



Boone County Board Minutes



2013 REORGANIZATIONAL MEETING BOONE COUNTY BOARD OF COMMISSIONERS ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska convened at 9:00 A.M. on Monday, January 7, 2013, 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 Tisthammer, second by Luettel to appoint Tom Schuele as Chairman of the Boone County Board of Commissioners for the year, 2013. Roll call vote: Yeas: Tisthammer and Luettel. Abstain: Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to appoint Jerry L. Tisthammer as Vice Chairman of the Boone County Board of Commissioners for the year, 2013. Roll call vote: Yeas: Schuele and Luettel. Abstain: Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, 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 2013.

Motion made by Luettel, second by Tisthammer, that the budget committee for the ensuing 2013-2014 budget year is the Boone County Board of Commissioners, Boone County Clerk and Boone County Treasurer.

Motion made by Schuele, second by Tisthammer to reappoint Richard D. Martinsen, Certified Public Accountant, Albion, Nebraska, to do the County Budget for the 2013-2014 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, under the supervision of the County Board, for 2013.

Motion made by Schuele, 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 State Statute Section 23-1901.01.

Motion made by Schuele, second by Luettel to reappoint Jacqueline Lynne Wells as Boone County Veterans Service Officer on a part time basis, under the supervision of the County Board, for 2013.

Motion made by Tisthammer, second by Schuele to reappoint Shannon Landauer as Boone County Economic Development Director, for 2013.



Boone County Board Minutes



Motion made by Luettel, second by Tisthammer to continue the contract for the services of Public Defender for Boone County with Jeffrey C. Jarecki of Jarecki Law PC LLO, Albion, Nebraska, pursuant to the terms of the Agreement dated July 30, 2012 that commenced on August 1, 2012 and shall continue until December 31, 2013.

Motion made by Luettel, second by Schuele that the following are appointed to the Local Emergency Planning Committee for 2013:

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 Tisthammer, second by Schuele to reappoint Jan Zurcher as Region 44 Emergency Management Director, for 2013. 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 Schuele, second by Tisthammer to reappoint Randall Bruland as the Administrator and Maintenance Director of the Boone County Ambulance Service, under the supervision of the County Board, for 2013.

Motion made by Luettel, second by Tisthammer to reappoint the Boone County Health Center, Albion, Nebraska to do the billing, collections and make a quarterly report to the Boone County Board for the Boone County Ambulance Service, for 2013.

Motion made by Tisthammer, second by Luettel to reappoint Sheriff David Spiegel and his staff to be the E911 Coordinator, for 2013.

Motion made by Luettel, second by Tisthammer to appoint Mary Ziemba as County Zoning Administrator and Regulatory Zoning Investigator, under the supervision of the County Board, for 2013. The road clerical duties for the County Highway Superintendent's office are also included as part of the County Zoning Administrator duties.



Boone County Board Minutes



Motion made by Luettel, second by Tisthammer to reappoint Russell Stokes as County Weed Superintendent on a part time basis, under the supervision of the County Board, for 2013.

Motion made by Schuele, second by Luettel to reappoint the Boone County Clerk as the Title VI representative, for 2013.

Motion made by Tisthammer, second by Luettel to reappoint the Boone County Veterans Service Officer as the American with Disabilities Act (ADA) Coordinator, for 2013.

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.

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

Motion made by Luettel, second by Schuele that the depositories for the County Treasurer are as follows: Boone County Bank, Albion, NE; Cedar Rapids State Bank, Cedar Rapids, NE; Cornerstone Bank (Albion Branch and St. Edward Branch), York, NE; First Bank & Trust (St. Edward Branch), Fullerton, NE; Great Western Bank (Albion Branch), Albion, NE; Homestead Bank (Albion Branch), Cozad, NE; Petersburg State Bank, Petersburg, 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 Tisthammer, 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 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 Tuesday, December 24, 2013. The Courthouse "Closed" notices will be posted by Board directive.

Motion made by Luettel, second by Tisthammer, that full time employees are to receive vacation and sick leave as set forth in the Boone County Employee Handbook. Time clock records are in the near future. The Board is requesting all employees to use a paper log similar to a time clock that shows a record of their work time checking in/out beginning January 1, 2013. The paper log records are subject to review by the Board concerning the payroll records.

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 2013.



Boone County Board Minutes



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

Motion made by Tisthammer, second by Schuele 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, 2013, 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. The agenda will be made available for all meetings on the Boone County Website and the bulletin board located in the north courthouse entrance. 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 following be appointed to the various boards that Boone County is associated with for 2013:

Boone County Development Agency Board

Jerry L. Tisthammer
Tom Schuele

Boone County Fitness Center

Tom Schuele
Jerry L. Tisthammer - Alternate
Ken Luettel - Alternate

Central Nebraska Joint Housing Authority

Tom Schuele
Ken Luettel - 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

Northeast Nebraska Economic Development District
(Council of Officials, Norfolk)

Ken Luettel – Elected Official
Shannon Landauer – Non-elected Official

Northeast Nebraska Juvenile Services, Inc., Madison

Ken Luettel
Jerry L. Tisthammer - Alternate

Region 4 Behavioral Health System, Norfolk

Jerry L. Tisthammer
Tom Schuele - Alternate

Region IV, Inc., Wayne

Tom Schuele
Jerry L. Tisthammer - Alternate

Americans with Disabilities Act Board:



Boone County Board Minutes



- (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 reappoint Jerry Tisthammer as Courthouse Custodian Supervisor, for 2013.

Motion made by Schuele, second by Luettel to reappoint Jerry Tisthammer as Chairman of the County General Assistance Program with the emergencies being handled by a Commissioner. The County Clerk or Deputy County Clerk shall contact the assistance program chairperson or a Commissioner when there is a request on a day there is no scheduled Board meeting.

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 2013.

Motion made by Schuele, second by Luettel that (1) the following will serve on the Safety Committee according to LB 757, for 2013: 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 25, 2013, May 28, 2013, August 26, 2013 and November 25, 2013, 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: Jane Prothman (2011-2013) – 1st term; Jim Carder (2012-2014) – 2nd term; Mark Grundmayer (2012-2014) – 1st term; and Hilary Maricle (2013-2015) – 1st term. This board is in accordance with an Interlocal Agreement with the University of Nebraska for Cooperative Extension Services signed on December 14, 1998.

Motion made by Schuele, second by Luettel that the following Boone County Planning and Zoning Board members are appointed to the following terms of office to represent the Boone County Joint Planning Commission, effective January 1, 2013:

Chris Baum, Mark Wagner and (vacancy)	(2013)
Paul Groeteke, Hilary Maricle and Brad Stephens	(2013-2014)
Justin Frey, Mark Jensen and Lee Ketteler	(2013-2015)

Motion made by Luettel, second by Tisthammer that the following members of the Boone County Board of Adjustment are appointed to the following terms of office, effective January 1, 2013:

H. Thomas Fick and Mark Zentner	(2013)
Paul Kettelson and Mark Jensen	(2013-2014)
Ray Merrell	(2013-2015)
Deb Mitchell	Alternate

Motion made by Schuele, second by Luettel that the following members of the Boone County Visitors Committee are appointed to four-year terms per Nebraska State Statute with each term to start January 1st each year. The terms are as follows:

Irene Dresch	(2011-2014)
--------------	-------------



Boone County Board Minutes



Walt Hoefer
Brian Yosten
Ardys Choat
Mary Jeanne Stokes

(2011-2014)
(2011-2014)
(2013-2016)
(2013-2016)

Motion made by Tisthammer, second by Schuele that the following members of the Park and Recreation Board for the Boone County Fitness Center are appointed to 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)
Ed Knott (10-15-2007)
Dave Skillstad (10-15-2007)
Kay Flanagan (01-01-2012)
Nancy Soll (01-01-2012)
Richard Heidemann (12-14-2010)
Tracy Brodersen (12-15-2009)

Foundation Board Member
(2011-2013)
(2011-2013)
(2012-2014)
(2012-2014)
(2013-2015)
(2013-2015)

The Grievance Procedure in the Employee Handbook on page 13 says the County will use a Grievance Board consisting of five people. The Commissioners shall create the pre-designated list of ten impartial members to serve on the Grievance Board. The Board plans to visit with county residents to create a pre-designated list later.

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

Chairman Schuele declared the Reorganizational meeting adjourned at 10:20 A.M.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 14, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 14, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding.

The Boone County Agricultural Society, Inc. Home, Farm & Garden Show committee requested assistance to advertise the annual Boone County Home, Farm & Garden Show event scheduled for March 23, 2013. Motion made by Tisthammer, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Albion Area Arts Council requested assistance to advertise the Acoustic Eidolon Concert scheduled for March 24, 2013. 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.

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 2013. 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 Luettel to advertise the yearly temporary/seasonal applications for help one week only in the Albion News as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The County Treasurer submitted a Semi Annual Statement for July 1, 2012 through December 31, 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 December 31, 2012. Motion made by Luettel, second by Tisthammer to acknowledge and approve the pledged securities (collateral) as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Darrel Thorin, Highway Superintendent, and the Board reviewed the road/bridge maintenance and repair report for the month of December, 2012. Thorin updated the Board regarding the Petersburg Northeast (Raeville Road) asphalt overlay, Primrose East and Cedar Rapids Renovation Bridge projects.

Thorin and the Board discussed minimum maintenance roads and preliminary road project ideas throughout the county for the 2013 One and Six Year Road Improvement Program hearing to be set in February.

Lower Loup Natural Resources District submitted a resolution for the Board to review. In partnership with the Federal Emergency Management Agency (FEMA) and the Nebraska Emergency Management Agency (NEMA), the Lower Loup Natural Resources District has coordinated the development of a hazard mitigation plan for the benefit of local jurisdictions generally within the eleven county areas of Boone, Custer, Garfield, Greeley, Howard, Loup, Nance, Platte, Sherman, Valley and Wheeler Counties. The multi-year planning process received a FEMA grant in August 2008, to conduct a planning process that engaged the public, assessed the risk and vulnerability of impacts from natural hazards, and developed a mitigation strategy to reduce the potential harm to people and property before disasters occur. FEMA has approved the plan pending adoption by jurisdictions participating in the plan. Motion made by Tisthammer, second by Schuele to adopt and approve Resolution No. 2013-01, the Lower Loup Natural Resources District Multi-Jurisdiction Hazard Mitigation Plan as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Commissioner Tisthammer asked that the "Exercise Trailer" that is used by the Rural Nebraska Medical Response System Partnership be an agenda item regarding damage to a fender and possible hail damage. Tisthammer attended the LEPC meeting on Thursday evening January 10, 2013 when damage to the "Exercise Trailer" was brought up for discussion. The trailer and its contents are referred to as the "Exercise Trailer" which was purchased in 2008 through a Healthcare Facilities Partnership Grant. This grant was awarded to a coalition that included four other Medical Response Systems and is referred to as the Rural Nebraska Medical Response System (MRS) Partnership that covers all of rural Nebraska except for the southeast corner. It is to be used by any of the hospitals throughout the Partnership area to practice setting up an Alternate Care Site. The contents of the trailers remain under the ownership of Elkhorn Logan Valley Public Health Department, which serves as the fiscal agent of the grant. The 2008 proceedings of the Board refer to the Boone County Emergency Manager as having the responsibility of the hospital pods. Sheriff Dave Spiegel asked the Board to appoint two individuals to monitor/stock the trailer contents and appoint his office to log where the "Exercise Trailer" is being used for training. The Board made no change or decision in reference to the Sheriff's request, as they plan to check the alleged damages themselves.

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 December 31, 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 County Board Reorganizational Proceedings and Board of Equalization Reorganizational Proceedings of January 7, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for December, 2012: Clerk - \$36,984.75 (State of Nebraska - \$25,783.49/County of Boone - \$11,201.26); Sheriff - \$2,064.68; Clerk of the District Court - \$967.06 (State of Nebraska - \$81.00/County of Boone - \$886.06); County Planning and Zoning - \$112.82; Treasurer's Fees - \$12.00; and Treasurer's Office Miscellaneous Receipt Nos. 12482-12538 - \$401,933.48. Total collected by County Treasurer was \$3,090,248.14. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. 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 - \$44,591.45; Road - \$72,843.13; County Visitor's Promotion - \$3,446.14; Reappraisal - \$2,070.81; Boone Co Economic Development - \$733.91; 911 Emergency Management (2910) - \$206.10; 911 Wireless Service (2913) - \$821.27; Ambulance - \$3,055.73. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- Sheriff Dave Spiegel discussed the three generators purchased by ECDHD that were placed in Boone County. Commissioner Schuele plans to attend the Region 44 Emergency Management Services area meeting tonight. Schuele plans to discuss the generators with Jan Zurcher, Region 44 Emergency Manager.
- Sheriff Spiegel commented that the livestock/horses have water, feed, and the Sheriff's office received no calls to the Majerus property the last couple of weeks.
- Ross Knott stopped by to discuss the horse/livestock/fence situation concerning the Jim Majerus property.
- Commissioner Tisthammer said his phone conversation with Majerus is that he will not let a state licensed veterinarian on his property without a court order. Tisthammer said area veterinarians are not interested in checking the horses/livestock.
- Commissioner Luettel discussed with the Board and Thorin his conversation with a county resident that purchased two culverts and proceeded to have them installed in his driveway and would like some reimbursement of the expenses. The consensus of the Board is that the County Highway Superintendent or his assistant were not contacted before the project was completed, they did not have permission to dig in the county road right-of-way and therefore feel the county does not owe any of the bill.

Chairman Schuele declared the meeting adjourned at 12:22 P.M. with the next Board meeting scheduled for Tuesday, January 22, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, January 14, 2013 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Applicant Paul Groeteke and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Chairman Schuele 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 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 Paul Groeteke, managing member for applicant Cedar River Feeders LLC. The application is to apply surface runoff from feed yard lagoon through a center pivot onto the S1/2 of Section 21, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Mary Ziemba, Zoning Administrator, and Paul Groeteke, Applicant, were present to answer any questions with regard to the application. Groeteke said they purchased the property in May 2012. The application is to apply liquid waste through a center pivot from an existing three-stage lagoon system. The waste is to be pumped from the third lagoon onto the dryland property described as the S1/2 of Section 21, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Groeteke answered questions regarding visiting with the surrounding neighbors; number of head of cattle in the feedlot; DEQ requirements; and that the other two lagoons on the property are for runoff evaporation purposes.

Ziemba informed the Board that the County Planning Commission Board recommended approval of the request with a condition that when there is a straight West wind of 25 mph or greater, that they will discontinue the application at that time and restart when the wind is appropriate.

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

Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign the Application for Conditional Use Permit submitted by Paul Groeteke for Cedar River Feeders LLC. The approval is for Cedar River Feeders, LLC to apply liquid manure through a center pivot from an existing three-stage lagoon system to the property described as the S1/2 of Section 21, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The approval is with a condition that when there is a straight West wind of 25 mph or greater, that they will discontinue the application at that time and restart when the wind is appropriate. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 22, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, January 22, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

An annual Weed Superintendent report is due January 31st each year and is submitted to Nebraska Department of Agriculture, Animal and Plant Health Protection. The Boone County Weed Board is the same members as the Boone County Board of Commissioners. Russell Stokes, County Weed Superintendent, submitted the year-end report for 2012 to the Board for their review. Stokes and the Board discussed problem weed areas in the county. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign the 2012-year end weed reports as presented. Roll call vote: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board held their monthly meeting with the officials, department heads, or employees. Chairman Schuele asked all present to join in the Pledge of Allegiance.

