used for the county's share of the costs. Thorin asked the Board for their guidance on how to proceed. The Board directed Thorin to continue to work with NDOR regarding this project.
- Thorin advised the Board that they would be finishing up the Third Planet Windpower project within a day or two.
- The Board inquired regarding the fuel audit being conducted by the IRS. Thorin reported that the information had been gathered and that it appeared that approximately 3,000 gallons was included in the report that was not eligible for refund.
- Thorin reported that with regard to the 320<sup>th</sup> Street issue, that he had spoke to Matt Schriver and that he did not want the road considered a private driveway and that he would be preparing a resolution for the Board's approval to set a public hearing to open approximately one mile of 320<sup>th</sup> Street as a minimum maintenance road between Sections 19 and 30, all in 19-6, Boone County, Nebraska.
- Kinder Morgan had contacted the Highway Superintendent regarding a gas line located under 330<sup>th</sup> Street running between the NE1/4 11-21-5 and NW1/4 12-21-5, all in Boone County, Nebraska, which is presently lying only 2" to 3" below the surface of the road due to road wear and erosion. Kinder Morgan indicated that they intend to put a cement mat over the line and then will fix the road over the top. Thorin indicated that this work would be done following harvest, weather permitting.

Darrell Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-51, Federal Aid Project ENH-6(5), regarding the Cedar River Bridge Renovation Project. Motion made by Schuele, second by Luettel, to approve Resolution No. 2011-51 as presented and authorizing Jerry Tisthammer, Board Chairman, to sign the Preliminary Engineering Agreement. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-52, Haul Route Agreement, with TransCanada Keystone Pipeline LP. Thorin explained to the Board that this agreement was similar to the agreement entered into with the wind farms which provide that TransCanada will maintain the roads and be responsible for making sure the roads are in the same condition at the end of the project as they were when the project started. Thorin will go out with a TransCanada representative and videotape the roads before work begins and the information will be put on a DVD. Thorin also indicated that if the pipeline does not proceed, then the agreement will be void. Motion made by Tisthammer, Second by Luettel to approve Resolution No. 2011-52 as presented and authorizing Jerry Tisthammer, Board Chairman, to sign the Haul Route Agreement. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



TransCanada Keystone Pipeline LP requested permission to install, construct and maintain a 36" pipeline across 110<sup>th</sup> Avenue and 390<sup>th</sup> Street located in Sections 29 and 32, all in 18-8, Boone County, Nebraska. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-53 granting permission to install, construct and maintain said pipeline as described. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

A resolution regarding Federal Aid Project IBRD-6(6), Primrose Prototype Bridge, was not taken up by the Board at this time due to a change in the agreement. The resolution will be presented to the Board at a later date after the agreement has been revised.

Cornhusker Public Power District requested permission to trench an electrical cable over and across 130<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-54 as presented and granting permission to trench an electrical cable in a North-South direction from 24-22-7 to 13-22-7 at the request of Randall Pelster for service to a new shop building. Roll call vote: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

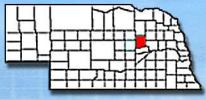
Cornhusker Public Power District requested permission to trench an electrical cable over and across 150<sup>th</sup> Street. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2011-55 as presented and granting permission to trench an electrical cable in a Southeast direction from 26-22-5 to 35-22-5 at the request of Dan Wondercheck to replace an existing overhead electric line. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to trench an alug wire over and across 150<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-56 as presented and granting permission to trench an alug wire in a North-South direction from 26-22-5 to 35-22-5 at the request of Dan Wondercheck for service to a new shop building. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 30, 2011. The road closure is for 140<sup>th</sup> Street, located between Sections 19-22-6 and 30-22-6, beginning at the junction of 220<sup>th</sup> Avenue and 140<sup>th</sup> Street, thence east one mile. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2011-57 for a temporary road closure relating to the Punkin' Chunkin event as presented. Roll call vote: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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

Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for September 2011: Clerk - \$7,222.50 (State of Nebraska - \$3,097.59/County of Boone - \$4,124.91); Clerk of the District Court - \$562.76 (State of Nebraska - \$299.00/County of Boone - \$263.76); Sheriff - \$1,417.14; Planning & Zoning - \$797.55; and Treasurer's Office Miscellaneous Receipt Nos. 11537-11604 - \$194,801.06. Total collected by County Treasurer was \$1,321,663.27. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Luettel, second by Schuele to approve the County Board and Public Hearing proceedings of September 26, 2011. Roll call vote: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$32,780.31; Road - \$330,605.31; County Visitors Promotion Fund - \$748.82; Reappraisal - \$195.50; Boone Co Economic Development - \$3,040.25; 911 Emergency Management (2910) - \$1,641.93 and Ambulance - \$1,024.10. Roll call vote: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Dawn and Jeff Bussey and Darrel Thorin, Highway Superintendent, appeared before the Board regarding a road reclassification request for approximately one-half mile of 240<sup>th</sup> Street between Sections 9 and 16, all in 20-5, Boone County, Nebraska. The Busseys indicated to the Board that they were contemplating the purchase of real estate along 240<sup>th</sup> Street located in the NE1/4 16-20-5 for the purpose of building a residence. Currently that section of road is a minimum maintenance road and they inquired as to the procedure to have the road reclassified to a local road for the purpose of access to the residence. Thorin explained the process to the Busseys and assured them that if a residence is built at that location, then the County would be obligated to update the road. Thorin advised the Board that he would begin the process and prepare a resolution for public hearing to be held at a later date on the matter.

Open discussion and miscellaneous public comments:

- Deputy County Clerk Lorrie Nicklasson indicated to the Board that a decision would need to be made in the not too distant future regarding the implementation of a 125 Cafeteria Plan, if it was to be effective January 1, 2012.
- Also, it was brought to the Board's attention by Deputy County Clerk Nicklasson that the current Employee Handbook requires updating and that consideration should be made regarding the appointment of a committee to review the handbook.
- Commissioner Schuele indicated that he would be meeting with County Supervisors from Nance and Merrick Counties on Thursday evening, October 13, 2011, to interview Emergency Management candidates.
- It was noted that October 14, 2011 is the deadline for the submission of applications for the Zoning Administrator position, as extended.

Chairman Tisthammer declared the meeting adjourned at 12:15 P.M. with the next Board meeting scheduled for October 17, 2011.

Lorrie Nicklasson  
Deputy Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 17, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 17, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees.

- Employees present at the meeting received information regarding NACO proposed and potential 2012 Legislation.
- The Board has received the 2020 County Government Committee Recommendations for review.
- The Third Planet Windpower project ribbon cutting is set for Monday, October 31, 2011.
- First Concord Benefits Group submitted a Section 125 plan proposal in June 2011. If there is interest for Section 125 plan among the employees, it needs to be acted upon to have a January 1<sup>st</sup> implementation. No action was taken either way at the meeting.
- Employee Handbook needs updating, department heads interested in helping are to contact the County Clerk's Office.
- NACO will hold a silent auction on Friday, December 16, 2011 in conjunction with NACO's Annual Conference. Proceeds of the auction will benefit NACO's Education Foundation. The Foundation ensures that the children of Nebraska county officials and county employees are eligible to apply for scholarships to continue their education at Nebraska's higher learning institutions. The goal is to have items available from each of the 93 Nebraska counties.
- Commissioner Schuele reported on the joint meeting he attended with Merrick and Nance County regarding the Emergency Management Services position. The applicant interviews are completed and the group is waiting to hear if the individual selected accepts the consolidated position.

Marty Urbanski and Todd Wood, representatives for Colonial Life, presented insurance information to the Board and employees present at the meeting. Urbanski explained the various policies and answered questions with regard to accident, short-term disability and cancer policies. Employees interested in the Colonial Life policies are to contact the County Clerk's Office to schedule a time on Monday, October 31, 2011 with Colonial representatives. Colonial Life benefits would be an employee expense, not an employer expense. On October 31, 2011, Colonial Life representatives plan to present information regarding a Flex Plan supplement.

