

# Boone County Board Minutes



## **2012 REORGANIZATIONAL MEETING BOONE COUNTY BOARD OF COMMISSIONERS ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska convened at 10:00 A.M. on Wednesday, January 4, 2012, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Schuele, second by Luettel to reappoint Jerry L. Tisthammer as Chairman of the Boone County Board of Commissioners for the year, 2012. Roll call vote: Yeas: Schuele and Luettel. Abstain: Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to reappoint Tom Schuele as Vice Chairman of the Boone County Board of Commissioners for the year, 2012. Roll call vote: Yeas: Tisthammer and Luettel. Abstain: 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 2012.

Motion made by Tisthammer, second by Luettel, that the budget committee for the ensuing 2012-2013 budget year is the Boone County Board of Commissioners, Boone County Clerk and Boone County Treasurer.

Motion made by Luettel, second by Schuele to reappoint Richard D. Martinsen, Certified Public Accountant, Albion, Nebraska, to do the County Budget for the 2012-2013 budget year, to be paid from the County General fund.

Motion made by Luettel, second by Tisthammer to reappoint Darrel Thorin, Bartlett, Nebraska, as full time County Highway Superintendent, for 2012.

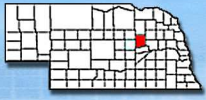
Motion made by Tisthammer, second by Luettel to reappoint Christopher C. Hays, of Osceola, Nebraska, as Boone County Surveyor for a four year term commencing January 6, 2011 through December 31, 2014, per contract for services as provided in Section 23-1901.01. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to reappoint Jacqueline Lynne Wells as Boone County Veterans Service Officer on a part time basis for 2012.

Motion made by Luettel, second by Schuele to reappoint Shannon Landauer as Boone County Economic Development Director, for 2012.

Motion made by Schuele, second by Luettel 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 Tisthammer that the following are appointed to the Local Emergency Planning Committee for 2012:



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Rich Good – St. Edward Fire Department  
Jenice Stevenson – Red Cross/Albion Rescue  
Jan Zurcher – Boone County Emergency Management Director  
Amy Zaruba – Boone County Health Center/Albion Rescue  
Sarah Moeller – Valero Safety Director  
Dave Spiegel – Boone County Sheriff  
Brent Lipker – Albion Police Chief  
Bruce Benne – Albion Fire Department/Emergency Management Certified  
Jerry Imus – 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 appoint Jan Zurcher as Boone County Emergency Management Director, Emergency Services Coordinator, Homeland Security Director and Governing Regional Committee, for 2012. An Interlocal Agreement for Emergency Management Services is between the County of Boone, Nance and Merrick beginning on January 1, 2012 through June 30, 2014.

Motion made by Luettel, 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 2012.

Motion made by Tisthammer, second by Schuele 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 2012.

Motion made by Tisthammer, second by Luettel to appoint Sheriff David Spiegel and his staff to be the E911 Coordinator, for 2012.

Motion made by Tisthammer, second by Luettel to appoint Kelly Benson as County Zoning Administrator and Regulatory Zoning Investigator, being accountable to the County Board, for 2012.

Motion made by Luettel, second by Schuele to reappoint Russell Stokes as Weed Superintendent on a part time basis, being accountable to the County Board, for 2012.

Motion made by Schuele, second by Luettel to appoint the Boone County Clerk as the Title VI representative, for 2012.

Motion made by Tisthammer, second by Schuele to appoint the Boone County Veterans Service Officer as the American with Disabilities Act (ADA) Coordinator, for 2012.

Motion made by Tisthammer, second by Luettel 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.



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

Motion made by Schuele, second by Tisthammer 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; Homestead Bank, 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 Schuele, second by Luettel that the Boone County full time employees are to receive twelve paid holidays which include: the observed nine holidays as set forth in the NIRMA Guide to Creating a Personnel System for Nebraska Counties Handbook; also, Martin Luther King, Jr. Day and Columbus Day; and with Arbor Day being a floating holiday to be designated for Monday, December 24, 2012.

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

Motion made by Tisthammer, second by Schuele that the Boone County Board of Commissioners will hold their Board meetings on every Monday except for the first Monday of each month in the year, 2012, commencing at 9:00 A.M. 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; Homestead Bank; and Albion News Office, all located in Albion, NE.

Motion made by Luettel, second by Schuele, that the courthouse hours shall be 8:00 AM to 5:00 PM with a one-hour unpaid 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.

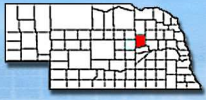
Motion made by Tisthammer, second by Schuele that agenda items must be provided to the Boone County Clerk's Office no later than noon on the Friday preceding a Board meeting in order to be considered for said Board meeting.

Motion made by Schuele, second by Luettel 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 2012.

Motion made by Tisthammer, second by Schuele, that the following be appointed to the various boards that Boone County is associated with for 2012:

Region IV, Inc., Wayne

Tom Schuele  
Jerry L. Tisthammer - Alternate



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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, Norfolk	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., Madison	Ken Luettel Jerry L. Tisthammer - Alternate
Boone County Development Agency Board	Ken Luettel Tom Schuele
NENEDD – Council of Officials, Norfolk	Ken Luettel – Elected Official Shannon Landauer – Non-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 2012.

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 2012.

Motion made by Luettel, second by Tisthammer that (1) the following will serve on the Safety Committee according to LB 757, for 2012: 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 27, 2012, May 21, 2012, August 27, 2012 and November 26, 2012, commencing at 1:00 P.M.

Motion made by Tisthammer, second by Schuele, to name the following people to serve on the Boone County Extension Board as recommended by Steve Pritchard, Boone/Nance County Extension Educator. A term is three years with a maximum of six years. The terms are as follows: Sharon Baker (2010-2012) - 2nd term; Jane Prothman (2011-2013) – 1st term; Jim Carder (2012-2014) – 2nd term and Mark Grundmayer (2012-2014) – 1st term. This board is in accordance



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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, 2012:

Justin Frey, Mark Jensen and Lee Ketteler	(2012)
Chris Baum, Mark Wagner and Jim Meysenburg	(2012-2013)
Paul Groeteke, Hilary Maricle and Brad Stephens	(2012-2014)

Motion made by Tisthammer, 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, 2012:

Ray Merrell	(2012)
H. Thomas Fick and Mark Zentner	(2012-2013)
Paul Kettelson and Mark Jensen	(2012-2014)
Deb Mitchell	Alternate

Motion made by Schuele, second by Tisthammer 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
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)
Kay Flanagan (01-01-2012)	(2012-2014)
Nancy Soll (01-01-2012)	(2012-2014)

\*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: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Chairman Tisthammer declared the Reorganizational meeting adjourned at 12:00 Noon.

Kathy Thorberg, Boone County Clerk





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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 9, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 9, 2012, 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, Ken Luettel 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.

The Board reviewed the Interlocal Agreement for Emergency Management Services (Agreement). The Agreement is made by and between the County of Nance, County of Merrick and County of Boone, all political subdivisions of the State of Nebraska. The purpose of the Agreement is to make the most efficient use of each county's taxing authority and services regarding Emergency Management. The Agreement will begin on January 1, 2012 and remain in effect through June 30, 2014, unless the parties hereto agree in writing to modify, extend or terminate this Agreement prior to that time. Jan Zurcher is a certified Emergency Manager and started her duties on January 3, 2012. Nance County is the Agreement administrator with total expenditures as follows: Nance County 30%, Merrick County 35%, and Boone County 35%. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Interlocal Agreement for Emergency Management Services as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed Section 125 Cafeteria Plan materials left after the presentations of three companies' in 2011. The information received through the presentations from each company is comparable within their respective plans. The decision of the Board is to offer the NACO endorsed plan. Motion made by Luettel, second by Schuele to approve providing the NACO endorsed Section 125 Plan proposal of First Concord Benefits Group, LLC to interested employees. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Boone County is a member of the ten county East Central Planning, Exercise, Training (PET) and Interoperable Communications Region established by the State of Nebraska. Boone County must appoint at minimum one person to serve as a member and participate in the Governing Regional Committee. Such appointment shall be reviewed each year at the annual County Board Reorganizational meeting. Motion made by Tisthammer, second by Schuele to appoint Jan Zurcher to fulfill the duties as required by the Governing Regional Committee retroactive and effective January 1, 2012. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County Treasurer submitted a Semi Annual Statement for July 1, 2011 through December 31, 2011. Motion made by Schuele, second by Tisthammer to accept and approve the County Treasurer's Semi Annual Statement as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.



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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 Boone County Agricultural Society, Inc. submitted a request for assistance with advertising the annual Home, Farm & Garden Show scheduled for March 24, 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.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road and bridge maintenance. Thorin received information from the State of Nebraska, Department of Roads (NDOR) regarding federal aid files. NDOR is in the process of reviewing local federal aid files and clearing out dormant projects. The necessary documentation regarding the eight federal aid projects will be an agenda item for the January 17, 2012 Board meeting.

Thorin provided a copy of a draft of NDOR's local bridge selection policy to the Board regarding a federal fund purchase program agreement allowing NDOR to purchase federal funds in exchange for state cash. NDOR is asking counties to review the proposal and comment within thirty days.

Leo Reilly, Greeley County Commissioner, discussed concerns regarding a county road known as 100<sup>th</sup> Avenue on the Greeley/Boone county line approximately three miles north of Highway 91 with the Board and Darrel Thorin, Highway Superintendent. Tim O'Brien, Marty McKay, and Dennis McKay, property owners in the area, presented their concerns with regard to 90% of the water comes from the east, sets in the wetlands, then the road is saturated and under water and not passable for a majority of the time in order to check livestock and get to hay ground. Thorin explained that the area in discussion is classified as wetlands; therefore, one cannot add or remove any dirt or vegetation in the wetland classification. Thorin said it is on the Boone County One & Six Year Road Plan and was planning to move it up to the One Year Road Plan in 2012. The 404 Permit was submitted a year ago to the U.S. Army Corps of Engineers and Thorin has heard nothing from them to date. The permit request included building the road up to standards and adding another culvert for drainage. The group wanted to know if it was possible to haul in dirt now while it is dry weather, to build the present road up in order to be passable for the landowners to get to their property. The decision of the Board is to add dirt to build up the road without disturbing any of the adjacent wetland. That means no removing dirt/debris from the wetland and no dropping any dirt over the edge into the wetlands while building the road up. It was decided that both Boone County and Greeley County road departments will provide equipment and labor to haul in dirt to build the road up.

Motion made by Tisthammer, second by Luettel to approve the County Board and Board of Equalization Reorganizational Proceedings of January 4, 2012 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 Board and Board of Equalization Proceedings of December 27, 2011 as presented. Roll call vote: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



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Agenda items are to be submitted by noon on Friday preceding the Board meeting to the County Clerk's office that requires a Board decision. The Clerk of the District Court report was not submitted timely and will be placed on the January 17, 2011 Board agenda. Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for December 2011: Clerk - \$17,385.50 (State of Nebraska - \$11,732.34/County of Boone - \$5,653.16; Sheriff - \$5,809.20; Treasurer's Fees - \$8.00; and Treasurer's Office Miscellaneous Receipt Nos. 11737-11806 - \$160,361.69. Total collected by County Treasurer was \$2,594,848.07. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds with the exception of \$30.00 being a partial rejection of vendor claim number 220 for cell phone reimbursement: General - \$46,037.77; Road - \$81,578.14; County Visitors Promotion - \$1,906.00; Reappraisal - \$1,276.50; Boone Co Economic Development - \$1,680.38; 911 Emergency Management (2910) - \$7,858.27; Ambulance - \$14,478.72. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board, interested department heads and employees continued reviewing updates to the County Employee Handbook as provided by the updated NIRMA Personnel System.

Open discussion: Commissioner Schuele reported on the St. Edward City Council meeting he attended on January 2, 2012. The Board and Rod Nelson, Maintenance, viewed and discussed the North courthouse parking lot.

Vice Chairman Schuele declared the meeting adjourned at 2:57 P.M. with the next Board meeting scheduled for Tuesday, January 17, 2012.

Kathy Thorberg, Boone County Clerk





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## 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, January 9, 2012 at 9:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Motion made by Commissioner Luettel and second by Commissioner Tisthammer to open said public hearing. Present for roll call were Commissioners Ken Luettel, Jerry L. Tisthammer, Tom Schuele and Kelly Benson, Planning and Zoning Administrator.

The purpose of the public hearing is to hear testimony in favor of, opposition to and to answer questions in relation to the approval or denial of a Lot Split Application.

The public hearing is to approve or deny an application for a lot split to Jeff and Dawn Bussey of 4.40± acres from farm ground located in the NE1/4 of Section 16, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska to construct a new home. Gary and Patricia Roberg own the property herein referenced.

Kelly Benson, Zoning Administrator, and applicant Jeff Bussey, were present to answer any questions with regard to the Lot Split Application. Bussey explained to the Board that the purchase of the land is with intention to build a new home in three or four years. The County Planning Commission recommended approval of the request. Benson said no opposition was received and a survey is completed for the 4.40± acres.

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

Motion made by Luettel, second by Schuele to authorize the Board Chairman to sign the necessary papers as written regarding the lot split for Jeff and Dawn Bussey, being a tract of land consisting of 4.40± acres, located in a part of the NE1/4 of Section 16, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to construct a new home. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



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## 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, January 9, 2012 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Motion made by Commissioner Luettel, second by Commissioner Tisthammer to open said public hearing. Present for roll call were Commissioners Ken Luettel, Jerry L. Tisthammer, Tom Schuele and Darrel Thorin, County Highway Superintendent.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and answer questions regarding the denial or approval to close or vacate the proposed one mile of a county road known as 190<sup>th</sup> Avenue. The hearing is concerning one mile of a 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, all in Boone County, Nebraska.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study to the Board on November 28, 2011, recommending vacating one mile of a county road known as 190<sup>th</sup> Avenue. The road runs one mile north and south and upon vacation of said road, all right-of-way rights be relinquished to the owners of the adjacent real estate, one-half on each side thereof.

Walt Hoefer was present to answer questions regarding the Huisman property. The Huisman property auction is scheduled for February. John Temme, Auctioneer, asked who is responsible for locating the property lines upon vacation of said road. The County is responsible for location of the section corners and the land owners for the property lines.

The Board received no opposition to the vacation at the hearing. The road is not part of the road inventory listed with the State of Nebraska. The County Board instructed that a resolution be prepared to vacate that portion of 190<sup>th</sup> Avenue as presented for the Board's approval at the January 17, 2012 meeting.

Motion made by Tisthammer, second by Luettel to close said hearing at 11:05 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the vacation of a one mile segment of a county road known as 190<sup>th</sup> Avenue, beginning between the SW corner of the NW1/4 of Section 27 and the SE corner of the NE1/4 of Section 28, Township 22 North, Range 7 West and thence North 1 mile to the NE corner of the SE1/4 of Section 21 and the NW corner of the SW1/4 of Section 22, Township 22 North, Range 7 West of the 6<sup>th</sup> P. M., Boone County, Nebraska, as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 17, 2012

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, January 17, 2012, 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, Ken Luettel 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.

- Lisa Langan, County Court, provided the Board information for their review regarding 2011 LB 669 regarding the County Court staff and Clerk of the District Court staff entering into an Interlocal Agreement with approval by the Board of Commissioners for the courts to help each other out when staff is temporarily unavailable.
- Kelly Benson, Zoning Administrator, provided the Board a written report of activities.
- County officials reported on activities with regard to their respective office.
- Tom Schuele, Commissioner, discussed LB 970 introduced on behalf of the governor regarding the elimination of the inheritance tax that is paid to counties. Schuele reminded those present that the County Inheritance Tax Fund is what has kept the County tax request low.
- Jerry Tisthammer, Commissioner, commented on the progress of updating the County Employee Handbook to coincide with the updated NIRMA Personnel Policy.

Dave Spiegel, County Sheriff, appeared before the Board to request approval for the purchase of a security camera. The security camera on the south side of the law enforcement building is in need of replacement, as the present camera is not recording properly. Bids were obtained for camera replacement. The camera Bosch WZ18 has a longer range and better visibility for night recording. Applied Connective Technologies estimated cost for a Bosch WZ18 is \$610.60. Motion made by Schuele, second by Luettel to approve and authorize Dave Spiegel, Sheriff, to purchase a security camera as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, Sheriff, discussed with the Board the need for a more secure impoundment facility for seized property. Spiegel asked the Board if they would consider renting a facility where the seized property may be safely stored until execution or settlement.

The Clerk of the District Court shall on or before the fifteenth day of each month make a report to the county board, under oath, showing the different items of such fees, revenue, perquisites, or receipts received from whom, at what time and for what service and the total amount received by such officer since the last report, and the amount received for the current year. Clerk of the District Court submitted fees for the month of December 2011 to the State of Nebraska - \$228.00 and to the County Treasurer - \$1,076.76. Motion made by Schuele, second by Luettel to approve the monthly report of the Clerk of the District Court despite not being reported by the fifteenth day of the month according to Nebraska State Statute 33-106.02. 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 January 9, 2012. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



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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. Michael's Parish submitted a request for assistance with advertising the annual St. Patrick's Carnival scheduled for March 11, 2012. 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 Albion Area Arts Council submitted a request for assistance with advertising the Local Jewels event schedule for April 1, 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.

Shannon Landauer, County Economic Development, obtained another construction bid estimate of \$26,000.00 regarding renovation plans to the county annex building. The Board asked Landauer to obtain a second construction bid after the renovation presentation at the December 27, 2011 Board meeting. 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 reviewed the floor plan and estimated renovation costs with the Board. Landauer explained that by changing the frontage to one window, the heating/cooling should be more efficient. The floor plan renovation includes a meeting room to accommodate board meetings. The Boone County Development Agency Executive Committee recommended a renovation budget of \$45,000.00 with a \$4,500.00 contingency overage. Motion made by Luettel, second by Schuele to approve the renovation project of the County Annex Building for use by the Boone County Development Agency with a meeting room that may be used by other boards with the renovation costs paid from the 2606 Business Development Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Vic Lee, CEO and Mandy Kumm, CFO, representatives for the Boone County Health Center, reviewed the Boone County Health Center September 30, 2011 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. The health center has programs available that one may qualify for help when in need to pay health care costs. Kumm said that the future accounting reporting techniques would be changing due to the federal health program. The Hospital Foundation books are not a part of the Boone County Health Center audit. Lee's opinion is that the health care reform is favoring return of investments and not looking at the quality of life.

Darrel Thorin, Highway Superintendent, and the Board discussed road maintenance and projects. Thorin and the Board discussed repairing/replacing the Petersburg Road District shop furnace that is no longer functioning. Thorin received a quote from SourceGas for the replacement of the furnace. The consensus of the Board was to replace the furnace unit instead of repairing the old one.

The Board held a public hearing on January 9, 2012 regarding one mile of road known as 190<sup>th</sup> Avenue. No opposition was received regarding the vacation of said road. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-01, vacating a county road beginning between the SW corner of the NW1/4 of Section 27 and the SE corner of the NE1/4 of Section 28, Township 22 North, Range 7 West and thence North 1 mile to the NE corner of the SE1/4 of Section 21 and the NW corner of the SW1/4 of Section 22, Township 22 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as 190<sup>th</sup> Avenue and all right-of-way rights be relinquished and shall revert to the owners of the adjacent real estate, once half on each side thereof. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, presented a resolution for the Board to consider. Certain transportation facilities in Boone County, Nebraska, were designated as being eligible for federal aid transportation funds by the State of Nebraska, Department of Roads (NDOR) in compliance with federal laws. Boone County has previously entered into Agreements (Programs) with NDOR. NDOR is in the process of reviewing local federal aid files and clearing out dormant projects. NDOR recommends that Boone County withdraw these projects and cancel all agreements pertaining to such projects. If the County agrees to withdraw these eight projects, the State of Nebraska agrees not to seek reimbursement of the state costs incurred. Motion made by Tisthammer, second by Schuele to approve as presented Resolution No. 2012-02, Boone County hereby requests that the NDOR withdraw the eight projects as listed in the resolution from the Federal Aid list. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented a resolution for the Board to consider. Boone County and Nebraska Department of Roads (NDOR) wish to enter into an Engineering Services Agreement to provide fracture critical bridge inspection and re-load rating services if necessary for the Federal Aid Project No. BR-NBIS(95), Control No. 00872 Statewide 2012 Fracture Critical Bridge Inspections. Upon execution of the agreement, the county will be billed 20% of the local fracture critical bridge inspection costs. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2012-03 regarding Federal Aid Project No. BR-NBIS(95) and authorize the Board Chairman to sign the Agreement as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board discussed pending court cases and other personnel issues with John Morgan, County Attorney.

Open discussion and Miscellaneous Public Comments: Vic Lee, Boone County Health Center, (Health Center) presented a Memorandum of Understanding prepared by the Health Center's attorney. The Health Center wants to terminate the resolution agreement regarding the County Ambulance Services with the Health Center. The Board did not sign the Memorandum of Understanding, as it was not an agenda item, is not in the best interest for the County and the referenced resolution is not the present resolution that is in effect. The Board asked that the Memorandum of Understanding be forwarded to NIRMA's legal counsel, who is the county's insurance provider. The County Clerk's office will email the other counties to find out how many across the state provide County Ambulance Service and have an Ambulance Fund within the county budgets.

The Board participated in a conference call with NIRMA legal counsel regarding the medical attendants aboard the County Ambulance. Further discussion will take place at the next Board meeting.

The Board received a quote of \$49,500.00 to repair the chassis and module on the 2010 Ambulance that was in an accident in November 2011.

Chairman Tisthammer declared the meeting adjourned at 2:20 P.M., the next Board meeting is scheduled for January 23, 2012.

Kathy Thorberg  
Boone County Clerk





## ALBION, NEBRASKA

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of January 17, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



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 2012. The applications are for temporary/seasonal help within the courthouse, road department and law enforcement. Anytime the County of Boone has a full time or regular part time position open, the department with the opening will advertise separately. Motion made by Tisthammer, second by Schuele to advertise the yearly temporary/seasonal applications for help one week only in the Albion News as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 \$83,375.90, BCBS \$34,302.86, Ameritas Ret \$5,755.99, EFTPS \$6,316.11; Road \$43,387.63, BCBS \$19,915.94, Ameritas Ret \$2,928.67, EFTPS \$3,292.72; Boone County Economic Development \$5,054.00, BCBS \$1,492.40, Ameritas Ret \$341.15, EFTPS \$375.68; Ambulance \$795.00, Ameritas Ret \$53.67, EFTPS \$60.81; Public Defender Contract \$3,250.00; Boone County Fitness Center \$9,167.26, Ameritas Ret \$511.74, EFTPS \$701.29, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board, Randall Bruland, Ambulance Administrator, and Vic Lee, Boone County Health Center, discussed coverage with regard to medical personnel when staffing the Boone County Ambulance during transfers to another hospital. Larry Pelan, NIRMA, discussed the issue by teleconference with the Board, Bruland and Lee. The Memorandum of Understanding that the Boone County Health Center Attorney proposed is not in the best interest of the County. The Board needs to review options and exposure to the County regarding medical personnel staffing of patient transfers. A survey conducted across the state by the County Clerk's office, indicated that less than twenty counties provide tax funds for ambulance services and even less operate/staff ambulance services. More information will be sought from other ambulance transport entities regarding coverage for medical personnel. Vic Lee said the hospital would not be able to afford operating the ambulance transport services; he will alert the nurses not to staff a transport for now; and they will just call in Midwest Ambulance Services.

## Open discussion and Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Commissioner Luettel reported on the Northeast Nebraska Juvenile Services meeting he attended last week.
- The Board asked the County Clerk's office to draft a letter expressing their opposition to LB 970, to eliminate Inheritance Tax.

Chairman Tisthammer declared the meeting adjourned at 2:00 P.M., the next Board meeting is scheduled for Monday, January 30, 2012.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



## **2012 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, January 23, 2012 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 Luettel to open said public hearing. Commissioners present for said public hearing were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Darrel Thorin, Highway Superintendent, was present to answer the 2012 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 2012 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 2012 One and Six Year Road Improvement Program for Boone County, Nebraska. The one-year road improvement plan consists of nine projects and the six-year plan consists of six 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. Project No. 336 is moved from the six year to the one year as a three-phase project, as it has been on the road improvement program since 1993. Mark Wagner, Dave Schrad, Marilyn Schrad, Donna Iburg, and Carma Wilton were present to discuss Project No. 362 regarding 145<sup>th</sup> Street west of 190<sup>th</sup> Avenue. Thorin explained that federal aid transportation funds are no longer available for roads classified as collector roads. The federal and state regulations regarding bridge and road construction project funding is pushing more of the burden onto the County. Now in order to receive federal aid funding for a bridge project, the bridges need to be 100'/200' before any consideration by the federal/state departments.

Attached hereto as part of the proceedings is a copy of the 2012 proposed projects one-year plan and the 2012 and beyond proposed projects for the six-year plan as presented by Boone County Highway Superintendent, Darrel Thorin.

Motion made by Schuele, second by Luettel to approve the 2012 One and Six Year Road Improvement Program for 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 close said hearing at 11:00 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## **PUBLIC HEARING PROCEEDINGS AMENDMENTS TO THE BOONE COUNTY ZONING REGULATIONS**

Jerry L. Tisthammer, Boone County Board of Commissioners Chairman, called for a motion to open a public hearing on Monday, January 23, 2012 at 11:10 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Present for said public hearing were Commissioners Tisthammer, Luettel, Schuele and Kelly Benson, County Planning and Zoning Administrator. Benson was present to answer any questions with regard to the zoning regulation amendments. Notice of the hearing was given in advance by publication and the convened hearing was open to the public.

The purpose of the public hearing is to hear testimony in favor of, opposition to and to answer questions in relation to the approval or denial of amendments to the Boone County Zoning Regulations with regard to setbacks distance. The amendments are concerning the Articles listed below for structures to be built up to 63 feet from the existing visual center of the county road, excluding the site triangles of intersections within the A-1, A-2 and A-3 Districts.

- Article 13: Agricultural-Secondary District A-2, Section 4, 4.3D
- Article 14: Agricultural-Transitional District A-3, Section 1, 3.8
- Article 16: R-M Mobile Home Residential Districts, Section 3, 3.1 and 3.6
- Article 17: C-1 Commercial Districts, Section 3, 3.8
- Article 18: I-1 Light Industrial District, Section 3, 3.8
- Article 19: I-2 Heavy Industrial District, Section 3, 3.2
- Article 20: PU Public/Semi-Public Use Districts, Section 3, 3.8

Kelly Benson, Zoning Administrator, explained that the present regulation states structures built at 83 feet. Benson said that the Planning and Zoning Commission recommended approval of the regulation changes. No opposition was received with regard to the amended changes for structures to be built up to 63 feet from the existing visual center of county roads, excluding the site triangles of intersections. The amended changes will better fit the building of structures such as grain bins and storage buildings for easier access by the landowner. The Board asked Benson to prepare a resolution for the next Board meeting.

Motion made by Schuele, second by Luettel to close said hearing at 11:20 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to amend and approve the Boone County Zoning Regulations as stated above regarding the Articles listed for structures to be built up to 63 feet from the existing visual center of the county road excluding the site triangles of intersections within the A-1, A-2 and A-3 Districts as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 30, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:13 A.M. on Monday, January 30, 2012, 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 state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Luettel, second by Schuele to accept and approve the County Sheriff's 2011 fourth quarter report as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, Sheriff, and Denny Johnson, Deputy Sheriff, were present to discuss the purchase of an In-Car Camera System with the Board. Sheriff Spiegel applied for an In-Car Camera System Mini-Grant Contract Application and Award to help offset the cost of the camera system. The Nebraska Office of Highway Safety approved the mini-grant. The mini-grant award reimburses the County \$2,995.00 of the \$3,995.00 in-car camera cost. The County is responsible for any extras, freight and installation fees. Motion made by Schuele, second by Luettel to approve the In-Car Camera System for the County Sheriff as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Chuck Rolf, Boone County Agricultural Society representative, and the Board discussed the dates that the Ag Society will be asking for Special Designated License (SDL) to serve alcohol underneath the grandstand. Rolf will prepare the necessary papers for the requests and present them for approval at an April Board meeting.

The Board held a public hearing on January 23, 2012 to amend the Boone County Zoning Regulations with regard to setbacks distance. The amended Articles set out in the resolution refer to the A-1, A-2 and A-3 Districts, Structures to be built up to 63 feet from the existing visual center of county roads, excluding the site triangles of intersections. Motion made by Luettel and second by Schuele to approve Resolution No. 2012-05 amending the Boone County Zoning Regulations with regard to Setbacks distance as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as presented the Proceedings of January 23, 2012 for the County Board, Board of Equalization, One and Six Year Road Improvement Program Hearing, and Amendments to the Boone County Zoning Regulations Hearing. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.