- County officials reported on activities with regard to their respective office.
- Employees were reminded that the Shred Monster is scheduled for Monday, February 4, 2013.
- Effective January 1, 2013 the standard mileage rate will become 56.5¢.
- Steve Pritchard, Extension, said there was a good attendance for the cattle producers meeting last week regarding grazing management and limited feed resources associated with the drought.
- The Board addressed time sheet documentation of working hours for all employees in preparation of the installation of a time clock later this year. The County Road Department has used a time clock since January 1, 2010. Some area businesses and counties have been audited and assessed fines because of inadequate records. MIPS, the county payroll and accounts payable programmers, are working on time clock software that communicates with their payroll program.

Dave Spiegel and Sheryl Machacek discussed computer hardware and software upgrades with the Board for the Sheriff's office. Spiegel said the computers purchased in 1999 are in need of updating. The dispatch area is congested and wireless mouse/keyboards would be beneficial. The upgrade request is for several hardware items and software packages for \$3,844.74 from Applied Connective Technologies. Motion made by Luettel, second by Tisthammer to approve the computer hardware and software upgrades for the Sheriff's office as presented for \$3,844.74, installation fee not included, from Applied Connective Technologies. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Tisthammer, second by Luettel to accept and approve the County Sheriff's 2012 fourth quarter report 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 Zoning Public Hearing Proceedings of January 14, 2013 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Darrel Thorin, Highway Superintendent, updated the Board regarding the following:

- The Cedar River Bridge, Petersburg asphalt overlay (Raeville Road) and Primrose East projects.
- A preliminary meeting with TransCanada Keystone XL pipeline representative. The pipeline route may affect twenty-six county road crossings.
- A preliminary meeting with Prairie Breeze Wind Energy LLC representative.
- Soft match credits reinstated will be helpful with bridge inspection costs and bridge construction.

Each county is to annually prepare and file on or before the anniversary date of the filing of its One and Six Year Road Improvement Program, a plan for specific road improvements for the current year. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-02, to set a public hearing for 10:00 A.M. on Monday, February 11, 2013 for the County One and Six Year Road Improvement Program. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The County Road Department has been sprucing up the grounds and buildings. The Board and Thorin discussed disposal of old metal surplus items using weigh up price at their December 20, 2012 meeting. Motion made by Schuele, second by Tisthammer to dispose of a 1991 GMC pickup and a 1971 Chevrolet truck using weigh up price. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Thorin and the Board received a request to close a half mile of minimum maintenance road south of 120th Avenue between the NE1/4 of Section 32 and NW1/4 of Section 33, Township 18 North, Range 8 West, Boone County, Nebraska. Thorin said the road is on the State inventory records. Motion made by Schuele, second by Luettel to authorize Darrel Thorin, County Highway Superintendent, to prepare a Resolution for the January 28, 2013 Board meeting appointing Darrel Thorin to do a feasibility study in regard to the vacation or abandonment of said road. 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.

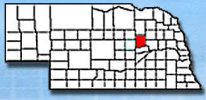
The Petersburg Volunteer Fire Department requested assistance to advertise their annual Fireman's Dance fundraiser scheduled for June 1, 2013 and Trail Ride fundraiser scheduled for August 16, 17 and 18, 2013. Motion made by Tisthammer, second by Schuele to approve the two recommendations for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County Board and County Assessor discussed with John Morgan, County Attorney, options regarding tax situations. Morgan said that a meeting with GGP LLC representatives is set for January 24, 2013 at the Boone County Courthouse.

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

Chairman Schuele declared the meeting adjourned at 12:25 P.M. with the next Board meeting scheduled for Monday, January 28, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JANUARY 28, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 28, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

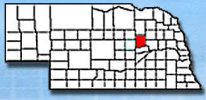
Richard Dozler discussed the possibility of a natural gas line placement in a county road ditch along 250th Street with the Board and Darrel Thorin, County Highway Superintendent. Dozler would like to run a natural gas line to an irrigation system, but the landowner between the natural gas pump station and Dozler's property, will not allow the natural gas line to cross his property. Dozler will visit with the natural gas company and ask for a letter assuring there is adequate pressure and natural gas available for the irrigation systems in the area. The Board and Dozler discussed protocol procedure and the Board asked Dozler to visit with the respective neighboring landowners regarding county road right-of-way agreements.

Darrel Thorin, County Highway Superintendent, and the Board discussed road/bridge projects, equipment inventory and the setting up of an equipment replacement schedule. The road department has had two major motor grader repairs recently. Thorin updated the Board regarding the disposal of old metal surplus items. Motion made by Luettel, second by Schuele to dispose of a 1977 Ford 2 ton truck using weigh up price. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Thorin submitted a preliminary Road Agreement between Boone County, Nebraska and Prairie Breeze Wind Energy LLC for the Board to review. Prairie Breeze Wind Energy has developed plans and intentions to construct a wind farm facility in Antelope County with some towers to be located across the northern part of Boone County. The proposed agreement was for review only with no signatures.

The Board deems it may be in the public interest to either vacate or abandon certain Boone County roads. (1) Approximately one-half mile of road known as 120th Avenue, located between Section 32 and Section 33, Township 18 North, Range 8 West, of the 6th P.M., Boone County, Nebraska. (2) A road known as 190th Avenue, located between Section 33 and Section 34, Township 18 North, Range 7 West, of the 6th P.M., Boone County, Nebraska, thence south for approximately one mile to the Boone/Nance County line. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-03, appointing Darrel D. Thorin, Boone County Highway Superintendent to do a feasibility study in regard to the vacation or abandonment of said roads described above. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Ted Jensen requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 325th Avenue. The electrical line request commences at an electrical pole located on the East side of 325th Avenue, running thence west to an irrigation well/pivot on the West side of 325th Avenue. The electrical line to travel from the NE1/4 to the NW1/4 of Section 14, Township 19 North, Range 5 West, all located in Boone County, Nebraska. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2013-04, granting permission to trench an electrical line over and across 325th Avenue as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



The Board of Commissioners received a letter from the Northeast Nebraska Area Agency on Aging regarding the appointment of a representative for Boone County on the Advisory Board. In the 22 county service area, the senior center(s) in the county nominate a person to represent them on the Advisory Board. Motion made by Luettel, second by Tisthammer to approve the nomination as submitted and reappoints Arlene Nissen to serve a three-year term on the Advisory Board of the Northeast Nebraska Area Agency on Aging as a representative for Boone County, NE. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

It is necessary for the Board to schedule a meeting before their next regular scheduled meeting due to statutory deadlines. Motion made by Luettel, second by Schuele to schedule a Board of Commissioners meeting for 9:00 A.M. and a Board of Equalization meeting for 9:15 A.M. on Monday, February 4, 2013. 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 Cedar Rapids Community Club requested assistance to advertise a Wine Tasting event scheduled for February 2, 2013 and the Cedar Rapids Melodrama with performances scheduled for March 15, 16, 17, 22 and 23, 2013. Motion made by Tisthammer, second by Schuele to approve the two recommendations for disbursement of funds from the Visitor's Promotion Fund 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 Board Proceedings, Board of Equalization Proceedings and Board of Equalization Public Hearing Proceedings of January 22, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$86,642.51, BCBS \$35,425.78, Ameritas Ret \$5,971.53, EFTPS \$6,490.93, Section 125 Fees \$6.00; Road \$43,510.80, BCBS \$19,272.50, Ameritas Ret \$2,937.00, EFTPS \$3,285.11; Boone County Economic Development \$4,822.84, BCBS \$1,492.40, Ameritas Ret \$325.55, EFTPS \$357.99; Ambulance \$740.00, Ameritas Ret \$35.11, EFTPS \$56.60; Public Defender Contract \$3,000.00; Boone County Fitness Center \$6,604.14, Ameritas Ret \$317.62, EFTPS \$505.20, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

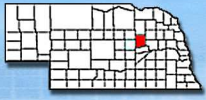
The Board conducted a quarterly visit of the county jail. It shall also be the duty of the County Board of each county of this state to visit the jail of its county once during each of its sessions in January, April, July and October of each year per Nebraska State Statute 47-109.

Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Commissioner Tisthammer looked at the alleged damages to the Exercise Trailer discussed on January 14, 2013. The Board felt they can handle the repairs and that the damages are not worth turning into insurance.

Chairman Schuele declared the meeting adjourned at 11:51 A.M., the next Board meeting is scheduled for Monday, February 4, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 4, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 4, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Albion Country Club, Inc. submitted a Special Designated License application for a Wine Tasting event scheduled for Saturday, February 23, 2013 from 5:00 p.m. to midnight. Motion made by Luettel, second by Tisthammer to approve the Special Designated License application submitted by Albion Country Club, Inc. for a Wine Tasting event as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of January 28, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Bernard Ruther expires in June 2015. Ruther moved out of the county in the fall of 2012 and passed away on January 29, 2013. The County Veterans Service Committee recommended Raymond J. Thieman of Petersburg to complete Bernard Ruther's term and serve on the County Veterans Service Committee. Motion made by Luettel, second by Schuele to appoint Raymond J. Thieman to complete the term of Bernard Ruther expiring in June 2015 to the Boone County Veterans Service Committee. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to go into an executive session at 10:11 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation. Motion made by Tisthammer, second by Schuele to come out of executive session at 10:58 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried. The Board conducted an annual employee evaluation and took no action.

Motion made by Luettel, second by Tisthammer to go into an executive session at 10:59 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation. Motion made by Luettel, second by Tisthammer to come out of executive session at 11:31 A.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation and took no action.



Boone County Board Minutes



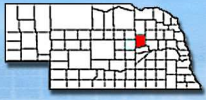
Motion made by Luettel, second by Tisthammer to go into an executive session at 11:34 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation. Motion made by Luettel, second by Tisthammer to come out of executive session at 12:33 P.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation and took no action.

Open discussion and miscellaneous public comments:

- The annual County Board Workshop is February 6, 7 and 8, 2013 at the Kearney Holiday Inn.

Chairman Schuele declared the meeting adjourned at 12:47 P.M. with the next Board meeting scheduled for Monday, February 11, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 11, 2013

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 11, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The 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.

Cedar Cares for Kids submitted a request for assistance with advertising the annual Polar Dip fundraising event scheduled for February 23, 2013. 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.

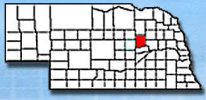
The Faith Lutheran Church of St. Edward submitted a request for assistance with advertising for a fundraiser event scheduled for March 9, 2013. Motion made by Schuele, second by Luettel to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and the Board discussed and reviewed the following:

- Road/bridge maintenance and repair report for the month of January, 2013.
- Changing purchasing company with regard to equipment engine oil.
- New and used pickup quotes.
- Correspondence received by the Highway Superintendent.

Thorin updated the Board regarding the disposal of old metal surplus items. Motion made by Tisthammer, second by Luettel to dispose of a 1971 Chevrolet CE5 two-ton truck, 1971 Chevrolet CS5 truck and 1974 Dodge D60 truck using weigh up price. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Allen B. Braun, requested permission to bore an electrical line for irrigation purposes under a county road commonly known as 230th Avenue. The electrical line request commences from an electrical pole located on the East side of 230th Avenue, running thence West under 230th Avenue to an irrigation well/pivot located in the NE1/4 of Section 7, Township 18 North, Range 6 West, Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-05, granting permission to bore an electrical line under 230th Avenue as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Edward G. Braun, Trustee and Linda M. Braun, Trustee requested permission to bore an electrical line for irrigation purposes under a county road commonly known as 230th Avenue. The electrical line request commences from an electrical pole located on the East side of 230th Avenue, running thence West under 230th Avenue to an irrigation well/pivot located in the SE1/4 of Section 7, Township 18 North, Range 6 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-06, granting permission to bore an electrical line under 230th Avenue as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

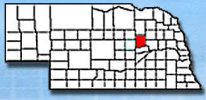
Darrel Thorin, County Highway Superintendent, presented the 2013 One and Six Year Road Improvement Program for Boone County, Nebraska at the 10:00 A.M. public hearing. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-07, adopting the 2013 One and Six Year Road Improvement Program for Boone County, Nebraska as presented at the public hearing. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel D. Thorin, Boone County Highway Superintendent, was appointed by the Board on January 28, 2013 pursuant to Resolution No. 2013-03 to complete two feasibility studies. Thorin presented a feasibility study to the Board regarding the request to vacate or abandon approximately one half mile of road known as 120th Avenue. This section of road is currently on the county road inventory with NDOR, located between Section 32 and Section 33, Township 18 North, Range 8 West, of the 6th P.M., Boone County, Nebraska. Thorin recommends a public hearing to vacate one half mile of road known as 120th Avenue with the county retaining full right-of-way rights in the event of future development. Motion made by Schuele, second by Tisthammer authorizing Darrel D. Thorin, County Highway Superintendent, to prepare a resolution to set a public hearing time and date for vacation of the one half mile of road known as 120th Avenue. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel D. Thorin, Boone County Highway Superintendent, presented a feasibility study to the Board regarding the request to vacate or abandon approximately one mile of road known as 190th Avenue. This section of road is not on the county road inventory with NDOR, located between Section 33 and Section 34, Township 18 North, Range 7 West, of the 6th P.M., Boone County, Nebraska, thence south for approximately one mile to the Boone/Nance County line. Thorin recommends a public hearing to vacate one mile of road known as 190th Avenue with all right-of-way rights reverting to the adjacent landowners, thirty-three feet on each side from the center of the section line. Motion made by Schuele, second by Tisthammer authorizing Darrel D. Thorin, County Highway Superintendent, to prepare a resolution to set a public hearing time and date for vacation of the one mile of road known as 190th Avenue. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Nebraska Department of Roads plans to construct highway improvement Project No. STPD-91-5(118), Albion West. The construction may involve the obliteration or destruction of land survey corners and witness corners. The State requires the County to provide a Registered Land Surveyor to tie out land monuments prior to the construction and tie and remonument after construction. Motion made by Schuele, second by Luettel to approve the Agreement for Project No. STPD-91-5(118) between Boone County, Nebraska and the State of Nebraska, Department of Roads for surveying services as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings and Board of Equalization Proceedings of February 4, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Darrel Thorin, Highway Superintendent, and the Board discussed upgrading the County Highway Superintendent's cell phone. They discussed cost differences regarding the purchase of an iPad with a monthly service fee; cell phone upgrade to access email, etc from office with a monthly service fee; or continue with the present county cell phone plan and purchase an iPad for access to the office when out in the field. Motion made by Tisthammer, second by Schuele to authorize Darrel Thorin, County Highway Superintendent, to review and obtain prices regarding the technology devices. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for January, 2013: Clerk - \$9,144.25 (State of Nebraska - \$4,999.89/County of Boone - \$4,144.36); Sheriff - \$3,124.01; Clerk of the District Court - \$1,224.49 (State of Nebraska - \$358.00/County of Boone - \$866.49); Treasurer's Fees - \$4.00; and Treasurer's Office Miscellaneous Receipt Nos. 12539-12616 - \$607,743.65. Total collected by County Treasurer was \$1,605,365.40. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, submitted and reviewed a written report of activities with the Board and included a report regarding permit fees collected for December 2012 and January 2013. Motion made by Schuele, second by Tisthammer to approve the County Planning and Zoning report for December 2012 - \$112.82 and January 2013 - \$1,252.67 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

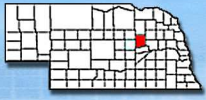
Motion made by Luettel, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$34,544.26; Road - \$40,290.90; Reappraisal - \$1,733.81; Boone Co Economic Development - \$1,053.71; 911 Emergency Management (2910) - \$321.90; 911 Wireless Service (2913) - \$1,157.65; Ambulance - \$76.90. In addition, General payroll claim for \$117.86 due to an employee resignation. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- Sheriff Dave Spiegel updated the Board regarding the Jail Standards Board evaluation report.
- Mary Ziemba, Zoning Administrator, submitted a written zoning activity report. The Board reviewed the report with Ziemba.
- The Board acknowledged that Cedar Rapids Press lost legal newspaper status.
- The Board acknowledged a letter from the State of Nebraska, Department of Agriculture regarding the possibility of classifying Sericea Lespedeza as a Noxious Weed.