Dave Spiegel, County Sheriff, appeared before the Board to request approval for the purchase of a 2012 Ford Explorer patrol vehicle with a quote of \$25,597.00. The present 2006 Ford Explorer would become the spare vehicle. Motion made by Schuele, second by Luettel to approve and authorize Sheriff Spiegel to purchase a 2012 Ford Explorer as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, updated the Board regarding the progress of road projects. Thorin informed the Board that he plans to prepare resolutions for the October 24, 2011 Board meeting in order to set public hearing dates regarding 240<sup>th</sup>, 285<sup>th</sup> and 385<sup>th</sup> Streets.

George Beierman, owner of the building and Jerome Beierman, owner of the real estate, requested permission to trench an electrical line over and across a county road known as 210<sup>th</sup> Street. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-58 granting permission to trench an electrical line from an electric pole located in the SE1/4 of 27-21-6; thence southwesterly across 210<sup>th</sup> Street to a steel building located in the NE1/4NW1/4 of 34-21-6, Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

A county road known as 320<sup>th</sup> Street running east and west between Section 19 and Section 30, Township 19 North, Range 6 West, Boone County, Nebraska, is being maintained as a minimum maintenance road. The road records do not show it as an open road. The Board feels it is the best interest of the County to officially open such road and continue to maintain such road as a minimum maintenance road. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-59 to set a public hearing on November 14, 2011 at 10:00 A.M. to hear comments in favor of or opposition to officially opening such road. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board and Board of Equalization Proceedings of October 11, 2011. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board reviewed and discussed the applications received for the County Zoning Administrator position. The Board received nine applications and plan to set up for four interviews on Monday, October 24, 2011.

Open discussion and Miscellaneous Public Comments: NIRMA has planned an informal lunch or dinner for its members throughout the state between October 26 and November 3, 2011. Kathy Thorberg, County Clerk, reminded the Board they need to send an RSVP to NIRMA by October 19, 2011. Commissioner Schuele plans to attend the Boone County Fitness Center meeting on October 18, 2011.

Chairman Tisthammer declared the meeting adjourned at 12:05 P.M., the next Board meeting is scheduled for October 24, 2011.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, October 17, 2011 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel 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, Ken Luettel and Jerry L. Tisthammer. Applicant LaVonne Dohmen; Joe Dohmen; Dave Dohmen; and Barb Hanson, County Zoning Administrator, were present to answer any questions. Chairman Tisthammer acknowledged 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 Ervin J. and LaVonne P. Dohmen. Ervin and LaVonne Dohmen are the property owners of the real estate referenced herein. The application request is to divide 6.80± acres of the farmstead from farm ground located on a fraction of the NW1/4 of Section 23, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska to sell the property for a personal residence.

Dave Dohmen explained to the Board that he is buying the property with the existing home for a personal residence. Barb Hanson, Zoning Administrator, informed the Board that the existing bins/quonset is not included in the 6.80± acres. There was concern regarding a separate driveway access to the bins/quonset. Hanson indicated the division of the land is to preserve the family farmstead. The County Planning Commission recommended approval of the request. A survey is completed. An ingress/egress driveway access easement is to be provided and filed in the real estate records.

Motion made by Tisthammer, second by Schuele to close said hearing at 10:15 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the Application for Conditional Use Permit including a survey and driveway access easement submitted by Ervin J. and LaVonne P. Dohmen. The approval is to divide 6.80± acres of the farmstead from farm ground to sell the property for a personal residence located on a fraction of the NW1/4 of Section 23, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 24, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 24, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

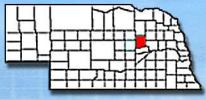
The Board received a final contract change order and payment requests from Beckenhauer Construction, Inc. of Norfolk, Nebraska. Joe Beckenhauer, Project Manager, was present at the Board meeting to discuss and answer any concerns with regard to the Boone County Courthouse renovation project. The original contract amount with Beckenhauer was \$1,199,155.00. The impact of contract change orders and the return of unused credit conditions changed the final contract amount to \$1,227,658.57. Joe Beckenhauer asked the Board if they were interested in preparing a reference letter on behalf of Beckenhauer Construction, Inc. Motion made by Schuele, second by Tisthammer to approve the final change order and final payment of \$28,348.55 to Beckenhauer Construction, Inc. as presented and includes a letter of reference. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Rod Nelson, Maintenance, and Shannon Landauer, Economic Development, discussed preparations for a county holiday gathering for county employees. The group is looking at the first part of December, 2011.

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. The Boone County Visitor's Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council submitted a request for assistance with advertising the Nebraskats Concert scheduled for November 20, 2011. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$81,469.24, BCBS \$33,638.64, Ameritas Ret \$5,602.33, EFTPS \$6,180.37; Road \$45,008.14, BCBS \$19,915.94, Ameritas Ret \$2,863.33, EFTPS \$3,416.67; Boone County Economic Development \$4,693.33, BCBS \$1,492.40, Ameritas Ret \$316.80, EFTPS \$348.08; Ambulance \$945.00, Ameritas Ret \$39.49, EFTPS \$72.29; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,259.55, Ameritas Ret \$277.03, EFTPS \$402.36, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board and Public Hearing Proceedings of October 17, 2011 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



# Boone County Board Minutes



The Board conducted a quarterly visit of the county jail. It shall also be the duty of the County Board of each county of this state to visit the jail of its county once during each of its sessions in January, April, July and October of each year per Nebraska State Statute 47-109.

Darrel Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-60, to set a public hearing regarding portions of county roads known as 285<sup>th</sup> and 385<sup>th</sup> Streets. The two roads were vacated, but are currently being maintained. The Board feels it is the best interest of the County to re-open said roads. Motion made by Tisthammer, second by Schuele, to approve Resolution No. 2011-60 to set a public hearing at 10:00 A.M. on Monday, November 21, 2011, to hear comments in favor of or in opposition to officially re-opening such roads as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-61, Engineering Services Agreement for County Project No. C-6(315); NDOR Project No. IBRD-6(6) Primrose East, Prototype Folded Girder Bridge. Boone County and Kirkham Michael & Associates, Inc., wish to enter into an Engineering Service Agreement to provide Preliminary Engineering for those services not covered by FHWA and the Nebraska Department of Roads for this Federal Aid project. Motion made by Schuele, second by Luettel, to approve Resolution No. 2011-61, authorizing the Board Chairman to sign the referenced Engineering Services Agreement between Boone County and Kirkham Michael & Associates, Inc. as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-62, to set a public hearing regarding a portion of a county road known as 240<sup>th</sup> Street. The road running east and west between Sections 9 and 16, Township 20 North, Range 5 West is currently being maintained as a minimum maintenance road and was never recorded in the records as an open road. The Board feels it is in the best interest of the County to open said road. Motion made by Luettel, second by Schuele, to approve Resolution No. 2011-62, to set a public hearing at 10:00 A.M. on Monday, November 21, 2011, to hear comments in favor of or in opposition to officially opening such road as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

County of Boone has been a member of the Nebraska Intergovernmental Risk Management Association (NIRMA) pool since November 1987. NIRMA was formed pursuant to the Intergovernmental Risk Management Act (Neb. Rev. Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801 et seq.); and counties and other public agencies as defined in Neb. Rev. Stat. §44-4303 are allowed to participate in said cooperative undertakings. The current Intergovernmental/Interlocal Agreements (NIRMA and NIRMA II) will expire on June 30, 2012. Motion made by Luettel, second by Schuele to approve and adopt Resolution No. 2011-63 to extend Boone County's commitment to participate in NIRMA and NIRMA II for the period July 1, 2012 through June 30, 2015 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Ambulance Service submitted two uncollectible ambulance accounts. The recommendation for the April 2011 account of \$1,469.00 and June 2011 account of \$2,444.00 for ambulance services is to turn the files over to the County Attorney to attempt further collection. Motion made by Luettel, second by Schuele to write-off the uncollectible ambulance accounts in the sum of \$3,913.00 pursuant to the recommendation received from the ambulance service inasmuch as all methods of collection have been exhausted and turn the files over to the County Attorney. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



A county policy and procedure is that all County Officials and Department Heads must contact the County Board, as an agenda item before buying or doing any major maintenance to equipment or furniture over \$800.00. The County Attorney's office received a lease option quote of \$5,687.56 from Eakes Office Plus for a new copier. The 24-month lease option is for a new Sharp MX-C311 Color Digital Imager. If there is any interest in the 2009 Sharp copy machine please contact the County Attorney's office. Motion made by Tisthammer, second by Schuele to approve the 24-month lease option with Eakes Office Plus for a new Sharp MX-C311 Color Digital Imager in the amount of \$5,687.56 as presented by the County Attorney's office. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board interviewed applicants with regard to the County Zoning Administrator vacancy position. The Board narrowed the applicants to two for consideration to fill the vacancy position. If the first applicant declines the administrator position, then the Board Chairman is to contact the second applicant. The County Zoning Administrator position will be placed on the agenda for the October 31, 2011 Board meeting for further discussion depending on the acceptance/non-acceptance of the job offer.