# Boone County Board Minutes



The Board; Randall Bruland, Ambulance Administrator; Dr. Tony Kusek; Amy Zaruba, Paramedic/Nurse; and Mandy Kumm, CFO for Boone County Health Center, discussed coverage with regard to medical personnel when staffing the Boone County Ambulance during transfers to another hospital. The continued discussion involves workers compensation coverage, professional liability coverage and exposure to the County with regard to medical personnel staffing patient transfers. Many questions and concerns have surfaced since the County Ambulance was involved in an accident in November 2011. The group is learning that there is a difference involving insurance coverage for an ambulance transport service like the County provides vs. volunteer emergency responding ambulances like the municipalities provide. The ambulance services discussion is scheduled to continue on February 13, 2012, allowing personnel to gather insurance coverage information for medical staff, EMTs and drivers as independent contractors vs. employees.

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 Volunteer Fire Department submitted a request for assistance with advertising the annual Trail Ride event scheduled for August 17-19, 2012. 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.

Lisa Langan, County Court, provided the Board information for their review regarding 2011 LB 669 at the January 17, 2012 Board meeting. Lisa Langan, County Court, Ellen Hirsch and Carolyn Fross, District Court, discussed with the Board their opinion concerning LB 669 and its implementation date of August 27, 2012. LB 669 now known as Neb. Rev. Stat. §24-507(3)(4), is regarding the County Court staff and Clerk of the District Court staff entering into an Interlocal Agreement with approval by the Board of Commissioners for the courts to help each other out when staff is temporarily unavailable. Langan felt that after reviewing the statute and material provided, it appears that the State is possibly transferring more of the State responsibility onto the county employees. Langan is more in favor of looking at the remote coverage within the state system. Langan, Hirsch and Fross are not in favor of signing an agreement at this time.

Darrel Thorin, County Highway Superintendent, presented and reviewed the 2011 Annual Highway Superintendent report with the Board. The report showed how and where the road funds were spent with regard to aggregate, freight to haul aggregate to the county yards, cost of the seven projects that were completed and repairs.

The Nebraska Department of Roads reviewed the status regarding the Cedar Rapids Bridge Renovation Project No. ENH-6(5). Thorin received a schedule for the Cedar Rapids project and it appears the funding may be in 2013.

Thorin and the Board discussed road maintenance, signage and road projects. Thorin informed the Board that the Nebraska Department of Roads closed a bridge immediately that is located on 130<sup>th</sup> Street between 310 and 320<sup>th</sup> Avenue. The bridge was built in 1915 and the four tension arms show fractures. If one of the tension arms snaps, the bridge will go down. The road crew barricaded the bridge, as it is not safe to drive across.



# 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.

The Board and interested employees reviewed a portion of the Employee Handbook. The group discussed the response from NIRMA legal counsel regarding employee handbook questions submitted earlier for further clarification.

## Open discussion and Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board visited with Larry Pelan, NIRMA, by teleconference regarding the county ambulance insurance coverage and other matters for personnel aboard the ambulance for a patient transport.
- The Board discussed the 2010 County Ambulance repair issues by teleconference with Arrow Manufacturing, Inc. and Front Range Fire Apparatus. Medtec may not recertify or extend the warranty for the modular box due to a third party repairing it outside of Medtec's authorized service center.

Chairman Tisthammer declared the meeting adjourned at 1:45 P.M., the next Board meeting is scheduled for Monday, February 13, 2012.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
FEBRUARY 13, 2012  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:03 A.M. on Monday, February 13, 2012, 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.

The Board; Randall Bruland, Ambulance Administrator; Dr. Tony Kusek; Amy Zaruba, Paramedic/Nurse; and Vic Lee, Boone County Health Center, discussed coverage with regard to medical personnel when staffing the Boone County Ambulance during transfers to another hospital. The continued discussion involves workers compensation coverage, professional liability coverage and exposure to the County with regard to medical personnel staffing patient transfers. The group is learning that there is a difference involving insurance coverage for an ambulance transport service like the County provides vs. volunteer emergency responding ambulances like the municipalities provide. Lee indicated that the Boone County Health Center (BCHC) is not interested in inheriting the ambulance unit or providing ambulance service as part of the BCHC services. Lee claims the BCHC attorney tells them not to be in the ambulance business. The County insurance company is telling the Board they are exposing the county by operating an ambulance transport service. Amy Zaruba said that medical personnel she visited with are okay with purchasing their own liability coverage. EMTs will also need to purchase liability coverage before staffing the ambulance for a patient transport. If the county continues to operate an ambulance transport service the drivers and medical personnel will need to be paid as county employees with the issuance of W-2s in order to be covered with workers compensation insurance in case of another accident. The Board suggested increasing the rates that the medical personnel receive when engaged in a patient transport to help offset the cost of their additional liability insurance. A new resolution will be drafted for review by both NIRMA legal counsel and BCHC legal counsel before a decision is made.

The Boone County Ambulance Service submitted four uncollectible ambulance accounts, as all methods of collection have been exhausted. The recommendation for the October 2009 account of \$1,700.00; September 2010 account of \$238.75; August 2011 account of \$1,594.00 and September 2011 account of \$1,244.00 for ambulance services is to turn the files over to the County Attorney to attempt further collection. Motion made by Tisthammer, second by Luettel to write-off the uncollectible ambulance accounts in the sum of \$4,776.75, pursuant to the recommendation received from the ambulance service and turns the files over to the County Attorney. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Providers enrolled in Medicare need to submit an initial enrollment application to establish a record in PECOS. The Boone County Ambulance Service accepts Medicare payments and therefore needs to complete a Medicare Revalidation Application for the year 2012 and submit a fee of \$523.00 to receive direct deposit payments. Motion made by Schuele, second by Luettel to approve the Medicare Revalidation application fee of \$523.00 for the year 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Joyce Sock, County Assessor, presented the proposed 2012 Ag Land values to the Board for review. Sock and the Board discussed the proposed changes. Sock proposed combining market areas one and three and leaving market area two separate. Sock indicated that there have been enough sales within the county for market area one and three to combine the area and will not need to use the six-mile radius from the out of county sales. Motion made by Tisthammer, second by Luettel to combine the market areas of one and three for the 2012 Ag Land values and leave market area two separate 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 two-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, 2012 and ending February 28, 2014 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Interlocal Agreement for Emergency Management Services between the Counties of Nance, Merrick and Boone, all political subdivisions of the State of Nebraska was effective January 1, 2012. The purpose of the Agreement is to make the most efficient use of each county's taxing authority and services regarding Emergency Management. The recently signed Interlocal Agreement between the counties will now be known as Region 44 Emergency Management. Motion made by Schuele, second by Tisthammer to approve the three county Emergency Management Services to be now known as Region 44 Emergency Management as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road and bridge maintenance. Thorin updated the Board regarding the maintenance upgrade on a county road known as 100<sup>th</sup> Avenue on the Greeley/Boone county line approximately three miles north of Highway 91.

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 four requests for advertisement funding.

Cedar Cares for Kids submitted a request for assistance with advertising the annual Toma Rutten Memorial Polar Dip event scheduled for February 25, 2012. 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 American Legion Post #226 submitted a request for assistance with advertising the annual American Legion Programs Fund Raiser event scheduled for March 3, 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.





# Boone County Board Minutes



The Faith Lutheran Church of St. Edward submitted a request for assistance with advertising for a restoration fundraiser event scheduled for March 24, 2012. 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 advertising a Book Discussion event scheduled for March 25, 2012. Motion made by Schuele, second by Luettel denying the request of \$400.00 from the Visitor's Promotion Fund on grounds that it does not appear to be an event to attract enough attendance to warrant this much advertising. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings, Board of Equalization Proceedings and Board of Equalization Public Hearing Proceedings of January 30, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the following reports of the County Officials as presented for January 2012: Clerk - \$27,999.50 (State of Nebraska - \$19,794.82/County of Boone - \$8,204.68); Sheriff - \$3,723.11; Clerk of the District Court - \$1,660.46 (State of Nebraska - \$628.00/County of Boone - \$1,032.46); County Planning and Zoning - \$131.51; Treasurer's Fees - \$14.00; and Treasurer's Office Miscellaneous Receipt Nos. 11807-11859 - \$161,150.63. Total collected by County Treasurer was \$1,075,947.08. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$39,790.19; Road - \$108,441.39; Reappraisal - \$621.09; Boone Co Economic Development - \$815.90; 911 Emergency Management (2910) - \$1,016.04; Ambulance - \$3,807.28. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Open discussion: Ellen Hirsch and Carolyn Fross, District Court, visited with the Board after Carolyn Fross submitted a written retirement resignation effective March 30, 2012. The acceptance of the resignation will be an agenda item on February 21, 2012.

Chairman Tisthammer declared the meeting adjourned at 1:30 P.M. with the next Board meeting scheduled for Tuesday, February 21, 2012.

Kathy Thorberg, Boone County Clerk





# Boone County Board Minutes



## **PUBLIC HEARING PROCEEDINGS AMENDMENT TO THE BOONE COUNTY ZONING REGULATIONS**

Jerry L. Tisthammer, Boone County Board of Commissioners Chairman, called for a motion to open a public hearing on Monday, February 13, 2012 at 9:04 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Tisthammer to open said public hearing. Present for said public hearing were Commissioners Schuele, Tisthammer, Luettel; Kelly Benson, County Planning and Zoning Administrator; and Mark Jensen, member of the County Planning and Zoning Commission Board. Benson and Jensen were present to answer any questions with regard to the zoning regulation amendment. Notice of the hearing was given in advance by publication and the convened hearing was open to the public.

The purpose of the public hearing is to hear testimony in favor of, opposition to and to answer questions regarding the proposed amendment to the Boone County Zoning Regulations concerning stockpiling of animal waste. The proposed amendment is to change the present conditional use permit regulation for livestock waste stockpiling setbacks from one mile to an area at least one-quarter mile from a neighbors' dwelling.

Ted Thieman spoke in opposition of the amendment. Thieman asked how the change in the distance from a neighbors' dwelling from one mile to one quarter of a mile of animal stockpile waste was serving the welfare of the public. Thieman said the zoning regulations need specific language for setback distance of one-quarter mile, permitted or conditional permit, volume of stockpile waste, cattle or hog waste and the ag district areas the proposed amendment affects. Thieman said at a public hearing the material presented should have the before and new language that is being proposed for all to review.

Jay Wolf felt it has not been a problem in the past but that it is a regulation that needs addressing. Wolf replied that Nebraska Department of Environmental Quality (NDEQ) regulations limit the size of manure stockpiles. The size of stockpiles would be limited to agronomic rates permitted by NDEQ and waste is to be spread within a year.

Jensen explained that the Planning and Zoning Commission Board is in the process of updating the manual. It is the Planning Board's intent to have language consistency in the zoning manual and manure stockpiling to be a permitted use permit.

Motion made by Schuele, second by Luettel to close said hearing at 9:45 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board of Commissioners took no action. The Board referred the proposed amendment language back to the Boone County Planning and Zoning Commission for further clarification.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 21, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 21, 2012, 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.

Motion made by Tisthammer, second by Luettel to go into an executive session at 9:02 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board and an employee discussed personnel issues. Motion made by Luettel, second by Schuele to come out of executive session at 9:54 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.

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 Northeast Nebraska Association of County Officials meeting is scheduled for March 16, 2012 at the Lifelong Learning Center in Norfolk.
- The Board reviewed Employee Handbook updates and revisions with the employees present and plan to continue the review on February 27, 2012.

The Board received a written resignation from Carolyn Fross, Deputy Clerk of the District Court. Motion made by Schuele, second by Luettel to accept Carolyn Fross retirement resignation effective March 30, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road and bridge maintenance and projects. Thorin discussed Project No. 336 Ph1 that was moved from the Six Year to the One Year County Road Improvement Program. Project No. 336 Ph1 is a three-phase project, as it has been on the road improvement program since 1993. The one mile of road construction is located on 110<sup>th</sup> Avenue south of Highway 56. Thorin received a bid from Bygland Dirt Contracting for the excavation portion of the project. The County road department will complete the finish work after the excavation in accordance with the State Department of Roads minimum standards for a local road. Thorin and the Board discussed the impact that legislative bills, if approved, may have on future road/bridge construction projects.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings and Zoning Public Hearing Proceedings of February 13, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Schuele, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$84,977.92, BCBS \$34,302.86, Ameritas Ret \$5,865.61, EFTPS \$6,438.66; Road \$43,552.52, BCBS \$19,915.94, Ameritas Ret \$2,939.80, EFTPS \$3,305.34; Boone County Economic Development \$4,928.00, BCBS \$1,492.40, Ameritas Ret \$332.64, EFTPS \$366.03; Ambulance \$712.50, Ameritas Ret \$29.37, EFTPS \$54.51; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,805.03, Ameritas Ret \$280.26, EFTPS \$444.10, which is all reimbursed back to the County. 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 two requests for advertisement funding.

The Albion Area Arts Council submitted a request for assistance with advertising the Tonic Sol-Fa Concert scheduled for April 29, 2012. 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 advertising the annual Petersburg Fire Department Dance and Cruise Night scheduled for June 2, 2012. 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.

Open discussion and Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 12:38 P.M., the next Board meeting is scheduled for Monday, February 27, 2012.

Kathy Thorberg  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 27, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 27, 2012, 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 Tisthammer was absent. 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.

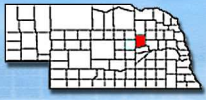
Motion made by Schuele, second by Luettel to go into an executive session at 9:00 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried. The Board conducted an employee evaluation and discussed personnel issues within the employee's department. Motion made by Schuele, second by Luettel to come out of executive session at 10:10 A.M. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried. The Board conducted an employee evaluation and took no action regarding the personnel issue.

Brady Yosten, agent for Cedar Valley Insurance Agency, presented informational material regarding Fire and Emergency Response Insurance. The Board and Yosten discussed the possibility of a separate policy for the County Ambulance transport services regarding professional liability, auto and equipment insurance coverage. Yosten did not present a premium figure for a separate ambulance transfer insurance policy. The Board did not take action today. The Board plans to contact NIRMA regarding the possibility of separating the ambulance transport services from NIRMA to a separate policy.

The Nebraska Intergovernmental Risk Management Association (NIRMA) provides a guide to assist counties in creating a personnel system that complies with applicable Nebraska and federal law. The Board, elected officials, state employees, appointed department heads and several county employees discussed and reviewed language updates and revisions to 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 Petersburg Community Club submitted a request for assistance with advertising the Petersburg Community Club Q125 Comedy Production of "Hee Flaw" scheduled for April 21 and 22, 2012. 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 and Schuele. Nays: None. Absent: Tisthammer. Motion carried.



# Boone County Board Minutes



The Petersburg Community Club submitted a request for assistance with advertising the Petersburg Community Club Q125 Celebration scheduled for June 29 and 30 and July 1, 2012. 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 and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of February 21, 2012 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road and bridge maintenance and projects, including the Raeville road asphalt overlay, Primrose East Bridge and Cedar Rapids Historic Bridge.

The County Safety Committee met at 1:00 P.M. to discuss routine business.

## Open discussion and Miscellaneous Public Comments:

- Jan Zurcher, Region 44 Emergency Manager, updated the Board regarding the position and activities to date.
- The Board discussed who would attend the various meetings scheduled this week.

Vice Chairman Schuele declared the meeting adjourned at 2:00 P.M., the next Board meeting is scheduled for Monday, March 12, 2012.

Kathy Thorberg  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 12, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 12, 2012, 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 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 the Boone County Health Center, met with the Board regarding the ongoing issues relating to the Boone County Ambulance Service. Lee indicated that the latest version of the ambulance resolution was acceptable as rewritten and that the Health Center is agreeable to the terms and rates contained therein. Further discussion was held regarding the addition of the rates regarding ALS/Emergency & Non-emergency and BLS/Emergency & Non-emergency payments made by Blue Cross/Blue Shield. It was the consensus of the Board to add the additional information to the resolution and put the resolution on the agenda for March 19, 2012 at 9:00 A.M. for approval.

Darrel Thorin, Highway Superintendent, appeared before the Board regarding:

- A Memorandum of Understanding between the County and City of Albion regarding the use by the City of the county-owned tractor to operate the city wells in the event of an electrical power failure. Thorin indicated that when the tractor is being used by the City, that the City would be responsible for fuel, repairs and liability for its use. Motion made by Tisthammer, second by Schuele to ratify the Memorandum of Understanding between the Boone County Road Department and City of Albion for the use of a tractor to operate the City's wells in the event of an electrical power failure. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.
- A Proposal for Professional Engineering Services with Kirkham Michael. Thorin advised the Board that the engineering fees had been increased to \$17,250 to provide for engineering services for updating design plans for the Petersburg NE Overlay (Raeville Road) project because of changes required by the Nebraska Department of Roads (NDOR). Thorin stated that the minimum standards for this type of road had changed regarding shoulder width. Thorin indicated that the bid letting was scheduled for July and that switching engineering firms would further delay the project. Motion made by Schuele, second by Luettel to approve the Proposal for Professional Engineering Services. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.
- Updated the Board regarding the Primrose East bridge project. Bid letting is scheduled for October since the NDOR has not completed the bridge design. Thorin indicated he is looking at an April 2013 construction start date.
- Met with the road crew regarding personnel issues.

Bill Podraza of Miller & Associates Consulting Engineers PC appeared before the Board regarding possibly doing some work for the County in the future. Podraza indicated that his firm has done work for other entities such as Cedar Rapids, Osceola, Polk and some projects in Columbus. Podraza informed the Board of the various services they offer and payment options that would be available. Podraza indicated that his firm would be happy to have the opportunity to interview with the Board with regard to future projects.

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 the following request for advertisement funding:



# Boone County Board Minutes



- Albion Chamber of Commerce submitted a request for assistance with advertising the Rhythm & Ribs event scheduled for August 25, 2012. 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 Board did not take up the agenda item relating to the county burial request because the person requesting the assistance did not appear.

Steve Swerczek requested permission to trench an electrical cable and 6" irrigation line over and across a county road known as 330<sup>th</sup> Street. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-06 granting permission to trench an electrical cable and 6" irrigation line from an irrigation well and electrical pole both located on the North side of 330<sup>th</sup> Street in the SW1/4 30-19-7, running thence South over and across 330<sup>th</sup> Street, to an irrigation pivot located in the NW1/4 of 31-19-7, all in Boone County, Nebraska, with the cable and irrigation line to be contained in the same trench. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made Luettel, second by Schuele to approve the County Board Proceedings of February 27, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele 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 February 2012: Clerk - \$8,632.25 (State of Nebraska - \$5,202.90/County of Boone - \$3,429.35); Sheriff - \$4,062.87; Treasurer's Fees - \$6.00; and Treasurer's Office Miscellaneous Receipt Nos. 11860-11922 - \$780,784.43. Total collected by the County Treasurer was \$1,199,324.96. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to go into an executive session at 10:02 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried. The Board conducted an employee evaluation. Motion made by Luettel, second by Schuele to come out of executive session at 10:35 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 Tisthammer to go into an executive session at 10:36 A.M. for the prevention of needless injury to an individual, if such individual has not required a public meeting. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. The Board and an employee discussed personnel issues. Motion made by Luettel, second by Tisthammer to come out of executive session at 11:30 A.M. Roll call vote: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

The executive session scheduled for 11:00 A.M. was not held because the person requesting the executive session could not be present.

Tom Johnson appeared before the Board to discuss several issues concerning roads that affect his real estate. The Board indicated to Johnson that they would direct the Highway Superintendent to review the various issues and report back to the Board.

Kelly Benson, Zoning Administrator, updated the Board on her recent findings regarding the setbacks for the ethanol plant. She advised the Board that she had talked to Jim Burg, one of the architects working on the school project, and that he advised her that the setbacks are 20 feet. Benson stated that she is still waiting to hear back from the Department of Environment Quality regarding related matters.

Shannon Landauer, Economic Development Director, voiced her concerns regarding upkeep of the county car. She indicated to the Board that the car was not refueled or cleaned up following its last use and that the trip had not been logged. Landauer indicated that this matter should be discussed with county personnel. Landauer also updated the Board on the progress of the building renovations. The Board reviewed the 2012 Lawn Care Contract between the County and Jarecki Lawncare and Greenhouse LLC with Rod Nelson, Maintenance. In addition to the fertilizer program in the sum of \$929.99, the Board also obtained estimates for thatching and aerating the courthouse lawn. Motion made by Schuele, second by Luettel to authorize the Board Chairman to sign the 2012 Lawn Care Contract for the fertilizer program in the sum of \$929.99 and estimates for \$225.00 for thatching and \$270.00 for aerating the courthouse lawn. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Rod Nelson, Maintenance, appeared before the Board on the following matters:

- Presented the Board with a proposal from Eller Heating, Air Conditioning and Plumbing LLC, to either repair or replace an existing rooftop unit. Nelson advised the Board that the proposal was prepared taking into account the current size of the ductwork. Nelson further reported that the unit needing repairs or replaced runs the rooms along the North side of the courthouse and covers more area than the other rooftop units. The Board, by conference call, spoke with Paul Gohring of Eller Heating regarding warranty issues and what kind of time frame would be needed to either repair or replace the unit. Motion made by Luettel, second by Schuele to accept the proposal to repair the current courthouse rooftop unit in the sum of \$3,440.00 and authorize the Board Chairman to sign the Acceptance of Proposal. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.
- Nelson updated the Board on plumbing matters that had been taken care of at the Sheriff's Office.
- Reported on the upcoming Amsan Convention to be held on March 28, 2012. Nelson indicated to the Board that it was his intention to attend.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$28,141.51; Road - \$114,722.80; County Visitors Promotion Fund - \$656.58; Reappraisal - \$882.93; Boone Co Economic Development - \$1,420.47; 911 Emergency Management (2910) - \$1,363.10; Ambulance - \$237.49; 911 Wireless Services (2913) - \$1,276.43; and Veterans Aid - \$500.00. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- Tom Schuele and Ken Luettel indicated that they and other County Officials and Department Heads would be attending the Northeast meeting of County Officials in Norfolk on Friday, March 16, 2012.

Chairman Tisthammer declared the meeting adjourned at 12:48 P.M. with the next Board meeting scheduled for Monday, March 19, 2012.

Lorrie Nicklasson,  
Deputy Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MARCH 19, 2012  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 19, 2012, 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 the Boone County Health Center, met with the Board regarding the ongoing issues relating to the Boone County Ambulance Service. The additional information to the resolution discussed on March 12, 2012 was added to the resolution. This Resolution No. 2012-07 shall void and take precedence over all prior resolutions that pertain to the operation of the Boone County Ambulance Service. The County will own the said ambulance to be fully equipped, provide liability and physical damage insurance coverage and ambulance/medical personnel shall be County employees. All medical personnel shall be required to provide their own Professional Liability Insurance while engaged in transporting patients for the County. The base rate received by medical personnel was increased and the base charge for every patient that uses the services of the ambulance was increased. The Boone County Health Center will provide bookkeeping services. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-07, changes regarding the Boone County Ambulance Services effective April 1, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Doug Young, on behalf of Cornerstone Bank, Frontier Communications, Paulson Auto Body, 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 display of motorcycles for the car show scheduled for June 16, 2012 from early morning to 2:00 P.M. Young informed the Board that there is liability coverage and that the funds received from the car show support community events. Motion made by Tisthammer, second by Schuele to approve the use of the courthouse north parking lot for the Smoke 'n Chrome Car Show & Shine scheduled for June 16, 2012. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to go into an executive session at 10:24 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board and an employee discussed personnel issues. Motion made by Schuele, second by Luettel to come out of executive session at 10:32 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. Motion made by Schuele, second by Luettel to accept the resignation of Leslie Daniels as the County Road District #3 Foreman, but continue as a regular road employee effective April 1, 2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Jessica Hendricks, aide to Congressman Adrian Smith, updated the Board regarding Congressman Smith's involvement with the House Ways and Means Subcommittee on Trade. Congressman Smith has been involved in a series of discussions related to the development of the Trans-Pacific Partnership, or TPP. The core of the TPP proposal is a trade agreement that includes eight countries in addition to the United States. Congressman Smith is encouraged by the new opportunities and increased market access the TPP would afford Nebraska businesses, farmers and ranchers. Increased trade is a sure way to generate much-needed economic growth by creating new markets for U.S. foods and services without raising taxes or further increasing the national debt.





# Boone County Board Minutes



Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of March 12, 2012 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Tim Johnson, Farmers National Company Agent, on behalf of the Jane Williamson Trust requested permission to trench an electrical line for converting irrigation well from diesel to electricity. Motion made by Luettel, second by Schuele to approve Resolution No. 2012-08, to trench an electrical line commencing from an electrical pole on the west side of 330<sup>th</sup> Avenue; thence east across 330<sup>th</sup> Avenue to an irrigation well located in the Southwest Quarter (SW1/4) of Section 25, Township 20 North Range 5 West, Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, appeared before the Board regarding:

- Updated the Board about the bridge located on 130<sup>th</sup> Street between 310<sup>th</sup> and 320<sup>th</sup> Avenue. The bridge was built in 1915 and the four tension arms show fractures. If one of the tension arms snaps, the bridge will go down. The road crew barricaded the bridge, as it is not safe to drive across. Thorin submitted a request to use in-kind funding to repair the bridge. The request was denied. The bridge project may need engineering and load rate estimate for repair before proceeding with any repairs. Thorin indicated that replacing the same structure bridge is not cost efficient.
- A Notice has been prepared to post in each of the County road shops. The Boone County Board of Commissioners is considering changing the current structure of the Road Department and creating a new position within the Department. The position of general road foreman will work directly with the Highway Superintendent and will assist the Highway Superintendent in the supervision of all road employees. The road foreman positions at the three main shops will be eliminated. This position is open to all current Boone County Road employees with interviews to be held on March 26, 2012. Motion made by Luettel, second by Schuele to approve the proposed structure change regarding the County Road Department, effective April 1, 2012. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board discussed timely submission of agenda items for the Board meetings with Ellen Hirsch, Clerk of the District Court. In reference to the Board's Reorganizational Proceedings of 2011 and 2012, Agenda items are to be submitted by noon on Friday preceding the Board meeting to the County Clerk's office that requires a Board decision. Motion made by Schuele, second by Tisthammer to approve the Clerk of the District Court fees submitted for the month of February, 2012 to the State of Nebraska - \$1,462.00 and to the County Treasurer - \$743.42; Planning and Zoning for the month of February, 2012 to the County Treasurer - \$202.73. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board discussed the heating and air conditioning unit at the Sheriff's office building. The Board reviewed a quote regarding replacement of the heating and air conditioning unit. No action was taken today as the Board felt the need for more than one bid to replace the heating/air conditioning unit.

Motion made by Tisthammer, second by Luettel to go into an executive session at 1:00 P.M. for the prevention of needless injury to an individual, if such individual has not required a public meeting. Roll call vote: Yeas: Tisthammer, Luettel, and Schuele. Nays: None. Motion carried. The Board and Pam Bourne, NIRMA legal counsel, discussed personnel issues. Motion made by Tisthammer, second by Luettel to come out of executive session at 1:52 P.M. Roll call vote: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.





# Boone County Board Minutes



The Nebraska Intergovernmental Risk Management Association (NIRMA) provides a guide to assist counties in creating a personnel system that complies with applicable Nebraska and federal law. The Board, Pam Bourne, NIRMA legal counsel, elected officials, state employees, appointed department heads and several county employees discussed and reviewed language updates and revisions to the County Employee Handbook. Pam Bourne provided input, clarified language and answered several questions regarding the employee handbook updates.

Open discussion and miscellaneous public comments:

- Tom Schuele and Darrel Thorin indicated that they plan to attend the Nebraska State Highway Commission public meeting scheduled for Friday, March 23, 2012 at the Albion Fire Station.
- Kathy Thorberg, County Clerk, discussed audit information received at the Northeast meeting with the Board.