Chairman Schuele declared the meeting adjourned at 12:21 P.M. with the next Board meeting scheduled for Tuesday, February 19, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



PUBLIC HEARING PROCEEDINGS

2013 ONE AND SIX YEAR ROAD IMPROVEMENT PROGRAM BOONE COUNTY, NEBRASKA

Tom Schuele, Boone County Board of Commissioners Chairman, called for a motion to open a public hearing on Monday, February 11, 2013 at 10:00 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Luettel, second by Commissioner Tisthammer to open said public hearing. Commissioners present for said public hearing were Ken Luettel, Jerry L. Tisthammer and Tom Schuele. Darrel Thorin, Highway Superintendent, was present to answer the 2013 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 to the proposed 2013 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 2013 One and Six Year Road Improvement Program for Boone County, Nebraska. The one-year road improvement plan consists of fifteen projects and the six-year plan consists of six projects. Thorin discussed each of the projects with the Board and Jim Dickerson, Albion News. The Board received no public comments at the hearing.

Thorin acknowledged that Project Nos. 368 and 369 on the one-year plan are road reconstructions by the Prairie Breeze Wind Energy LLC construction company. Project No. 220, Raeville Road asphalt overlay; Project No. 315, Primrose East Prototype Bridge; and Project No. 337, Cedar Rapids historic bridge renovation, all require federal matching funds and have been pending for several years. The projects that have already received an Army Corps permit will need to be completed this year. The county purchased some millings in 2012 for use on the 2013 proposed projects. 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 2013 proposed projects one-year plan and the 2013 and beyond proposed projects for the six-year plan as presented by Boone County Highway Superintendent, Darrel Thorin.

Motion made by Luettel, second by Tisthammer to close said hearing at 11:06 A.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the 2013 One and Six Year Road Improvement Program for Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 19, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 19, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Michael Baird, Vice President, and James Williams, Development Manager, representing Invenergy/Prairie Breeze Wind Energy LLC met with the Board and Darrel Thorin, County Highway Superintendent, regarding a Road Agreement. At the January 28, 2013 Board meeting Thorin submitted a preliminary Road Agreement between Boone County, Nebraska and Prairie Breeze Wind Energy LLC for the Board to review. The Board, Thorin, Baird and Williams discussed the Road Agreement and proposed wind farm.

- Baird and Williams answered questions regarding the proposed wind farm facility.
- Thorin acknowledged that the roads identified in the Agreement are in need of further road maintenance and are included in the 2013 Boone County One and Six Year Road Improvement Program.
- The developer has developed plans and intends to construct and operate a proposed wind farm consisting of approximately 120 GE 1.7MW turbines with the possibility of twenty of those towers to be located in Boone County.
- Baird and Williams reported on the meeting held February 18, 2013 in Elgin, NE with the landowners and general contractor representatives from Blattner Energy of Minnesota.
- Invenergy LLC has worked on the project since 2008; reached a power purchase agreement with Omaha Public Power District last fall; and plans to be in operation by the end of 2013 or early 2014.

Motion made by Luettel, second by Tisthammer to approve the Boone County Road Agreement between Boone County, Nebraska and Prairie Breeze Wind Energy LLC as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Laurie Krohn, Treasurer, discussed with the Board the microfilming of Tax List Books/Rolls for 1979 through 2001 that are stored in the courthouse basement. Upon the completion of the microfilming, the microfilmed records would be stored at the Nebraska Records Management Division/State Archives in Lincoln, NE. Anyone needing to access the records in the future may contact the State Archives for information. Motion made by Tisthammer, second by Schuele to approve the MIPS, Inc. Microfilming Division quote of \$3,000.00/\$3,500.00 for microfilming services as presented which also includes disposal of the old books. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

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



Boone County Board Minutes



- County officials reported on activities with regard to their respective office.
- Commissioner Schuele received a call from Ken McIntyre, Boone County American Legion Commander, regarding County Government Day. The Legion is asking if November 20, 2013 would be an acceptable date. Several present would like to see County Government Day held in October due to deadlines for several offices and subsequent increased workloads. Commissioner Schuele will visit with McIntyre regarding the concerns.
- Nebraska State Probation District #5 asked if the Boone County Courthouse would be available for a location to drop off books for AmeriCorps/RISE book drive. The project was developed by the InterCorps Council, a diverse committee of AmeriCorps members from across Nebraska, to promote literacy by increasing access to books for adults and youth statewide. The Rural Improvement for Schooling & Employment (RISE) collection drives should begin around April 1, 2013 with distribution around May 4, 2013, which is Join Hands Day. The Boone County Courthouse will be a location for the proposed program.
- Rod Nelson, Maintenance, informed the group that there are used file cabinets available that were removed from several offices. Contact Rod if you would like one of the surplus file cabinets moved to your office.
- GIS Workshop, Inc. is applying for a grant through the Nebraska State Resources Board to promote and help install a GIS system for the Boone County Assessor's office. Joyce Sock, Assessor, is asking for support letters from the county offices that may utilize the GIS System.
- The Northeast District County Officials meeting is scheduled for March 15, 2013 at the Northeast Community College in Norfolk.
- The Board of Commissioners attended their annual Board meeting last week in Kearney. They reported on some of the topics that were discussed regarding cyber security, legislative bills, road improvement funding and affordable care act.
- The Board addressed time sheet documentation of working hours for all employees, as some offices have not filed their January hours. Thank you to those that have cooperated.

Chuck Rolf and Dave Noble, Boone County Agricultural Society, Inc., (Ag Society) updated the Board regarding activities, liquor license and a future construction plan.

- Rolf said when the Ag Society applies for the Boone County Fair Special Designated License there will be a change on the application for Saturday night, from underneath the grandstand to the beef barn due to the bull ride event.
- In 2013, the carnival will arrive on the grounds on Saturday. Last year they arrived on Sunday.
- The Krohn family decided to retire from managing the racetrack after sixteen years of operation. Bryan Molt, a native of Cedar Rapids, will begin operation in 2013 with the racetrack to be known as Albion Speedway. The operator rents the track from the Ag Society.
- A group of county residents has approached the Ag Society regarding the planning of a new livestock building with an indoor arena to be available for use year round for multiple events, livestock shows and horse riding. The proposed building would require advance fundraising, replace the present livestock buildings and old office/restroom facilities. In addition, an endowment fund would need to be set up to keep up the insurance and repairs. The plans are to have a scale model ready for the public to view during the July 2013 Boone County Fair.



Boone County Board Minutes



Darrel Thorin, Highway Superintendent, updated the Board regarding the following:

- Legislative Bills, if passed that may have an impact on road construction projects.
- Thorin upgraded the county cell phone he carries to keep in contact with the office when out in the field. No iPad purchase is necessary.

Darrel D. Thorin, Boone County Highway Superintendent, presented the feasibility studies to the Board regarding the request to vacate or abandon approximately one half mile of road known as 120th Avenue and one mile of road known as 190th Avenue at the February 11, 2013 Board meeting. Thorin recommended a public hearing to vacate one half mile of road known as 120th Avenue with the county retaining full right-of-way rights in the event of future development. Thorin recommends a public hearing to vacate one mile of road known as 190th Avenue with all right-of-way rights reverting to the adjacent landowners, thirty-three feet on each side from the center of the section line. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-08 to advertise a public hearing to allow for public comments either for or against the vacation or abandonment of certain county roads at 10:00 A.M. on March 11, 2013 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Much of eastern Nebraska consists of soils that are highly susceptible to erosion and stream degradation. The erodible streambeds of eastern Nebraska are unstable and are widening due to degradation, which results in damage to public and private infrastructure such as bridges, culverts, utility lines, loss of farmland, etc. The Hungry Canyon Alliance, Inc. is a coalition of counties in Iowa, which was developed specifically to research and implement solutions to the problem of stream channel erosion and degradation of western Iowa. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-09 that the Board of Commissioners of Boone County, Nebraska, would support a similar coalition of counties seeking county, state and federal funding sources to limit stream channel degradation in the impacted region of eastern Nebraska. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, and the Board discussed the purchase of new/used vehicles for the County Road Department. Thorin researched new pickups through the state bid for government entities. Thorin presented two bids for used pickups from Schalk Auto, Inc. of Albion. The used pickups are a 2009 Chevrolet Silverado 2500 for \$21,700.00 with mileage of 29,727 and a 2009 Chevrolet Silverado 1500 for \$16,200.00 with mileage of 56,429. Motion made by Schuele, second by Luettel to approve the purchase of the two used vehicles from Schalk Auto, Inc. 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 two requests for advertisement funding.

The Boone County Historical Society submitted a request for assistance with advertising a Memorial weekend 'Decoration Day' event scheduled for May 27, 2013. 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.



Boone County Board Minutes



The Boone County Historical Society submitted a request for assistance to advertise the museum with tri-fold color brochures and postage. Reimbursement for postage was discussed and the decision is it is not a reimbursable item. Motion made by Luettel, second by Tisthammer to approve the tri-fold color brochure request and deny the request for postage reimbursement regarding disbursement of funds from the Visitor's Promotion Fund. 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 and the One and Six Year Road Improvement Program Public Hearing Proceedings of February 11, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Shannon Landauer, Economic Development, updated the Board regarding a scheduled Boone County Visitors Promotion Committee meeting scheduled for Monday, February 25, 2013.
- The Board reviewed an Interlocal Agreement between the County of Boone, Boone County Agricultural Society and City of Albion regarding the fairgrounds water/sewer system. The Board will forward the Agreement to John Morgan, County Attorney, for clarification if a new Agreement needs to be signed or if it automatically renews.

Chairman Schuele declared the meeting adjourned at 11:57 A.M. with the next Board meeting scheduled for Monday, February 25, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
FEBRUARY 25, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 25, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Darrel Thorin, County Highway Superintendent, and the Board discussed equipment repair, road/bridge maintenance and projects. Thorin provided a survey compiled by Franklin County for the Board to review regarding Highway Superintendent wages and years of experience, county road adopted budget amounts, number of bridges, miles of road to maintain and number of employees. Presently the Boone County Road employees each are responsible for approximately 65 miles of road to maintain. The Boone County Road department has 192 bridges to maintain. The county may need to add staff to the County Road Department in the future in order to grade/maintain the county roads more often.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding.

The St. Edward American Legion Post #226 requested assistance to advertise a Spring Fund Raiser Pancake Feed event scheduled for March 2, 2013. 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 Albion Speedway LLC requested assistance to advertise the Albion Speedway LLC summer racing program from May 3, 2013 through August 31, 2013. 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.

Steve Pritchard, Extension Educator, discussed a new computer lease upgrade regarding the unit used by the clerical personnel. UNL technology lease programs are five years with regard to software and computer equipment. The office computer equipment is at the end of the five-year lease in May 2013. Boone County pays UNL for their share of the equipment lease. The computer equipment share for Boone County is approximately \$1,785.96 and UNL share being \$750.00. The computer desktop will be replaced by a laptop with Windows 7 and the new 4-H software programs. Motion made by Schuele, second by Luettel to approve and authorize Steve Pritchard to sign the necessary papers regarding the new equipment lease for a laptop computer unit as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Pritchard informed the Board that he had visited with personnel at Albion Radio Shack regarding cell phone service inside the courthouse building. The courthouse metal roof at times affects cell phone signals. It may be possible to attach a cell phone booster to the outside of the courthouse and run wires inside to pick up cell phone signals and improve the usage within the building.



Boone County Board Minutes



Paul Kettelson, requested permission to trench an electrical line for irrigation purposes under and across a county road commonly known as 170th Street. The electrical line request commences from an electrical pole located on the South side of 170th Street, running thence North across 170th Street to an irrigation pivot located in the SE1/4 of Section 6, Township 21 North, Range 5 West, Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-10, granting permission to trench an electrical line under and across 170th Street as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings and Board of Equalization Proceedings of February 19, 2013 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$85,712.08, BCBS \$35,425.78, Ameritas Ret \$5,924.76, EFTPS \$6,419.74, Section 125 Fees \$6.00; Road \$43,510.80, BCBS \$19,272.50, Ameritas Ret \$2,937.00, EFTPS \$3,285.11; Boone County Economic Development \$4,573.67, BCBS \$1,492.40, Ameritas Ret \$308.73, EFTPS \$338.93; Ambulance \$720.00, Ameritas Ret \$23.63, EFTPS \$55.07; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,720.10, Ameritas Ret \$293.99, EFTPS \$437.57, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Jan Zurcher, Region 44 Emergency Management, discussed several issues/activities with the Board and the addition/changes regarding Local Emergency Planning Committee representatives. Zurcher plans to submit the suggested LEPC representative list of changes for the next Board meeting.

The Board tabled the agenda item regarding the resignation of a part time employee. The Board had not received the written resignation as of meeting time.

The County Safety Committee met at 1:00 P.M. to discuss routine business. Rod Nelson was re-elected the Boone County Safety Chairperson. Darrel Thorin, Highway Superintendent had a safety meeting with the road crew on February 7, 2013. The next County Safety Committee meeting is scheduled for 1:00 P.M. on May 28, 2013.

Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board received a teleconference call regarding the possibility of a general assistance request.
- The Board brought to the attention of an appointed official/department head the county policy regarding nepotism as found at Page 53 of the County Employee Handbook.
- The Board received material from the Nebraska Department of Health & Human Services regarding Nebraska Licensed Emergency Medical Services. The subject included education, training, and licensing responsibilities for each licensed EMS agency in the state. Randall Bruland, Boone County Ambulance Administrator, reviewed the material and informed the Board that the Boone County Ambulance is in compliance.