Open discussion: The Board discussed who would attend the various meetings scheduled this week. Commissioner Schuele informed the Board members that Jan Zurcher accepted the Boone, Nance and Merrick County consolidated Emergency Management Services position beginning January 1, 2012. Representatives from the three counties will meet to draft an Interlocal Agreement.

Chairman Tisthammer declared the meeting adjourned at 1:56 P.M. with the next Board meeting scheduled for Monday, October 31, 2011.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 31, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 31, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Tisthammer called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer and Tom Schuele. Commissioner Ken Luettel arrived at 9:07 A.M. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Tisthammer acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Dave Noble, President of the Boone County Agricultural Society, Inc., updated the Board regarding a Boone County grandstand and racetrack electrical upgrade project. The project bid is to be submitted for each of the four phases and as one project. The upgrade will meet or exceed the 2011 National Electrical Code (NEC) standards to keep the grandstand and track functional. Interested individuals may contact Dave Noble, President, for a copy of the project drawings and specifications. The Agricultural Society will accept the sealed bids on or before December 30, 2011, with the bids to be opened at the Boone County Agricultural Society January 2012 meeting.

JJ Green, CLU, President, Primark Insurance Agency, Inc. presented a Section 125 flex plan to the Board and employees. Green addressed plan administration, eligible flex plan expenses and questions from the Board and employees. The benefit of a flex plan for the employer is paying less into social security benefits. The Board tabled a decision regarding participation in a flex plan inasmuch another company has asked to present their plan in November.

Vic Lee, CEO, Boone County Health Center (BCHC) reviewed the BCHC Fiscal Year 2011-2012 Budget with the Board. Lee emphasized the three-year capital expenditure for future equipment, etc. upgrades. The former clinic building built in 1993 has mold and is in need of repairs. The decision is to tear it down and use the space for a parking lot. Open house for the new clinic building in Elgin was held Sunday, October 30, 2011. All of the BCHC building projects are completed at this time, until a decision is made with regard to the clinic in Spalding. Lee discussed an Oath of Office for hospital board members and the formula used for the medical rates.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of October 24, 2011 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed various road issues with the Board. Thorin attended certification courses last week and is RC certified for another year. Thorin informed the Board of the possible changes regarding roadside designs and reclassification standards.

Darrel Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-64 authorizing a temporary road closure request for Kinder Morgan Gas Company. The temporary road closure is to provide public safety for the maintenance and repair of existing gas lines that cross 310<sup>th</sup> Avenue located between Sections 21 and 22 and Sections 27 and 28 all in Township 21 North, Range 5 West, Boone County, Nebraska. Motion made by Schuele, second by Luettel, to approve Resolution No. 2011-64 authorizing a temporary road closure to commence on November 1, 2011 and terminate on November 4, 2011 as requested and presented for Kinder Morgan Gas Company. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board tabled a decision regarding the NACO Section 125 flex plan inasmuch another company has asked to present their plan in November.



# Boone County Board Minutes



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. The funding guidelines on the application clearly state that thank you notes and ads, supplies, etc. are not eligible for reimbursement; funds are specifically for the purpose of advertisement of an event. The Board received a reimbursement request with some of the advertisement of the event also including a thank you to the sponsors, etc. all in the same ad. After discussion by the Board, it was decided not to reimburse 20% of the advertisement fee regarding the submitted advertisement with the thank you included in the same ad. Motion made by Tisthammer, second by Schuele to deduct 20% from the reimbursement request regarding the advertisement(s) that include a thank you acknowledgement. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board interviewed applicants with regard to the County Zoning Administrator vacancy position on October 24, 2011. Motion made by Schuele, second by Luettel to appoint Kelly Benson as the County Zoning Administrator effective November 2, 2011. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Commissioner Schuele informed the Board members that Jan Zurcher accepted the Boone, Nance and Merrick County consolidated Emergency Management Services position beginning January 1, 2012. Representatives from the three counties will meet to draft an Interlocal Agreement. Motion made by Tisthammer, second by Schuele to accept the appointment of Jan Zurcher, Emergency Management Services, for Boone, Nance and Merrick Counties effective January 1, 2012. Roll call Vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board discussed ideas for the Nebraska Association of County Officials (NACO) Education Foundation Silent Auction to be held in conjunction with NACO's annual conference in December. The Board suggested asking for donations to represent Boone County products. The consensus of the Board is to cap the silent auction donation value between \$50.00 and \$75.00. The children of Nebraska county officials and county employees are eligible to apply for scholarships to continue their education at Nebraska's higher learning institutions.

The Board discussed removal and disposal of the surplus items from the old fire hall that did not sell/move in May 2011.

Joyce Sock, County Assessor, met with the Board to review and approve a Contractor Agreement with Larry D. Petsche to do the pickup work for the Assessor's Office. Sock advised the Board that the pickup work would be considerable this year and would need to be done by mid-January. Sock presented the Board with an agreement and a schedule for payment based on the type of pickup work to be performed. It was the Board's opinion that whoever was doing the pickup work should be required to use a county vehicle rather than their personal vehicle due to liability issues. Motion made by Luettel, second by Tisthammer to approve the Contractor Agreement with Larry D. Petsche as presented and authorizes the Board Chairman to sign said agreement. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion: The Third Planet Windpower ribbon cutting is at 2:00 P.M. today east of Petersburg. The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 12:17 P.M. with the next Board meeting is scheduled for Monday, November 14, 2011.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 14, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 14, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

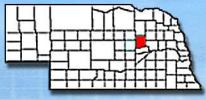
The Board held a meeting with the officials, department heads, or employees. The Board and employees present discussed County Government Day scheduled for November 16, 2011. A suggestion for the future is to have a volunteer group of county employees help organize County Government Day activities. The idea behind County Government Day is to find events to interest the students yet introducing them to the need of local government. County officials reported on activities with regard to their respective office. Megan Zoucha, Economic Development, confirmed the scheduled date of Friday, December 2, 2011 for a county employee holiday meal.

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 Luettel, second by Schuele 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 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding the progress of the road and bridge construction projects. The renovation project regarding a historic bridge crossing the Cedar River at Cedar Rapids, Nebraska began with an estimated cost of \$190,000.00 in January 2009. Thorin received a notice to proceed with the preliminary engineering and environmental studies procedures. Due to additional federal requirements for engineering and environmental studies, the cost estimate has increased.

Dave Warner, Vice President of K.W. Carter Company dba J.W. Grain Co., requested permission to trench an electrical cable over and across a county road known as 325<sup>th</sup> Avenue. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-65 granting permission to trench an electrical cable for irrigation purposes from an irrigation well located in the S1/2NW1/4 of 11-18-5; thence east across 325<sup>th</sup> Avenue to an irrigation pivot located in the NE1/4 of 11-18-5, Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of October 31, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



The Boone County Board of Commissioners adopted the 2011-2012 County Budget on September 12, 2011. An interfund transfer from the Inheritance Tax Fund (2700) to the Road Fund (0200) was approved as needed. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-66, authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$200,000.00 from the Inheritance Tax Fund (2700) to the Road Fund (0200) as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented to the Board for approval Resolution No. 2011-67 a federal aid project, NDOR Number IBRD-6(6). The Project Program Agreement is between Boone County and Nebraska Department of Roads (NDOR) setting out the various duties and funding responsibilities. The project is to construct a prototype Folded Girder Bridge on 300<sup>th</sup> Street east of Primrose, Nebraska. The Board approved a Project Program Agreement on September 26, 2011 with County Resolution No. 2011-50. NDOR adjusted the original agreement attached to the County Resolution No. 2011-50. Motion made by Luettel, second by Schuele to approve as presented Resolution No. 2011-67 authorizing Chairman, Jerry L. Tisthammer to sign the Project Program Agreement NDOR Number IBRD-6(6) and that Resolution No. 2011-67 supersedes Resolution No. 2011-50. Roll call vote: Yeas: Luettel, Schuele 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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding.