Vice Chairman Schuele declared the meeting adjourned at 4:50 P.M. with the next Board meeting scheduled for Monday, March 26, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MARCH 26, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 26, 2012, 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 a request for advertisement funding. The Boone County Historical Society submitted a request for assistance with advertising a Memorial weekend 'Decoration Day' event scheduled for May 28, 2012. 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 County of Boone and the City of Albion Police Department has had an Interlocal Agreement for several years with regard to a one-mile radius jurisdiction of the city limits of the City of Albion. It is a joint jurisdiction of the two law enforcement agencies for the one-mile radius outside the City of Albion. This agreement is reviewed on an annual basis. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-09, an Interlocal Agreement between the County of Boone and City of Albion for law enforcement purposes as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, presented a Lease Agreement regarding leasing space in the old Albion fire station to the County. The two east bays of the west addition of the old Albion fire station building are available for use by the Boone County Sheriff's department. The lease shall commence on April 1, 2012 and the Lessee shall pay to Lessor the sum of one dollar per year. The lease drafted by the City included language that the Lessee shall pay for ten percent of all utilities for the entire premises and shall pay for fifty percent of maintenance to the portion of the building occupied by the Lessee. The Board asked Devine to address their questions regarding the utilities and maintenance. The maintenance pertains to the occupied space by the Lessee, not like a new roof if the City decided to put one on. The Lessee's percentage of the electricity will be billed every six months and the first billing includes the rental lease fee of one dollar. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-10, a Lease Agreement between the City of Albion and County of Boone for available use by the County Sheriff's Department of the two east bays of the west addition of the old Albion fire station effective April 1, 2012. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Boone County Development Agency, Joint Public Agency Agreement, Article III-Members, includes two representatives from the Board of Commissioners. Commissioner Ken Luettel asked to be removed from his position as a Board representative to the Boone County Development Agency. Motion made by Luettel, second by Schuele to appoint Jerry Tisthammer to complete the remainder of the 2012 term to the Boone County Development Agency. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Abstain: Tisthammer. Motion carried.



# Boone County Board Minutes



Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings, Board of Equalization Proceedings and Board of Equalization Public Hearing Proceedings of March 19, 2012 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 \$85,755.27, BCBS \$33,638.64, Ameritas Ret \$5,899.06, EFTPS \$6,500.10; Road \$43,764.26, BCBS \$19,915.94, Ameritas Ret \$2,934.55, EFTPS \$3,321.55; Boone County Economic Development \$5,012.00, BCBS \$1,492.40, Ameritas Ret \$338.31, EFTPS \$372.47; Ambulance \$636.50, Ameritas Ret \$34.53, EFTPS \$48.69; Public Defender Contract \$3,250.00; Boone County Fitness Center \$6,368.91, Ameritas Ret \$303.57, EFTPS \$487.22, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The leased copying machine located in the County Clerk's office is up for renewal in April. The 2008 lease is with GreatAmerica Leasing Corporation through Western Office of Norfolk. The upgrade is from a Sharp MX-M350UA to a Sharp MX-M363N Digital Copier/Network Scanner/Network Printer. The Clerk's office receives more requests wanting copies of the document records emailed vs. faxed. The copier upgrade and networking will allow scanning and emailing of documents and save on copies that are made then faxed. Motion made by Luettel, second by Schuele to approve and authorize the County Clerk's office to sign the necessary lease documents for the copy machine upgrade at \$145.75/month for 48 months including supplies and maintenance contract as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board, elected officials, state employee, appointed department heads and county employees discussed and reviewed language updates and revisions to the County Employee Handbook. A few of the topics discussed were personal cellular phone reimbursement, casual dress code, paid sick leave for regular part time employees, travel expense, and attendance in bad weather.

At the Board meeting on March 19, 2012 the Board approved a proposed structure change regarding the County Road Department. The position of general road foreman will work directly with the Highway Superintendent and will assist the Highway Superintendent in the supervision of all road employees. The road foreman positions at the three main shops will be eliminated. This position was open to all current Boone County Road employees with interviews scheduled for March 26, 2012. Motion made by Schuele, second by Luettel to approve and offer the general road foreman position to Billy Frey effective April 1, 2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Thorin indicated that any road inquiries or complaints be directed to either himself or Billy. Thorin and Frey will put together road crew duties and assignments. The Board felt good communication amongst the road crew will result in more efficiency. The present road district foreman's salaries will be decreased \$150.00 per month. The Board set the general road foreman base salary at \$2,500.00 to figure cost of living. Motion made by Schuele, second by Tisthammer to set a general road foreman base salary of \$2,500.00 to use when figuring cost of living while eliminating each of the road district foreman positions. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.

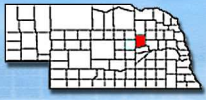
Chairman Tisthammer declared the meeting adjourned at 2:50 P.M., the next Board meeting is scheduled for Monday, April 9, 2012.



# Boone County Board Minutes



Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## **PUBLIC HEARING PROCEEDINGS AMENDMENTS TO THE BOONE COUNTY ZONING REGULATIONS**

Jerry L. Tisthammer, Boone County Board of Commissioners Chairman, called for a motion to open a public hearing on Monday, March 26, 2012 at 9:01 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Present for said public hearing were Commissioners Jerry L. Tisthammer, Ken Luettel, Tom Schuele; Kelly Benson, County Planning and Zoning Administrator; and Mark Jensen, member of the County Planning and Zoning Commission Board. Benson and Jensen were present to answer any questions with regard to the zoning regulation amendments. Notice of the hearing was given in advance by publication and the convened hearing was open to the public.

The purpose of the public hearing is to hear testimony in favor of, opposition to and to answer questions regarding the proposed amendments to the Boone County Zoning Regulations concerning stockpiling of animal waste. The proposed amendments are to change the present conditional use permit regulation for livestock waste stockpiling setbacks from one mile to an area at least one-quarter mile from a neighbors' dwelling.

The Board, Jim Dickerson of Albion News, and approximately twenty interested citizens were present to discuss the proposed zoning regulation amendments.

Kelly Benson provided copies of the current Boone County Zoning Regulation Article 12: A-1 Agricultural-Primary District and the proposed language amendments for the public to review. The County Planning and Zoning Board members have discussed the manure stockpiling issue several times and recommended the proposed amendments to the county zoning regulations to the County Board of Commissioners.

The proposed amendments are to strike in its entirety Article 12: A-1 Agricultural-Primary District, Section 2, 2.21D and Article 13: A-2 Agricultural-Secondary District, Section 2, 2.21D.

The proposed amendments add the following to Article 12: A-1 Agricultural-Primary District, Section 1, 1.9 and Article 13: A-2 Agricultural-Secondary District, Section 1, 1.9: Stockpiling of animal waste manure shall be maintained in an area at least thirteen hundred and twenty (1,320) feet or one-quarter mile from any neighboring residence. Stockpiling of animal manure shall be maintained in a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

The present regulations treat manure stockpiling as a conditional use permit for livestock feeding operations and the setback distances are different for the size of the operation. The proposed amendment moves the stockpiling regulation from Section 2, Conditional Uses to Section 1, Permitted Principal Uses making the setback distance for manure stockpiling one-quarter mile for all sizes of operations.

Mark Jensen explained the County Planning and Zoning Commission Board's thoughts regarding the same setback distance for all sizes of livestock operations and why the board decided the regulation should be changed from a Conditional Use Permit to a Permitted Use.





# Boone County Board Minutes



John Veik spoke on cropland management and that manure is an organic product, therefore the nutrients in a manure stockpile are not available right away.

Tracy and Kim Coakes were concerned with runoff from manure stockpiles and asked about Nebraska Department of Environmental Quality (NDEQ) involvement.

Several in attendance spoke in favor of the proposed amendments and appreciated the Board hearing their comments regarding the proposed amendments to the zoning regulations. Some felt that the present written zoning regulations appear to require a conditional use permit hearing each time a producer wants to stockpile manure. Several commented that livestock producers are good stewards of the land; that the livestock industry invented recycling; that manure is an organic product and a valuable commodity; that crops will grow where a manure stockpile sat for a year before removal; that manure is sold for yard/garden use; and that livestock producers may benefit from organic composting in the future.

Arlyn Wilke answered questions regarding NDEQ applications and regulations. Soil samples required by NDEQ are to be from twenty-four inches below the surface to check for soil nutrient leaching. NDEQ does not specifically address the size of manure stockpile. The size of stockpiles would be limited to agronomic rates permitted by NDEQ and waste is to be spread within a year. NDEQ regulations regarding manure stockpiles include a certain distance from wellheads, flowing waters and runoff is to be contained.

Ted Thieman, Ramona Thieman and Mitzi Fox spoke in opposition of the amendments. Thieman stated that concentration and volume is the question. The livestock industry is different today from years ago due to more confined livestock and large stockpiles of waste. Thieman presented and submitted a written testimony for the record regarding opposition to the recommended changes. Thieman proposed the following language changes:

(1) The modified language should be kept under "Conditional Uses Section 2." There is too much risk to the health, safety and welfare of Boone County citizens to allow this activity to go on without oversight and monitoring.

(2) The setback distance for livestock manure stockpiling should be proportionally connected to the setback distances of the livestock feeding operation generating the manure.

(3) Any proposed change should be preceded by, "If stockpiling of animal waste manure is part of the manure management plan."

Thieman feels that NDEQ are not charged with quality of life and ground water issues, just surface water. Ted commended the Zoning Administrator regarding the informational material for the public hearing.

Motion made by Schuele, second by Luettel to close said hearing at 9:55 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Commissioner Schuele's observation is that the one-quarter mile setback is not unreasonable, manure stockpile is not offensive except when it is moved, livestock neighbors need to be good stewards and NDEQ regulations help with runoff control. The responsibility is on the producers to comply and make the regulations work.

Commissioner Luettel agreed with Commissioner Schuele's observation.

Commissioner Tisthammer commented that several years ago a one-quarter mile setback from stockpiling would not have worked in the rural area. The change in the rural population reflects fewer farms and larger livestock operations.

Motion made by Luettel, second by Tisthammer to amend and approve the Boone County Zoning Regulations as stated above regarding the Articles listed for livestock waste stockpiling setbacks from one mile to an area at least one-quarter mile from a neighboring residence; and change from a Conditional Use Permit to a Permitted Use within Articles 12 and 13; and prepare a resolution for the next Board meeting. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 9, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 9, 2012, 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 a public hearing on March 26, 2012 and approved to amend the Boone County Zoning Regulations with regard to stockpiling. The approved amendments are to strike in its entirety Article 12: A-1 Agricultural-Primary District, Section 2, 2.21D and Article 13: A-2 Agricultural-Secondary District, Section 2, 2.21D.

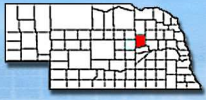
The approved amendments add the following to Article 12: A-1 Agricultural-Primary District, Section 1, 1.9 and Article 13: A-2 Agricultural-Secondary District, Section 1, 1.9: Stockpiling of animal waste manure shall be maintained in an area at least thirteen hundred and twenty (1,320) feet or one-quarter mile from any neighboring residence. Stockpiling of animal manure shall be maintained in a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

The original regulations treated manure stockpiling as a conditional use permit for livestock feeding operations and the setback distances were different for the size of the operation. The approved amendments moves the stockpiling regulation from Section 2, Conditional Uses to Section 1, Permitted Principal Uses making the setback distance for manure stockpiling one-quarter mile for all sizes of operations.

Motion made by Schuele, second by Tisthammer to approve as presented Resolution No. 2012-11 amending the Boone County Zoning Regulations with regard to stockpiling. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve Resolution No. 2012-12 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 2011-2012 budget. 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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Boone County Historical Society submitted a request for assistance to advertise the museum with tri-fold color brochures. 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.



# Boone County Board Minutes



The Board received a Service Agreement for the Rapiscan x-ray equipment used on court days. The annual charge for the gold service plan is \$4,200.00. The Board discussed the Service Agreement with the Sheriff and Court personnel. The Board tabled the item until further research is completed regarding the equipment and service agreement.

Guy Imus, Cedar Rapids Volunteer Fire Department representative, asked the Board for permission for a Special Designated License (SDL) to serve alcohol at a Team Penning Fundraiser scheduled for May 19, 2012. The SDL is for acreage located northwest of Cedar Rapids, known as 1691 340<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve the Special Designated License for the Cedar Rapids Volunteer Fire Department event on May 19, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Chuck Rolf, Boone County Agricultural Society representative, submitted an application to the Board for permission for a Special Designated License (SDL) to serve alcohol at the Boone County Fair from July 7-11, 2012. The SDL is for the grandstand and underneath the grandstand. Motion made by Schuele, second by Luettel to approve the Special Designated License for the Boone County Fair from July 7-11, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

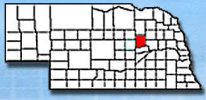
Chuck Rolf, Boone County Agricultural Society representative, submitted an application to the Board for permission for a Special Designated License (SDL) to serve alcohol at the Boone County Fairgrounds for a special event on July 21, 2012. The SDL is for the Event Center, grandstand and a fenced in area between the two facilities. Motion made by Schuele, second by Luettel to approve the Special Designated License for Kayton's Appreciation event at the Boone County Fairgrounds on July 21, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Steve Pritchard, Extension Educator, discussed new leases regarding the copy machine and a laptop computer unit including software rights with the Board. The new color copy machine lease through Eakes Office Plus is for 48 months at \$268.00 per month. The copy machine capabilities include punching holes, stapling and sorting pages for book formats. The UNL Extension and County Zoning share the copy machine. UNL technology lease programs are five years with regard to software and computer equipment. Sonya's laptop equipment is at the end of the five-year lease. Boone, Greeley and Nance Counties pay UNL for their share of the equipment lease. The computer equipment share for Boone County is approximately \$830.00. Motion made by Schuele, second by Luettel to approve and authorize Steve Pritchard to sign the necessary papers regarding the new equipment leases for a copy machine and laptop computer unit as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road and bridge projects. The road department started working four ten hour days on April 2, 2012. Thorin updated the Board regarding road maintenance and the first week of the road department realignment duties.

Cornhusker Public Power District requested permission to bore 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. 2012-13 granting permission to bore an electrical cable from a pole located in the SW1/4 of 23-19-5 running thence East under 325<sup>th</sup> Avenue to the SE1/4 of 23-19-5 for irrigation service for Steve Weeder, all in Boone County, Nebraska. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Jim Mescher on behalf of Mescher Bros. requested permission to trench an electrical line for irrigation purposes under a county road known as 325<sup>th</sup> Street. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-14 granting permission to trench an electrical line from a utility pole located on the south side of 325<sup>th</sup> Street, thence North across 325<sup>th</sup> Street to an electric well located in the NE1/4 of 30-19-7 for irrigation purposes all in Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed estimates received to expand the north courthouse parking lot ten feet to the north. The expansion is to help reduce accidents in the parking lot and provide a more level area for a six-yard recycling container. The bids submitted were Boone County Concrete with a subtotal of \$5,706.00 and fill as needed @ \$200.00 per load; and Porter Construction \$6,400.00. Motion made by Tisthammer, second by Luettel to approve and accept the estimate submitted by Boone County Concrete to expand the north courthouse parking lot by ten feet to the north. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed quotes received to replace the 1994 heating/air conditioning system with a new unit in the County Sheriff's building. The quotes submitted were Bryant America's Home Environment of \$6,514.00 heat pump or option 1 for \$7,722.00 or option 2 for \$5,675; and Kelly's Heating & Air Conditioning quote of \$4,200.00 for front offices and \$4,500.00 for back room and jail cell area and no quote for heat pump. Motion made by Schuele, second by Tisthammer to approve and accept the quotes submitted by Kelly's Heating & Air Conditioning to replace the 1994 heating/air conditioning unit with a new unit. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

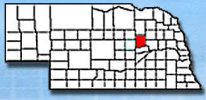
Barb Hanson, Deputy Assessor, discussed temporary employment for the Assessor's office with the Board. Motion made by Tisthammer, second by Schuele to approve temporary employment of past employees Cynthia Kraus and Lori Swerczek to help the Assessor's office as needed. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings and Zoning Public Hearing Proceedings of March 26, 2012 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 March 2012: Clerk - \$25,320.50 (State of Nebraska - \$17,743.76/County of Boone - \$7,576.74); Sheriff - \$6,814.37; Clerk of the District Court - \$754.92 (State of Nebraska - \$211.00/County of Boone - \$543.92); County Planning and Zoning - \$317.92; Treasurer's Fees - \$220.00; and Treasurer's Office Miscellaneous Receipt Nos. 11923-11986 - \$999,518.63. Total collected by County Treasurer was \$1,760,982.17. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$46,160.65; Road - \$89,428.25; County Visitor's Promotion - \$423.76; Reappraisal - \$349.68; Boone Co Economic Development - \$2,871.36; County Economic Business Development - \$7,513.23; 911 Emergency Management (2910) - \$1,022.86; Courthouse Building (4000) - \$1,662.82; Ambulance - \$426.12. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.





# Boone County Board Minutes



The Board discussed the Contract Agreement between County of Boone, Nebraska and Jeffrey M. Doerr as Public Defender. The initial term of the present contract shall commence on August 1, 2010 and shall continue until July 31, 2012. Motion made by Schuele, second by Luettel to draft a letter in accordance with Paragraph No. 6 of the Public Defender Agreement dated July 30, 2010. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board and employees discussed employee handbook dress code language. The Board plans to review the employee's dress code suggestions.

Kathy Thorberg, County Clerk, requested the purchase of seven voting booths for use at the fairgrounds polling site. The collapsible compact voting booths are easier to assemble and store. Motion made by Schuele, second by Tisthammer to approve the purchase of seven new voting booths for \$829.50 including freight from Smartpoll Election Solutions. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board approved a copy machine lease upgrade on March 26, 2012 for the equipment located in the County Clerk's office. Research regarding the leased equipment included the County paying personal property tax on leased equipment; the 48 month payments at \$145.75 totals \$6,996.00; approximate four year personal property tax would be \$200.00. The new copy machine purchase is \$4,835.00 less \$300.00 trade-in for the old machine. The present four-year lease has a buyout of \$974.39 regarding the old copier. Motion made by Tisthammer, second by Luettel to rescind the March 26, 2012 motion to lease and approve the purchase of the new Sharp MX-M363N Digital Copier/Network Scanner/Network Printer and maintenance agreement with Western Office of Norfolk. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion: Rod Nelson, Maintenance, and the Board discussed the Green Fiber recycling container(s).

Chairman Tisthammer declared the meeting adjourned at 1:02 P.M. with the next Board meeting scheduled for Monday, April 16, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 16, 2012

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 16, 2012, 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.
- County Government Day is November 14, 2012.
- A dress code policy was reviewed.
- Annex Construction Notice to be posted for safety and liability reasons. Limited access to authorized personnel only until renovation is completed.
- Dave Spiegel Sheriff, reported on hail damage over the weekend. The installation of the rural address signage in the County is progressing. Sheryl Machacek recently received the Nebraska Emergency Management Association Support Person of the Year award.
- Darrel Thorin, County Highway Superintendent, updated the Board regarding Project No. 220 on the 2012 One Year Road Improvement Plan. The Project No. 220 has been on the road improvement plans since 1997. The asphalt overlay project is 110<sup>th</sup> Street from State Highway 14 to 225<sup>th</sup> Avenue, thence South to "R" Road, thence East approximately 1100 feet. Thorin received notice that the core samples are no longer compatible for the original overlay project. A redesign and relaxation standards request needs to be submitted by May 18, 2012 to Nebraska Department of Roads or the federal aid project will no longer exist. The submission of a redesign does not guarantee approval. Motion made by Luettel, second by Tisthammer to authorize Darrel Thorin, County Highway Superintendent, to pursue a redesign and request a relaxation of standards for the asphalt overlay Federal Aid Project No. 220 known as Raeville Road by lowering the profile. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Applied Connective Technology representatives rescheduled to April 23, 2012 at 9:30 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 three requests for advertisement funding.

The Beaver Valley Senior Center submitted a request for assistance to advertise the annual Memorial Day Luncheon event scheduled for May 28, 2012. 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.



# Boone County Board Minutes



The Boone County Raceway submitted a request for assistance to advertise the annual racing events at the fairgrounds from April through August 2012. 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 Country Market submitted a request for assistance to advertise the annual Farmer Market from June through September 2012. Motion made by Tisthammer, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Andy Zoucha requested permission to trench an electrical cable over and across a county road known as 325<sup>th</sup> Avenue for irrigation purposes. Motion made by Luettel, second by Schuele to approve Resolution No. 2012-15 granting permission to trench an electrical cable from a pole located on the east side of 325<sup>th</sup> Avenue, thence running West to an irrigation well located in the SW1/4 of 14-19-5, Boone County, Nebraska. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Keith Mogensen requested permission to trench irrigation pipe over and across a county road known as 120<sup>th</sup> Avenue. The purpose of the irrigation pipe is to apply effluent from nearby Maschhoffs LLC lagoon to the S1/2 of 28-18-8 by pivot or surface application. Pivot application pending zoning approval. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-16 granting permission to trench irrigation pipe across 120<sup>th</sup> Avenue, commencing from the SE1/4 of 29-18-8, running thence West to a pivot to be located in the S1/2 of 28-18-8, Boone County, Nebraska. 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, Board of Equalization Proceedings and Board of Equalization Public Hearing Proceedings of April 9, 2012 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board scheduled a meeting with John Morgan, County Attorney to discuss undervalued property for inheritance tax purposes. Mr. Morgan did not attend the Board meeting.

Open discussion: The Board discussed who would attend the various meetings scheduled this week. Commissioner Schuele updated the Board and Randall Bruland, Ambulance Administrator, regarding progress of the repairs to the 2010 County Ambulance unit that was in an accident in November 2011.

Chairman Tisthammer declared the meeting adjourned at 11:58 A.M. with the next Board meeting scheduled for Monday, April 23, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 23, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 23, 2012, 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 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 25-30, 2012. 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 Board discussed criteria for the reimbursable advertisement requests from the Visitor's Promotion Fund. The County Clerk's office was informed by the Economic Development office that a Visitor's Promotion Fund application that was approved on April 16, 2012 might be withdrawn. Motion made by Tisthammer, second by Schuele to accept the application withdrawal if the applicant so chooses. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Nebraska Intergovernmental Risk Management Association (NIRMA) provides a guide to assist counties in creating a personnel system that complies with applicable Nebraska and federal law. The review and updates to the County Employee Handbook began November 21, 2011. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-17, Boone County Employee Handbook as revised and updated. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

State Statute Section 23-346 and 23-347 provides that within two calendar months after the close of each fiscal year, 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. The County Officers Annual Inventory approved by the County Board of Commissioners shall include all electronic devices regardless of value; all other personal property valued in excess of \$100.00; and shall reflect the procedure of disposal of personal property removed from an Annual Inventory. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-18, County Inventory procedures 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 Proceedings of April 16, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





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Shannon Landauer and Megan Zoucha, Economic Development, visited with the Board regarding the Visitor's Promotion Fund. State Statute Section 81-1255 states that the proceeds of the County Visitors Promotion Fund shall be used generally to promote, encourage, and attract visitors to come to the county and use the travel and tourism facilities within the county. Questions have surfaced regarding event sponsorships on the County Visitors Promotion application requests. The Board suggested reviewing participant criteria availability.

Tom Krings and Jon Lantz, Applied Connective Technology, presented an enhanced telecommunications solution for the courthouse using new Panasonic technology. The proposed technology is SIP phone lines, one 10mb x 10mb redundant fiber internet connection and upgrade to internet fax lines. The new system provides much faster, more stable internet with built in redundancy. The proposed new phone system is \$25,065.91 or a 60-month payment program total of \$32,954.80. The proposed monthly phone charge of \$1,501.09 excludes the Sheriff 800 number and the 911 system billings. The monthly charge will not vary and includes unlimited long distance. They also proposed an Applied Partner Program Agreement for one year with a monthly maintenance fee of \$375.99. The Board plans to review the material presented before making a decision.

Senator Kate Sullivan reviewed the 2012 Legislative session that concluded on April 18, 2012 with the Board. Senator Sullivan highlighted some of the issues that involved child welfare/prenatal care and the TransCanada Keystone XL pipeline. Senator Sullivan addressed questions regarding school funding, indigent burials, road/bridge funding, and property owner's valuation concerns being inflated by surrounding high land purchases.

Christopher Schroeder requested permission to trench an electrical cable over and across a county road known as 190<sup>th</sup> Street for irrigation purposes. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2012-19 granting permission to trench an electrical cable from a CPPD utility pole located on the South side of 190<sup>th</sup> Street, thence running north to a pivot to be located in the SE1/4 of 14-21-6, Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and the Board discussed road maintenance and road/bridge projects. The Federal Communications Commission rules will no longer protect unauthorized wideband operations after January 1, 2013. The Narrowbanding compliance deadline is also January 1, 2013. Thorin received a quote of \$6,537.50 payable in the new budget year of July 2012 from Mid-Nebraska Communications, Inc. to upgrade the road department radios for Narrowbanding compliance. Motion made by Schuele, second by Luettel to approve the Mid-Nebraska Communications quote of \$6,537.50 for the Narrowbanding radio upgrade as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board approved expansion of the north courthouse parking lot on April 9, 2012. There is approximately a 31/2' curb on the northwest corner of the north courthouse parking lot in need of attention. The consensus of the Board is to fix the curb at the same time the north courthouse parking lot is expanded ten feet to the north.

The Board visited with John Morgan, Boone County Attorney, regarding land valuation by estates and other issues. Morgan explained that the estate attorney sets the value, and then the county attorney approves and signs off with regard to the value to determine inheritance tax. The Board asked Morgan if he could attend at least one Board meeting each month. Morgan agreed to attend at least one Board meeting a month.





# Boone County Board Minutes



The Centerstage Danzers pays a room rental fee to the Boone County Fitness Center for dance classes held in the facility. In November 2011 a question regarding general liability insurance coverage for the dance business within the fitness center facility was raised. An Agreement between Boone County, Nebraska, Boone County Fitness Center and Centerstage Danzers for a term from January 1, 2012 to January 1, 2013 has been prepared which provides that the renter agreed to carry general liability insurance coverage. Motion made by Tisthammer, second by Luettel to approve the Agreement between Boone County, Nebraska, Boone County Fitness Center and Centerstage Danzers as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Sue Warner, NACO BCBS representative, met with the Board to discuss the NACO BCBS renewal rates and any program changes for the fiscal year 2012-2013. There will be no changes to the deductible, coinsurance and prescription drug copayments for all PPO plans. There will be no premium rate increase on medical or dental for the period of 07/01/2012 – 06/30/2013. Effective January 1, 2012 there is a new national dental network by the name of Dental Grid. This is a network of multiple Blue Cross and Blue Shield Plans that, when combined, offer one of the largest national PPO dental networks. Members who live or travel outside of Nebraska will be able to obtain covered services at the in-network level of benefits if they utilize a dentist in the Dental Grid network. Warner addressed questions from the Board.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$85,125.19, BCBS \$33,638.64, Ameritas Ret \$5,858.96, EFTPS \$6,451.91; Road \$45,672.81, BCBS \$19,915.94, Ameritas Ret \$2,950.12, EFTPS \$3,467.53; Boone County Economic Development \$4,928.00, BCBS \$1,492.40, Ameritas Ret \$332.64, EFTPS \$366.03; Ambulance \$900.00, Ameritas Ret \$35.11, EFTPS \$68.83; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,194.14, Ameritas Ret \$277.94, EFTPS \$397.35, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- LeRoy Schroeder and Marvin Richards expressed some concerns with the Board.
- Dave Spiegel, Sheriff, expressed concerns from complaints regarding horses on the county roads west of Petersburg.

Chairman Tisthammer declared the meeting adjourned at 11:58 A.M., the next Board meeting is scheduled for Monday, April 30, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 30, 2012

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 30, 2012, 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 Nebraska Department of Roads plans to construct highway improvement Project No. STPD-14-3(114), Albion to Petersburg. The construction may involve the obliteration or destruction of land survey corners and witness corners. The State requires the County provide a Registered Land Surveyor to tie out land monuments prior to the construction and tie and remonument after construction. Motion made by Tisthammer, second by Schuele to approve the Agreement for Project No. STPD-14-3(114) between Boone County, Nebraska and the State of Nebraska, Department of Roads for surveying services as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and the Board discussed road maintenance, signage and road projects. Thorin updated the Board regarding the Cedar Rapids and Primrose federal aid bridge projects. Thorin received the first shipment of Right of Way (ROW) signs to be placed in the county road right-of-ways. The Board and Thorin discussed obstruction and enforcement of the obstruction to the county road right-of-ways and obstruction within the sight triangles at intersections.

John Christensen, Nebraska Intergovernmental Risk Management Association (NIRMA) representative, discussed with the Board by teleconference the assessment of the April 14, 2012 hail damage involving county vehicles and road department buildings located in Petersburg. The County has a \$500.00 deductible. Christensen was on site April 25, 2012 to assess the damage to the road department buildings, a sheriff patrol car and the weed department pickup.

Jeff Rough, Keystone Project representative, presented a map identifying a preferred corridor to avoid the Sandhills in Nebraska. TransCanada has filed a report with the Nebraska Department of Environmental Quality (NDEQ) identifying a preferred corridor to avoid the Sandhills in Nebraska that includes Holt, Antelope, Boone and Nance Counties. The NDEQ is in charge of reviewing the report and the authority to approve the final route rests with Governor Heineman. The corridor avoids the Sandhills as defined by state and federal agencies and communicated to TransCanada by NDEQ in late December. The route in South Dakota has been approved after a review in that state and will stay the same, defining the entry point for the route in Keya Paha County. There will be a state review in addition to a federal review. TransCanada has worked with local power providers to design electric infrastructure necessary to serve the pipeline. TransCanada moves the product they do not own the oil.