Chairman Schuele declared the meeting adjourned at 1:35 P.M., the next Board meeting is scheduled for Monday, March 11, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
MARCH 11, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 11, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board reviewed the letter of interest submitted by Shelley Towey for the current board member vacancy on the Boone County Planning and Zoning Commission. Motion made by Luettel, second by Schuele to appoint Shelley Towey to complete the term of Jim Meysenburg on the Boone County Planning and Zoning Commission. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Board received a written resignation from Margarita Valencia, part time employee for the Veterans Service Office. Motion made by Schuele, second by Luettel to accept the resignation of Margarita Valencia with an effective date of February 8, 2013. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his February report. In addition, the following topics were discussed:

- Thorin indicated that bids for the Primrose East Bridge Project will be let in August or possibly June, but said that it was more likely to occur in August.
- The Petersburg Northeast Project is currently on schedule to let bids this month.
- Thorin indicated that he has been having problems getting locates for lines from Digger's Hotline. He indicated that he attended a conference in Norfolk this past week regarding this issue.
- Tim Baxter of NIRMA will be speaking to the road employees on March 12th regarding maintaining roads against traffic. Some of the road employees have been concerned about this and Thorin thought that having a NIRMA representative present his take on this issue would help eliminate some of their concerns.
- Signs have been ordered to put on the back of the road maintainers alerting drivers to allow 500' feet between themselves and the maintainers.

Darrel Thorin, County Highway Superintendent, presented to the Board several real estate documents for their review and action regarding the right-of-way acquisitions and temporary easements for the Primrose East Bridge Project. Motion made by Schuele, second by Luettel to approve the real estate documents concerning the Primrose East Bridge Project between the county and Darrel & Nancy Kolm, Douglas McIntyre, Rodney & Janelle McIntyre and Steve and Margaret Swerczek, Trustees and authorize the Board Chairman to sign said documents. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Ross Nelson requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 210th Street. The electrical line commences at a power transformer located on the South side of 210th Street, running north to an irrigation pivot located in the approximate center of the SE1/4 of Section 26, Township 21 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-11 granting permission to trench an electrical line



Boone County Board Minutes



over and across 210th Street as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable over and across a county road commonly known as 320th Street. Cornhusker needs to place an electrical cable under 320th Street in a North-South direction to provide service to an existing house and shop for Ken Carter located in the SW1/4 of Section 22, Township 19 North, Range 5 West of the 6th P.M., Boone County, Nebraska. The cable will be installed in 2 ½" PVC pipe. Motion made by Schuele, second by Luettel to approve Resolution 2013-12 granting permission to bury an electrical line over and across 320th Street as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Alan T. Rasmussen requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 295th Avenue. The electrical line commences from a pole located on the East side of 295th Avenue, running West under 295th Avenue to an irrigation pivot in the E1/2 NW1/4 of Section 17, Township 20 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-13 granting permission to trench an electrical line over and across 295th Avenue as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved three requests for advertisement funding.

The Albion Area Arts Council requested assistance to advertise a Fever Concert event scheduled for April 28, 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 and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Albion Chamber of Commerce requested assistance to advertise the Chamber of Commerce Golf Challenge scheduled for June 1, 2013. 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 and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

The Albion Chamber of Commerce requested assistance to advertise the Rhythm & Ribs event scheduled for August 24, 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 and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of February 25, 2013 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Board acknowledged the arrival of Commissioner Tisthammer at 9:57 A.M.

The Board reviewed the Purchase Agreement and Option to Purchase regarding the acquisition of the Fairview Lanes property by the Boone County Health Center. The offer is contingent upon the removal of the building by the Seller and is void if not accepted on or before March 15, 2013 at 6:00 P.M. Motion made by Tisthammer, second by Schuele to accept the Purchase Agreement/Option to Purchase for Lots 3, 4, 5, 6, 7 and 8 and the adjacent vacated alley, South Fairview Addition to Albion, Boone County, Nebraska, as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



Board reviewed the Release and Indemnification Agreement received from NIRMA regarding a settlement of \$25,000 from the insurance company representing the parties responsible for the damages to the ambulance arising from an accident on November 28, 2011 in York, Nebraska. Motion made by Luettel, second by Tisthammer to accept the Release and Indemnification Agreement as presented and authorize the Board Chairman to sign on behalf of the county. Roll call vote: Yeas: Luettel, Tisthammer 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 February 2013:

- Clerk - \$6,411.75 (State of Nebraska - \$2,388.82)(County of Boone - \$4,022.93)
- Clerk of the District Court - \$1,222.14 (State of Nebraska - \$721.00)(County of Boone - \$501.14)
- Sheriff - \$1,452.20
- Treasurer – Treasurer's Fees - \$42.00; Miscellaneous Receipt Nos. 12617-12675 - \$304,516.11; Total Collected - \$753,695.42
- Zoning – \$176.28

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

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

Rod Nelson, Maintenance, and the Board discussed the sidewalks running along the East and North side of the courthouse property. Nelson indicated that he had received bids for the concrete work but that the bids were for 6-foot sidewalks and he felt the sidewalks needed to be wider. The Board asked if all persons who worked with concrete within the county had been contacted about submitting bids. Commissioners Luettel and Schuele were going to visit with a couple of additional parties about whether or not they were interested in submitting a bid. It was discussed about having the road employees help with the removal of the old sidewalks and retaining walls and doing the necessary dirt work. The Board instructed Nelson to have the current bids received revised for a wider sidewalk.

Motion made by Tisthammer, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$26,623.86; Road - \$73,505.29; County Visitors Promotion Fund – \$221.13; Reappraisal - \$1,783.21; Veterans Aid - \$500.00; Boone Co Economic Development - \$1,337.02; Business Development (2606) - \$9,500.00; Emergency Management (2910) - \$142.89; Wireless Service (2913) - \$571.57; Ambulance - \$2,824.36. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Steve Pritchard, Extension Educator, and Delwyn Lough, Albion Communications/Radio Shack, appeared before the Board to discuss attaching a cell phone booster to the courthouse. Delwyn Lough explained that an antenna would need to be attached to the outside of the courthouse and then once the antenna was attached, then cable would be run within the courthouse and attached to three panel antennas that would be located at both the east and west ends of the courthouse and another located in the middle of the hallway. The panel antennas would sit on top of the ceiling panels and would not be visible to the public. The bid received of \$1,612.56



Boone County Board Minutes



includes a 10% discount, lightning protection and a 2-year guarantee on all equipment. The bid does not include installation, however, Lough indicated that if Rod Nelson, Maintenance, could install the system that he would be agreeable to helping him. Lough indicated that if the county decided to proceed with the booster that it would be 4-5 days to receive the equipment. Motion made by Luettel, second by Tisthammer to approve the purchase of the cell phone booster to improve cell phone service inside the courthouse building. Roll call vote: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Miscellaneous Public Comments:

- The Board discussed who would be attending the Northeast District County Officials Meeting in Norfolk.

Chairman Schuele declared the meeting adjourned at 12:25 P.M. with the next meeting scheduled for Monday, March 18, 2013.

Lorrie Nicklasson
Deputy Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, March 11, 2013 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 vacate or abandon:

- One-half mile of a county road known as 120th Avenue, located between Sections 32 and 33, all in Township 18 North, Range 8 West of the 6th P.M., Boone County, Nebraska; and
- A county road known as 190th Avenue, located between Sections 33 and 34, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, thence south for approximately one mile to the Boone/Nance county line.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study for the Board's review dated January 31, 2013 recommending that approximately one-half mile of 120th Avenue be vacated with the County retaining full right-of-way rights in the event future development would require a road at this location.

The Board received no opposition to the road vacation at the hearing. This section of road is currently on the County's Road inventory with the Department of Roads. The County Board instructed that a resolution be prepared to vacate that portion of 120th Avenue as presented for the Board's approval at the March 18, 2013 meeting.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study for the Board's review dated January 31, 2013 recommending that approximately one mile of 190th Avenue to the Boone/Nance County line be vacated and all right-of-way rights revert back to the adjacent landowners, 33 feet on each side of the section line.

The Board received no opposition to the road vacation at the hearing. This section of road is not on the County's Road inventory with the Department of Roads. The County Board instructed that a resolution be prepared to vacate that portion of 190th Avenue as presented for the Board's approval at the March 18, 2013 meeting.

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.

Motion made by Schuele, second by Tisthammer to approve the vacation with the county retaining the right-of-way rights of a one-half mile segment of a county road known as 120th Avenue, beginning at a point between the NE corner of the NE1/4 of Section 32 and the NW corner of the NW1/4 of Section 33, thence south for approximately one-half mile to the SE corner of the NE1/4 of Section 32 and the SW corner of the NW1/4 of



Boone County Board Minutes



Section 33, all in Township 18 North, Range 8 West of the 6th P.M., Boone County, Nebraska, as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the vacation without the county retaining the right-of-way rights of a one mile segment of county road known as 190th Avenue, beginning at a point between the NE corner of Section 33 and the NW corner of Section 34, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, thence South for approximately 1 mile to the Boone/Nance county line, as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Lorrie Nicklasson,
Deputy Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, March 18, 2013 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Applicant Kurt Kruse and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Chairman Schuele 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 Kurt Kruse. Kurt L. Kruse and Jerene Dee Kruse are the property owners of the real estate referenced herein. The application request is to divide 10.91± acres of the farmstead from farm ground located on a fraction of the N1/2 of Section 14, Township 19 North, Range 7 West of the 6th P.M., Boone County, Nebraska to sell the property for a personal residence.

Kurt Kruse explained to the Board that they no longer rent the building site and that the plan is to sell the property with the existing home and steel building for a personal residence. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. A survey is completed.

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

Motion made by Luettel, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by Kurt Kruse. The approval is to divide 10.91± acres of the farmstead from farm ground to sell the property for a personal residence located on a fraction of the N1/2 of Section 14, Township 19 North, Range 7 West of the 6th 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
MARCH 18, 2013
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 18, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings, Board of Equalization Proceedings and Public Hearing Proceedings of March 11, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The City of Albion and County of Boone entered into a Lease Agreement in 2012 for a term of one year regarding the two east bays of the west addition of the old Albion fire station building for use by the Boone County Sheriff's department. The lease is automatically renewable for a like term and the same rental amount unless either party provides written notice. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2013-16, a Lease Agreement between the City of Albion and County of Boone for use by the Boone County Sheriff's department of the two east bays of the west addition of the old Albion fire station effective April 1, 2013. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. 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 Luettel to approve and authorize the Board Chairman to sign Resolution No. 2013-17, an Interlocal Agreement between the County of Boone and City of Albion for law enforcement purposes commencing on April 1, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- Commissioner Schuele visited with Ken McIntyre, Boone County American Legion Commander, regarding County Government Day following the February 19, 2013 Board meeting. Boone County Government Day is scheduled for Wednesday, October 16, 2013.
- Joyce Sock, Assessor, said they are working on the real property abstract of assessment, with agriculture land and the lots in Albion receiving substantial increases.
- Official's present reported information they received at the Northeast Nebraska Association of County Officials Spring Workshop held in Norfolk on March 15, 2013.
- The Board reported information presented by the U.S. Department of Labor regarding record keeping, hours worked/overtime pay and youth employment they received at the spring workshop.
- The Board addressed time sheet documentation of the working hours for all employees, as some offices have not filed their time sheets. Thank you to those that have cooperated.



Boone County Board Minutes



Doug Young, on behalf of Cornerstone Bank, Frontier Communications, Paulson Auto Body, Schalk Auto and Albion Thriftyway, discussed a car/motorcycle show with the Board. This is the fourth year for the Smoke 'n Chrome event. Young asked the Board for permission to use the north parking lot of the courthouse to set up a display of motorcycles for the Smoke 'n Chrome event scheduled for June 15, 2013 from 10:00 A.M. to 3:00 P.M. Young informed the Board that there is liability coverage and that the funds received from the event support the July fireworks display. Motion made by Tisthammer, second by Schuele to approve the use of the north parking lot of the courthouse for the Smoke 'n Chrome event scheduled for June 15, 2013. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding the following:

- The Cedar Rapids Bridge project is now waiting for the historical portion of the paper work.
- Petersburg Northeast (Raeville Road) project bid letting date changed from March to April.
- The Primrose East Bridge project is submitted with Thorin receiving information that the soft match funds will not be available for use on this project, as the federal buyout program did not specifically list bridge projects for allocated funding.
- Sent specs out for bids regarding a new motor grader.
- Tim Baxter, NIRMA, conducted a safety course with the road crew concerning maintenance of roads against traffic and signage at each end of the road during maintenance for that particular area. Baxter conducted a signage inspection and commented on the good condition of the county roads he traveled for the inspection taking in consideration the past weather conditions.
- Thorin and the Board discussed skid loader rentals/leases with tracks. For several years, the three bobcat skid loaders have been rented/leased from Kayton International. Now John Deere (Greenline Equipment) has a rental/lease program for skid loaders. The Board and Thorin discussed the support for both county businesses.
- Darrel Thorin, Highway Superintendent, discussed options with the Board regarding the JD862 Paddle Scraper purchased in 1998 that is currently in need of extensive repair.

Thorin and the Board reviewed a proposal to change the oil supplier for the County Road Department. They discussed contamination control devices, filtration for the pumps, additional tanks and systems at all of the county shops for \$6,049.18. The system submitted for oil filtering should be more cost efficient in the future and provide better use of the equipment. Motion made by Tisthammer, second by Luettel to approve Stern Oil Company, Inc. as the oil supplier for the County Road Department as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

At the public hearing held on March 11, 2013 the Board approved the vacation of a one-half mile segment of a county road known as 120th Avenue, between Sections 32 and 33, all in Township 18 North, Range 8 West of the 6th P.M., Boone County, Nebraska, with the county retaining the right-of-way rights. The county insurance provider Nebraska Intergovernmental Risk Management Association (NIRMA) advised Thorin and the Board to reconsider right-of-way retentions due to possible liability.

Motion made by Schuele, second by Tisthammer to rescind the March 11, 2013 Public Hearing Proceedings motion and relinquish the right-of-way rights of a one-half mile segment of a county road known as 120th Avenue, beginning at a point between the NE corner of the NE1/4 of Section 32 and the NW corner of the NW1/4 of Section 33, thence south for approximately one-half mile to the SE corner of the NE1/4 of Section 32 and the SW corner of the NW1/4 of Section 33, all in Township 18 North, Range 8 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



The Boone County Board of Commissioners held a public hearing on March 11, 2013 and received no comments in opposition to the vacation/abandonment of approximately one-half mile of county road known as 120th Avenue and approximately one mile of county road known as 190th Avenue.

Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-14, vacating a county road beginning at a point between the NE corner of the NE1/4 of Section 32 and the NW corner of the NW1/4 of Section 33, thence South for approximately one-half mile to the SE corner of the NE1/4 of Section 32 and the SW corner of the NW1/4 of Section 33, Township 18 North, Range 8 West of the 6th P.M., Boone County, Nebraska, known as 120th Avenue, with all right-of-way rights to be relinquished and shall revert to the owners of the adjacent real estate one-half on each side thereof. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve Resolution No. 2013-15, abandoning a county road beginning at a point between the NE corner of Section 33 and the NW corner of Section 34, thence South for approximately one mile to the Boone/Nance County line all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, known as 190th Avenue, with all right-of-way rights to be relinquished and shall revert to the owners of the adjacent real estate one-half on each side thereof. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Jan Zurcher, Region 44 Emergency Management, recommended addition and changes regarding the Boone County Local Emergency Planning Committee (LEPC) that were appointed at the January 7, 2013 Reorganizational Meeting. Motion made by Luettel, second by Schuele to approve as presented the additions and changes to the LEPC as follows:

ADDITIONS: Matt Winter-Laredo Ridge Wind Farm;
Ginger Bailey-RRORMRS;
Nicole Boettger-American Red Cross;
Dr. Anthony Kusek-Boone County Health Center;
Bernie Prososki-St. Edward CVA;
Joan Carraher-Cedar Rapids Schools; and
Rick Pelster-Helena Chemical Co., Petersburg.