The St. Edward Economic Development submitted a request for assistance with advertising the annual Holiday Extravaganza scheduled for November 11-12, 2011. 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 Luettel. Nays: None. Motion carried.

The Petersburg Community Club submitted a request for assistance with advertising the annual Christmas Supper and Entertainment event scheduled for December 19, 2011. Motion made by Luettel, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion fund as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The County Treasurer submitted a Distress Warrant report. There were twenty distress warrants issued for unpaid 2009 and 2010 personal property taxes. The total to be collected on distress warrants, with penalties, is \$7,913.22. Motion made by Schuele, second by Tisthammer to accept and approve the County Treasurers' Distress Warrant report as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for October 2011: Clerk - \$6,539.50 (State of Nebraska - \$2,917.33/County of Boone - \$3,622.17; Clerk of the District Court - \$962.25 (State of Nebraska - \$491.00/County of Boone - \$471.25); Sheriff - \$2,254.91; Planning and Zoning - \$242.25; and Treasurer's Office Miscellaneous Receipt Nos. 11605-11669 - \$167,335.19. Total collected by County Treasurer was \$441,684.66. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$35,772.84; Road - \$358,490.40; County Visitors Promotion - \$2,155.10; Reappraisal - \$78.00; Boone Co Economic Development - \$1,359.97; 911 Emergency Management (2910) - \$1,138.74; Courthouse Building - \$28,348.55; Ambulance - \$1,031.84. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Marty Urbanski and Todd Wood, representatives for Colonial Life, presented insurance information to the Board and employees on October 17, 2011. Urbanski and Wood have held meetings with interested employees to educate them regarding the various Colonial Life supplemental policies. Colonial Life Insurance benefits would be an employee expense, not an employer expense. Motion made by Schuele, second by Luettel to approve Colonial Life Insurance benefits as a payroll deduction at the employee's expense. Roll call Vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: The Board and County Clerk discussed 2012 Board meeting dates.

Chairman Tisthammer declared the meeting adjourned at 12:18 P.M. with the next Board meeting scheduled for November 21, 2011.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, made a motion to open a public hearing on Monday, November 14, 2011 at 10:00 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Commissioner Schuele seconded the motion. 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 Jerry L. Tisthammer, Tom Schuele and Ken Luettel. 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 with regard to the denial or approval to open one mile of a county road known as 320<sup>th</sup> Street. The hearing is for opening one mile of 320<sup>th</sup> Street running east and west between Sections 19 and 30, Township 19 North, Range 6 West, Boone County, Nebraska.

Darrel Thorin, County Highway Superintendent, reviewed the road records. The road records do not show said portion of 320<sup>th</sup> Street as an open road. The County currently signs the road as minimum maintenance. Nebraska Department of Roads does not have documentation that a Minimum Maintenance Classification was ever requested. However, the State Road Classification for Boone County does indicate this section of road as unimproved. The County has been maintaining this road as a minimum maintenance for some time. Thorin recommended opening the road as a minimum maintenance road and continuing to maintain such road as a minimum maintenance road.

The Board received no opposition to the opening of 320<sup>th</sup> Street. The County Board instructed that a resolution be prepared to open one mile of a county road known as 320<sup>th</sup> Street for the Board's approval at the November 21, 2011 meeting.

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

Motion made by Luettel, second by Tisthammer to approve opening one mile of road known as 320<sup>th</sup> Street, running east and west between Sections 19 and 30, all in Township 19 North, Range 6 West, Boone County, Nebraska as a Minimum Maintenance Classification. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 21, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 21, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees.

- County officials reported on activities with regard to their respective office.
- Shannon Landauer, Economic Development, reminded those present of the Friday, December 2, 2011 county employee holiday meal and that the RSVP is due today, November 21, 2011.
- The employees present and the Board discussed the County Government Day activities held on November 16, 2011 and suggestions for the 2012 County Government Day.
- Began reviewing and updating the County Employee Handbook.

Steve Pritchard, Boone-Nance Extension Educator, presented board member recommendations from the Boone-Nance County Extension Board. The Boone-Nance County Extension Board has four representatives from each county. The board members may serve two consecutive three-year terms. The board meets quarterly, alternating the meetings between the counties.

The Boone-Nance County Extension Board recommends the appointment of Mark Grundmayer of Petersburg, Nebraska to serve his first three-year term on the Boone-Nance County Extension Board beginning January, 2012. Mark replaces Kevin Wagner who has completed his sixth year on the board. Motion made by Tisthammer, second by Luettel to appoint Mark Grundmayer to serve a three-year term on the Boone-Nance County Extension Board beginning January 2012. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Boone-Nance County Extension Board recommends the reappointment of Jim Carder of Albion, Nebraska to serve a second three-year term on the Boone-Nance County Extension Board commencing January 2012. Motion made by Luettel, second by Schuele to approve Jim Carder to serve a second three-year term on the Boone-Nance County Extension Board commencing January 2012. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Tisthammer, second by Schuele to accept and approve the County Sheriff's 2011 third quarter report as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The State of Nebraska, Department of Roads needs the county board to designate the official county newspaper(s) in order to comply with state statute when advertising their projects for bids in the county. Motion made by Schuele, second by Luettel to designate the official county newspapers for 2012 to include the Albion News, Cedar Rapids Press, Petersburg Press and The St. Edward Advance. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board and Public Hearing Proceedings of November 14, 2011 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



The Board held a public hearing on November 14, 2011 regarding one mile of county road known as 320<sup>th</sup> Street. Darrel Thorin, County Highway Superintendent, found no records documenting that a county road running east and west between Sections 19 and 30, Township 19 North, Range 6 West, Boone County, Nebraska was ever officially opened by the Boone County Board of Commissioners. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2011-68 opening one mile of county road known as 320<sup>th</sup> Street running east and west between Sections 19 and 30, Township 19 North, Range 6 West, Boone County, Nebraska with a Minimum Maintenance Classification and sixty-six foot right-of-way. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board, Darrel Thorin, Highway Superintendent, and Walt Hoefer discussed one mile of county road known as 190<sup>th</sup> Avenue running north and south between the NW1/4 of Section 27 and the NE1/4 of Section 28, and the SE1/4 of Section 21 and the SW1/4 of Section 22, all in Township 22 North, Range 7 West, Boone County, Nebraska. The request is to close or vacate said one mile of county road inasmuch it is not on the road inventory. Thorin explained the procedure with regard to the closing or vacating of a county road. Motion made by Tisthammer, second by Luettel authorizing Darrel Thorin, Highway Superintendent, to prepare a resolution in order to complete a feasibility study regarding the request to close or vacate one mile of road known as 190<sup>th</sup> Avenue as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Hank Schollmeyer, representative for Liberty National Life Insurance Company, presented insurance information to the Board and employees present at the meeting. Schollmeyer explained the various policies and answered questions with regard to accident, cancer, term life and accidental death policies. Shannon Landauer, Economic Development, volunteered to compare the life insurance policies and Cafeteria Plan 125 benefits that have been presented to the Board and employees these past few months. The Board will review the compared material and make decisions later.

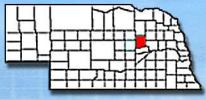
Leon Magsamen, representing the Albion American Legion Post, discussed with the Board concerns that evolved regarding County Government Day held on November 16, 2011 and future County Government Day activities. Magsamen explained the Legion's four pillars and County Government Day involvement and duties. The Board suggested that some county officials should attend the County Legion meeting in September when County Government Day date is set and activities discussed.

Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$83,188.80, BCBS \$33,638.64, Ameritas Ret \$5,735.15, EFTPS \$6,311.91; Road \$42,445.65, BCBS \$19,915.94, Ameritas Ret \$2,865.09, EFTPS \$3,220.65; Boone County Economic Development \$4,793.33, BCBS \$1,492.40, Ameritas Ret \$323.55, EFTPS \$355.73; Ambulance \$840.00, Ameritas Ret \$43.88, EFTPS \$64.25; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,309.92, Ameritas Ret \$267.18, EFTPS \$406.22, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: The Board discussed who would attend the various meetings scheduled this week. Dave Spiegel, Sheriff, informed the Board that the request he made on October 17, 2011 for the purchase of a new 2012 Ford Explorer fell through. Spiegel informed the Board that he has two local dealers looking for a used low mileage vehicle. Spiegel and the Board discussed the numerous phone calls regarding livestock and horses out on a county road west of Petersburg. Darrel Thorin, Highway Superintendent, updated the Board regarding the RC experience he is gaining with the Nance County federal aid bridge project. Thorin reported to the Board the possible changes introduced by Congress regarding the federal highway program. The proposed changes could adversely affect county and local governments.

Chairman Tisthammer declared the meeting adjourned at 12:18 P.M. with the next Board meeting scheduled for Monday, November 28, 2011.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open two public hearings on Monday, November 21, 2011 simultaneously at 10:00 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel to open said public hearing regarding the reopening of 385<sup>th</sup> and 285<sup>th</sup> Streets. 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 Tom Schuele, Ken Luettel and Jerry L. Tisthammer. 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 with regard to the denial or approval to reopen two county roads that were vacated, but are currently being maintained. Darrel Thorin, County Highway Superintendent, reviewed the road records. The County has been maintaining said roads and no taxes were collected with regard to the road right-of-way vacation. Thorin recommended reopening the two miles of road and continuing to maintain such roads as presently classified. The hearing is to reopen one mile of a county road known as 385<sup>th</sup> Street and one mile of a county road known as 285<sup>th</sup> Street.

The one mile of a county road known as 385<sup>th</sup> Street was vacated May 2, 1911 and is currently being maintained as a local collector road. The road begins at the southeast corner of the NE1/4 and the northeast corner of the SE1/4 of Section 30, Township 18 North, Range 7 West; thence running west one mile to the southwest corner of the NW1/4 and the northwest corner of the SW1/4 of Section 30, Township 18 North, Range 7 West, Boone County, Nebraska.

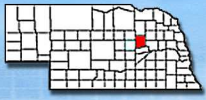
The one mile of a county road known as 285<sup>th</sup> Street was vacated October 7, 1890 and is currently being maintained as a local gravel road. The road begins at the southeast corner of the NE1/4 and the northeast corner of the SE1/4 of Section 6, Township 19 North, Range 8 West; thence running west for one mile to the southwest corner of the NW1/4 and the northwest corner of the SW1/4, of Section 6, Township 19 North, Range 8 West, Boone County, Nebraska.

The Board received no opposition to the reopening of 385<sup>th</sup> and 285<sup>th</sup> Streets. The County Board instructed that a resolution be prepared to reopen one mile of a county road known as 385<sup>th</sup> Street and one mile of road known as 285<sup>th</sup> Street for the Board's approval at the November 28, 2011 meeting.

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

Motion made by Schuele, second by Tisthammer to approve reopening one mile of road known as 385<sup>th</sup> Street located in Section 30, Township 18 North, Range 7 West and one mile of road known as 285<sup>th</sup> Street located in Section 6, Township 19 North, Range 8 West all in Boone County, Nebraska including their present road classification as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes







# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open two public hearings on Monday, November 21, 2011 simultaneously at 10:00 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, 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. Present for roll call was Commissioners Jerry L. Tisthammer, Tom Schuele and Ken Luettel. 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 with regard to the denial or approval to open one mile of a county road known as 240<sup>th</sup> Street.

The State Statute 39-1401 of the Nebraska Highway and Bridge Law Manual, state: "Public roads shall mean all roads within the state which have been laid out in pursuance of any law of this state, and which have not been vacated in pursuance of law, and all roads located and opened by the county board of any county and traveled for more than ten years."

Darrel Thorin, County Highway Superintendent, reviewed the road records. A county road running east and west between Sections 9 and 16, Township 20 North, Range 5 West, Boone County, Nebraska is presently being maintained as a minimum maintenance road, but was never recorded as an open road.

The Board received no opposition to the opening of 240<sup>th</sup> Street at the hearing. The County Board instructed that a resolution be prepared to open one mile of 240<sup>th</sup> Street as presented for the Board's approval at the November 28, 2011 meeting.

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

Motion made by Tisthammer, second by Luettel to approve opening one mile of road known as 240<sup>th</sup> Street running east and west between Sections 9 and 16, Township 20 North, Range 5 West, Boone County, Nebraska as a minimum maintenance road. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 28, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 28, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board and interested department heads or employees continued reviewing and updating the County Employee Handbook.

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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding.

The Albion Chamber of Commerce submitted a request for assistance with advertising the annual Christmas Promotion event scheduled for December 2011. Motion made by Tisthammer, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Albion Area Arts Council submitted a request for assistance with advertising the Book Discussion event schedule for January 29, 2012. 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 Luettel. Nays: None. Motion carried.

Kelly Benson, Zoning Administrator, discussed zoning records with the Board. Benson plans to review the State of Nebraska, Secretary of State Retention Schedule for Planning/Zoning/Building Agencies regarding the disposition of records.

Motion made by Luettel, second by Tisthammer to approve the County Board and Public Hearings Proceedings of November 21, 2011 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Keith Rasmussen requested permission to trench an electrical line over and across a county road known as 330<sup>th</sup> Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-69 granting permission to trench an electrical line for the purpose of an electrical fence from a pole located in the SE1/4 of 14-20-5; thence East for an electric fence for the benefit of the SW1/4 of 13-20-5, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

A public hearing was held on November 21, 2011 with regard to the reopening of one mile of road known as 385<sup>th</sup> Street and one mile of road known as 285<sup>th</sup> Street. Road record documentation found that the two county roads were vacated in the late 1800's/early 1900's. The county still maintains both roads and the Board feels it



# Boone County Board Minutes



is in the best interest of the county to continue to maintain said roads at their current classification. The one mile of 385<sup>th</sup> Street is located in S30, T18N, R7W and the one mile of 285<sup>th</sup> Street is located in S6, T19N, R8W, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-70 to reopen one mile of road known as 385<sup>th</sup> Street and one mile of road known as 285<sup>th</sup> Street with their current classification and sixty-six foot right-of-way as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

A public hearing was held on November 21, 2011 with regard to the opening of one mile of road known as 240<sup>th</sup> Street. A county road running east and west between Sections 9 and 16, Township 20 North, Range 5 West is being maintained as a minimum maintenance road and was never recorded in the road records as an open road. Motion made by Schuele, second by Luettel to approve Resolution No. 2011-71 to officially open one mile of 240<sup>th</sup> Street with the minimum maintenance classification and a sixty-six foot right-of-way as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

On November 21, 2011, the Board authorized Darrel Thorin, Highway Superintendent, to prepare a resolution for the November 28, 2011 Board meeting to appoint Thorin to complete a feasibility study. The feasibility study is with regard to a request to close or vacate one mile of county road known as 190<sup>th</sup> Avenue running north and south between the NW1/4 of Section 27 and the NE1/4 of Section 28, and the SE1/4 of Section 21 and the SW1/4 of Section 22, all in Township 22 North, Range 7 West, Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2011-72 appointing Darrel D. Thorin, Boone County Highway Superintendent to do a feasibility study concerning closing or vacating said one mile of road known as 190<sup>th</sup> Avenue. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion Carried.