Thorin asked Rough the effect of construction involving county roads. Rough replied that the construction crew would bore under the roads with the exception of minimum maintenance roads that they will trench across unless a study shows it heavily used. Thorin inquired why not just build a refinery in Canada. Rough replied it is less costly to build a pipeline than build a refinery.



# Boone County Board Minutes



NDEQ has started their review and HDR from Omaha is the selected engineer. The completion of the review process is expected in the fall of 2012 and possibly a decision in the first quarter of 2013 with regard to the pipeline project. If the preferred corridor takes place along the eastern portion of Boone County, TransCanada will coordinate maintenance with the wind farms and other facilities.

To date they have not physically been on the property of the new preferred route. They plan to seek permission from landowners this month in order to view the land for the new preferred corridor. Surveyors are out to establish control points for reference in mapping a pipeline route. The pipeline is 36" welded steel pipe with one-half inch thick sidewalls and coated with external corrosion resistance. A hydraulic analysis determines where the pump stations are to be located, unlikely for Boone County to receive a pump station.

NDEQ has set up the following informational meetings in May: O'Neill on the 9th, Neligh on the 10th, Albion on the 16<sup>th</sup> from 4-7 p.m. at the Boone County Event Center and Central City on the 17th. In addition, there is a website for comments and questions. Go to <https://ecmp.nebraska.gov/deq-seis/>.

The Board discussed Public Defender services. Chairman Tisthammer is to visit with the County Attorney regarding the services.

Motion made by Schuele, second by Tisthammer to approve as presented the County Board Proceedings of April 23, 2012. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

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.

Open discussion and Miscellaneous Public Comments:

- Ralph Bode expressed his concerns to the Board and Highway Superintendent regarding water flow and erosion to a bridge located on a road known as 130<sup>th</sup> Street.

Chairman Tisthammer declared the meeting adjourned at 12:05 P.M., the next Board meeting is scheduled for Monday, May 14, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY COMMISSIONERS EMERGENCY PUBLIC MEETING MAY 2, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, held an emergency public meeting at 9:30 A.M. on Wednesday, May 2, 2012, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Tisthammer called the meeting to order and present for roll call were Commissioners Jerry L. Tisthammer, Tom Schuele, Ken Luettel and Boone County Highway Superintendent, Darrel Thorin. Notice of the emergency meeting was given in advance by being posted on the Boone County website and in the lobbies of the following: Boone County Bank, Albion; Cornerstone Bank, Albion; Petersburg State Bank, Petersburg; Albion News, Albion; and Courthouse, Albion, Nebraska. 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, County Highway Superintendent, asked the Board Chairman to call for an emergency meeting as the next regular scheduled Board meeting is May 14, 2012. The emergency meeting is to request the Relaxation of Standards on Federal Aid Project No. STPE-2532(1): Petersburg, NE, Raeville asphalt overlay, from the Nebraska Department of Roads, Board of Public Roads Classifications and Standards Department. Thorin received notification late on Monday afternoon, April 30, 2012 that the request for a relaxation of standards on said project needed submitting to the Nebraska Department of Roads by Friday, May 4, 2012 to be placed as an agenda item for the Classifications Board meeting scheduled for May 18, 2012.

Boone County is requesting approval from the Local Roads Division to relax standards on the Project No. STPE-2532(1), Control No. 31535, Petersburg Northeast. The proposed project will replace the existing badly deteriorated asphalt surface with new asphaltic concrete on the only surfaced road (110<sup>th</sup> Street) to Raeville. The road connects Raeville to N-14 approximately 1.5 miles west and 0.5 miles north of Raeville. The project is two miles long with 1.5 miles of the project qualifying for federal funding and the remaining 0.5-mile of the project (the portion in Raeville) funded locally.

It has become necessary during the process of final design to request a Relaxation of Minimum Design Standards from the Board of Classifications and Standards, for shoulder width, foreslope grade, vertical and horizontal alignment. Standards cannot be met at all locations within the limits of the project without violating the Categorical Exclusion (CE) stipulation that no grading will occur outside the hinge points. The CE cannot be amended in time to meet the Federal Buy Out Program deadline, and therefore there would be no federal funds to construct this project if relaxation of the standards is not granted.

Motion made by Luettel, second by Schuele to approve Resolution No. 2012-20 granting Darrel Thorin, County Highway Superintendent, authority to sign a letter requesting Relaxation of Standards for Federal Aid Project No. STPE-2532(1) as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to adjourn said emergency meeting at 9:56 A.M. Meeting adjourned.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 14, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 14, 2012, 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 state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Luettel, second by Schuele to accept and approve the County Sheriff's 2012 first quarter report as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, appeared before the Board regarding:

- The Board reviewed the road/bridge maintenance, repair and signage report for the month of April 2012 with the Highway Superintendent. Thorin was asked who determines the bridge load ratings. Thorin replied that a load rating for bridges is set by the State.
- The Board and Thorin discussed maintenance/replacement regarding a culvert on 300<sup>th</sup> Street West of Boone. The present culvert handles the water flow as long as the ditch is kept clean from debris. Thorin suggested lowering a culvert that is located on a minimum maintenance road South of Boone, to help with the water flow from above. Thorin recommended not tearing up the county road on 300<sup>th</sup> Street as it takes a long time for roads to reseal themselves.
- County Road Project C-6 (220) is currently on the County's One Year Road Improvement Plan as an overlay project. The project revision is from overlay to reconstruction. Thorin plans to meet with the NDOR Classifications and Standards Board on Friday, May 18, 2012 to present the revisions for County Road Project C-6 (220).
- Motion made by Luettel, second by Tisthammer to approve Resolution No. 2012-21 requesting said County Road Project C-6 (220) to be reviewed and acted upon by the Nebraska Board of Public Roads Classifications and Standards. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.
- The High Risk Rural Road Committee has determined that it is desirable to install Advance Railroad Signing on rural county roads to prevent or minimize rail-vehicle crashes on rural county roads throughout the State of Nebraska. Thorin has applied for 33 signs for railroad signage from the Hazard Elimination Program. Upon approval, there is no cost to the county. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign Resolution No. 2012-22 the Hazardous Rural Road Project No. STWD (116), Advance Railroad Signing. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.





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- SourceGas requested permission to bore a 2" to 4" steel gas line over and across county roads running North and South more specifically referred to as 230<sup>th</sup>, 220<sup>th</sup>, 210<sup>th</sup> and 190<sup>th</sup> Avenues. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2012-23 granting permission to bore a steel gas line running along the North side of 350<sup>th</sup> Street commencing from the SE1/4 of Section 5-18-6, running West through Section 6-18-6 and Sections 1, 2, 3, 4 and ending in the SE1/4 of 5-18-7, Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.
- Darrel Thorin, Highway Superintendent, received estimates from Bader's Highway & Street regarding asphalt crack sealing. Bader's will blow out all cracks, clean, seal and squeegee all areas at their discretion regarding asphalt on 255<sup>th</sup> Avenue, Cargill Road, 225<sup>th</sup> Avenue, 260<sup>th</sup> Street, and Fairview Street from city limits to State Highway 14 for \$14,705.00. Bader's quote for crack sealing of Old Mill Road is \$3,209.00. Motion made by Tisthammer, second by Luettel to approve the asphalt crack sealing quote from Bader's Highway & Street of Norfolk, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board discussed Public Defender services. Motion made by Schuele, second by Luettel to set an annual salary of \$36,000.00 and advertise in the county papers the weeks of June 11<sup>th</sup> and 18<sup>th</sup>, 2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Lisa Langan, County Court, presented a quote for \$3,900.00 regarding the purchase of 45 new chairs to be used in the courtroom. The County Court and District Court budgets plan to share the cost. Motion made by Schuele, second by Luettel to approve and authorize the purchase of 45 Carlo Stacking wood chairs as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board continued discussing the Service Agreement for the Rapiscan X-ray equipment used on court days. The gold service plan annual charge is \$4,200.00 for the equipment Model No. RAP 618XR. The Board asked for a cost figure regarding a preventative maintenance service. The approximate cost quote is \$1,555.50 for annual preventive maintenance with any replacement parts being a separate cost. The closest tech presently travels from Missouri. The Board tabled a decision until October when the warranty for the walk through portion of the X-ray equipment expires.

There will be no changes to the NACO BCBS deductible, coinsurance and prescription drug copayments for all PPO plans. There will be no premium rate increase on medical or dental for the period of 07/01/2012 – 06/30/2013. All sub-group applications need to be received at BCBSNE no later than Friday June 1, 2012. The sub-group applications are to be distributed around the middle of May. Motion made by Schuele, second by Luettel to authorize Kathy Thorberg, County Clerk, to sign the necessary BCBSNE subgroup application upon its arrival with no changes from the 2011-2012 year and return the renewal application BCBSNE by June 1, 2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The auditing firm Romans, Wiemer & Associates of York, Nebraska submitted a letter to confirm the understanding of the services to provide Boone County, Nebraska for the fiscal year July 1, 2010 to June 30, 2011 audit year. Motion made by Tisthammer, second by Luettel to authorize the Board Chairman to sign the letter of understanding with Romans, Wiemer & Associates for auditing services for the fiscal year ending June 30, 2011. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



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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 submitted a request for assistance to advertise the Cedar Rapids Community Music and Mayhem event scheduled for August 18, 2012. 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 Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for April 2012: Clerk - \$11,582.00 (State of Nebraska - \$6,343.93/County of Boone - \$5,238.07); Sheriff - \$1,215.00; Clerk of the District Court - \$969.60 (State of Nebraska - \$571.00/County of Boone - \$398.60); County Planning and Zoning - \$630.75; Treasurer's Fees - \$24.00; and Treasurer's Office Miscellaneous Receipt Nos. 11987-12058 - \$183,357.42. Total collected by County Treasurer was \$6,597,602.54. 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 - \$82,584.23; Road - \$152,214.04; County Visitor's Promotion - \$1,180.73; Reappraisal - \$2,871.02; Boone Co Economic Development - \$1,002.05; County Economic Business Development - \$10,277.50; 911 Emergency Management (2910) - \$2,565.54; Wireless 911 Services (2913) - \$4,620.00; Ambulance - \$1,090.77. 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 and Board of Equalization Proceedings of April 30, 2012 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 Board Emergency Meeting Proceedings of May 2, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Jim Majerus informed the Board that he was working on cleaning up his items from the county road right-of-way and plan to build a new fence but probably be fall before it is completed.

Tom Johnson discussed some concerns and issues with the Board and expressed his appreciation to the road department for cleaning out a ditch by his ranch.

Tom Schuele and Randall Bruland picked up the Boone County Ambulance from Arrow Manufacturing, Inc. of Rock Rapids, Iowa on Saturday, May 12, 2012. Arrow repaired the County Ambulance that was damaged in an accident in November 2011. Schuele commented that the ambulance drives and looks like a new one. The Board is satisfied with Arrow Manufacturing's ambulance repair.

Chairman Tisthammer declared the meeting adjourned at 11:59 A.M. with the next Board meeting scheduled for Monday, May 21, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 21, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 21, 2012, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

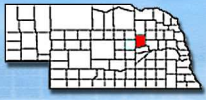
Chairman Tisthammer called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer, Tom Schuele and Ken Luettel. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Tisthammer acknowledged the agenda and noted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

Brendan Lilley, Kirkham Michael, provided a supplement to the original contract to provide professional engineering services for modifying design plans for the Boone County STPE-2532(1) Petersburg Northeast project. The scope of services includes minor changes in roadway alignment and profile to allow for removal of the existing failing asphaltic concrete pavement and re-use of the existing surfacing as a compacted base material for the new asphalt roadway construction. The project begins three miles north of Petersburg at the intersection of State Highway 14 and 110<sup>th</sup> Street in Boone County and continues east/southeast for 1.95 miles. The first 1.50 miles is federal/county funding and 0.45 miles are county-only funding. The prior agreement for Kirkham Michael services was \$17,250.00; the additional service for design changes is \$29,000.00 for an engineering project fee of \$46,250.00. Motion made by Tisthammer, second by Luettel to approve the additional Kirkham Michael engineering fees of \$29,000.00 for Boone County STPE-2532(1) Petersburg Northeast project. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and the Board discussed road maintenance and road/bridge projects. On Friday, May 18, 2012, Darrel Thorin, Highway Superintendent and Brendan Lilley, Kirkham Michael, attended the Nebraska Department of Roads (NDOR), Board of Public Roads Classifications and Standards Department meeting. Boone County requested a Relaxation of Standards on Federal Aid Project No. STPE-2532(1): Petersburg, NE, Northeast. The proposed project has encountered several delays as it has been on the Boone County One & Six Year Road Improvement Program since 1999. The NDOR Classifications and Standards Department approved the requested Relaxation of Standards on Friday, May 18, 2012.

Darrel Thorin, County Highway Superintendent, reported that effective immediately that 195<sup>th</sup> Avenue North of 130<sup>th</sup> Street is closed for construction. The present timber bridge is to be replaced with a concrete deck with guardrails.

Dave Noble, Larry Noble, Darrel Thorin, Highway Superintendent, and the Board discussed the Bonanza Cemetery road. The cemetery owns 16½ foot of the road and Nobles are asking for some gravel and maintenance especially before this Memorial weekend. It was proposed by those present to draft an Agreement concerning road maintenance/upkeep between the County and the Bonanza Cemetery Association.



# Boone County Board Minutes



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

- County officials reported on activities with regard to their respective office.
- County Government Day is November 14, 2012.
- NACO Walk for Your Life challenge is scheduled to begin June 4<sup>th</sup> and end September 30<sup>th</sup>.
- The revised Boone County Employee Handbook was distributed.
- Dave Spiegel, Sheriff, reported on the Northeast Nebraska Juvenile Services Board meeting he attended. Spiegel reported that GeoComm is completing a feasibility study regarding regional communication centers.
- Commissioner Luettel reported on the Northeast Nebraska Area Agency on Aging meeting he attended.
- Commissioner Schuele reminded everyone that the next Board meeting is scheduled for Friday, June 1, 2012.

Jan Zurcher, Region 44 Emergency Manager, reviewed March and April 2012 activity with the Board. Region 44 Emergency Management consists of Boone, Nance and Merrick Counties. Zurcher informed the Board that she set up the Boone County MFO meeting for the evening of May 21, 2012.

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 St. John's Church of Petersburg submitted a request for assistance with advertising their annual parish bazaar event scheduled for September 2, 2012. 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 Nebraska Intergovernmental Risk Management Association (NIRMA) submitted a settlement agreement for the Board to review and sign. Pursuant to Neb. Rev. Stat. 84-713, certain settlement agreements entered into by public entities or insurers are public records. The law, therefore, requires that the settlement of DOL: 11-28-11 Claim # 8822 be made an agenda item at the County Board's next meeting for informational purposes only. Motion made by Luettel, second by Schuele that the County agrees to accept in full settlement for such claim \$62,115.00 with NIRMA regarding the damages repair to the County Ambulance and its contents. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Vic Lee, Boone County Health Center CEO, informed the Board that the term of Ronald Coakes, Boone County Health Center Board of Trustee member, expires at the end of June and a replacement is needed. 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, 2012 with the application deadline at noon on Friday, June 8, 2012.





# Boone County Board Minutes



Motion made by Luettel, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$87,155.99, BCBS \$34,302.86, Ameritas Ret \$5,961.31, EFTPS \$6,607.26; Road \$45,665.94, BCBS \$19,915.94, Ameritas Ret \$2,952.21, EFTPS \$3,467.01; Boone County Economic Development \$5,054.00, BCBS \$1,492.40, Ameritas Ret \$341.15, EFTPS \$375.68; Ambulance \$2,550.00, Ameritas Ret \$62.44, EFTPS \$195.06; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,135.43, Ameritas Ret \$272.90, EFTPS \$392.86, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board and Board of Equalization Proceedings of May 14, 2012 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- LeRoy Schroeder expressed some concerns regarding road maintenance with the Board and Highway Superintendent.

The County Safety Committee met at 1:00 P.M. to discuss routine business. The next committee meeting is scheduled for August 27, 2012 at 1:00 P.M.

Chairman Tisthammer declared the meeting adjourned at 1:31 P.M., the next Board meeting is scheduled for Friday June 1, 2012.

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, May 21, 2012 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. County Zoning Administrator, Kelly Benson, 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 David L. Kolm. David L. and Chelsey K. Kolm are the property owners of the real estate referenced herein. The application request is to divide 5.01± acres from farm ground located on a fraction of the SW1/4 of Section 17, Township 19 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska for a personal residence.

Kelly Benson explained to the Board that Kolms requested to divide the 5.01± acreage from farm ground to construct a new home. The zoning office received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. Benson informed the Board that Kolms met the setback requirements and a survey is completed.

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

Motion made by Schuele, second by Luettel to approve the Application for Conditional Use Permit submitted by David L. Kolm. The approval is to divide 5.01± acres from farm ground to construct a new home to be located on a fraction of the SW1/4 of Section 17, Township 19 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,  
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, May 21, 2012 at 9:30 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 and property owners Mike and Roberta Kennedy; and Kelly Benson, County Zoning Administrator, were present to answer any questions. 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 Mike and Roberta Kennedy. Michael W. and Roberta J. Kennedy are the property owners of the real estate referenced herein. The application request is to split off a tract of land comprised of 3.002± acres from farm ground located in a fraction of the SW1/4 of Section 3, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska in order to refinance the existing personal residence.

Kelly Benson, County Zoning Administrator, informed the Board that the County Planning Commission recommended approval of the request with a condition that the adjacent tract stays in producing agricultural. Kennedy explained that the lending institution is not interested in securing the agricultural property with a home mortgage loan. A survey is completed.

Motion made by Schuele, second by Luettel to close said hearing at 9:37 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 Lot Split Application submitted by Mike and Roberta Kennedy. The approval is to split off a 3.002± acre tract from farm ground in order to refinance the existing personal residence located in a fraction of the SW1/4 of Section 3, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska with a condition that the adjacent tract stays in producing agricultural. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 1, 2012 ALBION, NEBRASKA

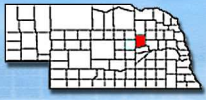
The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Friday, June 1, 2012, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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.

The Board discussed the Boone County Ambulance Service with Randall Bruland, County Ambulance Administrator and Donald Casper, an assistant driver. The 2010 County Ambulance is back in service following repair from damages sustained in a November 2011 accident. The ambulance unit drives great down the road with some minor repairs yet to be fixed. Bruland said the tire, seatbelt/holder and the sensor lights are scheduled for repair in the coming week. The slight whistling on the driver side will probably not disappear unless the cab is replaced with a new cab. The minor items are fixable and not everything is always perfect. The Board felt that they have a serviceable ambulance with the decision they made by repairing the damaged 2010 Ambulance that was bought new and had only been in use a year, when it was in the accident. The Board expressed that they do not appreciate personnel downgrading the County Board's decision to repair the unit instead of buying another new unit and downgrading the repair work by the company in Iowa. If a driver or medical personnel are not comfortable driving or riding in the 2010 County Ambulance, then the Board asks that one remove their name from the list of attendants to operate the County Ambulance. The Board asked the whereabouts of the cot that was purchased new in 2007 since the insurance company paid for a new cot in 2012. Casper said that the Albion Fire Department has possession of the 2007 cot and that it has issues.

Joyce Sock, Assessor, presented a Contract for Appraisal Services with Stanard Appraisal Services, Inc. of Central City, Nebraska for the Board to review. Sock informed the Board that a complete appraisal review is preferred every six years regarding commercial property. It is necessary to properly equalize property values in the county. The appraisal review is for 342 parcels of commercial properties in Boone County that have not received an update since 2003. The Contract established completion date of February 15, 2013 for the towns of St. Edward and Albion and February 15, 2014 for the towns of Petersburg, Cedar Rapids and Primrose. Compensation to Stanard Appraisal is \$56,430.00 based on 342 commercial parcels and any parcels in addition to the 342 will be billed at the rate of \$165.00 per parcel for the commercial properties. The compensation to be paid shall be \$15,000.00 before June 30, 2012 and the balance of \$41,430.00 paid in 24 equal payments of \$1,765.25 through June 1, 2014. Motion made by Luettel, second by Schuele to approve the Contract for Appraisal Services between Boone County, Nebraska and Stanard Appraisal Services, Inc. as 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, 2012.



# Boone County Board Minutes



The City of Albion requested a temporary road closure for public safety reasons during the set-up and execution of the 2012 community fireworks display scheduled for July 6, 2012. Andy Devine, City Administrator, said that the City provides insurance coverage for the event. 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 Luettel, second by Schuele to approve Resolution No. 2012-24 a temporary road closure for community fireworks display as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable over and across a county road known as 270<sup>th</sup> Street. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-25 granting permission to trench an electrical cable underground from Section 34, Township 20 North, Range 7 West; thence North 89 feet to Section 27, Township 20 North, Range 7 West, crossing 270<sup>th</sup> Street for grain bin service for Charles Krohn, all in Boone County, Nebraska. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable over and across a county road known as 190<sup>th</sup> Street. Motion made by Luettel, second by Schuele to approve Resolution No. 2012-26 granting permission to trench an electrical cable underground from Section 13, Township 21 North, Range 6 West; thence South 113 feet to Section 24, Township 21 North, Range 6 West, crossing 190<sup>th</sup> Street for grain bin service for Curtis Tisthammer, all in Boone County, Nebraska. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and the Board discussed road maintenance, signage and road projects. Nebraska Machinery has a rental/leased cat model vibrating compactor with approximately 500 hours for \$36,000.00. Thorin asked the Board for permission to look at the compactor in person vs. looking at photos before making a purchase decision.

Motion made by Tisthammer, second by Schuele to approve as presented the County Board and Public Hearings Proceedings of May 21, 2012. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Dave Spiegel, County Sheriff, discussed with the Board an appointment to a ten county East Central Region 911 Board (EC-911). The East Central Region has recognized the importance of organizing and entering into an agreement as part of an East Central Region 911 Equipment Consolidation Project. Spiegel said the appointment should be the Sheriff or 911 Communications Coordinator. The County needs to appoint an individual who has authority on spending and knowledge of the budget regarding the 911 equipment. Motion made by Luettel, second by Schuele to appoint Dave Spiegel, Sheriff/911 Coordinator as the representative and Sheryl Machacek, Communications Coordinator, as the alternate to represent Boone County on the East Central Region 911 Board (EC-911). Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



The County purchased a 2007 Artic Cat ATV in September 2007 for use by the Emergency Manager, Sheriff and Weed Departments. The Emergency Manager, Sheriff and Weed Department budgets made the ATV payments. Sheriff Spiegel said that their office has maintained the ATV and mounted radio/ antenna/lights for their use on the ATV. Russell Stokes, Weed Superintendent, inquired about using the ATV to check on some possible noxious weeds that may not be reachable with the weed spraying pickup. The Board and Spiegel discussed cooperative use of the ATV since that was the original intent when it was purchased.

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 their annual Bash in the Burg event scheduled for August 11, 2012. 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 County Clerk's office obtained quotes for 60 cases of 8 1/2x11 white 20# copy paper to be used by several of the offices, with delivery of ten cases as needed. One case provides ten reams of paper. Eakes Office Supply quoted 60 cases at \$31.99 per case; Western Office Supply quoted 60 cases at \$33.75 per case. The quote from Eakes Office Supply is accepted and they will be notified by the County Clerk's office.

## Open discussion and Miscellaneous Public Comments:

- Under Nebraska law, it is unlawful for any person to smoke in a place of employment or a public place. Consequently, smoking is prohibited in any County building, facility, vehicle and the County Courthouse real estate property. Any person in violation of this restriction may be guilty of a misdemeanor. The entire Courthouse Block property is Smoke Free; therefore, the ashtrays outside the courthouse doors will be removed.

Chairman Tisthammer declared the meeting adjourned at 12:12 P.M., the next Board meeting is scheduled for Monday, June 11, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 11, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:04 A.M. on Monday, June 11, 2012, 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. 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.
- Boone County Economic Development Office/Boone County Development Agency is no longer located in the Boone County Courthouse; the Economic Office moved to the County Annex Building at 233 South 4<sup>th</sup> Street. There is a large meeting room available at 233 South 4<sup>th</sup> Street for organizations to use for meetings.
- The County Highway Superintendent Office moved into the space previously occupied by Economic Development and County Zoning Office moved into the space previously occupied by the Highway Superintendent.
- Commissioner Schuele attended the meeting held in Albion by East-Central District Health Department; it is disturbing to hear that Boone County ranks in the top for teenage substance abuse.
- Commissioner Tisthammer highlighted some of the changes to the County Employee Handbook.

Jim Daubert, First Concord representative, presented the Section 125 Plan Document and answered questions from the Board and interested employees. Boone County adopted a cafeteria plan as a means to allow employees to select among cash compensation and certain nontaxable benefits, namely coverage under one or more benefit programs sponsored by the Employer. Employees interested in enrolling in the Section 125 Cafeteria Plan met with Jim Daubert following his presentation. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the necessary documents to implement the Section 125 Plan Documents as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Robert V. Watts, Sr. expires in June 2012. Motion made by Schuele, second by Luettel to reappoint Robert V. Watts, Sr. of Cedar Rapids to a five-year term expiring in June 2017 to the Boone County Veteran Service Board. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of June 1, 2012 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



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 member term expiring in June 2012 is Ronald Coakes. Ronald Coakes has completed his terms. Motion made by Tisthammer, second by Luettel to appoint Kenneth G. Schmitz to serve on the Boone County Health Center Board of Trustees for a six-year term beginning July 1, 2012. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reviewed the road/bridge maintenance, repair and signage report for the month of May with the Board. Thorin and the Board discussed bridge/road projects and the recently completed bridge repairs. Thorin informed the Board that the vibrating compactor discussed at the June 1, 2012 Board meeting was too small of a machine. Thorin plans to look at larger vibrating compactor that is available to look at near Doniphan.

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 2012 through May 2013. Motion made by Tisthammer, 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: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Ellen L. Hirsch, Clerk of the District Court, presented a Subgrant Agreement with the NE Department of Health and Human Services, Division of Children and Family Services on July 18, 2011. 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. The past agreements were signed every 5 years but will now be an annual agreement. The Agreement signed July 18, 2011 was effective July 1, 2011 through June 30, 2012. An Amendment One, July 2012 is being submitted for approval to amend the term effective date to read July 1, 2011 through September 30, 2012. Motion made by Schuele, second by Luettel, to approve and authorize the Board Chairman to sign the Amendment One, July 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board discussed the disposition of the 2002 Ford Ambulance. The 2010 County Ambulance is back in service following repair from damages sustained in a November 2011 accident. The Board and Jan Zurcher, Region 44 Emergency Manager, will inquire around the area to see if a fire/rescue department is interested in the 2002 Ambulance.

The County Clerk/Register of Deeds Office has been recycling used binder books from the Court Offices for Register of Deeds documents since July 2000 and the used binders are all in use. 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. Bear Graphics of Iowa quoted sixteen books for \$1,056.00. Motion made by Schuele, second by Luettel to approve the purchase for the Register of Deeds binder books as presented. 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 the following reports of the County Officials as presented for May 2012: Clerk - \$10,472.75 (State of Nebraska - \$5,752.41/County of Boone - \$4,720.34); Sheriff - \$1,219.00; Clerk of the District Court - \$1,271.06 (State of Nebraska - \$720.00/County of Boone - \$551.06); County Planning and Zoning - \$333.75; Treasurer's Fees - \$14.00; and Treasurer's Office Miscellaneous Receipt Nos. 12059-12121 - \$515,433.31. Total collected by County Treasurer was \$1,418,281.65. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board and John Morgan, Boone County Attorney, discussed various issues regarding changes to the county employee handbook, drug and alcohol use by minors and a possible building permit violation.

The Board discussed Nebraska State Statutes 32-524 and 22-417 with the Clerk of the District Court personnel on May 16, 2011 and at several Board meetings to date. 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 County Board may adopt a resolution for the consolidation and submit the issue of the consolidated office to the registered voters for approval at the next general election. The Board shall give notice of the hearing by publication. Motion made by Schuele, second by Luettel to set a Public Hearing for 1:00 P.M., on Monday July 30, 2012 in the Boone County Commissioners Room, for determining whether the consolidation of the Boone County Clerk of the District Court and Boone County Clerk should be submitted to the registered voters for approval at the next general election. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds with the exception of \$500.00 being a rejection of vendor claim number 1715 for estimated quarterly travel expense reimbursement and \$293.04 being a partial rejection of vendor claim number 1923 for estimated June travel expense reimbursement: General - \$181,183.82; Road - \$207,039.19; County Visitor's Promotion - \$1,000.00; Reappraisal - \$15,980.00; Boone Co Economic Development - \$2,665.45; County Economic Business Development - \$12,655.62; 911 Emergency Management (2910) - \$1,020.39; Ambulance - \$1,165.74; Boone County Fitness Center - \$7,229.00, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Open discussion: The County of Boone employees will have no changes to the NACO BCBS PPO deductible, coinsurance and prescription drug copayments for the plan period 07/01/2012-06/30/2013. There will be no premium rate increase on medical or dental for the period of 07/01/2012 – 06/30/2013.