CHANGES: Brady Yosten replaces Jerry Imus for Cedar Rapids Fire;
Cory Worrell replaces Darrell Barnes for Boone Central Schools; and
Sachin Bagade replaces representative for East Central District Health Department.

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

A Purchase Agreement/Option to Purchase the Fairview Lanes property described as Lots 3, 4, 5, 6, 7, & 8 and vacated alley, Block 6, South Fairview Addition to Albion, NE was approved by the Board on March 11, 2013 with an acceptance date of March 15, 2013. The Board was approached to extend the seller acceptance date to April 15, 2013. Motion made by Schuele, second by Luettel to extend the seller acceptance date to April 15, 2013 for the Purchase Agreement/Option to Purchase the Fairview Lanes property as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

In open discussion, the Board discussed who would attend the various meetings scheduled this week.

Chairman Schuele declared the meeting adjourned at 12:10 P.M. with the next Board meeting scheduled for Monday, March 25, 2013.



Boone County Board Minutes



Kathy Thorberg, Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 25, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 25, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitor's Promotion Fund Committee met on Monday, February 25, 2013 to review the 2011-2012 fiscal year applications, expenditures and revenue. The committee discussed the application form, financials and guidelines for organizations to receive advertisement reimbursement. Shannon Landauer and Jenice Stevenson, Economic Development, met with the Board to present new guideline changes on behalf of the Boone County Visitor's Promotion Fund Committee. Landauer and Stevenson explained the committees reasoning for guideline changes, a plan to notify the organizations and possibly electronic application processing. A brochure will be prepared with the changes/funding guidelines and a letter outlining guidelines and application process is to be mailed to all past organization applicants. A newspaper article will appear in area papers to educate organizations and the public regarding the Boone County Visitor's Promotion Fund.

Motion made by Tisthammer, second by Schuele to approve the following guideline changes as presented from the Boone County Visitor's Promotion Fund Committee effective July 1, 2013: (1) Funds are disbursed to an organization only, individuals may not apply. (2) Requests must be submitted a minimum of 30 days prior to the event. (3) Reimbursements must be submitted to Boone County Clerk within 90 days following event or application will be considered void. (4) A survey will be mailed with approval letter requiring documentation of the event. Should the survey not be returned the application would be considered void. (5) Request amount will be reduced to \$400.00 per application with a \$1,600.00 cap per organization by county fiscal year, beginning July 1, 2013. (6) Postage will not be a reimbursable expenditure. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Thorin updated the Board regarding the road/bridge projects.
- The Petersburg Northeast (Raeville Road) project bid letting is scheduled for April 18, 2013.
- The Boone County Road department will begin working four ten hour days on April 1, 2013.
- Thorin said there is a new hazard rural road signage program for bridges. He plans to apply for approximately 400 signs for bridge signage as the county presently has 192 bridges to maintain. There is no cost to the county for the signs upon grant approval.
- Thorin discussed the possible purchase of a software program that is a word reader filler to install on the computers to complete easement forms, etc. in order to replace typewriter usage.



Boone County Board Minutes



Thorin and the Board discussed the repairs needed for a JD862 Paddle Scraper. The Board and Thorin decided there is no need for the county to own three scrapers. The consensus of the Board is to not repair the scraper and authorize Thorin to try to sell the scraper in its present condition.

The water heater located in the Petersburg Road District shop building needs replacing. Loup Power District has a rental program that includes installation, maintenance and replacement of water heaters. The Equipment Use Contract for a 40-gallon water heater is a monthly rental fee of \$4.15. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign the Equipment Use Contract for \$4.15 per month water heater rental with Loup Power District as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Nebraska Department of Roads (NDOR) is currently conducting a review of the National and State Functional Classification Systems. The NDOR submitted a National Functional Classification and State Functional Classification of the latest Boone County maps for review by the Boone County Board. Thorin reviewed the maps regarding the collector and arterial road classifications. Thorin found no changes for the National/Federal Classification map. The State Classification map is in need of corrections. Thorin will provide copies of county resolutions to NDOR for corrections of the State Classification map. Motion made by Schuele, second by Luettel to submit the National Classification map with no changes and the State Classification map with changes and supporting documentation as presented by Darrel Thorin, County Highway Superintendent, to NDOR. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

James Mescher, requested permission to trench a natural gas line for irrigation purposes over a county road commonly known as 180th Street. The natural gas line request commences from a meter located in the SE1/4SE1/4 of 8-21-6, running thence south to an irrigation well located in the NE1/4 of 17-21-6, all in Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-18, granting permission to trench a natural gas line across 180th Street as presented. 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 and Zoning Public Hearing Proceedings of March 18, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$85,324.21, BCBS \$35,425.78, Ameritas Ret \$5,902.88, EFTPS \$6,390.06, Section 125 Fees \$6.00; Road \$43,510.80, BCBS \$19,272.50, Ameritas Ret \$2,937.00, EFTPS \$3,285.11; Boone County Economic Development \$4,566.04, BCBS \$1,492.40, Ameritas Ret \$308.21, EFTPS \$338.34; Ambulance \$2,580.50, Ameritas Ret \$97.58, EFTPS \$197.41; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,635.88, Ameritas Ret \$287.60, EFTPS \$431.15, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board discussed disposal of surplus property. The county owns a 1999 Ford Crown Victoria that is in need of a drive gear. Motion made by Schuele, second by Luettel to donate the 1999 Ford vehicle to the Boone Central FFA Auction scheduled for April 7, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Pat Boilesen, President of the Boone County Historical Society, Inc., discussed funding for the museum facilities. Boilesen was asking for guidance and advice regarding revenue for museum operating expenses and building improvements. Boilesen discussed with the Board several improvements needed for the museum inside/outside of the building and the grounds. Volunteers have been operating the museum with donations, grants, memberships and interest from a CD. The aisle lights in the museum building no longer work and there is no heat/air in the building except for the small office. The Historical Society committee has discussed the need for climate control for several of the donated displays in the building. The county records indicate that the Boone County Historical Society, Inc. last filed a budget asking for tax levy was 1998-1999 fiscal year. No budget has been filed asking for tax revenue beginning with the fiscal year 1999-2000. The County of Boone has issued a check for \$2,000.00 in fiscal years 2010-2011, 2011-2012 and in 2012-2013 to help defray the cost of the telephone/internet services. Pat Boilesen and Paul Hosford will do more research regarding the history of the museum's revenue and maintenance. Richard Martinsen, CPA, prepares the county budget, therefore, the Board advised Boilesen to visit with Martinsen for budget preparation assistance.

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 discussed who would attend the labor law meetings and legislative day scheduled in April.

Chairman Schuele declared the meeting adjourned at 11:40 A.M., the next Board meeting is scheduled for Monday, April 8, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 8, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 8, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board heard a general assistance request regarding rent and utilities. The Board explained the county general assistance program to the applicant. The Board reviewed the bills submitted by the applicant. Motion made by Luettel, second by Schuele to approve partial payment for April rent, partial payment of a utility deposit and partial payment of a utility billing. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Mary Phillips, Colegrove Counseling Center of Columbus, explained their services and connection with the probation officers. Jill Colegrove is the owner of the counseling services. Phillips asked the Board on behalf of Colegrove if there is available space within the courthouse to use a couple times a month. The counseling service has several clients that travel to Columbus and by having available space at another location; it would help save clients a trip to Columbus. The space only needs to be enough for two individuals and sound proof for the substance abuse/mental health evaluations. Motion made by Schuele, second by Tisthammer to approve temporary use of a room/office space for Colegrove Counseling Center to conduct their services within the Boone County Courthouse. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Jeff Rauh, Keystone Project Representative, presented an update to the Board regarding the TransCanada Keystone XL Pipeline Project. On April 18, 2013, the Department of State will hold a public meeting about the proposed Keystone XL Pipeline Project at the Heartland Events Center in Grand Island, Nebraska. The purpose of the meeting is to give individuals an opportunity to express their views and provide comments on the Draft Supplemental Environmental Impact Statement that was released on March 1, 2013. This is a listening session and for those that are unable to attend, written comments may be submitted through April 22, 2013. Rauh encourages comments from the county residents during the comment period through April 22, 2013.

Darrel Thorin, County Highway Superintendent, received two sealed bids for the advertised 10:00 A.M. bid opening for County Road Project C-6 336 PH II and PH III. The Board reviewed the two bids for the 1 $\frac{3}{4}$ mile project on 110th Avenue. The bids received were from Ag Dirtwork, Inc. @ \$96,000.00 and Bygland Dirt Contracting, Inc. @ \$22,940.00. Motion made by Tisthammer, second by Luettel to accept the Bygland Dirt Contracting, Inc. bid of \$22,940.00 for County Road Project C-6 336 PH 11 and PH 111 as submitted. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the County Board Proceedings of March 25, 2013 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his March report. In addition, the following topics were discussed:

- The bid letting dates on the bridge/road projects.
- The Nebraska Department of Roads is reorganizing staff responsibilities.
- Thorin received the right-of-way signage and the road department has started installation.
- Thorin renewed two skid loader rental/lease agreements with Kayton International and one skid loader rental/lease with Greenline Equipment.

Tara K. Dougherty-Kutschara et al., requested permission to trench an 8" water line for irrigation purposes over and across a county road commonly known as 120th Street. The water line commences from an irrigation well located on the SE $\frac{1}{4}$ of Section 12, Township 22 North, Range 7 West of the 6th P.M., running thence south to an irrigation pivot located on E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, Township 22 North, Range 7 West of the 6th P.M., all in Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-19 granting permission to trench an 8" water line over and across 120th Street as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

LTP Farms LLC, c/o Theodore Pelster, requested permission to trench a 1 $\frac{1}{4}$ " water line over and across a county road commonly known as 260th Avenue. The water line commences from a submersible well located on the NE $\frac{1}{4}$ of Section 10, running thence east to a livestock well to be located in the NW $\frac{1}{4}$ of Section 11, all in Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-20 granting permission to trench a 1 $\frac{1}{4}$ " water line over and across 260th Avenue as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

J & J Becker Family Farms, c/o John Becker, requested permission to trench an electrical cable for irrigation purposes over and across a county road commonly known as 240th Street. The electrical cable commences from a generator located in the SE $\frac{1}{4}$ of Section 12, Township 20 North, Range 6 West of the 6th P.M., running thence south to an irrigation well/pivot to be located in the NE $\frac{1}{4}$ of Section 13, Township 20 North, Range 6 West of the 6th P.M., all in Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-21 granting permission to trench an electrical cable over and across 240th Street as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Richard D. Dozler, Trustee, requested permission to trench and install a natural gas line for irrigation purposes over and across a county road commonly known as 270th Street. The natural gas line commences from the NW $\frac{1}{4}$ of Section 32, Township 20 North, Range 7 West of the 6th P.M., owned by James and Patricia Beister; running thence North to the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 29, Township 20 North, Range 7 West of the 6th P.M., all in Boone County, Nebraska. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-22 granting permission to trench and install a natural gas line over and across 270th Street as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Neil Baumgartner requested permission to trench an electrical cable for irrigation purposes over and across a county road commonly known as 160th Street. The electrical cable commences from a pole located on the South side of 160th Street, running thence north to an irrigation well located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 36, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second



Boone County Board Minutes



by Schuele to approve Resolution No. 2013-23 granting permission to trench an electrical cable over and across 160th Street as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Prairie Breeze Wind Energy LLC requested permission to install an electrical cable adjacent to 160th Avenue and bore under the county road. The Prairie Breeze Wind Energy LLC easement is for electrical cable to be installed on the east side of 160th Avenue within the Boone County road right-of-way beginning one-half mile south of the Boone/Antelope County boundary; running thence north. The easement being the West thirty-three feet of the NW¼ of Section 6, Township 22 North, Range 7 West of the 6th P. M., Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-24 granting an easement to install electrical cable in the county road right-of-way adjacent to 160th Avenue as presented. Roll call Vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Nathan Mueller requested permission to trench an electrical cable for a pasture pump over and across a county road commonly known as 240th Street. The electrical cable commences from a pole located in the SW¼ of Section 7, Township 20 North, Range 5 West of the 6th P.M., running thence south to a pasture pump to be located in the NW¼ of Section 18, Township 20 North, Range 5 West of the 6th P.M., all in Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-25 granting permission to trench an electrical cable over and across 240th Street as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Lanny Rasmussen, Albert VanDeWalle, Jerry Hagemann, Leon Magsamen and Jacqueline L. Wells, representing the Boone County Veteran's Board met with the Board of Commissioners to discuss the Albion Vets Club real estate taxes. The American Legion Post #162/VFW Post 736 were denied their Statement of Reaffirmation of Tax Exemption request filed on Form 451A in December 2009. The group said they are having hard times making ends meet since they built the new building. They feel a Veteran's organization should be automatically exempt. The Assessor's office records indicate that the application was denied from exemption due to the facility being open and serving alcoholic beverages for more than 20 hours per week. The Board asked the group what hours the Albion Vets Club was open to the public. The response was six of the seven days from 4:00 PM to Midnight. A copy of the form and statutory requirements were provided to the group along with a copy of the exempt organizations approved in January 2013. The Board will discuss the request with Joyce Sock, County Assessor.