Darrel D. Thorin, Boone County Highway Superintendent, presented a feasibility study to the Board regarding the request to close or vacate one mile or road known as 190<sup>th</sup> Avenue. The road is not on the inventory with the State of Nebraska. Thorin recommends a public hearing to vacate one mile of road known as 190<sup>th</sup> Avenue with the right-of-way to revert to the adjacent landowners. Motion made by Schuele, second by Luettel authorizing Darrel D. Thorin, County Highway Superintendent, to prepare a resolution to set a public hearing time and date for vacation of the one mile of road known as 190<sup>th</sup> Avenue. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Rod Nelson, Maintenance, received a quote with regard to grinding the courthouse parking lot ramps threshold approach to the sidewalks to make them leveler. The Board authorized Nelson to work with the company in order to complete the project.

The County Safety Committee met at 1:00 P.M. to discuss routine business and review the NIRMA Work Comp Claims along with submission of their findings.

Open discussion: Commissioner Schuele reported on the Boone County Hospital Board meeting he attended.

Chairman Tisthammer declared the meeting adjourned at 11:20 A.M. with the next Board meeting scheduled for December 12, 2011.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 12, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 12, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Randall Bruland, Boone County Ambulance Administrator, met with the Board to discuss the accident that occurred by York, Nebraska on November 28, 2011 involving the county ambulance unit. Commissioner Schuele and Bruland drove to Colorado on Friday, December 9, 2011 and picked up a rental ambulance for use during the repair/replacement of the county unit. Further discussion regarding the county unit will be scheduled for the December 19, 2011 Board meeting.

There was no further zoning report following the public hearing.

The Board rescheduled the Employee Handbook review to the December 19, 2011 meeting.

The Board heard a general assistance request regarding several utility bills. The Board explained the protocol regarding general assistance. Motion made by Schuele, second by Luettel to pay a portion of the request directly to the utility company. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding the progress of the road and bridge construction projects. Thorin received a tentative schedule on December 1, 2011 regarding the renovation project of the historic bridge crossing the Cedar River at Cedar Rapids, Nebraska for the year 2012. The Petersburg Northeast overlay project is scheduled for bid letting in May 2012. The 2011 required bridge inspections are completed. The Board and Thorin discussed a drainage ditch request with no action taken at this time.

Darrel Thorin, County Highway Superintendent, completed a feasibility study regarding a request to close or vacate one mile of county road known as 190<sup>th</sup> Avenue running north and south between the NW1/4 of Section 27 and the NE1/4 of Section 28, and the SE1/4 of Section 21 and the SW1/4 of Section 22, all in Township 22 North, Range 7 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-73 to set a public hearing on January 9, 2012 at 10:00 A.M. to hear comments in favor of or opposition to close or vacate such road. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board and Board of Equalization Proceedings of November 28, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$60,959.45; Road - \$227,349.51; County Visitors Promotion - \$1,115.52; Reappraisal - \$2,070.83; Veteran's Aid - \$500.00; Boone Co Economic Development - \$1,828.29; 911 Emergency Management (2910) - \$821.18; Ambulance - \$1,990.93. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



The Boone County Board of Commissioners signed an agreement dated February 28, 2011 with Sequoia Consulting Group, Inc. to provide professional consulting services. Sequoia submitted an Addendum to Contract to add FY 2013 and to change the compensation sum not to exceed \$3,650.00 per year for county FY2011, FY2012 and FY2013. The original agreement read FY2010, FY2011 and FY2012 with a compensation sum not to exceed \$4,060.00. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Addendum to Contract with Sequoia Consulting Group as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Nebraska Revised Statutes state that the County Board shall fix the salaries of all elected officers of the County prior to January 15<sup>th</sup> of the year in which a general election will be held for the respective offices. The filing fee for elected offices is 1% of the approved salary. The Board discussed a salary for the Board of Commissioners for 2013. The Commissioner District No. 2 board member position of the Boone County Board of Commissioners is up for election in 2012. The Commissioner District No. 2 position is made up of the Southeast Manchester and Southwest Manchester voting precincts. Motion made by Schuele, second by Luettel to set the Boone County Board of Commissioner Salary for January 2013 at \$21,000.00. Roll call vote: Yeas: Schuele, Luettel 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 November 2011: Clerk - \$12,735.75 (State of Nebraska - \$8,179.73/County of Boone - \$4,556.02; Sheriff - \$4,321.33; Planning and Zoning - \$318.85; Clerk of the District Court \$1,823.30; Treasurer's Fees - \$14.00 and Treasurer's Office Miscellaneous Receipt Nos. 11670-11736 - \$196,863.03. Total collected by County Treasurer was \$422,034.55. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Jeff Jarecki, Attorney; Ross Knott; Dave Spiegel; Denny Johnson; and Pam Jochum were present to discuss with the Board concerns regarding stray horses and cattle west of Petersburg. The ongoing problem involves stray animals owned by Jim Majerus. The Sheriff's office has responded to many calls over the years regarding the animals. The Sheriff Department and past attorneys have researched the problem and have been in contact with the Attorney General's office. Existing laws do not address the situation regarding county enforcement. Individuals can take civil action regarding the stray animals. There is a lot of concern for the safety of the public and the animals. John Morgan, County Attorney, has been asked to research the issue to see if counties have authority to adopt certain types of ordinances similar to municipalities.

Open discussion: Dave Spiegel, Sheriff, updated the Board regarding the purchase of a 2010 law enforcement vehicle; the replacement of the camera to the south parking lot of the courthouse; and replacement of the radio for the road department that is located in the Law Enforcement Building.

Commissioner Schuele updated the Board members with regard to the Boone, Nance and Merrick County consolidated Emergency Management Services Interlocal Agreement that is being drafted.

Chairman Tisthammer declared the meeting adjourned at 12:30 P.M. with the next Board meeting scheduled for December 19, 2011.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, made a motion to open a public hearing on Monday, December 12, 2011 at 9:01 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Commissioner Schuele seconded the motion. Notice of the hearing was published in advance and said hearing was open to the public. Present for roll call were Commissioners Jerry L. Tisthammer, Tom Schuele, Ken Luettel and County Zoning Administrator, Kelly Benson.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of a Deed of Conservation and Preservation Easement for the 546± acre Hosford Farm. Paul W. Hosford, Lori J. Hosford and Gregory J. Hosford own the property herein referenced. The Conservation and Preservation Easement is for the E1/2SE1/4 of 30-20-5; NE1/4NE1/4 of 31-20-5; Fr. NW1/4 of 8-19-5; N1/2SE1/4 and S1/2NE1/4 of 31-20-5; and Fr. S1/2S1/2 of 31-20-5, West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Kelly Benson, Zoning Administrator; Paul Hosford; Lori Hosford; and David S. Sands, Executive Director of The Nebraska Land Trust Incorporated, were present to answer questions and explain the Conservation and Preservation Easement requirements. Hosford stated the easement stays with the property. Benson and Hosford addressed questions regarding archeologists, school education purposes and an open door for economic development. The County Planning Commission recommended approval of the application.

Motion made by Schuele, second by Luettel to close said hearing at 9:15 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve as presented the Conservation and Preservation Easement for the 546± acre Hosford Farm owned by Paul W. Hosford, Lori J. Hosford and Gregory J. Hosford. The easement is for the E1/2SE1/4 of 30-20-5; NE1/4NE1/4 of 31-20-5; S1/2NE1/4 and N1/2SE1/4 of 31-20-5; S1/2SW1/4 and S1/2SE1/4 of 31-20-5, with exceptions; W1/2NW1/4NW1/4, W1/2E1/2NW1/4NW1/4, SW1/4NW1/4 of 8-19-5, with exceptions; E1/2E1/2NW1/4NW1/4 and E1/2NW1/4 of 8-19-5, with exceptions all West of the 6<sup>th</sup> P.M., Boone County, Nebraska and more particularly described in the original Conservation and Preservation Easement document. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, made a motion to open a public hearing on Monday, December 12, 2011 at 9:01 A.M. in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska. Commissioner Schuele seconded the motion. Notice of the hearing was published in advance and said hearing was open to the public. Present for roll call were Commissioners Jerry L. Tisthammer, Tom Schuele, Ken Luettel and County Zoning Administrator, Kelly Benson.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of a Deed of Conservation and Preservation Easement for the 546± acre Hosford Farm. Paul W. Hosford, Lori J. Hosford and Gregory J. Hosford own the property herein referenced. The Conservation and Preservation Easement is for the E1/2SE1/4 of 30-20-5; NE1/4NE1/4 of 31-20-5; Fr. NW1/4 of 8-19-5; N1/2SE1/4 and S1/2NE1/4 of 31-20-5; and Fr. S1/2S1/2 of 31-20-5, West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Kelly Benson, Zoning Administrator; Paul Hosford; Lori Hosford; and David S. Sands, Executive Director of The Nebraska Land Trust Incorporated, were present to answer questions and explain the Conservation and Preservation Easement requirements. Hosford stated the easement stays with the property. Benson and Hosford addressed questions regarding archeologists, school education purposes and an open door for economic development. The County Planning Commission recommended approval of the application.