Chairman Tisthammer declared the meeting adjourned at 2:00 P.M. with the next Board meeting scheduled for Monday, June 18, 2012.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 18, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 18, 2012, 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 a request for advertisement funding. The Boone County Agricultural Society, Inc. submitted a request for assistance to advertise the annual Boone County Fair scheduled for July 7-11, 2012. 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.

Cornhusker Public Power District requested permission to bury an electrical cable over and across a county road known as 255<sup>th</sup> Street. Motion made by Luettel, second by Schuele to approve Resolution No. 2012-27 granting permission to trench an electrical cable across 255<sup>th</sup> Street to provide service to a new shop for Greg Dozler to be located in the SE1/4 of 23-20-8, Boone County, Nebraska. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, appeared before the Board regarding:

- The Board and Thorin discussed road maintenance and the progress with bridge/road projects.
- Thorin updated the Board with the information from the Nebraska Department of Roads as provided at the annual Highway Superintendents' meeting held last week.
- Nebraska Machinery Company plans to deliver the vibrating compactor discussed at the June 11, 2012 Board meeting for the county road department to use on some county roads, before a decision is made to purchase the equipment.
- Thorin received a written resignation from a road employee. Motion made by Schuele, second by Tisthammer to accept and approve the written resignation of Dustin Schilousky, effective June 30, 2012 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Rebecca Rayman, Executive Director and Roberta Miksch, Deputy Director, East-Central District Health Department (ECDHD), appeared before the Board regarding:

- Presented Regulation 2012-01, Prevention of Public Health Nuisances and Insanitary Conditions. Regulation 2012-01 is still in the reviewing process with changes likely following review by the four County Boards and legal personnel. The purpose of the regulation is to remedy or prevent unsanitary or nuisance conditions that may affect the ECDHD area. The East-Central District Health Department consists of Boone, Colfax, Nance and Platte Counties.



# Boone County Board Minutes



- Presented the 2011 Annual and 2012 First Quarter reports and reviewed them with the Board.
- Rayman and the Board discussed the primary health needs identified at the Boone County Area Health Needs Assessment meeting held on June 7, 2012. The health needs identified for preventing and/or reducing were youth drug and alcohol use, cancer prevention, mental health treatment, reducing childhood obesity and bullying. ECDHD helps direct resources to meet these needs. Schuele commented that groups were formed at the June meeting to address the identified health needs for Boone County. Statistics show that Boone County ranks very high with regard to youth substance abuse. Rayman commented that marijuana is the new alcohol youth are using.
- ECDHD emphasizes radon testing of homes as a tool for cancer prevention. Radon test results are showing Boone County at a very high level of radon above the acceptable level amount. Radon is the second leading cause of lung cancer.
- ECDHD offers mental health services and staffs a full time psychiatrist.
- ECDHD received grants for construction of a new building in Columbus to be completed in 2015. The new building will be located near Columbus Community Hospital.

The Board and County Clerk reviewed language for preparation of a resolution regarding county credit card procedures. A resolution for approval by the Board will be placed on the June 25, 2012 agenda.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of June 11, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion: Jacquelyn Wells, Veteran Service Officer, discussed an issue with the Board.

Chairman Tisthammer declared the meeting adjourned at 11:33 A.M. with the next Board meeting scheduled for Monday, June 25, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 25, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 25, 2012, 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.

Bernard Batenhorst, Pit Manager for Central Sand and Gravel Company, presented gravel prices that take effect July 1, 2012 for the pits located in Columbus, Genoa and Grand Island. Batenhorst said it was a 5% increase from the 2010 prices. The Board, Batenhorst and Darrel Thorin, Highway Superintendent, discussed gravel prices, availability of gravel in Nebraska and the EPA/government regulations in areas of wetlands that make it near impossible to open a new gravel pit.

Darrel Thorin, County Highway Superintendent, and the Board discussed road maintenance and road/bridge projects. Thorin said that today road reconstruction begins on County Project No. 328 two miles South of Cedar Rapids on 170<sup>th</sup> Avenue. The vibrating compactor discussed at previous meetings for the county road department to use on some county roads, before a decision is made to purchase the equipment, has not arrived as of today. Thorin and the Board discussed changing the road department radios over to narrowband frequency. Also, discussed which update to use, analog or digital. The repeater presently in the road department will not convert to narrowband in order to use the new radios. A complete updated radio digital system may cost over \$20,000.00. The consensus of the Board is to update to a digital radio system.

The Boone County Board of Commissioners approved the NACO Purchasing Card Program in 2008 with implementation in 2009. As provided by the Nebraska State Statutes, Section 13-610 and the Nebraska Auditor of Public Accounts, the Board is to set policy procedures for the implementation of a purchasing card program and use of purchasing cards. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-28, NACO Purchasing Card Program procedures as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-29 to authorize the Boone County Treasurer to transfer the sum of \$16,900.00 from the Boone County Economic Development Operations Fund (2605) to the Business Development Fund (2606) for the 2011-2012 budget. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve Resolution No. 2012-30 a transfer within the General Fund (0100) functions for the fiscal year ending June 30, 2012 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 Board Proceedings and Board of Equalization Proceedings of June 18, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



The CPA firm of Romans, Wiemer & Associates of York, County Auditor, provided a Management Representative Letter for the June 2011 year-end audit for the Board to review and sign. All offices provided the requested information for the audit. Motion made by Luettel, second by Schuele to approve and sign a Management Representative Letter for the 2011 year end audit report of finances and that all the county information was available and given to the auditor for the June 2011 year end. 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 Rae Valley Heritage Association, Inc. submitted a request for assistance with advertising their annual Nebraska State Antique Tractor-Horse Plowing Bee scheduled for August 24-26, 2012. 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 St. Edward Community Club submitted a request for assistance with advertising their annual Beaver Valley Days scheduled for July 27-29, 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.

As provided by State Statute, Section 23-1302, the county clerk shall certify to the county treasurer as of June 15 and December 15 each year the total amount of unpaid claims of the county. Motion made by Tisthammer, second by Luettel to approve and accept the Certification from the county clerk to the county treasurer 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 and Accounts Payable Vendor Claims filed for payment from the various funds with the exception of \$147.65 being a rejection of vendor claim number 1715 for travel expense reimbursement with no itemization attached or signed by the claimant and \$360.00 being a rejection of a payroll claim with no payroll records signed or filed by the claimant: General \$89,577.13, BCBS \$35,131.04, Ameritas Ret \$6,131.87, EFTPS \$6,791.56, Denny Johnson \$300.00, John Keck \$300.00, Michael Mapel \$300.00, John Morgan \$300.00, Rod Nelson \$300.00; Road \$46,181.25, BCBS \$18,423.54, Ameritas Ret \$2,978.65, EFTPS \$3,499.11; Boone County Economic Development \$4,922.75, BCBS \$1,492.40, Ameritas Ret \$332.29, EFTPS \$365.63; Ambulance \$1,485.00, Ameritas Ret \$60.25, EFTPS \$113.58; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,733.45, Ameritas Ret \$303.11, EFTPS \$438.61, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Discussed changes regarding NIRMA renewal plan through June 2013.

Chairman Tisthammer declared the meeting adjourned at 12:03 P.M., the next Board meeting is scheduled for Monday, July 9, 2012.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 9, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:01 A.M. on Monday, July 9, 2012, 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 the Boone County Development Agency part time office assistant. Motion made by Schuele, second by Tisthammer to accept and approve the written resignation of Megan A. Zoucha, effective July 6, 2012 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

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 Tisthammer, second by Luettel 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 2012-2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board reviewed the District 5 Probation 2012-2013 proposed budget. The eleven counties in the District 5 Probation are Boone, Butler, Colfax, Hamilton, Merrick, Nance, Platte, Polk, Saunders, Seward and York. The District 5 Probation Budget for the fiscal year 2012-2013 will increase 1.5% with the total budget allocation being \$70,904.86. Each County's share/percentage was refigured in March 2012 according to the 2010 Federal Census and probationers' served for each individual county averaging a two-year period (2010 & 2011). Boone County's refigured budget portion/percentage for fiscal year 2012-2013 is 2.10% of \$70,904.86 or \$1,489.00. This is a decrease from the 2011-2012 amount of \$3,143.56. Motion made by Tisthammer, second by Luettel to approve and accept the 2012-2013 fiscal year District 5 Probation proposed budget and Boone County's share of \$1,489.00 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board received three applications for the Public Defender position. Motion made by Luettel, second by Schuele to set the Public Defender position interviews for Monday, July 16, 2012 beginning at 3:00 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reviewed the road/bridge maintenance, repair and signage report for the month of June with the Board. Thorin and the Board discussed bridge/road projects, closure of cell phone accounts, preparation for a federal soft match audit and audit preparation for the Nance County project recently completed that Thorin served as RC.



# Boone County Board Minutes



Thorin presented a lease agreement with the option to buy from Nebraska Machinery Company, a used caterpillar CP-433E vibratory compactor for \$52,000.00. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign a \$52,000.00 lease with the option to buy with Nebraska Machinery Company for a compactor as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Great Plains Communications requested permission to plow/trench fiber optic cable in a county road and bore under culverts for cell phone tower purposes. The request is to continue the placement of fiber optic cable already connected to a cell tower located in Fr. SW1/4SW1/4 of 20-22-6, beginning at the intersection of 140<sup>th</sup> Street and 220<sup>th</sup> Avenue, thence plowing West approximately 3000 feet in county road known as 140<sup>th</sup> Street; ending at 4<sup>th</sup> Street, in the Village of Petersburg, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2012-31 granting permission to plow/trench in 140<sup>th</sup> Street for the placement of fiber optic cable as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report with regard to the 2010 personal property taxes. The distress warrants that were issued in November, 2011, were returned back to the County Treasurer's office on June 29, 2012. The total to be collected without penalties was \$7,525.73. This was on twenty-one distress warrants. There are no distress warrants unpaid as of July 9, 2012. Motion made by Tisthammer, second by Schuele to accept and approve the County Treasurer's Distress Warrant Report as presented. 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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. A request for assistance to advertise the annual Cedar's Rapid Run event scheduled for August 4, 2012, with proceeds going to the Cedar Rapids Alumni Scholarship Fund was presented. 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 Tisthammer, second by Luettel to accept and approve as presented the County Clerk/Register of Deeds 2011-2012 fiscal year end report. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the following reports of the County Officials as presented for June 2012: Clerk - \$5,276.50 (State of Nebraska - \$2,553.32/County of Boone - \$2,723.18); Sheriff - \$1,113.48; Clerk of the District Court - \$849.31 (State of Nebraska - \$402.00/County of Boone - \$447.31); County Planning and Zoning - \$230.84; Treasurer's Fees - \$12.00; and Treasurer's Office Miscellaneous Receipt Nos. 12122-12176 - \$151,299.66. Total collected by County Treasurer was \$424,134.63. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings and Board of Equalization Proceedings of June 25, 2012 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: General - \$44,951.05; Road - \$163,782.75; County Visitor's Promotion - \$487.98; Reappraisal - \$1,743.01; Veteran's Aid - \$500.00; Boone Co Economic Development - \$1,311.30; County Economic Business Development - \$11,232.86; 911 Emergency Management (2910) - \$1,726.97; 911 Wireless Service (2913) - \$2,820.64; Ambulance - \$3,478.93. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Commissioner Schuele visited three counties where the County Clerk is the ex-officio Clerk of the District Court. Schuele discussed with the Board members the information he received from the other counties.

Chairman Tisthammer declared the meeting adjourned at 11:55 A.M. with the next Board meeting scheduled for Monday, July 16, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JULY 16, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 16, 2012, 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 and reviewed the audit report prepared by Romans, Wiemer & Associates for the year ended June 30, 2011 on July 10, 2012. A 'Notice of Completion of Audit' was submitted to the Albion News for publication the week of July 16, 2012. Motion made by Schuele, second by Tisthammer to accept and approve the audit as presented for fiscal year ending June 30, 2011 and said audit is on file with the Boone County Clerk and the Nebraska Auditor of Public Accounts. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The County Treasurer submitted a Semi Annual Statement for January 1, 2012 through June 30, 2012. Motion made by Luettel, second by Schuele to accept and approve the County Treasurer's Semi Annual Statement as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The County Clerk and County Treasurer submitted copies of pledged securities (collateral) for their respective offices as of June 30, 2012. Motion made by Tisthammer, second by Luettel to acknowledge and approve the pledged securities (collateral) as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, and the Board discussed road maintenance and the progress with bridge/road projects. Thorin is working with State of Nebraska, Department of Roads to try to purchase some asphalt millings for use with county projects.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of July 9, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board and Lisa Langan, County Court, interviewed the three applicants for the Public Defender position. The Board made no decision and will be an agenda item for the July 23, 2012 Board meeting.

Open discussion: A note to correct the executive session statute on the agenda from R.S.N. 84-410 to read R.S.N. 84-1410.

Chairman Tisthammer declared the meeting adjourned at 5:00 P.M. with the next Board meeting scheduled for Monday, July 23, 2012.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING-APPLICATION FOR CONDITIONAL USE PERMIT**

A motion made by the Boone County Board of Commissioners Chairman, Jerry L. Tisthammer and second by Commissioner Tom Schuele to call to order a public hearing on Monday, July 16, 2012 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. 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 Planning and Zoning Administrator, Kelly Benson.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions in relation thereto the application for Conditional Use Permit by Keith and Morgan Mogensen and The Maschhoffs. The information submitted for the Board of Commissioners agenda reads that the permit application is to apply liquid manure from the SW1/4 of 29-18-8 to farm ground located in the S1/2 of 28-18-8, all located in Boone County, Nebraska.

The applicants, Keith Mogensen, Morgan Mogensen and The Maschhoffs, LLC, filed an Application for Conditional Use with Boone County Zoning office dated June 25, 2012 and paid the application fee on June 14, 2012. Keith Mogensen and Morgan Mogensen are the property owners of the real estate (S1/2 of 28-18-8) as referenced on the application. The Application for Conditional Use is made for the purpose (to bury plastic pipe from hog facility to two center pivots).

The application was approved with the following: Conditions and requirements pending approval of application for a proposed operation and waste disposal plan from the DEQ or other applicable State Agency, Boone County Planning and Zoning Commission requirements are as stated in the minutes. The attached minutes are of the June 25, 2012 Boone County Planning and Zoning Commission hearing.

Kelly Benson, Zoning Administrator, and Morgan Mogensen, Applicant, and Gale Schaefer, representing The Maschhoffs, LLC explained that all parties signing the application are responsible for the permit. Schaefer explained that Mogensens' recently purchased the S1/2 of 28-18-8 and are developing the land. The Maschhoffs, LLC already spread liquid waste from a lagoon located in the SW1/4 of 29-18-8 through center pivots in the area on four parcels of land and that the additional two quarters would provide a wider base to spread the liquid waste. Schaefer said that the liquid waste nutrients would benefit Mogensens as they develop the crop ground. Schaefer answered questions regarding management plans for effluent applications, crop rotation effect on effluent application amount and yearly inspection of the hog unit. Schaefer explained that The Maschhoffs, LLC have a computer tracking system of the facilities and are able to control/shut down pivots electronically through the managers cell phones and have their own environmental department.

Mogensen answered questions regarding the settling basins (buffer strips), Natural Resources Conservation Service (NRCS) requirements, timeline planned for completing buffers/spill way drainage, and fall crop. The NRCS helped with the designs based on a ten-year moisture event for construction of the settling basin structures. Mogensen agreed to a five-year application of the manure/liquid waste from The Maschhoffs, LLC livestock operation. Only waste from The Maschhoffs, LLC facility is to be spread on said property and no manure will be stockpiled on Mogensens' property.





# Boone County Board Minutes



Jim Vanderloop, nearby property owner, expressed his concerns for the property owners down stream in the Timber Creek watershed. Vanderloop said down stream will pay the price for contaminated water and runoff from the newly developed farm ground. Vanderloop has contacted Nebraska Department of Environmental Quality (NDEQ) to discuss lack of compliance with their regulations in the area.

The Board expressed their concerns regarding runoff to the Timber Creek. The permit is to be reviewed in five years to determine if all conditions are being met and effective. The Board expressed to Mogensen to take the extra steps to prevent runoff and comply with all the regulations. The Board added an additional condition to the Planning and Zoning Commission's conditions, to add a fourth settling basin (buffer strip) on the East edge of M5, before any waste applications are applied to the newly developed farm ground. The County Planning and Zoning Commission recommended approval of the request with conditions.

Motion made by Luettel, second by Schuele to close said hearing at 11:30 A.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the Application for Conditional Use Permit as submitted by Keith Mogensen, Morgan Mogensen and The Maschhoffs, LLC, contingent to the Boone County Planning and Zoning Commission's conditions and an additional condition to add a fourth settling basin (buffer strip) on the East edge of M5, before any waste applications are applied to the S1/2 of Section 28, Township 18 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,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 23, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 23, 2012, 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 and Jerry L. Tisthammer. Commissioner Ken Luettel was absent. 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.
- Department heads were reminded that their respective office inventory is due in August and are to reflect the purchases/deletions for the 2011-2012 fiscal year.
- Department heads received budget worksheets for the fiscal year 2012-2013. Budget worksheets are due back to the County Clerk's office on August 6, 2012.

Rod Nelson, Maintenance, and the Board discussed fire extinguisher inspection services. Northeast Nebraska Fire Extinguisher Service, LLC has provided the inspection services the past several years. Nelson received an estimate from Advanced Fire Safety, Inc. regarding inspection services for the courthouse, law enforcement and road department facilities. The services of both companies were very comparable. The Board Chairman will sign letters addressing the inspection services. Motion made by Schuele, second by Tisthammer to approve Advanced Fire Safety, Inc. to provide fire extinguisher inspection services effective July 23, 2012 and authorize the Board Chairman to sign a letter to that effect. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

The County Treasurer submitted to the Board a list of delinquent 2009 real estate taxes not sold at the tax sale held in March 2012, as per Nebraska State Statute. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2012-32, 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 2009 and subsequent years as presented. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

The Boone County Board of Commissioners approved Resolution No. 2012-16 on April 16, 2012. The third paragraph, third line reads: running thence West to a pivot to be located in the South Half (S1/2) of 28-18-8. The third paragraph, third line should read: running thence East to a pivot to be located in the South Half (S1/2) of 28-18-8. Motion made by Tisthammer, second by Schuele to approve and adopt said amendment/correction to Resolution No. 2012-16 to read running thence "East." Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.



# Boone County Board Minutes



Motion made by Tisthammer, second by Schuele to go into an executive session at 10:00 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried. The Board and Billy Frey, Road Foreman discussed personnel issues. Motion made by Schuele, second by Tisthammer to come out of executive session at 10:29 A.M. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Motion made by Schuele, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$83,058.29, BCBS \$34,487.60, Ameritas Ret \$5,721.77, EFTPS \$6,234.35; Section 125 Fees \$6.00; Road \$43,703.99, BCBS \$18,423.54, Ameritas Ret \$2,811.99, EFTPS \$3,295.50; Boone County Economic Development \$3,836.00, BCBS \$1,492.40, Ameritas Ret \$258.93, EFTPS \$282.51; Ambulance \$1,315.00, Ameritas Ret \$33.76, EFTPS \$100.58; Public Defender Contract \$3,250.00; Boone County Fitness Center \$5,305.69, Ameritas Ret \$277.24, EFTPS \$405.91, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings, Board of Equalization Proceedings and Zoning Public Hearing Proceedings of July 16, 2012 as presented. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.

The Board interviewed highly qualified candidates for the position of Boone County Public Defender on July 16, 2012. The Board Chairman will sign letters addressing the appointment. The appointed position begins August 1, 2012 through December 31, 2013. Motion made by Tisthammer, second by Schuele to appoint Jeffrey Jarecki as Boone County Public Defender and authorize the Board Chairman to sign a letter to that effect. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 12:12 P.M., the next Board meeting is scheduled for Monday, July 30, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS

Jerry Tisthammer, Chairman of the Boone County Board of Commissioners made a motion to open a public hearing on Monday, July 30, 2012, at 1:00 P.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska, second by Commissioner Schuele to open said public hearing. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Jerry L. Tisthammer, Tom Schuele and Ken Luettel.

The purpose of the public hearing is to hear testimony in support of, protest against, and to answer questions concerning whether the consolidation of the Clerk of the District Court and County Clerk's offices for Boone County should be submitted to the registered voters for approval at the next General Election.

Chairman Tisthammer explained that the Board had been considering this for some time and that with the recent trend in Nebraska over the last two years of counties consolidating certain offices to simplify and reduce government, felt it was time to proceed to the next step.

Ellen Hirsch, Clerk of the District Court, indicated that the duties stated in the published notice did not accurately reflect the duties of her office. Hirsch indicated that her office duties include maintaining all filings in civil cases; domestic relation cases, including dissolutions, paternity, child support and custody; protection orders, both harassment and domestic relations; felony cases; and appeals from County Court and Small Claims Court. In addition, Clerk of the District Court acts as acceptance agents for obtaining passports but has nothing to do with issuing the passports, and is also the jury commissioner for the county. Hirsch indicated that her office does work with child support enforcement but does very little as far as collection since the State of Nebraska and not the Boone County Attorney, is in charge of enforcement.

Hirsch indicated that while the consolidation will not personally affect her since she will be retiring at the end of her term, that it should be noted that a Deputy Clerk of the District Court is necessary in order to sign certain documents. She felt that the Deputy Clerk of the District Court should remain the Deputy.

Carolyn Fross, former Deputy Clerk of the District Court and taxpayer, had the following concerns:

- Reiterated the need for a Deputy Clerk of the District Court since the distance between the two offices within the courthouse would make it hard to maintain privacy for protection orders if citizens were required to go from one office to another to obtain a signature.
- Fross brought up the fact that the County Clerk and her staff often work after 5 P.M. and that if it was necessary to do so in order to complete the work of the County Clerk, then how did the Board expect them to also do the work of the Clerk of the District Court. Commissioner Schuele indicated that in addition to the County Clerk and her staff, there would be a full-time employee located in the Clerk of the District Court's office as well.
- Fross asked the Board why the public meeting was scheduled for 1:00 P.M. when only retired persons could attend. She felt the meeting should be held when working citizens would have the opportunity to be present. Commissioner Schuele indicated that the meeting was to gather input and determine whether the issue should be put on the ballot and that if the issue did go to the voters of Boone County, then informational meetings would be held at various times in order to reach as many voters as possible.

Shirley Petsche, concerned citizen and former Boone County Economic Development Director from 2001-2008, read a statement indicating that in her opinion the office does not require two full-time employees and recommended that the issue be put to the vote of the people. Petsche indicated that her comments were no





# Boone County Board Minutes



reflection on the staff of the office but felt due to economic reasons and population decline that the offices should be consolidated.

Lisa Langan, Clerk Magistrate, indicated that she agreed that two full-time employees were not necessary, however, it would be necessary that trained staff be available and questioned whether the County Clerk or her staff would have time to take the necessary training in order to meet the education requirements.

Lorrie Nicklasson, Deputy County Clerk, indicated that while a definite plan was premature due to the fact that it is unknown whether the voters would approve such a consolidation and the fact that there would be another election in 2014 which could result in a change in personnel in the County Clerk's Office before any consolidation would take place in January, 2015, that it was hoped that one full-time employee would be able to take care of the duties of the Clerk of the District Court except for regular court days and trials or when there were staff issues such as vacation or sick leave. In those particular instances, then the County Clerk staff would supplement or fill in for the Court staff. In addition, Nicklasson stated that if the measure were to pass, that it would not be implemented until January, 2015, and that cross-training could occur in the two year interim between the offices.

Shelley Towey, current Deputy Clerk of the District Court, indicated that at this time she had no opinion until she knew more about what plan would be put in place.

Commissioner Schuele indicated that currently there are 38 counties that have an ex-officio Clerk of the District Court. He stated that he had visited several of those counties and that there were four counties within close proximity. He inquired as to how they handle the matter of Clerk of the District Court. He said that each county did something a little different and that if the consolidation passed, then the matter would need to be researched within the two year interim to be sure it was correctly implemented. He said currently it was his understanding from the NACO attorney that there could only be one deputy position. Hirsch responded saying that regardless of the title, that the person who will be running the District Court should be compensated adequately to reflect her duties and responsibilities. Commissioner Schuele concurred and stated that while there was no set number for adequate compensation that it was in the County's best interests to provide a competitive wage to keep good people. Commissioner Schuele indicated that it was necessary to streamline employment and cut administrative costs in order to provide competitive wages.

Sheriff Spiegel indicated that the consolidation of offices is becoming more common and indicated that the day is coming when such consolidation of services would affect law enforcement. Spiegel indicated that he felt the Board should proceed with the consolidation of the offices provided it resulted in increased efficiency and no disruption of services.

Motion made by Luettel, second by Schuele to close said hearing at 1:40 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to submit to the voters of Boone County, Nebraska, to consolidate the offices of Clerk of the District Court and Boone County Clerk for approval at the upcoming General Election. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Lorrie Nicklasson, Deputy County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 30, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 30, 2012, 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.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of July 23, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the 2012 Boone County Board of Equalization Proceedings, July 23, 2012 Board of Equalization Proceedings and July 25, 2012 Board of Equalization Proceedings as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Gene Atwood, Albion, Nebraska, met with the Board regarding concerns he had relating to his land valuation. Mr. Atwood was concerned that he was being taxed for 6 acres of road and had questions regarding land classifications/soil types. He indicated that he had spoke with the County Assessor and that he felt the matters had been resolved. No action was taken by the Board.

Jeffrey C. Jarecki, Attorney at Law, met with the Board and reviewed the Agreement prepared regarding his employment as Public Defender for Boone County. Jarecki indicated that the Agreement was acceptable as prepared. Motion made by Luettel, second by Schuele to hire Jeffrey C. Jarecki as Public Defender for Boone County and to authorize the Board Chairman to sign an Agreement with Jarecki for Public Defender services. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Jarecki also discussed with the Board the matter of certain real estate that was deeded directly to the Boone County Hospital in the past and the fact that the hospital is not an existing entity and not capable of owning real property. Jarecki presented the Board with three Corrective Quitclaim Deeds for their review and signature. The Board reviewed the deeds and indicated that the matter would be put on the agenda for August 13, 2012, after review by the County Attorney.

Board discussed the matter of a new phone system for the courthouse. Schuele indicated that any expenditure for a new phone system should be included in this year's budget and paid for out of the inheritance tax fund. The Board agreed that they needed additional information regarding the proposal submitted by Applied Connective Technologies before proceeding but needed to provide for any expenditure in this budget year. The Board requested that this be put on the agenda for August 13, 2012 for further discussion.



# Boone County Board Minutes



Motion made by Tisthammer, second by Luettel to go into an executive session at 9:50 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board, Darrel Thorin, Highway Superintendent, and Billy Frey, Road Foreman discussed personnel issues. Motion made by Schuele, second by Luettel to come out of executive session at 10:37 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Motion carried. Disciplinary action was approved against more than one unnamed County Road employee. Reason for the disciplinary action was not stated.

Darrel Thorin, Highway Superintendent, and Billy Frey, Road Foreman, updated the Board regarding the following:

- Thorin indicated that all the documentation had been found with regard to the projects currently being audited. The information was located at Kirkham-Michael and had been submitted to the Nebraska Department of Roads for review last week and will then be forwarded to Federal Highway.
- Frey told the board that approximately 7000 lbs of shingles had been dumped on a county road located by South Branch Church on or around Sunday, July 22<sup>nd</sup>. The shingles were removed and taken to Newman Grove at a cost to the county of \$94.50. Frey indicated that he reported this to the Sheriff's Office.
- The topic of planting in the road right-of-ways was again discussed. Thorin indicated that there were some instances of this happening again this year. Schuele stated that perhaps the county needs to be tougher when enforcing this and do things similar to what the State of Nebraska does.

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.