Rod Nelson, Maintenance, informed the Board that some of the courthouse offices duress buttons are not working properly. Nelson received a quote for \$3,507.75 from Accurate Controls, Inc. of Wisconsin for service to visit their existing equipment to determine what is in need of repair/replacement. Nelson visited with Applied Connective Technologies LLC of Albion/Fullerton regarding the duress system. Applied Connective Technologies submitted a quote for \$1,585.81 for a zone panel/control unit to repair/replace the present duress system. Both quotes are subject to changes concerning the labor and replacement of wiring or parts if needed. Motion made by Tisthammer, second by Luettel to approve the quote from Applied Connective Technologies as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed proposals submitted for replacement of sidewalks running along the East and North side of the courthouse property. The County is responsible for the removal of the existing sidewalk, retaining wall and necessary dirt work. The fill sand is not included in the proposals. The Boone County Concrete, Inc. proposal is \$17,112.00 and C & J Construction LLC proposal is \$19,696.00. Motion made by Luettel, second by Tisthammer to approve the Boone County Concrete, Inc. proposal for



Boone County Board Minutes



replacement of the sidewalks running along the East and North side of the courthouse property as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for March 2013:

- Clerk - \$10,375.75 (State of Nebraska - \$5,349.90)(County of Boone - \$5,025.85)
- Clerk of the District Court - \$1,263.89 (State of Nebraska - \$1,013.00)(County of Boone - \$250.89)
- Planning and Zoning - \$4,608.75
- Sheriff - \$1,923.08
- Treasurer - Treasurer's Fees - \$248.00; Miscellaneous Receipt Nos. 12676-12749 - \$438,088.66; Total Collected - \$1,162,569.25

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

The Boone County Ambulance Service submitted an uncollectible ambulance account, as all methods of collection have been exhausted. The recommendation for the October 2012 account of \$1,575.00 is to turn the file over to the County Attorney to attempt further collection. Motion made by Schuele, second by Luettel to write-off the uncollectible ambulance account in the sum of \$1,575.00, pursuant to the recommendation received from the ambulance service and turn the file over to the County Attorney for further collection. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Brandon Welch, Cedar Rapids Community Club Representative, submitted an Application for Special Designated License for a community event scheduled for May 25 and 26, 2013. Welch informed the Board that the Cedar Rapids Community Club has daily events planned for both days at Mel's Landing beginning at 10:00 A.M. and bands playing in the evening on both days. Welch answered questions from the Board regarding adequate law enforcement and crowd control identification. Motion made by Schuele, second by Luettel to approve the Cedar Rapids Community Club Application for Special Designated License as presented for May 25 and 26, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The STOP Fund is funds received from individuals utilizing the pretrial diversion program. Each year the County Attorney completes an Application for Program Certification Approval with the Nebraska DMV. The certification outlines the fees, certified instructors, jurisdiction and the traffic safety law enforcement program purchase made with the program funds. The protocol procedure for purchase of law enforcement equipment as identified on the application is to present the request to the County Attorney; upon approval by the County Attorney, the request becomes an agenda item for the Board of Commissioners to consider for approval/denial. The Board received a request from the St. Edward Police Department for a new light bar for the patrol vehicle. The equipment request is for \$720.00 from Custom Cage. Motion made by Luettel, second by Schuele to approve the St. Edward Police Department's request for purchase of law enforcement equipment from the County STOP Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$38,470.00; Road - \$71,562.59; County Visitors Promotion - \$75.00; Reappraisal - \$3,415.75; Boone Co Economic Development - \$1,724.58; Emergency Management (2910) - \$497.91; Wireless Services (2913) - \$820.44; Ambulance - \$459.87. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Miscellaneous Public Comments:



Boone County Board Minutes



- Commissioner Luettel reported that the county car donated to the Boone Central FFA auction was sold.
- Board discussed who would be attending the Employment Practices Seminar in Kearney on April 12, 2013.
- Russell Stokes, Weed Superintendent, asked the Board how they would like him to handle the NIRMA ruling regarding spraying weeds in road ditches against traffic. Proper traffic control signage is necessary when spraying road ditches and vehicle is against traffic. The Board plans to visit with other entities with the same situation to find out how they plan to handle the one-person weed position when spraying road ditches.

Chairman Schuele declared the meeting adjourned at 1:15 P.M. with the next meeting scheduled for Monday, April 15, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 15, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 15, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Tisthammer, second by Luettel to accept and approve the County Sheriff's 2013 first quarter report as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Vic Lee, Boone County Health Center CEO, informed the Board that the term of Mark Palmer, 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, 2013. Motion made by Schuele, second by Luettel to place an ad in the county legal newspapers the week of April 22, 2013 with the application deadline at noon on Friday, May 10, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The State of Nebraska requires an approved kennel for the housing of impounded pets, specifically dogs or cats. Statute 54-625 to 54-643 was effective August 30, 2009. The Board reviewed the Interlocal Agreement dated May 3, 2010 through May 3, 2013 with the City of St. Edward. The Board proposed no changes to the fees and responsibilities. The agreement may be terminated by either political subdivision with 30 days written notice to the other. If notice is not served, the agreement will automatically renew annually on May 1st of each year. The City of St. Edward shall be responsible for the maintenance and upkeep of the kennel. The County will pay the annual \$125.00 fee in exchange for being able to utilize the facility for the animals that the County impounds. There will be a \$5.00 per day impound fee with the animal being maintained up to five days. If the animal is reclaimed by the owner, the owner shall pay the impound fee. Motion made by Tisthammer, second by Luettel to approve an Interlocal Agreement between the City of St. Edward and the County of Boone effective May 3, 2013 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 and Board of Equalization Proceedings of April 8, 2013 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

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



Boone County Board Minutes



- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- United States Post Office mail pickup hours change April 27, 2013. The mail truck will pickup up the mail in Albion and leave town at 3:15 P.M. Courthouse offices will need to have their mail ready to be delivered to the Albion Post Office by 3:00 P.M. each day.
- National Walk @ Lunch Day is Wednesday, April 24, 2013.
- The cell phone booster antennas are installed within the courthouse.
- The Board plans to replace the North and East sidewalks along the courthouse property this summer. During construction, vehicle parking may need to relocate.
- Commissioner's Schuele and Luettel reported on information received at NIRMA's Employment Practices seminar they attended on April 12, 2013.

The Board received sealed bids from two companies regarding a new motor grader. Eddie Bomar, Nebraska Machinery Company and Noland Rockey, Murphy Tractor & Equipment Co. represented their respective company. The Board asked Bomar and Rockey questions regarding their respective company's equipment, warranty for parts and trade in allowance for the Cat 140G presently housed at the County Road Dist. #3 shop. The Board and Highway Superintendent plan to review the bids and make a decision at their Board meeting on April 29, 2013.

LeRoy F. Dozler and John H. Frey requested permission to trench a 2" natural gas line for irrigation purposes over and across a county road commonly known as 250th Street. The natural gas line connects with an existing line located in the SW1/4 of Section 18, Township 20 North, Range 7 West of the 6th P.M., running thence south to the NW1/4 of Section 19, Township 20 North, Range 7 West of the 6th P. M., all in Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-26 granting permission to trench a 2" natural gas line for irrigation purposes over and across 250th Street as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

LeRoy F. Dozler and Richard Dozler requested permission to trench a 2" natural gas line for irrigation purposes over and across a county road commonly known as 160th Avenue (Dennison Road). The natural gas line connects with an existing line located in the NW1/4 of Section 19, Township 20 North, Range 7 West of the 6th P.M., running thence west to the NE1/4 of Section 24, Township 20 North, Range 8 West of the 6th P. M., all in Boone County, Nebraska. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-27 granting permission to trench a 2" natural gas line for irrigation purposes over and across 160th Avenue as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The State of Nebraska, Department of Roads (NDOR) has arranged for the inspection and any necessary load re-rating of all fracture critical bridges due for inspection in 2013. The Board received a 2013 Fracture Critical Bridge Inspection Agreement from NDOR concerning five bridges located in Boone County. The cost of the five bridge inspections is estimated to be \$7,599.54. Darrel Thorin, County Highway Superintendent, called NDOR regarding the inspection costs and possible use of soft match credit. Thorin asked the Board to sign the documents but plans not to return the documents until he receives an answer from NDOR. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-28, an Agreement between Boone County, Nebraska and NDOR for Project No. STP-NBIS(99), Control No. 00886 Fracture Critical Bridge Inspections. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin plans to attend a bridge conference this week.



Boone County Board Minutes



Jeff Jarecki, Public Defender, presented a report to the Board regarding the status of court cases since his appointment to the position in August 2012. Jarecki's report showed twenty-five cases assigned in 2012 and twenty-two cases assigned to date in 2013. Jarecki answered the Board's questions regarding closed and open cases and conflict of interest. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved or has a client connection.

Miscellaneous Public Comments:

- Lynn Choat discussed road maintenance/gravel concerns with the Board.
- Commissioner Schuele plans to attend the Region 44 Emergency Management meeting this evening in Fullerton.

Chairman Schuele declared the meeting adjourned at 12:05 P.M. with the next Board meeting scheduled for Monday, April 22, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, April 22, 2013 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Applicant Eric Braun and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Chairman Schuele 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 Eric Braun. Eric Braun and Jennifer Braun are the property owners of the real estate referenced herein. The application request is to divide 3.44± acres from farm ground located in a fraction of the W1/2 of Section 3, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska to construct a new home.

Eric and Jennifer Braun explained to the Board that they returned to Boone County to farm with family. They are presently staying with Eric's parents. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. A survey is completed and filed of record in the Boone County Clerk/Register of Deeds office. In addition, they purchased real estate for driveway access.

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

Motion made by Schuele, second by Luettel to approve as presented the Application for Conditional Use Permit submitted by Eric Braun. The approval is to divide 3.44± acres from farm ground to construct a new home to be located on a fraction of the W1/2 of Section 3, Township 18 North, Range 7 West of the 6th 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 APRIL 22, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 22, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Jenice Stevenson, County Economic Development, reminded the Board that a "TIF" Workshop is scheduled for 7:00 P.M., on Wednesday, April 24, 2013.

The primary use of the Boone County 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. requested assistance to advertise the Boone County Fair scheduled for July 6 to 11, 2013. 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.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Thorin updated the Board regarding the road/bridge projects.
- Thorin reported on the bridge conference he attended last week.
- The Petersburg Northeast (Raeville Road) project bid letting on April 18, 2013 received no bids. Nebraska Department of Roads will have to schedule a new bid opening for the project. Thorin hopes it is rescheduled for June.
- Thorin provided the Board a comparison chart of the new motor grader bids for their review.

Rod Nelson, Maintenance, discussed the courthouse lawn with the Board. The sidewalk project includes removal of the retaining walls on the east and north side of the courthouse. Upon the removal of the retaining walls, the lawn will require landscaping and reseeding. Nelson discussed with the Board poor communication in the past years regarding weed/grub control lawn contracts. The Board suggested Nelson draft a letter with his thoughts for improved communication regarding the lawn contracts.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$86,443.64, BCBS \$35,425.78, Ameritas Ret \$5,974.14, EFTPS \$6,475.71, Section 125 Fees \$6.00; Road \$43,510.80, BCBS \$19,272.50, Ameritas Ret \$2,937.00, EFTPS \$3,285.11; Boone County Economic Development \$4,863.52, BCBS \$1,492.40, Ameritas Ret \$328.29, EFTPS \$361.10; Ambulance \$890.00, Ameritas Ret \$46.92, EFTPS \$68.07; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,409.55, Ameritas Ret \$285.53, EFTPS \$413.82, which is all reimbursed back to the County. 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 Board Proceedings of April 15, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Commissioner Schuele reported on the Region 44 Emergency Management meeting he attended on April 22, 2013.
- The Board discussed attendance to the Board of Equalization workshop scheduled for May 9, 2013 in Kearney.
- Commissioner Schuele reported on a preliminary building project for the Boone County Fairgrounds. The Boone County Agricultural Society, 4-H Council and FFA Alumni supported hiring Design Associates of Lincoln, Nebraska to prepare a floor plan for a Boone County Arena. The Boone County Arena project for the fairgrounds would replace all existing buildings west of the Casey's/Event Center buildings with one 75,000 square foot enclosed building sitting north and south on the fairgrounds property. The thought process is to have the Boone County Arena self funded and set up an endowment fund for the annual maintenance of the building.
- William Eason lives in Alaska the majority of the time and owns property in the county. Eason discussed his building project with the Board and Mary Ziemba, Zoning Administrator. Eason said his property is in a flood zone according to the Federal Emergency Management Agency maps, where he is building an open pole shed. Ziemba is working with Eason to complete the extra paperwork required when a building project is in a flood zone.

Chairman Schuele declared the meeting adjourned at 11:05 A.M., the next Board meeting is scheduled for Monday, April 29, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, April 22, 2013 at 9:18 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, second by Commissioner Tisthammer to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Ken Luettel, Jerry L. Tisthammer and Tom Schuele. Applicant Brad Bittner and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Chairman Schuele 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 Brad Bittner. Brad R. Bittner and Shauna M. Bittner are the property owners of the real estate referenced herein. The application request is to divide 5.54± acres from farm ground located in a fraction of the SW1/4 of Section 12, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska to construct a new home.

Brad Bittner explained to the Board that the farm ground is no longer in the CRP Program. The Board and Ziemba explained the reason for the Waiver of Distance forms from surrounding neighbors within a mile radius. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request along with three signed Waiver of Distance forms. A survey is completed and filed of record in the Boone County Clerk/Register of Deeds office.

Motion made by Luettel, second by Tisthammer to close said hearing at 9:28 A.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve as presented the Application for Conditional Use Permit submitted by Brad Bittner. The approval is to divide 5.54± acres from farm ground to construct a new home to be located on a fraction of the SW1/4 of Section 12, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS CLASS I RETAIL LIQUOR LICENSE FOR ALBION SPEEDWAY LLC

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, April 29, 2013 at 10:08 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 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 Bryan Robert Molt was present to answer any questions. Chairman Schuele read the notice for the record.

The purpose of the public hearing is to hear testimony in support of, protest against, and to answer questions concerning the approval or denial of the issuance of a Retail Liquor License (Class I) beer, wine, distilled spirits, on sale only. Bryan Robert Molt dba Albion Speedway LLC, (Albion Speedway I-102380) has filed an application with the Nebraska Liquor Control Commission for a Retail Liquor License, Class I.

Bryan Molt answered questions from the Board regarding his plans for Albion Speedway LLC. There was no one present in opposition. Molt explained his advertisement and sponsorship plans with the opening night of racing scheduled for Friday, May 3, 2013. Molt said plans are to involve local organizations to help with concessions and gate tickets.

Motion made by Schuele, second by Luettel to close said hearing at 10:16 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve as presented the Application by Bryan Robert Molt dba Albion Speedway LLC, (Albion Speedway I-102380) for the issuance of a Retail Liquor License (Class I) beer, wine, distilled spirits, on sale only. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 29, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 29, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County 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 Bash in the Burg scheduled for August 10, 2013. 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 Nebraska State Statute 28-1439.03 requires the continuation of a County Drug Law Enforcement and Education Fund Board. On August 20, 2012, the Board of Commissioners approved Resolution No. 2012-35, Boone County Drug Law Enforcement and Education Fund Board members. John Morgan, County Attorney, was asked if the County Drug Law Enforcement and Education Fund Board members' appointment might be on a calendar year at the Board of Commissioners reorganizational meeting for more consistency in their appointed membership. Morgan saw no problem changing the time of year of the appointments of the County Drug Law Enforcement and Education Fund Board members. Motion made by Tisthammer, second by Schuele to approve extending the Resolution No. 2012-35 appointments of the County Drug Law Enforcement and Education Fund Board members to January, 2014, with future member appointments being at the Board of Commissioners reorganizational meeting. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin discussed with the Board the impact LB386 and LB623 may have on county road/bridge projects.