Motion made by Schuele, second by Luettel to close said hearing at 9:15 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve as presented the Conservation and Preservation Easement for the 546± acre Hosford Farm owned by Paul W. Hosford, Lori J. Hosford and Gregory J. Hosford. The easement is for the E1/2SE1/4 of 30-20-5; NE1/4NE1/4 of 31-20-5; S1/2NE1/4 and N1/2SE1/4 of 31-20-5; S1/2SW1/4 and S1/2SE1/4 of 31-20-5, with exceptions; W1/2NW1/4NW1/4, W1/2E1/2NW1/4NW1/4, SW1/4NW1/4 of 8-19-5, with exceptions; E1/2E1/2NW1/4NW1/4 and E1/2NW1/4 of 8-19-5, with exceptions all West of the 6<sup>th</sup> P.M., Boone County, Nebraska and more particularly described in the original Conservation and Preservation Easement document. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 12, 2011 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 12, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Randall Bruland, Boone County Ambulance Administrator, met with the Board to discuss the accident that occurred by York, Nebraska on November 28, 2011 involving the county ambulance unit. Commissioner Schuele and Bruland drove to Colorado on Friday, December 9, 2011 and picked up a rental ambulance for use during the repair/replacement of the county unit. Further discussion regarding the county unit will be scheduled for the December 19, 2011 Board meeting.

There was no further zoning report following the public hearing.

The Board rescheduled the Employee Handbook review to the December 19, 2011 meeting.

The Board heard a general assistance request regarding several utility bills. The Board explained the protocol regarding general assistance. Motion made by Schuele, second by Luettel to pay a portion of the request directly to the utility company. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding the progress of the road and bridge construction projects. Thorin received a tentative schedule on December 1, 2011 regarding the renovation project of the historic bridge crossing the Cedar River at Cedar Rapids, Nebraska for the year 2012. The Petersburg Northeast overlay project is scheduled for bid letting in May 2012. The 2011 required bridge inspections are completed. The Board and Thorin discussed a drainage ditch request with no action taken at this time.

Darrel Thorin, County Highway Superintendent, completed a feasibility study regarding a request to close or vacate one mile of county road known as 190<sup>th</sup> Avenue running north and south between the NW1/4 of Section 27 and the NE1/4 of Section 28, and the SE1/4 of Section 21 and the SW1/4 of Section 22, all in Township 22 North, Range 7 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-73 to set a public hearing on January 9, 2012 at 10:00 A.M. to hear comments in favor of or opposition to close or vacate such road. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board and Board of Equalization Proceedings of November 28, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$60,959.45; Road - \$227,349.51; County Visitors Promotion - \$1,115.52; Reappraisal - \$2,070.83; Veteran's Aid - \$500.00; Boone Co Economic Development - \$1,828.29; 911 Emergency Management (2910) - \$821.18; Ambulance - \$1,990.93. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



The Boone County Board of Commissioners signed an agreement dated February 28, 2011 with Sequoia Consulting Group, Inc. to provide professional consulting services. Sequoia submitted an Addendum to Contract to add FY 2013 and to change the compensation sum not to exceed \$3,650.00 per year for county FY2011, FY2012 and FY2013. The original agreement read FY2010, FY2011 and FY2012 with a compensation sum not to exceed \$4,060.00. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Addendum to Contract with Sequoia Consulting Group as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Nebraska Revised Statutes state that the County Board shall fix the salaries of all elected officers of the County prior to January 15<sup>th</sup> of the year in which a general election will be held for the respective offices. The filing fee for elected offices is 1% of the approved salary. The Board discussed a salary for the Board of Commissioners for 2013. The Commissioner District No. 2 board member position of the Boone County Board of Commissioners is up for election in 2012. The Commissioner District No. 2 position is made up of the Southeast Manchester and Southwest Manchester voting precincts. Motion made by Schuele, second by Luettel to set the Boone County Board of Commissioner Salary for January 2013 at \$21,000.00. Roll call vote: Yeas: Schuele, Luettel 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 November 2011: Clerk - \$12,735.75 (State of Nebraska - \$8,179.73/County of Boone - \$4,556.02; Sheriff - \$4,321.33; Planning and Zoning - \$318.85; Clerk of the District Court \$1,823.30; Treasurer's Fees - \$14.00 and Treasurer's Office Miscellaneous Receipt Nos. 11670-11736 - \$196,863.03. Total collected by County Treasurer was \$422,034.55. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Jeff Jarecki, Attorney; Ross Knott; Dave Spiegel; Denny Johnson; and Pam Jochum were present to discuss with the Board concerns regarding stray horses and cattle west of Petersburg. The ongoing problem involves stray animals owned by Jim Majerus. The Sheriff's office has responded to many calls over the years regarding the animals. The Sheriff Department and past attorneys have researched the problem and have been in contact with the Attorney General's office. Existing laws do not address the situation regarding county enforcement. Individuals can take civil action regarding the stray animals. There is a lot of concern for the safety of the public and the animals. John Morgan, County Attorney, has been asked to research the issue to see if counties have authority to adopt certain types of ordinances similar to municipalities.

Open discussion: Dave Spiegel, Sheriff, updated the Board regarding the purchase of a 2010 law enforcement vehicle; the replacement of the camera to the south parking lot of the courthouse; and replacement of the radio for the road department that is located in the Law Enforcement Building.

Commissioner Schuele updated the Board members with regard to the Boone, Nance and Merrick County consolidated Emergency Management Services Interlocal Agreement that is being drafted.

Chairman Tisthammer declared the meeting adjourned at 12:30 P.M. with the next Board meeting scheduled for December 19, 2011.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 19, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 19, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board held their monthly meeting with the officials, department heads, or employees. County officials reported on activities with regard to their respective office. The 2012 schedule was distributed to county offices regarding due dates for filing accounts payable and payroll claims. The Board rescheduled the Employee Handbook review to the December 27, 2011 meeting.

The Board, Randall Bruland, Ambulance Administrator, and Shellie Rathjen, Conrad Fire Equipment, discussed several options with regard to the replacement/repair of the Boone County Ambulance that was in an accident on November 28, 2011. The group visited with John Christensen, NIRMA, by teleconference regarding the replacement/repair options and coverage of equipment such as the defibrillator, IV pump, cot, etc. that may need replacing. Depending on replacement/repair, the Board is looking at approximately six months before a replacement is available for the county unit. The rental unit from Colorado is \$125.00 per day. The Board asked Rathjen to ask the owner if the rental unit is for sale. Rathjen provided the Board with an estimate regarding the chassis/box as new, refurbished and salvage value. The Board asked Rathjen is to provide concrete figures for purchase of the rental unit, new chassis/box unit, salvage value of chassis/box and refurbished chassis/box unit. If the damaged box were refurbished, the box would need inspection and recertification from Medtec in order for the warranty to continue. Rathjen visited with the owner of the rental unit during the Board meeting and the owner offered the unit to the county for \$8,500.00. Rathjen is to follow up on the offer, as it appears it may be several months before a new/refurbished unit is available.