The Board and John Morgan, County Attorney, discussed correspondence that was forwarded to the Board by Pam Bourne which she received from the County Attorney's office regarding two matters. Ms. Bourne is an attorney with NIRMA who represents the County on employee issues. The correspondence dealt with the following:

- Inquired as to whom pays for her services when the County contacts her for legal services and what had been spent to date on such services. Commissioner Schuele indicated that her services are provided by NIRMA, however, when she was present at the Commissioners' meeting regarding employee handbook issues, the County was responsible for and paid her legal fees on that occasion.
- Elimination of the "office manager" job title as a result of the recent County Employee Handbook update. Commissioner Tisthammer explained how the "office manager" job title came about. John Morgan indicated that he was aware that his employee was going to be contacting Ms. Bourne with her concerns but did not know the content of the correspondence until just recently. Commissioner Schuele commented that the information contained in the correspondence was second-hand information inasmuch as neither the County Attorney nor his staff was present at the meeting when this matter was discussed. Furthermore, the elimination of the "office manager" position did not result in a decrease in pay for this particular employee. The Commissioners recommended to the County Attorney that he make an effort to be present at the Commissioners' meeting when they meet with the elected officials and department heads in order to obtain accurate information that can be passed onto the employee. In addition, Commissioner Schuele further stated that it was the decision of the County Board and not the County Clerk to eliminate the "office manager" job title. Commissioner Schuele indicated that the County Attorney should deal with the situation and no further action was required.



# Boone County Board Minutes



## Miscellaneous Public Comments:

- Chairman Schuele indicated that in order for the ballot measure to consolidate the offices of County Clerk and Clerk of the District Court to succeed it will be necessary to educate the people and indicated that this should be done without using government time or resources.
- Dave Spiegel, County Sheriff, informed the Board that Boone County is the only dispatch center in Nebraska where OnStar requests are transferred directly to the County Sheriff's office. Sheriff Spiegel thanked the County Board for making the resources available to keep the 911 Center up to date and Sheryl Machacek for her work.
- No further update regarding the Majerus horse situation. The next deadline is August 10<sup>th</sup> to further reduce the number of animals. Sheriff Spiegel indicated that he had received calls from people offering to donate hay and that those donation requests had been forwarded to the Humane Society.

Chairman Tisthammer declared the meeting adjourned at 1:53 P.M., the next Board meeting is scheduled for Monday, August 13, 2012.

Lorrie Nicklasson  
Deputy Boone County Clerk





# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

A motion made by the Boone County Board of Commissioners Chairman, Jerry L. Tisthammer and second by Commissioner Ken Luettel to call to order a public hearing on Monday, August 13, 2012 at 9:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. 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, Ken Luettel, Tom Schuele, and Kelly Benson, County Planning and Zoning Administrator.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions in relation to the approval or denial of a Conditional Use Permit Application.

The public hearing is to approve or deny an Application for Conditional Use Permit by Robert Jr. and Teresa Heying. Orrin Strand is the owner of the property herein referenced. The application is to divide 5.413± acres from farm ground located in the NW1/4 NE1/4 of Section 30, Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to construct a new home.

Kelly Benson, Zoning Administrator, and Teresa Heying, applicant, were present to answer any questions with regard to the application. Benson said Heying would be meeting the setbacks for A-1 district and will sign a Waiver of Distance. Heying answered questions and explained to the Board that they are trading some real estate with Orrin Strand. Benson said that surveys are completed for the real estate transactions but the deeds are not completed and filed for record. Benson said that the real estate Strand is acquiring from Heying is contiguous to the rest of his property, so he will not need to apply for a Conditional Use Permit. The County Planning Commission recommended approval of the request. Benson stated that she received no opposition regarding the application.

Motion made by Schuele, second by Luettel to close said hearing at 9:12 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign the Application for Conditional Use Permit submitted by Robert Jr. and Teresa Heying to construct a new home and Orrin Strand, owner of property herein referenced, being contingent upon the execution of Waiver of Distance. The approval is to divide 5.413± acres from farm ground located in the NW1/4 NE1/4 of Section 30, Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
AUGUST 13, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 13, 2012, 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.

Tom Krings and Jon Lantz, Applied Connective Technology, presented an enhanced telecommunications solution for the courthouse using new Panasonic technology at the April 23, 2012 Board meeting. The Board reviewed the material regarding the proposed technology upgrade using SIP phone lines, one 10mb x 10mb redundant fiber internet connection and internet fax lines. The new system provides much faster, more stable internet with built in redundancy. The proposed new phone system is \$25,065.91 or a 60-month payment program total of \$32,954.80. The proposed monthly phone charge of \$1,501.09 excludes the Sheriff's 800 number and the 911 system billings. The monthly charge will not vary and includes unlimited long distance. They also proposed an Applied Partner Program Agreement for one year with a monthly maintenance fee of \$375.99. The Board asked Krings and Lantz several questions regarding the proposed new telephone system. The Board and Krings discussed the disadvantage for rural and small communities across the United States with regard to bandwidth infrastructure in providing faster internet connections. Great Plains Communications has installed fiber optic cable close to Albion and Krings felt they might work with them to use their bandwidth. The monthly maintenance covers hardware, software and trip/mileage charges. The Board said it sounds like a very complex system, Krings replied that the new system is easy to use. The Board felt they should obtain another competitive bid proposal before making a decision.

Dave Spiegel, Sheriff, and the Board discussed various issues.

Laurie Krohn, County Treasurer, discussed with the Board her request to purchase two new computers for the office. Krohn received quotes from MIPS and Applied Connective Technologies. The two main computers need to be compatible for sharing programs and information. The Applied Connective Technologies quote for Dell equipment with 2010 software is \$1,300.00 for each computer. Motion made by Schuele, second by Tisthammer to approve and authorize the County Treasurer to purchase two computers from Applied Connective Technologies as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, reviewed the road/bridge maintenance, repair and signage report for the month of July with the Board. Thorin and the Board discussed bridge/road projects, building repairs and the performance of the vibratory compactor.

Thorin presented the Sales Agreement for the purchase of a 2008 Caterpillar CP-433E Vibratory Compactor with Nebraska Machinery Company. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the Sales Agreement of \$52,000.00 with Nebraska Machinery Company for a 2008 Caterpillar Vibratory Compactor as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Tisthammer, second by Luettel to go into an executive session at 10:15 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board, Darrel Thorin, Highway Superintendent, and Leslie Daniels, Road Employee, discussed personnel issues. Motion made by Schuele, second by Luettel to come out of executive session at 10:37 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

The Board heard a general assistance request regarding rent and several utility bills. The Board explained the protocol regarding general assistance. Motion made by Schuele, second by Luettel to pay a portion of the requests directly to the property owner and utility companies. 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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding.

A request for assistance to advertise the annual Primrose Rural Fire Department Mud Drags fundraiser scheduled for September 2, 2012. 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.

A request for assistance to advertise the annual St. Edward Fire Department Burger & Brat Feed fundraiser scheduled for September 8, 2012. Motion made by Tisthammer, second by Schuele to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board conducted a public hearing on Monday, July 30, 2012. The public hearing was to determine whether the consolidation of the Clerk of the District Court and County Clerk's offices for Boone County, Nebraska should be submitted to the registered voters at the next General Election. The Board unanimously approved to submit the consolidation issue to the registered voters at the next General Election. The Board is presenting a resolution as provided by statute to the Election Commissioner to place the office consolidation issue on the next General Election ballot. Motion made by Luettel, second by Schuele to approve as presented Resolution 2012-33, "Shall the Office of the Clerk of the District Court for Boone County and Boone County Clerk's Office be consolidated into one consolidated office according to the resolution adopted by the Boone County Board of Commissioners on August 13, 2012? Yes No". Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Jeff Jarecki, Attorney, and the Board discussed at the July 30, 2012 Board meeting, the matter of certain real estate that was deeded directly to the Boone County Hospital in the past and the fact that the hospital is not an existing entity and not capable of owning real property. The Board asked the County Attorney to review the Corrective Quitclaim Deeds that were presented on July 30, 2012. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Corrective Quitclaim Deeds regarding real estate previously conveyed to the Boone County Community Hospital to be conveyed and read County of Boone, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



One of the courthouse rooftop units for cooling/heating is not working. The courthouse rooftop units consist of three new ones when the courthouse was remodeled 2009-2011 and four old units. Rod Nelson, Maintenance, presented a proposal of \$4,172.00 from Eller Heating, Air Conditioning & Plumbing, LLC to repair old unit number TRU-5, Courtroom Unit. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Acceptance of Proposal to repair the TRU-5, Courtroom Unit 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 Proceedings and Public Hearing Proceedings of July 30, 2012 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, 2012: Clerk - \$16,468.50 (State of Nebraska - \$11,025.31/County of Boone - \$5,443.19); Sheriff - \$854.28; Clerk of the District Court - \$1,735.91 (State of Nebraska - \$1,236.00/County of Boone - \$499.91); County Planning and Zoning - \$478.25; Treasurer's Fees - None; and Treasurer's Office Miscellaneous Receipt Nos. 12177-12233 - \$192,607.44. Total collected by County Treasurer was \$481,946.06. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. 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 - \$41,441.49; Road - \$214,683.74; County Visitor's Promotion - \$2,508.87; Reappraisal - \$1,746.24; Veteran's Aid - \$500.00; Boone Co Economic Development - \$1,307.38; County Economic Business Development - \$405.12; 911 Emergency Management (2910) - \$1,401.71; 911 Wireless Service (2913) - \$5,606.90; Ambulance - \$797.90. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board discussed preparation of the 2012-2013 County Budget. The Board asked the County Clerk to contact Richard Martinsen, CPA to set a time to work on the budget during the August 20, 2012 Board meeting. The Board had previously discussed a cost of living, if any, for employees. Commissioner Luettel represents the County Board on the Northeast Nebraska Economic Development District Board (NENEDD). Luettel mentioned that NENEDD Board decided to down size by two positions and froze the salaries. The Consumer Price Index (CPI) of June 2012 shows a 12 month change for all items was 1.7 percent. Motion made by Luettel, second by Schuele to approve a 1.7 percent cost of living figured on the respective base wage for all full time salaried employees and regular part time employees effective January 1, 2013. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Russell Stokes, Weed Superintendent, visited with the Board regarding various issues. Rod Nelson, Maintenance, and the Board discussed the recycling dumpsters located in the courthouse parking lot.

Chairman Tisthammer declared the meeting adjourned at 1:21 P.M. with the next Board meeting scheduled for Monday, August 20, 2012.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 20, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 20, 2012, 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.
- Rod Nelson, Maintenance, informed the group that Green Fiber would continue to pickup shredded paper. Nelson also explained a recycling promotion being set up by Green Fiber.
- Department heads were reminded that their respective office inventory is due August 24, 2012 in the County Clerk's office and are to reflect the purchases/deletions for the 2011-2012 fiscal year.
- Department heads were reminded to file all Interlocal Agreements with the County Clerk's office, as the Clerk's office needs to report them to the State Auditor of Public Accounts.
- Lisa Langan, County Court, informed the group that two judges that presently serve Boone County are retiring. There is no longer a floater employee to help cover Boone/Nance County Courts, which means when both court personnel are absent on the same day the offices will be closed.
- The employees present discussed a new proposed phone system submitted by Applied Connective Technologies. Several questions regarding the new system such as monitoring long distance calls; faster internet connections; and Boone/Nance County Court's lines to be able to receive forwarding calls for each other.

Joyce Sock, Assessor, discussed storage cabinets for the Assessor's office use to be located in the computer/back room connected to the Assessor's office with the Board. Sock said after the renovation the Assessor's office did not receive any storage improvements and actually lost space in the computer/back room. Sock would like to have a counter built so that the new cadastral maps would be able to lie out and have less handling to prevent damage to the new books. The Board asked Sock to obtain bids and present them at a future Board meeting.

The Board, Dave Spiegel, Sheriff and Jan Zurcher, Emergency Manager, discussed a letter received from the Nebraska Commission on Law Enforcement. The letter is concerning Juvenile Services County Aid funding (non-competitive) as well as other competitive juvenile justice grant funds through the Nebraska Crime Commission. To be eligible to receive County Aid Funds, each county must have a current comprehensive county juvenile services plan. Jan Zurcher will inquire about the grant funds and preparation of a comprehensive plan.



# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, updated the Board regarding county road and bridge projects. A milling machine is scheduled to arrive August 21, 2012 to begin the project west of Petersburg. The Cedar Rapids bridge and Petersburg (Raeville road) projects are waiting on the environmental review from Nebraska Department of Roads. The landowners involved with the Primrose project are requesting compensation for the right-of-ways. Thorin was not able to obtain any of the millings from the State Highway 14 Albion to Petersburg renovation. Werner Construction indicated to Thorin that they might have to obtain millings elsewhere as there will not be enough millings to relay three layers back on State Highway 14.

The Board and Thorin discussed at length the mowing of ditches running along landowner's property. It is by Nebraska State Statute Section 39-1811, the duty of the landowners to mow all ditches running along their lands at least twice each year. The Board and Thorin commented that some landowners take care of the ditch mowing very well while other landowner ditches never appear mowed even one time. The Board and Thorin discussed alternatives such as contracting the mowing and attaching the unpaid invoice to the real estate tax payments. Thorin will check into contract fees for mowing the ditches that landowners are not taking care of and the protocol for charging the contracted fees to the landowner.

Thorin presented armor coating proposals for the Board to review. The 2012 armor coat project includes approximately 5.3 miles for the cemetery, fairgrounds, golf course and Petersburg west roads. Thorin and the Board discussed the proposals. Motion made by Schuele, second by Luettel to accept and approve the 2012 armor coat proposal for \$82,772.47 from Sta-Bilt Construction Company of Harlan, Iowa as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, submitted an Interlocal Agreement for renewal between the County of Boone and City of Albion. The City of Albion requires a Street Superintendent and desires the Street Superintendent to be licensed with the State of Nebraska. Darrel D. Thorin is a Class A Licensed County Highway Superintendent, a licensed Street Superintendent and a full time employee for the County of Boone. Thorin is a full time salaried employee of Boone County and Thorin will be an independent consultant/contractor with the City of Albion pursuant to the approved Interlocal Agreement. All parties on an annual basis shall review the Interlocal Agreement. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2012-34 an Interlocal Agreement between the County of Boone and City of Albion for licensed Highway and Street Superintendent services in effect for one year commencing on January 1, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. 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 Luettel to approve Resolution No. 2012-35 the Boone County Drug Law Enforcement and Education Fund Board as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: none. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings, Board of Equalization Proceedings and Zoning Public Hearing Proceedings of August 13, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



The Board and Richard Martinsen, CPA, worked on the 2012-2013 County Budget. The budget request amounts submitted by the county offices total \$3,637,630.00, which is an increase of \$179,422.00 more than the 2011-2012, adopted budget. The proposed budget includes a \$300,000.00 transfer from Inheritance Tax Fund to the Road Fund in order to buy down the increased percentage to 5.188%. The Board and Martinsen discussed transferring of funds of \$300,000.00 from Inheritance Tax (2700) to Road (0200); \$50,000.00 from Inheritance Tax (2700) to Courthouse Bond (3000); and \$100,000.00 left in the Courthouse Building (4000) to the Courthouse Bond (3000). The proposed \$450,000.00 transfer of funds would make the county levy estimated at .29235 for 2012-2013. The County 2011-2012 levy was .311368. Commissioner Schuele said by using the Inheritance Tax dollars as a transfer to other funds it decreases the asking dollar amount and lowers the county tax levy.

## Miscellaneous Public Comments:

- Sheriff Spiegel reported on the installation of the E911 resident address signage. The Albion, St. Edward, Cedar Rapids and Primrose Fire Departments in their respective area have completed the signage installation. Petersburg Fire Department has not installed the E911 resident address signage in their area as of today.
- The Board members reported on the various meetings they attended last week.
- Commissioner Schuele reported on the renovations being considered by the Boone County Fitness Center.

Chairman Tisthammer declared the meeting adjourned at 12:25 P.M., the next Board meeting is scheduled for Monday, August 27, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 27, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 27, 2012, 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.

Joyce Sock, County Assessor, presented quotes for storage cabinets to be placed in the computer room area for use by the Assessor's office. Sock asked the Board for storage cabinets to be built on the south wall for printer paper and supply storage as now it sets on the floor in boxes. The request includes a storage cabinet, six vertical files and a custom made top to install over the cabinets for the cadastral maps. Motion made by Schuele, second by Luettel to approve the Eakes Office Supply quote for \$1,525.96 for six vertical files and Albion Custom Woodworks quote for \$4,175.00 for cadastral map stand and storage cabinets as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board discussed a procedure and time for each Board member to inspect office inventories for each office against the items listed on the respective inventory submitted by the department heads.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road and bridge projects. This week the plan for the road crew is more culvert work than bridgework. Thorin and the Board continued the discussion regarding the mowing of ditches running along landowner's property. It is by Nebraska State Statute Section 39-1811, the duty of the landowners to mow all ditches running along their lands at least twice each year. The Board and Thorin commented that some landowners take care of the ditch mowing very well while other landowner ditches never appear mowed even one time. The Board and Thorin discussed drafting an ad for publication in the county papers about contracting to mow road ditches that landowners are not mowing.

Motion made by Schuele, second by Luettel to go into an executive session at 9:57 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, Darrel Thorin, Highway Superintendent, and Mike Schrad, Road Employee, discussed personnel issues. Motion made by Tisthammer, second by Schuele to come out of executive session at 11:05 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 approve the County Board Proceedings of August 20, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Tisthammer, second by Luettel to approve the County Payroll/Vendor Claims filed for payment from the various funds: General \$84,767.60, BCBS \$35,131.04, Ameritas Ret \$5,803.07, EFTPS \$6,365.10, Section 125 Fees \$6.00, Nance County Treasurer \$4,485.85; Road \$43,640.96, BCBS \$18,423.54, Ameritas Ret \$2,811.77, EFTPS \$3,290.67; Boone County Economic Development \$5,142.50, BCBS \$1,492.40, Ameritas Ret \$347.12, EFTPS \$382.44; Ambulance \$1,500.00, Ameritas Ret \$43.88, EFTPS \$114.75; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,591.12, Ameritas Ret \$300.32, EFTPS \$427.73, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to schedule the 2012-2013 County Budget Hearing for Monday, September 10, 2012 at 11:00 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County Safety Committee met at 1:00 P.M. to discuss routine business. The next committee meeting is scheduled for November 26, 2012 at 1:00 P.M.

#### Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 1:30 P.M., the next Board meeting is scheduled for Monday, September 10, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 10, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 10, 2012, 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, reviewed the road/bridge maintenance, repair and signage report for the month of August with the Board. During the month of August, the road department installed several culverts and cleaned silt from under and around several bridge structures. Thorin negotiated with Werner Construction for 5,000 ton of millings at \$9.00 per ton left over from the State Highway 70 project by Elgin. The millings are for the armor coat project that replaces two miles of asphalt on 145<sup>th</sup> Street west of Petersburg. Thorin and the Board discussed the idea of purchasing a refurbished milling machine that attaches to a motor grader.

Thorin presented a Bridge Inspection Agreement from Theis Inspection Services, LLC of Osceola, Nebraska. Daniel J. Theis, owner of Theis Inspection Services, LLC rates are \$50/hr for special inspections, \$40/hr for regular routine inspections, and \$30/hr for drainage studies, plus mileage rate as determined by the state. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Bridge Inspection Agreement for the 2012 and 2013 inspection years with Theis Inspection Services, LLC as presented. 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. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding.

A request from Albion Area Arts Council for assistance to advertise the Nebraska Shakespeare theater performance scheduled for October 14 and 15, 2012. 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.

A request from St. Edward Economic Development for assistance to advertise the annual Holiday Extravaganza event scheduled for November 9, 10, and 11, 2012. 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 Proceedings and Board of Equalization Proceedings of August 27, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Pursuant to State Statute Section 23-347, each county officer shall make, acknowledge under oath, and file with the County Board of his or her county an inventory statement of all county personal property in the custody and possession of said county officer after the close of each fiscal year. Motion made by Tisthammer, second by Luettel to approve the County Offices' 2011-2012 Inventories of county personal and real estate property as presented from the various offices and files the submitted inventories with the County Clerk's office as a public record. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for August, 2012: Clerk - \$7,675.00 (State of Nebraska - \$4,063.62/County of Boone - \$3,611.38); Sheriff - \$1,042.57; Clerk of the District Court - \$2,086.39 (State of Nebraska - \$502.00/County of Boone - \$1,584.39); County Planning and Zoning - \$712.18; Treasurer's Fees - \$2.00; and Treasurer's Office Miscellaneous Receipt Nos. 12234-12309 - \$204,222.76. Total collected by County Treasurer was \$5,208,146.43. Roll call vote: Yeas: Tisthammer, Luettel 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 Luettel, second by Schuele to approve Resolution No. 2012-36 authorizing the accounts within County Offices as stated in the resolution. 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 - \$77,029.76; Road - \$162,817.69; County Visitor's Promotion - \$27.00; Reappraisal - \$1,863.66; Boone Co Economic Development - \$1,008.19; 911 Emergency Management (2910) - \$3,858.02; 911 Wireless Service (2913) - \$820.11; Ambulance - \$223.03. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board, Richard Martinsen, CPA, Albion News representative, and Shelley Towey, District Court, discussed the County Budget for 2012-2013. The State Auditor's office updated the codes that are preferred for use in the budgets. The Board made changes in some of the General Fund office budgets. The Board felt there might be a clearer picture and better tracking of expenses for attorney fees beyond the monthly salaries of the County Attorney and Public Defender. The budget of Public Defender (625) increased to include court appointed attorney fees, juror fees/expense, witness fees and transcripts/depositions. The budgeted amounts for these expenses were removed from the County Court, Clerk of the District Court and County Attorney budgets.

Open discussion: Commissioner Luettel reported on the Boone County Health Center Board meeting.

Chairman Tisthammer declared the meeting adjourned at 12:20 P.M. with the next Board meeting scheduled for Monday, September 17, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## PUBLIC HEARING PROCEEDINGS 2012-2013 COUNTY BUDGET

Jerry L. Tisthammer, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 10, 2012 at 11:00 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. 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 2012-2013 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 2012-2013 Boone County proposed budget at a different amount than the prior year tax request in compliance with the provisions of State Statute Section 77-1601.02 The hearing was open for one hour and the proposed budget was published in the September 5, 2012 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 proposed property tax request for 2012-2013 is \$3,585,619.00, which is an increase of \$127,411.00 from fiscal year 2011-2012. The proposed tax rate for 2012 of 0.292361 is lower than the 2011 tax rate of 0.311368 due to increased valuation. 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 .292361. The 2012 County valuation is \$1,226,437,534.00 compared to the 2011 valuation of \$1,110,651,547.00, an increase of \$115,785,987.00.

The 2012-2013 County Budget adopted has an expense increase of 3.684% more than the 2011-2012 fiscal year budget requests. The majority of the County Budget increase reflects the proposed Courthouse renovation project over a 10-year period, road fund, various cost of living wage increases and reappraisal fund for a complete revaluation of commercial properties.

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

Discussion: The county tax rate will be 0.292361. If it were not for the use of inheritance tax dollars, the county rate would be increased to 0.320898 in order to maintain the current level of services that are both mandated under state law and that our county taxpayers deserve and expect.

Motion made by Schuele, second by Tisthammer to approve exceeding the lid by an additional 1% growth for fiscal year 2012-2013. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Budget for 2012-2013 as published and presented with an Unused Budget Authority created for next year of \$166.17; and set the 2012 County Tax Rate at 0.292361, which is different than the County Tax Rate of 0.311368 for 2011. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. 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 17, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:03 A.M. on Monday, September 17, 2012, 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.

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

- County officials reported on activities with regard to their respective office.
- Darrel Thorin, Highway Superintendent, reported that Petersburg Fire Department started installation of the E911 resident address signage in their respective area.
- Dave Spiegel, Sheriff, informed the group the East-Central District Health Department (ECDHD) plans to install a MedReturn Drug Collection Unit in the Boone County Sheriff's office. The secured MedReturn Drug Collection Unit collects unwanted or expired household medicine and prescription medication. The collection units keep medicine away from our children and out of our water supply. ECDHD will release more information when the MedReturn Drug Collection Unit is installed.
- Lisa Langan, County Court, informed the group that the Boone County Court office will be closed September 19-21, 2012 while she attends the annual statewide County Court officials meeting.
- Commissioner Schuele reminded department heads that office inventory items need to remain on an inventory until it is no longer in county possession. If the item is in storage it still needs to be logged on inventory.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road and bridge projects. An educational presentation and training seminar for road equipment operators is scheduled for October 25, 2012 from 8:00 a.m. to 3:00 p.m. at the Boone County Fairgrounds with Nebraska Machinery Company. Thorin said that other counties are invited to attend.

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. The report includes a cost per mile/hour for the road department equipment. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign the annual SSAR report for fiscal year ending June 30, 2012 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, discussed repairs for a 1999 Caterpillar Motor Grader (Unit 114) with approximately 12,500 hours. The motor grader has received visible replacement parts, but the engine keeps missing and there is excessive smoke during operation. The next step is to either overhaul the engine or purchase a different one. The Board and Thorin reviewed an estimate from NMC (CAT) of Norfolk for \$23,387.75 to overhaul the engine. Motion made by Luettel, second by Schuele to approve the estimate to overhaul the engine on the 1999 Caterpillar Motor Grader as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Thorin advertised for sealed bids for Road Project No. C-6-336 Phase 1, to be opened at 10:00 a.m. on September 17, 2012. The bids are to contract work to re-grade and shape roadway 110<sup>th</sup> Avenue and Highway 56 South one mile. Motion made by Schuele, second by Luettel to accept and approve the quote from Bygland Dirt Contracting, Inc. for \$16,900.00 with Boone County to remove fences and supply culverts if needed. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The General Fund receives the real estate and personal property taxes with a designated percentage transferred to the Road Fund on a monthly basis. The Boone County Treasurer is authorized to use all property tax collections, which would include real estate and motor vehicle taxes, to be in the transfer of funds. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-37, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) 55.42% to the Road Fund (0200) for the 2012-2013 Tax Year on a monthly basis not to exceed \$1,873,000.00. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Boone County Board of Commissioners adopted the 2012-2013 County Budget on September 10, 2012 and approved an interfund transfer from the Inheritance Tax Fund (2700) to the Courthouse Bond Fund (3000). Motion made by Luettel, second by Schuele to approve Resolution No. 2012-38 to authorize the Boone County Treasurer to transfer the sum of \$50,000.00 from the Inheritance Tax Fund (2700) to the Courthouse Bond Fund (3000) for the 2012-2013 budget. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Board of Commissioners adopted the 2012-2013 County Budget on September 10, 2012 and approved an interfund transfer from the Courthouse Building Fund (4000) to the Courthouse Bond Fund (3000). Motion made by Schuele, second by Tisthammer to approve Resolution No. 2012-39 to authorize the Boone County Treasurer to transfer the sum of \$100,000.00 from the Courthouse Building Fund (4000) to the Courthouse Bond Fund (3000) for the 2012-2013 budget. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings and Public Hearing Proceedings of September 10, 2012 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Petersburg Community Club Punkin Chunkin Committee requested assistance to advertise the annual Punkin Chunkin event scheduled for October 28, 2012. 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.

In January 2012, the Board's options were to rent a used 2002 Ford Ambulance at \$125.00 per day of possession or purchase the ambulance for \$8,500.00 during the repair time of the 2010 Ambulance. The Board purchased the 2002 Ambulance. On May 12, 2012, the 2010 Ambulance repairs were completed and the county ambulance was back in use. The Board decided to sell the 2002 Ambulance vs. taking up storage space. Motion made by Schuele, second by Tisthammer to sell the Ambulance to Apgar Ambulance LC of Bozeman, Montana for \$6,000.00. Roll call vote: Yeas: Schuele, Tisthammer, and Luettel. Nays: None. Motion carried.



# Boone County Board Minutes



The Board; Dave Spiegel, Sheriff; Denny Johnson, Deputy Sheriff; John Morgan, County Attorney; Darrel Thorin, County Highway Superintendent; Jim Dickerson, Albion News; and Ross Knott discussed the horses/livestock owned by Jim Majerus in right-of-ways, running at large and the lack of containment. Majerus' poor fences allow his horses/livestock to continuously endanger the public roadways. Spiegel and Morgan said that the livestock being out is not a criminal matter but it is a hazard. It may be possible to file a civil law suit for repair of the fences.

Ross Knott submitted copies of Nebraska Revised Statutes Chapter 23-174.10, 28-1008 to 28-1017, 28-1019, and 28-1020. Boone County has zoning regulations and Section 23-174.10 refers to regulations that the county board, by resolution, may enact to promote public health, safety and welfare. The 23-1008 through 28-1020 refers to abandoned and cruelly neglected animals; penalty for one knowingly neglects an animal; violations; and liability for expenses. Knott asked that the Board discuss with the County Planning and Zoning Commission to review the statutes and develop regulations regarding conditions of fences and livestock, subject to penalties or assessment of services attached to the landowner property. It is time to put some teeth into enforcement of the regulations already in place.