The Board received sealed bids from two companies regarding a new motor grader on April 15, 2013. The Board reviewed the bids outlined by the County Highway Superintendent on a comparison chart. Eddie Bomar, Nebraska Machinery Company, submitted a bid for a Caterpillar 12M2 for \$176,868.66 and Noland Rockey, Murphy Tractor & Equipment Co., submitted bids for a John Deere 672GP for \$180,356.00 and a John Deere 772GP for \$206,034.00. The county is trading in a Caterpillar 140G. Bomar said Caterpillar is offering a \$5,000.00 parts certificate with no expiration. Motion made by Tisthammer, second by Luettel to approve and accept the quote for a new Caterpillar 12M2 motor grader for \$176,868.66 from Nebraska Machinery Company as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Federal Funds Purchase Program (FFPP) was established in 2011 to provide a way for State of Nebraska, Department of Roads (NDOR) to purchase federal funds currently used by Local Public Agencies (LPAs) in



Boone County Board Minutes



exchange for state cash. The current Federal Transportation Bill, MAP-21, eliminated the Highway Bridge Program (HBP) funding category which the current agreement identified as eligible for purchase. It has become necessary to address National Bridge Inspection Standard compliance issues that may affect the availability of Federal Transportation funds in Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-29, signing of the Federal Funds Purchase Program Supplemental Agreement No.1 setting out the necessary modifications to the original Resolution No. 2011-34 Agreement. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Gerald and Connie Mescher and Delmar Real Estate LLC requested permission to bore a natural gas line for irrigation purposes over and across a county road commonly known as 240th Avenue. The natural gas line connects with an existing gas meter located in the SE1/4 of Section 17, Township 21 North, Range 6 West of the 6th P.M., running thence east to an irrigation well located in the SW1/4 of Section 16, Township 21 North, Range 6 West of the 6th P. M., all in Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-30 granting permission to bore a natural gas line for irrigation purposes over and across 240th Avenue as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented quotes from Eakes Office Plus for a copy machine for the Highway Superintendent and Zoning offices. Thorin received quotes for a new copy machine purchased/leased and for a refurbished copy machine purchased/leased. The Highway Superintendent and Zoning Administrator plan to split the costs of the copy machine. Motion made by Luettel, second by Tisthammer to approve a four-year lease agreement with Eakes Office Plus for the refurbished Sharp MX-2700N copy machine with monthly lease payments of \$88.69. 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 and Zoning Public Hearings Proceedings of April 22, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

On April 8, 2013, representatives of the Boone County Veterans Board met with the Board of Commissioners to discuss the Albion Vets Club real estate taxes. The Board discussed the request with Joyce Sock, County Assessor, regarding a real estate tax exemption. Boone County Veterans Board members present to listen to the County Assessor's researched information were Lanny Rasmussen, Albert VanDeWalle, Leon Magsamen and Jacqueline L. Wells. Sock said the Board could approve a partial exemption, but the Department of Revenue in Lincoln has the final decision. The bar area is open and serves more than twenty hours a week, that area cannot be exempt from real estate taxes. Sock had the blue print of the dimensions for each room. The members present said that the blue print the Assessor received is not accurately showing each room dimension within the completed building. Sock informed the group that a new drawing of the finished building dimensions and total hours per week actually open to sell alcohol beverages will need to be provided on a form that needs to be filed with the Department of Revenue in Lincoln by June 1, 2013. Sock plans to meet with a County Veteran Board representative next week to measure each room within the building before filing for a partial exempt status with the Department of Revenue.



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.

Open Discussion and Miscellaneous Public Comments:

- Commissioner's Schuele and Luettel reported on information received at meetings they attended last week.
- Commissioner Schuele reported that the sellers did not accept the Purchase Agreement and Option to Purchase regarding the acquisition of the Fairview Lanes property by the Boone County Health Center.
- The County Clerk's office has been in contact with the accounting firm of Romans, Wiemer & Associates regarding the agreement the County has with them to audit fiscal year end June 30, 2012. The Board received a letter to confirm the understanding of their services for the fiscal year July 1, 2011 to June 30, 2012. They expect to begin their audit on May 14, 2013.

Chairman Schuele declared the meeting adjourned at 11:31 A.M. with the next Board meeting scheduled for Monday, May 13, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 13, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 13, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County 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 requested assistance to advertise the Petersburg Carnival Days scheduled for June 25 and 26, 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 Area Arts Council requested assistance to advertise the Missoula Children's Theatre scheduled for June 24 through 29, 2013. 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.

Motion made by Tisthammer, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$80,129.24; Road - \$139,022.28; County Visitors Promotion - \$668.00; Reappraisal - \$4,310.15; Boone Co Economic Development - \$1,298.51; Emergency Management (2910) - \$8,539.25; Wireless Services (2913) - \$3,421.00; Ambulance - \$436.06. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for April 2013:

- Clerk - \$22,476.25 (State of Nebraska - \$15,041.68)(County of Boone - \$7,434.57)
- Clerk of the District Court - \$684.94 (State of Nebraska - \$382.00)(County of Boone - \$302.94)
- Sheriff - \$1,412.02
- Treasurer - Treasurer's Fees - \$26.00; Miscellaneous Receipt Nos. 12750-12842 - \$926,999.30; Total Collected - \$7,069,855.97

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

Mary Ziemba, County Zoning Administrator, submitted a written report of activities with the Board and included a report regarding permit fees collected for April 2013. Motion made by Tisthammer, second by Schuele to approve the County Planning and Zoning report for April 2013 - \$584.14 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



Motion made by Schuele, second by Luettel to approve the County Board Proceedings, Board of Equalization Proceedings and Public Hearing Proceedings of April 29, 2013 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his April report regarding gravel, road/bridge maintenance and repair. In addition, the following topics were discussed:

- The Cedar Rapids Bridge, Primrose Bridge and Petersburg Northeast (Raeville Road) projects that have been on the books for several years with NDOR constantly changing requirements may cost the county more than originally and possibly the quarter million will all need to be budgeted within the 2013-2014 fiscal year.
- Thorin and the Board discussed the poor quality of gravel that the county is receiving from the gravel pits.
- Thorin met with TransCanada personnel last week regarding road easements.

Thorin discussed with the Board the need for a dump truck. The road department is looking for a straight dump truck with a steel box, tandem axle and tag axle. Motion made by Luettel, second by Schuele to authorize Darrel Thorin, County Highway Superintendent, to search for a dump truck to purchase that meets the road department needs. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

David Remmereid requested permission to trench an electrical cable for irrigation purposes over and across a county road commonly known as 270th Avenue. The electrical cable commences from an electrical pole located in the road right-of-way of the NW1/4 of Section 13, Township 22 North, Range 6 West, running cable thence West across 270th Avenue to an irrigation well located in the NE1/4 of Section 14, Township 22 North, Range 6 West of the 6th P.M., all in Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-31 granting permission to trench an electrical cable over and across 270th Avenue as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Nebraska Department of Roads plans to construct highway improvement Project No. STPD-14-3(112), Petersburg-Elgin. The construction may involve the destruction of land survey corners and witness corners. The State requires the County to provide a Registered Land Surveyor to tie out land monuments prior to the construction and tie and remonument after construction. Motion made by Schuele, second by Luettel to approve the Agreement for Project No. STPD-14-3(112) between Boone County, Nebraska and the State of Nebraska, Department of Roads for surveying services as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Joyce Sock, County Assessor, wanted to bring to the Boards attention the agreements that were signed regarding pickup work for the County Assessor's office. Sock feels that there should be consistency with the individuals completing the pickup work. The consensus of the Board supports Sock regarding the consistency of payment for the pickup work completed for the Assessor's office.

The Board received two applications showing interest to serve on the Boone County Health Center Board of Trustees. Motion made by Schuele, second by Luettel to set up interviews for May 28, 2013. 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 Richard Good expires in June 2013. Motion made by Tisthammer, second by Schuele to reappoint Richard Good of St. Edward to a five-year term expiring in June



Boone County Board Minutes



2018 to the Boone County Veterans Service Board. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Shannon Landauer and Jenice Stevenson, Boone County Development Agency, were present to discuss a lease for a new copy machine for the office. Landauer compared figures from Eakes Office Plus and Office Net. Landauer said that Eakes is allowing \$1,500.00 trade in for the six-year-old copy machine that is owned. Motion made by Schuele, second by Tisthammer to approve 48 month lease payments of \$136.48 with Eakes Office Plus for a new Sharp MX-3140N copy machine for use by the Boone County Development Agency. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed proposals submitted for repair of the roof on the county annex building. The recent rain showers caused water leakage into the county annex building where the Boone County Development Agency office is located. The ABC Roofing, Inc. proposal is \$11,559.00; Western Roofing Co. proposal is \$18,028.00; and Guarantee Roofing & Sheet Metal, Inc. proposal is \$15,009.00. The warranty years and roof material varied among the proposals. Motion made by Luettel, second by Schuele to approve the Guarantee Roofing & Sheet Metal, Inc. proposal for repair of the roof on the Boone County Courthouse annex building where the Boone County Development Agency office is located as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed reimbursement for use of personal equipment/vehicle. Nelson used his personal bobcat in April 2013 to remove the ice from the courthouse sidewalks and parking lot. Nelson said he charges \$80.00 per hour when using his bobcat. Nelson already received his April wages; therefore, his employment wage received is removed from the \$100.00 bobcat reimbursement. Nelson uses his personal pickup and trailer to haul the grass clippings to the grass/tree pile in Albion. Nelson explained to the Board how he arrived at \$35.00 per use of his trailer. The reimbursement is subject to payroll taxes. Motion made by Luettel, second by Schuele to reimburse Rod Nelson, Maintenance, \$80.000 for the use of his bobcat and \$35.00 per day of use of his personal trailer. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments.

- The Board of Commissioners received a letter from John V. Morgan, Boone County Attorney, giving an update on the civil case regarding James Majerus.

Chairman Schuele declared the meeting adjourned at 12:15 P.M. with the next meeting scheduled for Monday, May 20, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, May 20, 2013 at 9:21 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Tom Schuele and Ken Luettel. Commissioner Jerry L. Tisthammer was absent. Mary Ziemba, County Zoning Administrator, was present to answer any questions. Chairman Schuele 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 Ralph L. Pelster and Debra D. Pelster. James H. Schrage, Joan M. Schrage, Joseph S. Schrage and Bette J. Schrage are the property owners of the real estate referenced herein. The application request is to divide 5.33± acres of the farmstead from farm ground located on a fraction of the SW1/4 of Section 6, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska to purchase the building site from the property owners for a personal residence.

Ralph Pelster visited with Commissioner Luettel prior to the hearing, as he will not be available to attend the hearing. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request. A survey is completed.

Motion made by Schuele, second by Luettel to close said hearing at 9:29 A.M. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Luettel, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by Ralph L. and Debra D. Pelster. The approval is to divide 5.33± acres of the farmstead from farm ground to purchase the building site for a personal residence located on a fraction of the SW1/4 of Section 6, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 20, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 20, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County 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 Riot on the River event scheduled for May 25 and 26, 2013. 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 and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

The service agreement between Applied Connective Technologies and Boone County Courthouse will expire on May 31, 2013. 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 2013 through May 2014. Motion made by Luettel, second by Schuele 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: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of May 13, 2013 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The County of Boone, Boone County Agricultural Society, Inc. and City of Albion entered into an Interlocal Agreement with an effective date of January 1, 2008. The agreement is subject to review five years from the effective date. The agreement is concerning the fair grounds property water and sewer usage with the City of Albion. The County of Boone completed the sewer connection project as agreed in the 2008 agreement. The City of Albion agrees to continue furnishing free water to the fair grounds as per the original agreement of 1961, unless the City of Albion for any reason abandons the wells located on the fair grounds property. The Boone County Agricultural Society, Inc. will pay the City of Albion a sewer usage fee based on the utility rate schedule. This agreement supersedes the 2008 agreement and will automatically renew annually on January 1st each year unless a notice of termination is received by either political subdivision. Motion made by Schuele, second by Luettel to approve the Interlocal Agreement between the County of Boone, Nebraska; Boone County Agricultural Society, Inc., Nebraska; and City of Albion, Nebraska as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

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



Boone County Board Minutes



- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- The NACO Walk for Life Challenge begins June 3, 2013 and ends September 1, 2013. Any one interested in participating is to contact the County Clerk's office for information.
- The employees present were informed of the BCBS premium rate increases for the July 1, 2013 through June 30, 2014 fiscal year.
- Information was received from USA Communications regarding telephone services.
- Rod Nelson, Maintenance, reported that the plan is to begin removing the sidewalk/retaining wall on the north side of the courthouse property on May 31, 2013.
- Commissioner Schuele acknowledged that Boone Central graduate Amy Ahlers received one of the Nebraska Association of County Officials (NACO) scholarships.
- Commissioner Schuele was asked to be on the NACO Salary Committee. The committee studies the information submitted by the counties and then makes minimum salary recommendations for each county for the 2015-2018 elected term.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin updated the Board regarding the purchase of a dump truck that was discussed at the May 13, 2013 Board meeting. Thorin indicated that upon the purchase of a new truck that the 1996 Mack truck would be converted into a dump truck.

Bobby Britton, Permit Specialist for TransCanada Keystone Pipeline, submitted a resolution to install, construct and maintain a 36" crude oil pipeline beneath 25 county roads. The pipeline is to be 5' below the ditch line and the majority of the project will be bored under the county roads. The county roads listed in the resolution are 110th Street to 380th Street between 290th Avenue and 300th Avenue. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-32 granting permission to bore under several county roads as listed for installation, construction and maintenance of a 36" crude oil pipeline as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Bobby Britton, Permit Specialist for TransCanada Keystone Pipeline, submitted a Temporary Driveway document to create temporary driveway approaches for constructing the Keystone Pipeline. The 50 temporary driveway approaches may be created as required to allow for access of equipment needed to perform road crossings. The removal of the temporary approaches and the restoration of the disturbed ground, shoulder and pavement shall be the responsibility of TransCanada Keystone Pipeline. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Temporary Driveway document as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The County Clerk's office computer units need upgrading in order for the units to each have the same programs and sharing of documents. The Applied Connective Technologies quote for three Dell Precision Workstations/Monitors, etc. is \$3,704.19 and the online PC offer through MIPS is \$3,545.34. Both quotes include three-year hardware warranty and optic mouse/keyboards. The installation and configuration is not



Boone County Board Minutes



included. The Applied Connective Technologies quote is 8GB and MIPS quote is 4GB. Applied Connective Technologies is local personnel installation with MIPS personnel installation traveling from Lincoln, Nebraska. MIPS provides the software programs for the county offices. The local installation fees and travel time should be less and offset the equipment difference. Motion made by Schuele, second by Luettel to approve the purchase of three Dell Workstations/Monitors from Applied Connective Technologies for the County Clerk's office. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Sue Warner, NACO BCBS Northern Regional Representative, provided the Board information regarding the NACO BCBS renewal medical/dental premium rates and coverage changes. Warner highlighted the Patient Protection and Affordable Care Act (PPACA) financial impact on insurance rates is based on percent of premium. Warner provided health care reform informational material explaining the PPACA requirements regarding Women's Preventative; Excise Tax; Reinsurance Fee; and PCORI Fee. These fees are for the government to administer the PPACA program. Warner presented the estimated cost for the requirements from January through June 2014 to be 2.05 % of the BCBS premium. Warner said that the health care program is presently 2,000 pages and estimated to be 18,000 pages when all the requirements, rulings, administration of program and implementations are settled.

There will be no changes to the NACO BCBS deductible and coinsurance on the medical plans. The prescription drug copayments for all PPO plans are changing. The premium rate increase is 12% on medical and no premium rate increase on dental for the period of July 1, 2013 through June 30, 2014. All sub-group applications/coverage election forms need to be received at BCBSNE no later than June 1, 2013. The County Clerk's office plans to distribute a copy of the premium rates and prescription drug changes with the employees May payroll. Motion made by Schuele, second by Luettel to approve the NACO BCBS Option 4 PPO Health Plan with \$1,500.00 individual deductible and Signature Blue Option 4 Dental Plan for the period of July 1, 2013 through June 30, 2014. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Miscellaneous Public Comments:

- Commissioners Schuele and Luettel discussed purchasing a utility trailer to use for hauling items to/from the rented storage unit and the mowed grass from the courthouse.