Joyce Sock, County Assessor, presented a proposal from Stanard Appraisal Services, Inc. of Central City, Nebraska with regard to the commercial properties in Boone County. The bid is \$165.00 per parcel for the commercial properties in Boone County. Sock informed the Board that there are currently 342 commercial properties for reappraisal. In order to be consistent with the Contract for Appraisal Services, the cost of attendance at the informal hearings and the County Board of Equalization hearings are included in this proposal. Further appeals to the Tax Equalization and Review Commission are not included in the overall proposal. Motion made by Schuele, second by Tisthammer to approve the appraisal bid of \$165.00 per parcel for commercial properties as submitted by Stanard Appraisal Services. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board and Public Hearing Proceedings of December 12, 2011. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.





# Boone County Board Minutes



Nebraska Revised Statutes provide that salaries of all elected officers of the County shall be fixed by the County Board prior to January 15<sup>th</sup> of the year in which a General Election will be held for the respective offices. The position of County Commissioner District No. 2 is the only county elected office to be on the 2012 General Election ballot. Motion made by Luettel, second by Schuele to approve Resolution No. 2011-74 to set the salary for County Commissioner (part-time) at \$21,000.00 to be effective commencing January 1, 2013. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve as written Resolution No. 2011-75 to accept and approve the written applications of the following designated County Depositories of the County Funds for 2012: 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; Homestead Bank of Cozad, Albion Branch; Great Western Bank, Albion Branch; Petersburg State Bank of Petersburg and alternate investment NPAIT, Lincoln. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, and the Board discussed the additional documentation that the Federal Highway Administration is requesting of the Nebraska Department of Roads (NDOR), regarding access to the Orford/Pioneer Cemetery along Highway 14 between Albion and Petersburg. The present turnout for the cemetery along Highway 14 is not included in the highway overlay project. Citizens have contacted NDOR inquiring about where an access will be located for the cemetery. Thorin will discuss the responsibility issue regarding access to the cemetery, entrance gate, etc. with the landowner and NDOR.

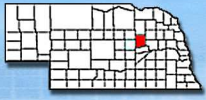
Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$88,418.88, BCBS \$34,302.86, Ameritas Ret \$6,105.11, EFTPS \$6,701.82; Road \$42,380.80, BCBS \$19,915.94, Ameritas Ret \$2,860.71, EFTPS \$3,215.69; Boone County Economic Development \$4,693.33, BCBS \$1,492.40, Ameritas Ret \$316.80, EFTPS \$348.08; Ambulance \$1,903.00, Ameritas Ret \$112.60, EFTPS \$145.57; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,276.83, Ameritas Ret \$268.09, EFTPS \$403.67, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

## Open discussion and Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Thorin and the Board discussed information received at the NACO Convention last week regarding the Nebraska Department of Roads (NDOR) buyout program involving federal funds and soft match credit audits.
- The Board and Thorin discussed fracture critical bridges. The classification of a fracture critical bridge may be due to the design and not necessarily the present condition of the bridge.
- The Board and Thorin discussed road drainage issues and property lines when closing/vacating county roads.

Chairman Tisthammer declared the meeting adjourned at 1:20 P.M., the next Board meeting is scheduled for Tuesday, December 27, 2011.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 27, 2011

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, December 27, 2011, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Shannon Landauer and Megan Zoucha, County Economic Development, submitted an estimate cost and renovation plans to the Board for their review regarding the county annex building. The county purchased the former SourceGas building in June 2009 for office space to be utilized by the Nebraska Department of Health and Human Services (NDHHS). The NDHHS no longer provides an office in Boone County; therefore, the annex building is presently unoccupied. Landauer and Zoucha explained that the floor plan renovation includes a meeting room to accommodate board meetings. They reviewed the estimated costs for construction, floor coverings, painting, furniture, networking, wiring, signage and frontage with the Board. Landauer feels the estimated renovation project bid of \$44,870.00 is on the high end. Landauer feels the renovation project could be completed under the estimate. The Board made no decision at the meeting and asked Landauer to obtain another construction bid. The Board felt that more than one bid is necessary before making any decision.

Kelly Benson, County Zoning Administrator, presented a November report to the Board regarding permits issued and zoning activity.

Darrel Thorin, Highway Superintendent, updated the Board with regard to road maintenance and projects.

Darrel Thorin, Highway Superintendent, presented a "Traffic Sign Management and Retroreflectivity Maintenance Program" (Program) to the Board for approval. The purpose of the Program is to establish an organized procedure for the maintenance, repair and replacement of county road signs that have been stolen, vandalized or exceeded their useful life expectancy to help ensure the safe travel of streets and avenues for the public in Boone County. The county hereby resolves to proceed with the implementation of the policy beginning January 1, 2012. The Program is in accordance with the Manual on Uniform Traffic Control Devices. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign the "Traffic Sign Management and Retroreflectivity Maintenance Program effective January 1, 2012 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Boone County Board of Commissioners adopted the 2011-2012 County Budget on September 12, 2011. An interfund transfer from the Inheritance Tax Fund (2700) to the Road Fund (0200) was approved as needed. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2011-76, authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$150,000.00 from the Inheritance Tax Fund (2700) to the Road Fund (0200) as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of December 19, 2011 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



A discussion was held with regard to access to the Orford/Pioneer Cemetery located in Section 14, Township 21 North, Range 7 West, Boone County, Nebraska at the Board meeting on July 18, 2011. The Board took no action at that time until further review. Darrel Thorin, Highway Superintendent, has been in contact with the Nebraska Department of Roads and Mark Niewohner, landowner, regarding access to the cemetery. The Board received an email from Harry and Linda Jordan regarding the Orford/Pioneer Cemetery and it is attached to the proceedings herein. Mark Niewohner had previously stated that he would allow walk-in access through his property to the cemetery and would allow for a gate to be installed large enough to accommodate riding lawn mowers for the purpose of mowing the cemetery. The Board and Thorin discussed the county constructing a parking area for vehicles and providing a sign on County "Y" Road that identifies the location of the cemetery access. Also discussed was a procedure to notify the concerned citizens as to the location of the cemetery access. Motion made by Schuele, second by Luettel to accept Mark Niewohner's offer of a walk-in access located approximately 3000 feet northwest of the intersection of County "Y" Road and Nebraska Highway 14; the county will construct a vehicle parking area and install signage; and the Board will notify the concerned citizens as to the location of the access upon the approval of the Board proceedings. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Jacqueline Wells, Veteran Service Officer, submitted a Memorandum of Understanding to the Board for approval. The Memorandum of Understanding is between the State of Nebraska Department of Veterans Affairs (NDVA) and County of Boone, Nebraska, on behalf of the Boone County Veterans Service Center (County). The purpose of the memorandum is to arrange for the shared use of the VETRASPEC system by the NDVA and County. The Veteran Service Office will benefit by using the web based system including cost savings, consistency and reporting time. The office will be almost paperless with the implementation of the VETRASPEC system. Motion made by Tisthammer, second by Schuele to approve the Memorandum of Understanding through June 30, 2012 with an automatic renewal for two additional twelve month periods and pay an annual user fee as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board discussed the courthouse north parking lot. The parking is tight when it is full due to extended cab pickups and vans. It was suggested to extend the parking lot ten feet to the south. The Board took no action at this time until further review.

The Board rescheduled the Employee Handbook review to the January 9, 2012 meeting.

## Open discussion:

- Dave Spiegel, Sheriff, updated the Board regarding law enforcement matters.
- The Board, Randall Bruland, Ambulance Administrator, and Shellie Rathjen, Front Range Fire Apparatus, discussed several options with regard to the replacement/repair of the Boone County Ambulance that was in an accident on November 28, 2011. The group discussed the replacement/repair of the County Ambulance on December 19, 2011 and continued with a lengthy discussion today. The Board visited with John Christensen, NIRMA, by teleconference regarding the replacement/repair options and coverage of equipment.
- The Board discussed the various meetings scheduled for the week.
- Commissioner Schuele and Luettel plan to take the Emergency Manager vehicle to Nance County today for Jan Zurcher, Boone, Nance and Merrick County Emergency Manager, who begins duties on January 3, 2012.

Chairman Tisthammer declared the meeting adjourned at 12:45 P.M. with the Reorganizational Board meeting scheduled for Wednesday, January 4, 2012 and regular Board meeting scheduled for Monday, January 9, 2012.

Kathy Thorberg, Boone County Clerk