Thorin has started paper work with Morgan to clean and retrieve the county road right-of-way from Majerus, with no more extensions granted. Majerus has had several years to construct a fence and several notices to remove his materials from the county road right-of-way. Thorin said statutorily the road department can clear the county road right-of-way, but cannot go onto a landowner's private property to remove and rebuild a fence. Thorin has many pictures of the right-of-way destruction. Thorin will take pictures of each item removed before and after to document the county road right-of-way if it comes to the county removing the materials.

The Sheriff's office has received many complaints regarding this matter. Johnson suggested that photos be taken for documentation each time the horses/livestock are out on the county roads. The Board will place the matter on the Planning and Zoning Commission agenda. Morgan is to research fence regulations from other counties and prepare a draft of a regulation for the Planning and Zoning Commission's review.

The main idea here is to protect the public that travels county roads from livestock that is continuously roaming the county roads. The majority of the residents are good neighbors and take care of their livestock and property. Zoning regulation would provide concrete and tangible rules for enforcement that would back up the law enforcement, court actions and fines assessed to landowner's property. If a zoning regulation is passed, one needs to remember to draft the language to address a chronic situation not an occasional incident.

Miscellaneous Public Comments: The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 12:12 P.M., the next Board meeting is scheduled for Monday, September 24, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 24, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 24, 2012, 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 9:04 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.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road and bridge projects. Thorin reported on the Northeast District Association of County Officials meeting he attended on Friday, September 21, 2012. Thorin prepared a letter regarding the removal of several items in the county road right-of-way and the County Sheriff delivered the letter on September 19, 2012 to Jim Majerus giving him ten days with no further extensions to remove his items from the county road right-of-way.

The Board received a letter of correspondence regarding the removal of trees along a property line. The county road department employees were instructed to clean up the Albion west yards at some point in time. The road department always assumed that the fence running north and south marked the west boundary line. When standing by the southwest corner of the fence and looking north, it would appear that some of the trees were on county property, as the tree line did not appear to run straight. The landowner(s) to the east had recently sold the property and had a survey completed. The Board drafted an apology letter to the Borer Family Trust for any problems caused by removing the trees. The Board will work with the new property owner, if needed, to establish a clean boundary between the properties.

Kenneth Schriver requested permission to trench an electrical cable across a county road known as 230<sup>th</sup> Avenue. The request commences from a utility pole located on the east side of 230<sup>th</sup> Avenue and running thence west across said 230<sup>th</sup> Avenue to a grain bin to be located in the NE1/4 of Section 18, Township 19 North, Range 6 West, Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-40, granting permission to trench electrical cable under and across 230<sup>th</sup> Avenue 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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council requested assistance to advertise the Whitney Jones concert scheduled for December 2, 2012. 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 Board Proceedings of September 17, 2012 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 \$83,702.51, BCBS \$34,946.30, Ameritas Ret \$5,745.54, EFTPS \$6,283.61, Section





# Boone County Board Minutes



125 Fees \$6.00; Road \$44,894.27, BCBS \$19,915.94, Ameritas Ret \$2,963.13, EFTPS \$3,384.56; Boone County Economic Development \$4,620.00, BCBS \$1,492.40, Ameritas Ret \$311.85, EFTPS \$342.48; Ambulance \$2,233.00, Ameritas Ret \$65.68, EFTPS \$170.81; Public Defender Contract \$3,000.00; Boone County Fitness Center \$4,935.04, Ameritas Ret \$278.17, EFTPS \$377.54, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to schedule a Board of Equalization meeting for Tuesday, October 9, 2012 at 11:30 A.M. to set the 2012-2013 levies. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board held a public hearing on September 10, 2012 as required by law to hear and consider comments concerning the county budget and property tax requests for fiscal year 2012-2013. The 2012-2013 property tax requests are set at \$3,585,619.00, which is different from the 2011-2012 property tax request of \$3,458,208.00. The 2012 county tax rate is at 0.292361, which is different from the 2011 tax rate of 0.311368. Motion made by Tisthammer, second by Luettel to approve as presented Resolution No. 2012-41, setting of the property tax request for 2012-2013 as stated at the public hearing on September 10, 2012. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.

Chairman Tisthammer declared the meeting adjourned at 10:30 A.M., the next Board meeting is scheduled for Tuesday, October 9, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 9, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 9, 2012, 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.

The Board received a written resignation from Kelly Benson, County Zoning Administrator. Motion made by Tisthammer, second by Luettel regretfully accepting the resignation of Kelly Benson with an effective date of October 9, 2012 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board discussed the County Zoning Administrator position. Benson has prepared the information for the October 22, 2012 Boone County Planning and Zoning Commission meeting and agreed to administer the scheduled meeting. The Board discussed if the County Zoning Administrator position should continue as a full time position or if a part time position can fulfill the duties. The Board discussed posting the open position in house to see if there is any interest among the present county employees. If no interest is shown then the Board will advertise publicly. Motion made by Schuele, second by Luettel to post the County Zoning Administrator position in house and accept applications through 4:00 p.m. on Friday, October 19, 2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board received the road/bridge maintenance, repair and signage report for the month of September 2012 submitted by Darrel Thorin, Highway Superintendent, to review. Motion made by Tisthammer, second by Luettel to accept the September 2012 written road report as submitted. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 28, 2012. 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 Luettel, second by Schuele to approve Resolution No. 2012-42 for a temporary road closure relating to the Punkin' Chunkin event as presented. Roll call vote: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

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 Schuele, second by Luettel to adopt said Resolution No. 2012-43 authorizing the Boone County Treasurer to discontinue the transfer of funds from the General Fund to the Road Fund for the delinquent tax year 2010 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Dave Spiegel, Sheriff, presented a quote from Spiegel Automotive, Albion, Nebraska regarding a patrol vehicle replacement for the Board to review. The quote is for a used 2012 Ford Explorer with 15,100 miles, with the trade in of the 2006 Ford Explorer, for \$26,000.00. Spiegel stated that he budgets each fiscal year for patrol vehicle replacement. Spiegel said it is best to keep the patrol fleet updated on a rotation basis, so several vehicles do not need replacing in the same budget year. Motion made by Luettel, second by Tisthammer to approve and authorize Dave Spiegel, Sheriff, to purchase the 2012 Ford Explorer for \$26,000.00 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of September 24, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for September, 2012: Clerk - \$4,718.00 (State of Nebraska - \$2,479.82/County of Boone - \$2,238.18); Sheriff - \$1,250.97; Clerk of the District Court - \$2,167.24 (State of Nebraska - \$841.08/County of Boone - \$1,326.16); County Planning and Zoning - \$426.00; Treasurer's Fees - \$24.00; and Treasurer's Office Miscellaneous Receipt Nos. 12310-12365 - \$198,465.86. Total collected by County Treasurer was \$1,794,626.51. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Dan Pabian, Frontier Communications Account Executive, presented a Mitel 5000 Digital new phone system for the courthouse. The Mitel system operates similar to the present system with some minor upgrades. The courthouse proposal is \$11,666.24 and for the Sheriff's office \$6,838.46. Pabian and the Board also discussed dedicated internet via Ethernet (Metro E), voice over IP phones, T-1 phone systems, caller ID, internet speed and efficiency, and the refurbished materials used to maintain the present Nortel system that is out of business. Dean Schauer, Frontier Communications Wireless Account Executive, explained WiFi wireless internet services that is available through Frontier Communications. Pabian and Schauer answered questions and left the Board with several options to review.

Motion made by Tisthammer, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$68,802.82; Road - \$163,250.87; County Visitor's Promotion - \$1,442.75; Reappraisal - \$3,101.22; Boone Co Economic Development - \$284.39; 911 Emergency Management (2910) - \$270.78; 911 Wireless Service (2913) - \$823.19; Ambulance - \$784.27. In addition, General payroll claim for \$1,292.89 due to an employee resignation. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion: The Board members reported on the various meetings they attended last week. The Board and John Morgan, County Attorney, discussed some issues. The Board explained protocol procedure regarding a general assistance request that was not an agenda item.

Chairman Tisthammer declared the meeting adjourned at 12:02 P.M. with the next Board meeting scheduled for Monday, October 15, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 15, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 15, 2012, 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.
- Rod Nelson, Maintenance, reported that Green Fiber left paper sacks for recycling at the courthouse for interested individuals to pick up, take home, fill and return to the recycle dumpster in the north courthouse parking lot.
- Darrel Thorin, Highway Superintendent, reported that Petersburg Fire Department has completed the installation of the E911 resident address signage in their respective area.
- Dave Spiegel, Sheriff, reported on the NIRMA Self Defense seminar he attended regarding a need for Social Media/Networking employee handbook policies.
- Commissioner Schuele reported on the Frontier Communications new phone system presentation.
- County Government Day is scheduled for November 14, 2012. The Board ordered the new revised NACO PowerPoint CD "County Government Day 2012 Version". The group present was wondering who is in charge and what the outline/activities are for the extended day event.

Joyce Sock, County Assessor, met with the Board to review a temporary Contractor Agreement with John C. Knust to do the pickup work for the Assessor's office. The contract shall commence on October 9, 2012 and shall continue until March 31, 2013. This is a temporary position in the absence of Larry Petsche who completes most of the pickup work for the Assessor's office. Motion made by Schuele, second by Luettel to approve the temporary Contractor Agreement with John C. Knust as presented by the County Assessor and authorizes the Board Chairman to sign said agreement. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Joyce Sock, Assessor, discussed with the Board the replacement of one of the existing computers in the office. Sock presented a quote for the purchase of a new Dell Optiplex 9010 All-in-One computer from Applied Connective Technologies for \$2,275.87. The installation and configuration are not included. Motion made by Tisthammer, second by Luettel to approve the computer purchase request for the Assessor's office as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board heard a general assistance request regarding rent deposit. The Board explained the protocol and guidelines that one is to be a resident in the county for six months; the requestor has lived in the county less than three weeks. Motion made by Tisthammer, second by Luettel to disallow the general assistance request due to the requestor not being a resident in the county for six months. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.





# Boone County Board Minutes



The Department of Health and Human Services, Division of Children and Family Services, State of Nebraska, submitted a Subgrant Agreement for the Board to review and an Amendment to the previous Agreement. The Agreement is between the Nebraska Department of Health and Human Services, Division of Children and Family Services and the Boone County Clerk of the District Court. The purpose for this agreement is to account for the work of the Clerk of the District Court as it relates to Child Support Enforcement. This agreement also provides the mechanism for the Department to provide reimbursement to the County for the child support related work. The Subgrant Agreement is effective on October 1, 2012 until September 30, 2013. In addition, the Amendment must be signed in order for the Department to reimburse the County for the quarter starting July 1, 2012. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Subgrant Agreement and Amendment with the Department of Health and Human Services as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road/bridge projects and a recent federal audit of the 2010 flood damage. The county bridges that are 20' or less are not on the Federal Highway Inventory and are not eligible for federal funding when repairs/replacement are needed. Thorin is preparing a manual with pictures and information regarding approximately 20 of these bridges, as a certified bridge inspector does not routinely inspect them. The county road departments' new digital radio system installation is completed. Thorin attended the RC recertification course last week.

Thorin approached the Board with the idea to forgo his cost of living increase and the general road foreman's budgeted salary increase for January 2013 and use the difference to increase the base wage for road employees from \$2,000.00/mo. to \$2,050.00 a month. The general road foreman will receive the cost of living increase in accordance with his base salary. The Board discussed the proposal with Thorin and plan to review the proposal before taking any action.

The Board received a written resignation from Ron Ziemba, County Road employee. Motion made by Tisthammer, second by Luettel to accept the resignation of Ron Ziemba with an effective date of October 24, 2012 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 Board Proceedings and Board of Equalization Proceedings of October 9, 2012 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. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Petersburg Community Club requested assistance to advertise the annual Petersburg Community Club Christmas Supper scheduled for December 17, 2012. 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.

Open discussion: The Board members reported on the various meetings they attended.

Chairman Tisthammer declared the meeting adjourned at 11:42 A.M. with the next Board meeting scheduled for Monday, October 22, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
OCTOBER 22, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 22, 2012, 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.

Motion made by Schuele, second by Luettel to go into an executive session at 9:02 A.M. for the protection of the public interest involving litigation. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. The Board and John Christensen, NIRMA, discussed possible litigation by teleconference. Motion made by Tisthammer, second by Luettel to come out of executive session at 9:20 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The possible litigation was the only issue discussed with no action taken at this time.

Ken McIntyre, Boone County American Legion Commander, emailed a tentative County Government Day agenda for the Board to review. County Government Day is scheduled for Wednesday, November 14, 2012 from 8:30 A.M. to 2:30 P.M. with opening ceremonies at the KC Hall in Albion. The Board discussed preparation of a power point presentation for County Government Day with Steve Pritchard, UNL Extension Educator. The Board plans to schedule a meeting with McIntyre and the department heads for 9:00 A.M. on October 29, 2012.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road and bridge projects. Thorin updated the Board as to the project stage to date with regard to the Cedar River Bridge, Primrose East Bridge and Raeville Road. Thorin reminded the Board of the educational presentation and training seminar for road equipment operators scheduled for October 25, 2012 at the Boone County Fairgrounds with Nebraska Machinery Company. Thorin plans to include a safety meeting for the road employees in the afternoon.

The Board posted the County Zoning Administrator vacancy position internally to see if there was any interest among present employees. Mary Ziemba, part time road clerical employee, submitted an application and expressed interest in the zoning position. In addition, the Board received an application for the Zoning position from an out of county resident. The Board, Darrel Thorin, Highway Superintendent, and Mary Ziemba, discussed combining the road clerical duties with the County Zoning Administrator duties. Schuele commented that the full time position fulfills two critical jobs.

Motion made by Luettel, second by Schuele to include road clerical duties as part of the County Zoning Administrator duties. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to appoint Mary Ziemba as a full time salaried employee effective November 1, 2012 as County Zoning Administrator including road clerical duties and effective October 22, 2012 to fulfill the zoning and road duties on an hourly basis. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of October 15, 2012 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



# Boone County Board Minutes



The Board discussed meeting dates for the month of December due to the courthouse being closed on December 24 and 25, 2012. Motion made by Tisthammer, second by Schuele to meet the following dates in December 2012: Monday the 10<sup>th</sup>, Thursday the 20<sup>th</sup> and Monday the 31<sup>st</sup>. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to set the 2013 Boone County Board of Commissioners and Board of Equalization Reorganization meeting at 9:00 A.M. on Monday, January 7, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Boone County Sheriff's office submitted quarterly reports for the Board to review. Motion made by Schuele, second by Luettel to accept and approve the County Sheriff's 2012 second and third quarter reports as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

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.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds, with the exception to partially reject the payment of anticipated overtime hours on Payroll Claim No. 61: General \$83,100.91, BCBS \$33,638.64, Ameritas Ret \$5,721.50, EFTPS \$6,237.60, Section 125 Fees \$6.00; Road \$43,488.08, BCBS \$19,915.94, Ameritas Ret \$2,935.44, EFTPS \$3,277.00; Boone County Economic Development \$4,281.95, BCBS \$1,492.40, Ameritas Ret \$289.03, EFTPS \$316.62; Ambulance \$1,370.00, Ameritas Ret \$45.23, EFTPS \$104.80; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,239.02, Ameritas Ret \$288.55, EFTPS \$400.81, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board members reported on various meetings they attended.
- John Morgan, County Attorney, arrived at 11:45 A.M. and discussed various issues with the Board.

Chairman Tisthammer declared the meeting adjourned at 12:21 P.M., the next Board meeting is scheduled for Monday, October 29, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 29, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 29, 2012, 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.

Ken McIntyre, Boone County American Legion Commander, updated the Board and County Office Department Heads present with regard to County Government Day activities scheduled for Wednesday, November 14, 2012. The event is scheduled with registration to start at 8:30 A.M. and activities to conclude at 2:30 P.M. with opening ceremonies at the KC Hall in Albion. The Department Heads are to review their respective office regarding the power point and present changes to Steve Pritchard, UNL Extension Educator. The Department Heads are to review their respective office regarding the scavenger hunt and present changes to the County Clerk's office.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road maintenance and projects. The Board and Thorin discussed county road right-of-ways. The County owns the road right-of-way(s). A vacated road reverts the real estate to the respective adjacent landowner and if the road were reopened, the County would need to purchase the right-of-way back from the landowner, before road construction. A closed road gives the respective adjacent landowner the use of the right-of-way but the County still owns the right-of-way and if the road is reopened the County does not need to purchase the right-of-way. Thorin shared information regarding fencing regulations he researched in the Nebraska revised statutes.

Randy Benson requested permission to trench a gas line across a county road known as 180<sup>th</sup> Street. The request commences from an established gas line located on the South side of 180<sup>th</sup> Street and running thence north to an irrigation well located in the S1/2SE1/4 of Section 12, Township 21 North, Range 5 West, Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2012-44, granting permission to trench a gas line across 180<sup>th</sup> Street as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Vic Lee, CEO, Boone County Health Center (BCHC) reviewed the BCHC three year capital expenditure budget for fiscal year 2012-2013 with the Board. Lee emphasized the three-year capital expenditure for future replacements and upgrades to equipment and structures, with year one for \$782,548.00, year two for \$1,399,183.00 and year 3 for \$20,000.00. Lee and the Board reviewed the capital expenditure budget, income statement comparison, charge structure, reserves allocation, future planning and key financial indicators. Lee informed the Board that the old clinic/allied health building built in 1993 would be demolished this year. The plan for the space is a parking lot for employees. Lee said they are still waiting on a decision regarding a clinic in Spalding.





# Boone County Board Minutes



Dave Fox contacted the Board regarding agenda item No. 5, Natural Gas line along 250<sup>th</sup> Street (NW1/4 20-20-7), and indicated that the matters will be resolved.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of October 22, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The October 15, 2012 Board Proceedings read Joyce Sock, Assessor, discussed with the Board the replacement of one of the existing computers in the office. The request was to replace two computers for \$2,275.87. Motion made by Schuele, second by Luettel to correct the October 15, 2012 Board Proceedings to read that Joyce Sock, Assessor, discussed with the Board the replacement of two of the existing computers in the office. Sock presented a quote for the purchase of two new Dell Optiplex 9010 All-in-One computers from Applied Connective Technologies for \$2,275.87. The installation and configuration are not included. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Chris Rodgers, Douglas County Commissioner and National Association of County Officials (NACo) President has selected Cyber Security Awareness as one of his NACo Presidential initiatives. The NACo and Nebraska Association of County Officials (NACO) proclaimed October as National Cyber Security Awareness Month. The U.S. Department of Homeland Security, and the National Cyber Security Alliance ([www.staysafeonline.org](http://www.staysafeonline.org)) have declared October as National Cyber Security Awareness Month; and all citizens are encouraged to visit their sites, to learn about cyber security and put that knowledge into practice in their homes, schools, workplaces, and businesses. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-45, The Stop.Think.Connect. Campaign ([www.stoptCo](http://www.stoptCo)) as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 17 of the Boone County Employee Handbook. The Board discussed the County Extension office request to re-hire a former county employee for temporary employment. Motion made by Luettel, second by Schuele to table a decision regarding the re-hire request until they can visit with Steve Pritchard, Extension Educator, at their next Board meeting on November 13, 2012. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board members reported on various meetings they attended.
- The Board discussed participating in the annual Nebraska County Food Drive campaign during the month of November. The donations go to the respective county food bank.

Chairman Tisthammer declared the meeting adjourned at 11:37 A.M., the next Board meeting is scheduled for Tuesday, November 13, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 10, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 10, 2012, 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 a request for advertisement funding. The Cedar Rapids Community Club requested assistance to advertise the Community Club Santa Claus Day event scheduled for December 15, 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.

The Boone County Ambulance Service submitted two uncollectible ambulance accounts, as all methods of collection have been exhausted. The recommendation for the June 2012 account of \$1,120.00 and July 2012 account of \$2,550.00 for ambulance services is to turn the files over to the County Attorney to attempt further collection. Motion made by Tisthammer, second by Schuele to write-off the uncollectible ambulance accounts in the sum of \$3,670.00, pursuant to the recommendation received from the ambulance service and turn the files over to the County Attorney for further collection. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Steve Pritchard, Boone-Nance Extension Educator, presented a board member recommendation 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 Hilary Maricle of Albion to serve her first three-year term on the Boone-Nance County Extension Board beginning January, 2013. Maricle replaces Sharon Baker who has completed her sixth year on the board. Motion made by Schuele, second by Luettel to appoint Hilary Maricle to serve a three-year term on the Boone-Nance County Extension Board beginning January 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, County Sheriff, discussed the Stop Fund along with a request to purchase a new light bar unit for the 2012 Ford Explorer in open discussion at the November 26, 2012 Board meeting. The Stop Fund is funds received from individuals paying fees for classes with regard to traffic violations. The request is \$1,469.64 from Chief Supply Corporation. Motion made by Luettel, second by Schuele to approve the light bar purchase payable from the Stop Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, and the Board reviewed the road/bridge maintenance, repair and signage report for the month of November 2012. Thorin updated the Board regarding the road/bridge projects. Thorin received an engineering services proposal from Kirkham Michael for review. Thorin and the Board decided not to sign the engineering services agreement. They felt it is in the best interest to review each road project separately.

Seven concerned citizens discussed the horse/livestock situation west of Petersburg with the Board. Also in attendance were Denny Johnson, Deputy Sheriff; Darrel Thorin, Highway Superintendent; Jim Dickerson, Albion News and Jim Majerus, land/livestock owner. Glen Jochem was not present at the Board meeting and according to Majerus some of the starving horses belong to Jochem. Majerus heard the complaints and concerns from the public regarding fences and starving horses/livestock on his property. Ted Thieman said this is not an overnight problem; it has been an ongoing 20-30 year problem with fences that are not good enough to keep livestock off the county roads and is now compounded with starving horses/livestock. Majerus said that he had a veterinarian out from Madison that checked the horses and said the majority are in good shape. Majerus said he has talked to Ed Naughtin about building fences. Tricia Griffith said it is the worse case of horse/livestock starvation in years. Tisthammer directed a question to Majerus concerning the horse that he put down on December 2, 2012 that did not have enough energy to move off the county road. Linda Pelster directed several questions to Majerus regarding the horse he put down, feed, fences and livestock starvation. Majerus answers seemed conflicting as first it was an older horse of his, second the horse belonged to Jochem and the third time Majerus said that someone dropped the horse off on his property. Pelster said many would not make it through the cold winter weather in their present condition. Pelster said she felt the Board would try to keep Boone County from receiving any more press like that earlier in the year when the Humane Society showed up to seize horses from the Majerus property. The group felt the County Attorney should have filed charges long before now as Majerus received a letter stating the horses need to be removed by August 10, 2012; another letter for removal by September 1, 2012 and now it is December 10, 2012 with the same problem at the same residence. Gail Starman expressed her concerns regarding road safety with livestock constantly in the roadway. Ramona Thieman expressed her thoughts to Majerus regarding the ongoing situation.

Tisthammer had copies of papers showing charges filed in County Court against James P. Majerus and Glen F. Jochem on December 6, 2012 and charges also filed in District Court against James P. Majerus. Majerus kept asking for March 1, 2013 to dispose of the horses. The group informed Majerus that talking is done; since he has had plenty of time to correct the problems. It is now time for action and removal of the horses/livestock.

It was the consensus of the group present, Majerus and the Board, that water is needed at all times. A neutral veterinarian with horse background will check the health of all horses/livestock on Jim Majerus property and Majerus pays the veterinarian expenses. A deputy sheriff and/or Commissioner will be present when the veterinarian is on the property to conduct the livestock inspection. The Board was asked to research their options for outside attorney assistance when it appears the County Attorney is not doing his job.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of November 26, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Brenda Wilson of GIS Workshop, Inc. gave a presentation to the Board, Zoning Administrator and Assessor's office. Wilson said grant funds have been available through the Nebraska State Resources Board to promote



# Boone County Board Minutes



and help install GIS systems in the counties. Wilson writes the grants for the counties. If the county receives grant funds, GIS receives the funds and deducts the amount from the county's contract. GIS services are located in all but eleven of Nebraska counties. The foundation of a GIS system is in the County Assessor's office. GIS features more accurate digital mapping, aerial photography and data software that has the capability to analyze land use calculation, parcel boundary land use type and soil types. A GIS system may expand to assist the road, zoning, emergency management, weed and other offices. The GIS programs would replace the Agri Data program currently used by the Assessors' office. The Board asked Wilson to submit a proposal for review at the December 20, 2012 Board meeting.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for November , 2012: Clerk - \$6,278.00 (State of Nebraska - \$3,339.10/County of Boone - \$2,938.90); Sheriff - \$1,604.74; Clerk of the District Court - \$4,684.50 (State of Nebraska - \$1,479.00/County of Boone - \$3,205.50); County Planning and Zoning - \$601.50; Treasurer's Fees - \$26.00; and Treasurer's Office Miscellaneous Receipt Nos. 12432-12481 - \$158,698.68. Total collected by County Treasurer was \$390,866.15. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The settlement agreement for Case DOL: 11-16-2011 would fall within the scope of Nebraska Revised Statute §84-713, because the amount involved is equal to or exceeds (1% of the County's budget)/ (\$50,000.00). The law therefore requires that this settlement be made an agenda item at the County Board's next meeting for informational purposes only with an acceptance/approval by the Board. Motion made by Schuele, second by Tisthammer to accept and approve the settlement agreement negotiated by NIRMA for Case DOL: 11-16-2011 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

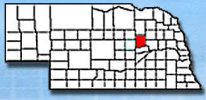
Motion made by Tisthammer, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$31,288.60; Road - \$117,759.06; County Visitor's Promotion - \$1,000.00; Reappraisal - \$6,475.91; Boone Co Economic Development - \$2,495.27; 911 Emergency Management (2910) - \$265.31; 911 Wireless Services (2913) - \$821.24; Ambulance - \$424.89. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion: Steve Pritchard, Extension Educator, discussed temporary employment. The Board will address the request to re-hire a former county employee for temporary employment at their December 20, 2012 Board meeting. The request was not an agenda item for the December 10, 2012 meeting, therefore no action was taken.

Chairman Tisthammer declared the meeting adjourned at 12:40 P.M. with the next Board meeting scheduled for Thursday, December 20, 2012.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 13, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, November 13, 2012, 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.

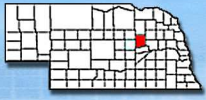
The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The St. Michael's Parish of Albion requested assistance to advertise the annual St. Patrick's Carnival fundraiser scheduled for March 10, 2013. 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.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report. Krohn explained the procedures for collecting delinquent personal property taxes. There were twenty distress warrants delivered to the Boone County Sheriff on November 1, 2012 for collection of unpaid 2011 personal property taxes. The amount of uncollected 2011 personal property taxes, not including penalties is \$8,119.28. The total to be collected on distress warrants, with penalties is \$8,522.90. Motion made by Tisthammer, second by Schuele to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, and the Board reviewed the road/bridge maintenance, repair and signage report for the month of October, 2012. Thorin and the Board discussed protocol procedures to possibly lower speed limits on certain county roads for public safety.

Tom Briese requested permission to trench an electrical line across a county road known as 295<sup>th</sup> Avenue. The request commences from a pole located on the West side of 295<sup>th</sup> Avenue and running thence east across said 295<sup>th</sup> Avenue to an irrigation well located in the SW1/4NE1/4 of Section 17, Township 19 North, Range 5 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2012-46, granting permission to trench an electrical line under and across 295<sup>th</sup> Avenue 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 Board Proceedings and Board of Equalization Proceedings of October 29, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Darrel Thorin, Chris Hays, County Surveyor, and Grant Miller, Olsson Associates, met with the Board to discuss section corner recovery. Hays received a request from Olsson Associates to locate section corners in the northern part of the county. Invenergy LLC contracted with Olsson Associates of Grand Island to complete boundary surveys. James Williams is the representative for Invenergy LLC. The Invenergy LLC is in the planning stage with the possibility of building a wind farm in Antelope County with approximately 15 of the towers to be located in Boone County. There is a possibility that the county may recover some of the surveying costs, if the wind farm is built. Hays will work with Olsson Associates, as needed, to complete the boundary surveys for the wind project.

Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for October, 2012: Clerk - \$8,573.25 (State of Nebraska - \$5,197.65/County of Boone - \$3,375.60); Sheriff - \$1,017.30; Clerk of the District Court - \$1,471.69 (State of Nebraska - \$385.00/County of Boone - \$1,086.69); County Planning and Zoning - \$166.18; Treasurer's Fees - \$2.00; and Treasurer's Office Miscellaneous Receipt Nos. 12366-12431 - \$308,997.95. Total collected by County Treasurer was \$643,654.52. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Anji Kendrick, Boone County Fitness Center Manager, presented a report to the Board regarding memberships, activities and facelift projects. Kendrick said the membership is currently at 386. Outdated equipment has been replaced and offering a variety of group fitness classes. Every room has been repainted within the last two years and the pool was repainted this summer. A new roof was completed in June of 2011, fixing the humidity problem in the pool area, making the track less humid and more enjoyable to use. The Fitness Center has two new "Expresso" bikes coming for a 21-day trial and for purchase if the members respond to them well.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$45,704.95; Road - \$241,777.31; County Visitor's Promotion - \$300.00; Reappraisal - \$3,040.08; Veteran's Aid - \$500.00; Boone Co Economic Development - \$1,446.27; Boone County Economic Business Development \$1,365.06; 911 Emergency Management (2910) - \$280.26; 911 Wireless Service (2913) - \$889.04; Ambulance - \$407.86. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion: Mary Ziemba, County Zoning Administrator, updated the Board regarding County Zoning office activity.

Chairman Tisthammer declared the meeting adjourned at 12:01 P.M. with the next Board meeting scheduled for Monday, November 19, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

A motion made by the Boone County Board of Commissioners Chairman, Jerry L. Tisthammer and second by Commissioner Tom Schuele to call to order a public hearing on Tuesday, November 13, 2012 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. 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 Mary Ziemba, County Planning and Zoning Administrator.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions in relation to the approval or denial of a Conditional Use Permit Application.

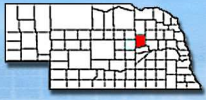
The public hearing is to approve or deny an Application for Conditional Use Permit by Tracy and Matthew Paulsen. Tracy L. and Matthew W. Paulsen are the owners of the property herein referenced. The application is to divide 8.516± acres from farm ground located in a fraction of the SE1/4 of Section 20, Township 19 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to construct a new home.

Mary Ziemba, Zoning Administrator, and Matt Paulsen, applicant, were present to answer any questions with regard to the application. Paulsen explained that the lending institution is not interested in securing the agricultural property with a home mortgage loan. A survey is completed. Mary Ziemba informed the Board that the County Planning Commission Board recommended approval of the request. Ziemba stated that she received no opposition regarding the application.

Motion made by Schuele, second by Luettel to close said hearing at 9:07 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Application for Conditional Use Permit submitted by Tracy and Matthew Paulsen to construct a new home. The approval is to divide 8.516± acres from farm ground located in a fraction of the SE1/4 of Section 20, Township 19 North, Range 8 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,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

A motion made by the Boone County Board of Commissioners Chairman, Jerry L. Tisthammer and second by Commissioner Ken Luettel to call to order a public hearing on Tuesday, November 13, 2012 at 9:20 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. 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, Ken Luettel, Tom Schuele, and Mary Ziemba, County Planning and Zoning Administrator.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions in relation to the approval or denial of a Conditional Use Permit Application.

The public hearing is to approve or deny an Application for Conditional Use Permit by John and Cindy Temme and Jonathan L. Temme. John F. and Cynthia L. Temme are the owners of the property herein referenced. The application is to divide 4.04± acres building site from farm ground located in a fraction of the NE1/4 of Section 15, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

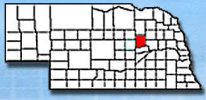
Mary Ziemba, Zoning Administrator, was present to answer any questions with regard to the application. John Temme visited with Commissioner Luettel by telephone before the hearing date. Temme's will not be able to attend the hearing. John and Cindy Temme are selling the building site acreage to their son Jonathan Temme. A survey is completed. Mary Ziemba informed the Board that the County Planning Commission Board recommended approval of the request. Ziemba stated that she received no opposition regarding the application.

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

Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Application for Conditional Use Permit submitted by John and Cindy Temme and Jonathan L. Temme. The approval is to divide 4.04± acres building site from farm ground located in a fraction of the NE1/4 of Section 15, Township 22 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,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 19, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 19, 2012, 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.

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

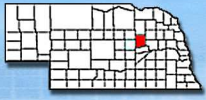
- County officials reported on activities with regard to their respective office.
- Employees present were reminded of the annual Nebraska Counties "Do a Good Deed-Feed Those in Need" food drive that ends November 20, 2012. The donations collected during the food drive challenge are delivered to the local county food banks.
- The Board commended the officials and department heads effort and preparation for County Government Day that took place on November 14, 2012 and felt that the day was informative and went well for all of those in attendance.

Ralph Schmadeke, Schmadeke Inc Insurance and Riley Tonkins, Employers Mutual Casualty Company (EMC), met with the Board to discuss bid letting when the time comes for the county to renew their liability, property, crime, workers compensation, etc. insurance coverage. Schmadeke provided insurance for the County prior to the County of Boone becoming a member of the Nebraska Intergovernmental Risk Management Association (NIRMA) in 1988. The group discussed several insurance coverage issues. In 2012, seventy-nine of the ninety-three counties and six other public entities make up the NIRMA pool. Schmadeke asked the Board to consider taking bids for the county insurance coverage when the policies come up for renewal.

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 Area Arts Council requested assistance to advertise the Nebraska Wesleyan Concert scheduled for January 18, 2013. 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 Chamber of Commerce requested assistance to advertise the Albion Chamber 2012 Christmas Promotion scheduled for November 29, 2012 through December 22, 2012. 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.



# Boone County Board Minutes



The Board received a written resignation from Jim Meysenburg, a member of the Boone County Planning Commission Board. Motion made by Schuele, second by Luettel to accept the resignation of Jim Meysenburg, Boone County Planning Commission Board, effective November 19, 2012. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, and the Board discussed the Boone County Planning Commission Board vacancy. The decision is to run an ad in all four county papers with an application deadline of December 14, 2012. Individuals interested in serving on the Planning Commission Board are to contact the County Zoning Administrator's office.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings and Public Hearings Proceedings of November 13, 2012 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board and Darrel Thorin discussed the road department employee's base salaries. Thorin discussed a proposal with the Board on October 15, 2012. Thorin offered to forgo his January 2013 cost of living and the general road foreman's budgeted base salary increase in order to raise the base salary for road employees from \$2,000.00 per month to \$2,050.00 per month. The base salary is a starting salary for a new employee. The Board felt that Thorin did not need to give up his cost of living, as the road budget will cover the difference due to employee changes that have occurred since July. Motion made by Schuele, second by Luettel to change the monthly base salary for road employees from \$2,000.00 to \$2,050.00 and the General Road Foreman monthly base salary from \$2,500.00 to \$2,750.00 effective January 1, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board received a letter from Rembolt Ludtke, LLP, attorneys for Jim Pillen/GGP Partners. The letter disputes the 2008, 2009 and 2010 back taxes/penalties charged against the facility. The County Board, Joyce Sock, Assessor and Laurie Krohn, Treasurer, reviewed the information submitted and discussed the issues mentioned in the letter. The County Attorney received a copy of the letter at the same time the other officials received it on November 14, 2012. Sock plans to email John Morgan, County Attorney, for assistance with response to the letter. The Board felt that Morgan should attend the November 26, 2012 Board meeting to address a letter of response to Rembolt Ludtke, LLP.

Open discussion: The Board members reported on the various meetings they attended.

Chairman Tisthammer declared the meeting adjourned at 11:40 A.M. with the next Board meeting scheduled for Monday, November 26, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 26, 2012

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 26, 2012, 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 and Jerry L. Tisthammer. Commissioner Ken Luettel arrived at 9:06 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.

Dennis Michael requested permission to bore an electrical line for irrigation purposes under a county road known as Old Mill Road. The request commences from a utility pole located on the North side of Old Mill Road in the SW1/4 of Section 16, Township 20 North, Range 6 West, and running thence to an irrigation well located in the NW1/4 of Section 21, Township 20 North, Range 6 West, Boone County, Nebraska. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2012-47, granting permission to bore an electrical line under Old Mill Road as presented. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

Ronald Coakes requested permission to trench an electrical line and 6" water line for irrigation purposes over and across a county road known as Y Road. The electrical line request commences from a utility pole on the Northeast side of Y Road and running thence Southwesterly to a pivot; and the water line is to run from a well on the Southwest side of Y Road running thence Northeasterly to a pivot. Both the electrical and water lines to be contained in the same trench. A pivot will be located on both sides of the road in the SE1/4 of Section 33, Township 22 North, Range 7 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2012-48, granting permission to trench an electrical and water line over and across Y Road as presented. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.

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 Tisthammer, second by Luettel 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 2012 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. 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 \$87,038.29, BCBS \$35,610.52, Ameritas Ret \$5,954.47, EFTPS \$6,532.46, Section 125 Fees \$6.00; Road \$39,916.50, BCBS \$18,608.28, Ameritas Ret \$2,694.36, EFTPS \$3,010.16; Boone County Economic Development \$4,751.74, BCBS \$1,492.40, Ameritas Ret \$320.75, EFTPS \$352.55; Ambulance \$2,145.00, Ameritas Ret \$65.48, EFTPS \$164.09; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,857.33, Ameritas Ret \$292.89, EFTPS \$448.07, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Nebraska Legislature scheduled an Inheritance Tax Interim Study Hearing for Friday, November 30, 2012. County officials are encouraged to attend a hearing of the Legislature's Revenue Committee to present ideas for



# Boone County Board Minutes



alternative sources of revenue if inheritance taxes are eliminated. The hearing is part of LR 644, an interim study introduced by the Revenue Committee. Because counties could lose \$48 million or more if inheritance taxes are eliminated, all ideas for replacement revenue, large or small, are encouraged. The Boone County Board of Commissioners wishes to express their opposition to the elimination of inheritance tax funding for counties. The 2012 Boone County tax rate of 0.292361 is one of the lowest in the state. The property tax rate for fiscal year 2012-2013 would be four cents higher if it was not for the use of the Inheritance Tax Fund. Motion made by Schuele, second by Tisthammer to submit letters as written to Senator Kate Sullivan and Nebraska Association of County Officials, as written testimony for the hearing on November 30, 2012. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings of November 19, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board, John Morgan, County Attorney, and Joyce Sock, Assessor discussed the letter from Rembolt Ludtke, LLP, attorneys for Jim Pillen/GGP Partners. The Board, Assessor and Treasurer discussed the letter at the November 19, 2012 Board meeting and felt that the County Attorney should provide a letter in response. The letter disputes the 2008, 2009 and 2010 back taxes/penalties charged against the facility. Apparently, real estate tax statements were issued but no property tax was assessed on the real estate improvements in question for 2008, 2009 and 2010. The Assessor's office mailed a letter in October 2008 requesting the dimensions and contents of the improvements in question and received no response. The file in the Zoning office contains a Conditional Use Permit issued with amended extensions but no building permit. It appears that there are several protocol procedures and responsibility errors on both sides of the issue. There are several statutory regulations involved regarding the taxes/penalties. Morgan is to meet with Rembolt Ludtke, LLP to sort through the regulations/responsibilities and negotiate the issue.

The Board met with Richard Martinsen, CPA, to discuss the bond levy portion of the Cedar Rapids Public School District No. 6 budget that was set in 2011 for the fiscal year 2011-2012. The County Treasurer's office called attention to the issue because of the December 15, 2012 bond payment being \$197,087.50 and the collections in the County Treasurer's office being \$160,834.45. The bond payment fund is presently short by \$36,253.05. The firm of Pekny & Associates, PC prepared the budget for Cedar Rapids Public School District. Martinsen apologized for the error when calculating the fiscal year 2011-2012 bond levy. The bond budgeted figure on Schedule C is what Martinsen picked up verses the bond budgeted figure on page 3 making the difference in the levy percentage for the bond payment. Martinsen discussed the issue by phone with the accountant from Pekny & Associates that prepared the budget for Cedar Rapids Public School. The last payment of the 20-year bond is due December 15, 2015. The accountant informed Martinsen that the school district has enough money on hand to cover the \$36,253.05 for December 2012 payment and that the school is to send a check to the County Treasurer when it is time to make the bond payment. The Board told Martinsen that we are all human and allowed a few errors. If there is ever a good time to make a mistake, it was now as it is a positive mistake, since the school has enough funds to pay off the bonds. The school plans to pay off the bonds in its entirety in December 2013.





# Boone County Board Minutes



The County Safety Committee met at 1:00 P.M. to discuss routine business.

## Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Dave Spiegel, Sheriff, discussed various issues with the Board.
- Rod Nelson, Maintenance and Shelley Towey, District Court Deputy, informed the Board that the County employee holiday gathering is set for Friday December 7, 2012 at the Casey's building with a meal at 6:30 P.M. catered by Julie's Catering of Albion.

Chairman Tisthammer declared the meeting adjourned at 2:25 P.M., the next Board meeting is scheduled for Monday, December 10, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 10, 2012

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 10, 2012, 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 a request for advertisement funding. The Cedar Rapids Community Club requested assistance to advertise the Community Club Santa Claus Day event scheduled for December 15, 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.

The Boone County Ambulance Service submitted two uncollectible ambulance accounts, as all methods of collection have been exhausted. The recommendation for the June 2012 account of \$1,120.00 and July 2012 account of \$2,550.00 for ambulance services is to turn the files over to the County Attorney to attempt further collection. Motion made by Tisthammer, second by Schuele to write-off the uncollectible ambulance accounts in the sum of \$3,670.00, pursuant to the recommendation received from the ambulance service and turn the files over to the County Attorney for further collection. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Steve Pritchard, Boone-Nance Extension Educator, presented a board member recommendation 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 Hilary Maricle of Albion to serve her first three-year term on the Boone-Nance County Extension Board beginning January, 2013. Maricle replaces Sharon Baker who has completed her sixth year on the board. Motion made by Schuele, second by Luettel to appoint Hilary Maricle to serve a three-year term on the Boone-Nance County Extension Board beginning January 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Dave Spiegel, County Sheriff, discussed the Stop Fund along with a request to purchase a new light bar unit for the 2012 Ford Explorer in open discussion at the November 26, 2012 Board meeting. The Stop Fund is funds received from individuals paying fees for classes with regard to traffic violations. The request is \$1,469.64 from Chief Supply Corporation. Motion made by Luettel, second by Schuele to approve the light bar purchase payable from the Stop Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



# Boone County Board Minutes



Darrel Thorin, Highway Superintendent, and the Board reviewed the road/bridge maintenance, repair and signage report for the month of November 2012. Thorin updated the Board regarding the road/bridge projects. Thorin received an engineering services proposal from Kirkham Michael for review. Thorin and the Board decided not to sign the engineering services agreement. They felt it is in the best interest to review each road project separately.

Seven concerned citizens discussed the horse/livestock situation west of Petersburg with the Board. Also in attendance were Denny Johnson, Deputy Sheriff; Darrel Thorin, Highway Superintendent; Jim Dickerson, Albion News and Jim Majerus, land/livestock owner. Glen Jochem was not present at the Board meeting and according to Majerus some of the starving horses belong to Jochem. Majerus heard the complaints and concerns from the public regarding fences and starving horses/livestock on his property. Ted Thieman said this is not an overnight problem; it has been an ongoing 20-30 year problem with fences that are not good enough to keep livestock off the county roads and is now compounded with starving horses/livestock. Majerus said that he had a veterinarian out from Madison that checked the horses and said the majority are in good shape. Majerus said he has talked to Ed Naughtin about building fences. Tricia Griffith said it is the worse case of horse/livestock starvation in years. Tisthammer directed a question to Majerus concerning the horse that he put down on December 2, 2012 that did not have enough energy to move off the county road. Linda Pelster directed several questions to Majerus regarding the horse he put down, feed, fences and livestock starvation. Majerus answers seemed conflicting as first it was an older horse of his, second the horse belonged to Jochem and the third time Majerus said that someone dropped the horse off on his property. Pelster said many would not make it through the cold winter weather in their present condition. Pelster said she felt the Board would try to keep Boone County from receiving any more press like that earlier in the year when the Humane Society showed up to seize horses from the Majerus property. The group felt the County Attorney should have filed charges long before now as Majerus received a letter stating the horses need to be removed by August 10, 2012; another letter for removal by September 1, 2012 and now it is December 10, 2012 with the same problem at the same residence. Gail Starman expressed her concerns regarding road safety with livestock constantly in the roadway. Ramona Thieman expressed her thoughts to Majerus regarding the ongoing situation.

Tisthammer had copies of papers showing charges filed in County Court against James P. Majerus and Glen F. Jochem on December 6, 2012 and charges also filed in District Court against James P. Majerus. Majerus kept asking for March 1, 2013 to dispose of the horses. The group informed Majerus that talking is done; since he has had plenty of time to correct the problems. It is now time for action and removal of the horses/livestock.

It was the consensus of the group present, Majerus and the Board, that water is needed at all times. A neutral veterinarian with horse background will check the health of all horses/livestock on Jim Majerus property and Majerus pays the veterinarian expenses. A deputy sheriff and/or Commissioner will be present when the veterinarian is on the property to conduct the livestock inspection. The Board was asked to research their options for outside attorney assistance when it appears the County Attorney is not doing his job.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of November 26, 2012 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Brenda Wilson of GIS Workshop, Inc. gave a presentation to the Board, Zoning Administrator and Assessor's office. Wilson said grant funds have been available through the Nebraska State Resources Board to promote



# Boone County Board Minutes



and help install GIS systems in the counties. Wilson writes the grants for the counties. If the county receives grant funds, GIS receives the funds and deducts the amount from the county's contract. GIS services are located in all but eleven of Nebraska counties. The foundation of a GIS system is in the County Assessor's office. GIS features more accurate digital mapping, aerial photography and data software that has the capability to analyze land use calculation, parcel boundary land use type and soil types. A GIS system may expand to assist the road, zoning, emergency management, weed and other offices. The GIS programs would replace the Agri Data program currently used by the Assessors' office. The Board asked Wilson to submit a proposal for review at the December 20, 2012 Board meeting.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for November , 2012: Clerk - \$6,278.00 (State of Nebraska - \$3,339.10/County of Boone - \$2,938.90); Sheriff - \$1,604.74; Clerk of the District Court - \$4,684.50 (State of Nebraska - \$1,479.00/County of Boone - \$3,205.50); County Planning and Zoning - \$601.50; Treasurer's Fees - \$26.00; and Treasurer's Office Miscellaneous Receipt Nos. 12432-12481 - \$158,698.68. Total collected by County Treasurer was \$390,866.15. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The settlement agreement for Case DOL: 11-16-2011 would fall within the scope of Nebraska Revised Statute §84-713, because the amount involved is equal to or exceeds (1% of the County's budget)/ (\$50,000.00). The law therefore requires that this settlement be made an agenda item at the County Board's next meeting for informational purposes only with an acceptance/approval by the Board. Motion made by Schuele, second by Tisthammer to accept and approve the settlement agreement negotiated by NIRMA for Case DOL: 11-16-2011 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$31,288.60; Road - \$117,759.06; County Visitor's Promotion - \$1,000.00; Reappraisal - \$6,475.91; Boone Co Economic Development - \$2,495.27; 911 Emergency Management (2910) - \$265.31; 911 Wireless Services (2913) - \$821.24; Ambulance - \$424.89. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion: Steve Pritchard, Extension Educator, discussed temporary employment. The Board will address the request to re-hire a former county employee for temporary employment at their December 20, 2012 Board meeting. The request was not an agenda item for the December 10, 2012 meeting, therefore no action was taken.

Chairman Tisthammer declared the meeting adjourned at 12:40 P.M. with the next Board meeting scheduled for Thursday, December 20, 2012.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 20, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Thursday, December 20, 2012, 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.

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

- County officials reported on activities with regard to their respective office.
- Mary Ziemba, County Zoning Administrator, submitted a written report of activities for the Board to review.
- Clerk Thorberg will contact Shred Monster, Inc. of Columbus for the availability of their services on February 4, 2013.
- Nebraska Administrative Services, State Accounting Division, notified the County Clerk's office that effective January 1, 2013 the standard mileage rate will become 56.5¢.
- Clerk Thorberg thanked the employees that participated in the annual Nebraska Counties "Do a Good Deed-Feed Those in Need" food drive in November. The Boone County Food Pantry received the donated items.
- Commissioners reported from the NACO Convention regarding time clocks for all departments coming in 2013 and A-FAN (Alliance for the Future of Agriculture in Nebraska).

The Boone County Employee Handbook addresses re-employment: "Former employees of the County are not eligible for re-hire without prior approval of the County Board." Steve Pritchard, Extension Office, asked the Board to approve the re-employment for Carolyn Fross as a temporary employee, when the Extension Office employee is absent the same day as UNL staff Pritchard and Glup. Motion made by Tisthammer, second by Luettel to approve the temporary re-employment as requested for the Extension Office. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board in accordance with Nebraska Revised Statute §77-2318 approves the applications and authorizes the deposit of county funds in designated banks as County Depositories each year. Motion made by Luettel, second by Schuele to approve as written Resolution No. 2012-49 to accept and approve the written applications of the following designated County Depositories of the County Funds for 2013: 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: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



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Darrel Thorin, County Highway Superintendent, discussed with the Board the disposal of road surplus inventory. The consensus is to dispose of the metal items at weigh up price. Thorin updated the Board with regard to the road/bridge projects. The Board and Thorin discussed concerns, reviewed the traffic count data and discussed the next step for the area north of Albion regarding 260<sup>th</sup> Avenue.

Randy Benson requested permission to trench an electrical line for irrigation purposes over and across a county road known as 180<sup>th</sup> Street. The request commences from a pole located in the fence line of the SW1/4 of Section 12, Township 21 North, Range 5 West; thence south across 180<sup>th</sup> Street to an irrigation pivot located in the NW1/4NW1/4 of Section 13, Township 21 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2012-50, granting permission to trench an electrical line over and across 180<sup>th</sup> Street as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Spencer Neely and Tony Martin, Great Plains Communications, presented and discussed with the Board a new telephone system proposal for the courthouse. Neely and Martin answered questions regarding the 24-talk path Panasonic equipment with a T1 Feature, installation to provide connection with the annex building where Economic Development is located and the Law Enforcement building. The 911 System located in the Law Enforcement building is separate from the telephone system. The Board asked if Great Plains installs SIP telephone systems. Great Plains has the availability to bid and install a SIP system but shy away from them, as they are internet based and if your internet goes down so does your phone system, with the contact for SIP line communication problems being located in Texas. The Board plans to review the proposals submitted by Applied Connective Technologies, Froniter Communications and Great Plains Communications. The Board commented that the internet appears to be the problem more than the telephones. No decision made at this time.

The Board discussed fences and the horses/livestock situation with Jim Majerus and Glen Jochem. Majerus commented that he was told charges would not be filed against him in court if he cooperated. Majerus feels he has been cooperating this year. Jochem said the majority of his horses (mares) are in cornstalks and not on the Majerus property at this time. Commissioner Tisthammer asked Jochem where he was taking his horses after the cornstalks, Jochem replied not sure at this time. Jochem said he has a handful of geldings (6 or 10) on the Majerus property. Majerus said there is approximately 40 head of horses and 70 head of cows in his possession and has purchased hay and corn stalk bales. Darrel Thorin, Highway Superintendent and Majerus discussed the minimum maintenance road by his property known as 190<sup>th</sup> Avenue. Majerus and Jochem are to remove the old wire and other items out of the ditches. Thorin said the county would remove the trees from the ditches after they remove the wire, etc. first. Tisthammer said the veterinarian contacted is to come sometime in January to check the horses/livestock on the Majerus property.

The State of Nebraska has installed new fiber optic cable and port switch in the county computer room. The county was informed that if the county does not remove their devices from the state port switch, that the state will charge a fee per month per county line connected to the state equipment. Applied Connective Technologies has been completing follow up work behind the state personnel to transition the counties equipment. Applied Connective Technologies presented a quote for a County Ethernet 48 Port Switch in order to remove the county lines from the state equipment. Motion mad by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the quote with Applied Connective Technologies for \$1,778.01 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Jan Zurcher, Region 44 Emergency Manager, presented a comprehensive plan for the Board to review. The Nebraska Crime Commission contacted the Board in July making them aware that Boone County is entitled to a minimum of \$4,865.00 of Juvenile Services County Aid funding. The purpose of the grant funds is to assist



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communities in the implementation and operation of programs or services for youth. To be eligible to receive County Aid funds, each county must have a current comprehensive county juvenile services plan in place. Zurcher has joined the C.A.R.E. Team (Community Advocates Reaching Everyone) at the Boone County Health Center. The C.A.R.E. Team and Zurcher prepared a comprehensive plan. Zurcher needs to submit the plan and application for funding by January 4, 2013 to the Nebraska Crime Commission for approval. The group is planning a character camp involving the 9-12 grade students as leaders of the curriculum to show responsibility to the elementary/junior high youth. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Boone County Juvenile Services Comprehensive Community Plan as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings and Board of Equalization Proceedings of December 10, 2012 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Joyce Sock, Assessor, presented a proposal from GIS Workshop, Inc. for GIS software and maintenance. The GISW Team is ready to start the Boone County Assessor GIS project after acceptance and receipt of a signed contract. The GISW Team anticipates the GIS project build-out completion before June 30, 2014. Motion made by Tisthammer, second by Schuele to accept and approve the GIS build-out services for \$85,000.00, Assessor Tab on WebGIS for \$4,800.00 and the additional costs of variations and/or additions to those tasks/features services as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 \$92,852.61, BCBS \$35,425.78, Ameritas Ret \$6,391.65, EFTPS \$6,978.10, Section 125 Fees \$6.00; Road \$40,832.38, BCBS \$18,608.28, Ameritas Ret \$2,756.17, EFTPS \$3,080.22; Boone County Economic Development \$4,480.00, BCBS \$1,492.40, Ameritas Ret \$302.40, EFTPS \$331.77; Ambulance \$1,012.50, Ameritas Ret \$39.49, EFTPS \$77.44; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,508.74, Ameritas Ret \$285.99, EFTPS \$421.40, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

## Miscellaneous Public Comments:

- The Board reviewed a copy of a letter from Rembolt Ludtke, LLP attorneys for Jim Pillen/GGP, LLC addressed to John Morgan, County Attorney, regarding back taxes/penalties charged against the facility.
- The Board reviewed a copy of a letter from James G. Egley attorney for James P. Majerus, addressed to John Morgan, County Attorney, regarding the fences and horses/livestock situation West of Petersburg involving the Majerus property.

Chairman Tisthammer declared the meeting adjourned at 1:20 P.M., the next Board meeting is scheduled for Monday, December 31, 2012.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

A motion made by the Boone County Board of Commissioners Chairman, Jerry L. Tisthammer and second by Commissioner Tom Schuele to call to order a public hearing on Thursday, December 20, 2012 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. 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 Mary Ziemba, County Planning and Zoning Administrator.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions in relation to the approval or denial of a Conditional Use Permit Application.

The public hearing is to approve or deny an Application for Conditional Use Permit by Tyler Reiter. Charles W. and Carol L. Kasselder were the owners of the property herein referenced for the Boone County Planning Commission hearing. Tyler Reiter is the owner of the property herein referenced with a Warranty Deed filed in November 2012. The application is to divide 3.28± acres building site from farm ground located in a fraction of the NE1/4 of Section 7, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Mary Ziemba, Zoning Administrator, and Tyler Reiter, Applicant, were present to answer any questions with regard to the application. Reiter has purchased the building site for a personal residence. A survey is completed. Reiter informed the Board that an Easement granting ingress and egress has been filed in the real estate records. Mary Ziemba informed the Board that the County Planning Commission Board recommended approval of the request.

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 and authorize the Board Chairman to sign the Application for Conditional Use Permit submitted by Tyler Reiter. The approval is to divide 3.28± acres building site from farm ground located in a fraction of the NE1/4 of Section 7, Township 20 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,  
Boone County Clerk





# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
DECEMBER 31, 2012 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 31, 2012, 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, and the Board discussed several road issues and the progress regarding road/bridge projects. Thorin discussed with the Board three minimum maintenance roads that appear on the State of Nebraska roads inventory, but are not open roads according to county records. The Board asked Thorin to proceed with the protocol procedure regarding the minimum maintenance roads.

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 2013 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.

Dave Spiegel, Sheriff, reported that feed is on the Jim Majerus property for the horses/livestock. The Sheriff's office has not received a call for animals on the road for the past week in the Majerus property area.

The Board has received new phone system proposals from Applied Connective Technologies, Frontier Communications and Great Plains Communications. The proposals appear to address different technology systems. The internet connections being down more than the phone system prompt the proposals. The Board plans to visit with other entities that have similar phone systems for feedback before making a decision.

As provided by State Statute, Section 23-1302, the County Clerk shall certify to the County Treasurer as of June 15 and December 15 each year the total amount of unpaid claims of the county. Motion made by Tisthammer, second by Luettel to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings and Zoning Public Hearing Proceedings of December 20, 2012 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

#### Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Jeff Jarecki, Public Defender, presented a report to the Board regarding the status of court cases since his appointment to the position.

Chairman Tisthammer declared the meeting adjourned at 11:55 A.M., the Reorganizational Meeting is scheduled for Monday, January 7, 2013 and the next Board meeting is scheduled for Monday, January 14, 2013.

Kathy Thorberg,  
Boone County Clerk



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