Chairman Schuele declared the meeting adjourned at 12:41 P.M. with the next Board meeting scheduled for Tuesday, May 28, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, May 20, 2013 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, second by Commissioner Schuele to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Ken Luettel and Tom Schuele. Commissioner Jerry L. Tisthammer was absent. Applicant Nikki Heidemann and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Chairman Schuele 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 Dr. Richard and Nikki Heidemann. Richard L. Heidemann II and Nikki R. Heidemann are the property owners of the real estate referenced herein. The Boone County Planning Commission and Board of Commissioners advanced hearing publications refer to 5.55± acre tract to be divided from farm ground. The boundary survey dated December 11, 2012 divides 5.46± acres from the farm ground. The application request is to divide 5.46± acres from farm ground located in a fraction of the SE1/4NE1/4 of Section 33, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska to construct a new home.

Nikki Heidemann explained that they purchased the acreage from Niewohner Farms. Mary Ziemba explained the reason for the Waiver of Distance forms from surrounding neighbors within a mile radius. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request along with five signed Waiver of Distance forms. A survey record known as Heidemann Lot Split for 5.46± acres is completed.

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

Motion made by Luettel, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by Dr. Richard and Nikki Heidemann. The approval is to divide 5.46± acres from farm ground to construct a new home to be located on a fraction of the SE1/4NE1/4 of Section 33, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 28, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, May 28, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board of Commissioners and Vic Lee, CEO of the Boone County Health Center, conducted interviews of Michael Malander and Donald Casper for the Boone County Health Center Board of Trustees. Members of the Boone County Health Center Board of Trustees are appointed to serve a six-year term with members able to serve up to two consecutive six year terms. The board member whose second term is expiring June 30, 2013 is Mark Palmer.

Following the interviews, the Board and Lee indicated that both candidates would be very good on the Board and that it is their hope that the candidate not chosen would be interested in reapplying for any upcoming vacancies. Motion made by Luettel, second by Tisthammer to appoint Donald Casper to serve on the Boone County Health Center Board of Trustees for a six year term beginning July 1, 2013. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, Boone County Register of Deeds, submitted a quote for \$2,200.00 from Mobile Binders to repair/replace four books. Lorrie Nicklasson, Deputy, explained to the Board that several of the very old numerical indexes needed to have the pages repaired and new binders and that one Veterans Discharge Record needed a new binder as well. Nicklasson indicated that some of the costs for the repairs and new binders would be paid from the Preservation & Modernization Fund. Motion made by Schuele, second by Luettel to approve the quote of Mobile Binders to repair and replace four books in the Register of Deeds Office in the sum of \$2,200.00. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed the Boone County Emergency Mutual Aid Agreement. The agreement sets forth the provisions for the Boone County Ambulance Service regarding rendering of mutual aid to other towns and communities. The last Mutual Aid Agreement was prepared in 2002. Motion made by Luettel, second by Tisthammer to approve the Boone County Emergency Mutual Aid Agreement as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to trench an electrical cable under a county road known as 250th Street in a North-South direction in order to provide electrical service to a new shop building for Bryce Naber located in the NW1/4 of Section 19, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-33 granting permission to trench and electrical cable over and across 250th Street as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, updated the Board regarding county road and bridge projects. The Nebraska Department of Roads has advised the county that it will be able to use its county employees for the Cedar Rapids bridge project; however, it will be the fall or August, at the earliest, before the plans are released.



Boone County Board Minutes



Bid letting for the Petersburg Northeast project is set for June 27, 2013. The Board and Thorin also discussed equipment repair matters, 911 signage that needed repair on 390th Street located off Highway 52 near Belgrade and erosion control issues.

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 6-11, 2013. The SDL is for the Beef Barn and underneath the grandstand. Motion made by Luettel, second by Tisthammer to approve as presented the Application for a Special Designated Liquor License request from the Boone County Agricultural Society for the Boone County Fair. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Chuck Rolf, Boone County Agricultural Society representative, advised the Board of an upcoming meeting to be held on June 11, 2013 regarding a new arena at the fairgrounds.

Darrel Thorin, Highway Superintendent, and Scott Clausen, Cornhusker International, appeared before the Board regarding the purchase of a semi tractor-truck for the road department. Clausen presented a proposal to the Board for a used 2007 semi tractor-truck with 267,000 miles for the sum of \$77,000.00. In addition, Thorin presented several other proposals for both new and used semi tractor-trucks. The Board reviewed the various proposals and instructed Thorin to provide the Board with additional information prior to the June 10, 2013 Board meeting. The Board would like to have time to review the various proposals and advised that the matter would be set for review and necessary action at the June 10, 2013 Board meeting.

Steve Pritchard, Extension Agent, appeared before the Board regarding the purchase of a 10-player wireless buzzer system. Pritchard explained to the Board the various uses for the system, which included County Government Day. Pritchard advised the Board that the current system is 13 years old and that it is used weekly during the months of December through June. Motion made by Luettel, second by Schuele to approve the purchase of a ZeeCraft 10-player wireless buzzer system for the sum of \$1,067.00. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Steve Prichard, Extension Agent, introduced Morgan Wrich to the Board. Ms. Wrich will be working as a summer intern in Boone and Nance counties this summer.

John Knust appeared before the Board regarding his dissatisfaction with payment for services concerning pickup work for the County Assessor's office. Knust indicated to the Board that he felt he was not being paid in accordance with the agreement between himself and the Assessor's office. He explained that he was not paid for (1) numerous parcels that he took pictures of; (2) parcels that he reviewed more than once at the request of the Assessor's Office and (3) parcels that contained numerous improvements requiring measurements. Knust felt that there was no consistency between the items he was paid for and those that he was not. Knust indicated that he felt he did a good job and that he finished well ahead of schedule. Knust indicated that he kept a daily log of the work performed and offered to go through it item by item with the Assessor but she refused to do this. Barb Hanson, Deputy County Assessor, appeared before the Board in place of Joyce Sock, who could not be present at the hearing. Hanson indicated that Sock would like to have the matter reset to another date when she could be present to advise the Board of her thoughts on the matter. The Board after listening to Mr. Knust, felt it would be best to hear from Joyce Sock, Boone County Assessor, on this matter. The Board advised Mr. Knust that they would reset the matter for the June 10, 2013 board meeting and that a specific time would be set and he would be advised of the date and time of the matter in the event he wanted to appear again before the Board.



Boone County Board Minutes



Ken Luettel advised the Board he had located a utility trailer for use at the courthouse. The trailer is a Thompson Wildcat 6' x 12' 2-wheel trailer with ramp. The purchase price is \$1,300.00. Luettel advised the Board that he will obtain the necessary paperwork from Curtis Thompson in order to finalize the purchase and registration of the trailer. Motion made by Luettel, second by Tisthammer to approve the purchase of a Thompson Wildcat 2-wheel trailer with ramp for the sum of \$1,300.00. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Commissioners Schuele and Tisthammer noted a correction that needed to be made to the County Board Proceedings of May 20, 2013. Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of May 20, 2013 following revision and the Board of Equalization Public Hearing Proceedings and Zoning Public Hearings Proceedings of May 20, 2013 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 - \$88,327.58, BC/BS - \$34,761.56; Ameritas Ret - \$6,103.62; EFTPS - \$6,619.82, Section 125 Fees - \$6.00; Road - \$43,510.80, BC/BS - \$19,272.50, Ameritas Ret - \$2,937.00, EFTPS - \$3,285.11; Boone County Economic Development - \$4,792.83, BC/BS - \$1,492.40, Ameritas Ret - \$323.52, EFTPS - \$355.70; Ambulance - \$2,440.00, Ameritas Ret - \$70.55, EFTPS - \$186.65; Public Defender Contract - \$3,000.00; Boone County Fitness Center - \$5,671.35; Ameritas Ret - \$309.08, EFTPS - \$433.87; which is all reimbursed back to the county. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion:

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

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

Chairman Schuele declared the meeting adjourned at 1:27 P.M. with the next Board meeting scheduled for Monday, June 10, 2013.

Lorrie A. Nicklasson,
Deputy Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 10, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 10, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Darrel Thorin, Highway Superintendent, presented his monthly report of road maintenance to the Board for their review. Thorin reported to the Board that he had met with Blattner Engineering regarding complaints that had been received regarding road use for wind towers being built north of Petersburg in Antelope County. He indicated that the complaints were nothing major. Also met with TransCanada regarding roads and haul routes and indicated that they wanted to change some of the routes that they originally wanted to use. Thorin advised the Board that he would be attending the Annual Highway Superintendents Conference in Valentine, Nebraska on June 12 and 13, 2013.

The Board reviewed the information provided on the two trucks that were being purchased by the Road Department. Thorin advised the Board that the dump truck being purchased was different than originally submitted. The dump truck being purchased is still a 2010 model but has fewer miles and comes with a factory warranty. Motion made by Schuele, second by Luettel to purchase a 2008 Peterbilt 386 Truck Tractor for the sum of \$88,000.00 and a 2010 Freightliner C120 Dump Truck for the sum of \$125,000.00. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented the Board with information regarding the purchase of a mower for right-of-way mowing. The mower is a shredder-type mower that attaches to a tractor and is especially built for mowing road right-of-ways. The Board and Thorin discussed the mowing of right-of-ways and it was noted that Nance County charges the landowner \$450.00 per mile if the Road Department is required to mow the right-of-way. Motion made by Tisthammer, second by Schuele to approve the purchase from GT Sales & Service of a Kuhn Mower/Shredder for the sum of \$11,200.00. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, and the Board reviewed Resolution No 2013-34, a request to temporarily close a portion of 260th Street for the purpose of a 5K Run on June 15, 2013. Thorin advised that it was his understanding that the event would last for approximately 1 ½ hours and that the Road Department would be providing barricades for the event. In the event of inclement weather, there will be no alternate date set. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-34, a request to temporarily close 260th Street starting at the intersection of Fairview/11th Streets, thence west to Country Club Road and then North on Country Club Road to State Highway 91, for a 5K Run on June 15, 2013. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Chris Christensen, Power of Attorney for Helen Christensen, requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 287th Avenue. The electrical line will begin on the west side of 287th Avenue from a well/pivot, running thence east to an irrigation pivot on the east side of 287th Avenue, all located in the NE1/4 of Section 7, Township 19 North, Range 5 West of the 6th



Boone County Board Minutes



P.M., Boone County, Nebraska. Darrel Thorin, Highway Superintendent, noted that this is a minimum maintenance road and Commissioner Tisthammer noted that a prior line that was trenched was not trenched deep enough causing a bump in the road. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-35, granting permission to trench an electrical line over and across 287th Avenue as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. 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 - \$184,164.34; Road - \$428,211.69; Reappraisal - \$2,468.29; Preservation & Modernization - \$175.00; Boone Co Economic Development - \$3,291.19; 911 Emergency Management (2910) - \$638.99; 911 Wireless Services (2913) - \$387.46; Ambulance - \$412.75; Boone Co Fitness Center - \$7,733.00 (which is 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 approve the following reports of the County Officials as presented for May, 2013:

- Clerk - \$10,829.75 (State of Nebraska \$5,593.16)(County of Boone \$5,236.59)
- Clerk of the District Court - \$1,489.34 (State of Nebraska \$717.00)(County of Boone \$772.34)
- Sheriff - \$1,593.41
- Planning & Zoning - \$400.32
- Treasurer - Treasurer's Fees - \$4.00; Miscellaneous Receipts Nos. 12843-12906 - \$285,682.87; Total Collections - \$1,860,792.94

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 May 28, 2013 and Board of Equalization Proceedings of June 3, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Richard Martinsen, CPA, submitted a Letter of Understanding regarding the preparation of the annual county budget. The budget document that Martinsen assists with is being prepared solely for fulfilling the State of Nebraska budget law requirements. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Letter of Understanding with Richard D. Martinsen, CPA, to assist in the preparation of the county budget for fiscal year 2013-2014. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Members of the Boone County Health Center Board of Trustees are appointed to serve a six year term. Board members may serve two consecutive six year terms. The Board member whose term expires on June 30, 2013 is Jody Stodola-Choat. Motion made by Tisthammer, second by Luettel to reappoint Jody Stodola-Choat to a second six year term expiring June 30, 2019. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed whether or not it was necessary to have physical damage coverage in addition to the liability coverage on the recently purchased utility trailer. The Board determined that liability coverage is sufficient.
- The Board reviewed information left by Strong Financial Resources Inc. regarding various employee services offered including consolidation of employee benefits. The Board took no action on the matter.



Boone County Board Minutes



- The Board discussed arrangements for the pickup of the two new Road Department trucks.
- The Board discussed who would attend the various meetings scheduled for this week.

Chairman Schuele declared the meeting adjourned at 10:14 A.M. with the next Board meeting scheduled for Monday, June 17, 2013.

Lorrie A. Nicklasson,
Deputy Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 17, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 17, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

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

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- The employees present were informed that County Government Day is scheduled for Wednesday, October 23, 2013. The date is different from the previous announcement due to a conflict.
- The IRS is auditing in area counties.
- The Patient Protection and Affordable Care Act (PPACA), defines a full-time employee for medical benefits as working on average at least 30 hours a week. A full-time employee for wage/labor is 40 hours a week. It appears that if a part-time employee were to work no more than 28 hours within the designated seven day work week, the employer will not need to provide medical benefits for the part-time employee.
- The removal of the sidewalk and retaining wall on the east side of the courthouse property is scheduled for Friday, June 21, 2013.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of June 10, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. 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. Due to June 15, 2013 being a Saturday, the certification is as of Friday, June 14, 2013. Motion made by Schuele, second by Luettel to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The primary use of the Boone County 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. Edward Community Club requested assistance to advertise the Beaver Valley Days celebration scheduled for July 26-28, 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.



Boone County Board Minutes



John Knust discussed his dissatisfaction with payment for services concerning pickup work for the County Assessor's office with the Board on May 28, 2013. The Board advised Knust on May 28, 2013 that they would reset the matter for a Board meeting when Joyce Sock, Assessor, could be present to advise the Board of her thoughts on the matter. A Contractor Agreement was entered into between the County of Boone, Nebraska and John C. Knust, for a temporary position from October 9, 2012 through March 31, 2013. Knust temporarily filled the position for the original Contractor, to perform pickup work for the Boone County Assessor's office. Knust expressed his dissatisfaction and concerns to Sock and the Board. Sock compiled 2008-2013 payment figures regarding contractor's services for comparison and explained how the parcel figures work regarding payment of the pickup work. Sock feels the payment to Knust should not be treated any differently than the past contractors. The Board heard the differences of interpretation of the Contractor Agreement between Knust and Sock. There seems to be miscommunication between the office, contractor and interpretation of the agreement. Sock asked Knust to provide the changes he was sent back out to review regarding 32 parcels. Sock plans to review the material regarding office error or contractor error that prompted the reviews. Knust was provided a county vehicle to complete the pickup work. The Board informed Knust that they do not feel they should decide the matter since he was working for the Assessor's office. The Board stressed that Knust and Sock need to work through their differences. If Knust is still dissatisfied with Sock's figures and cannot work it out, then his next option would be to explore other avenues including legal options.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin updated the Board regarding new DOT regulations, separate budgets for buyout funds and other information he received last week at the annual Highway Superintendent's meeting.

Darrel D. Thorin, Boone County Highway Superintendent, requested an addition of a road project to the Boone County 2013 One Year Road Improvement Plan submitted to the Nebraska Department of Roads, Board of Classification and Standards in February 2013. A wind farm is currently being constructed in Antelope and Boone Counties. At the time of the initial road agreement between the wind energy firm and the county, it was not anticipated that the bridge on 125th Street would need to be used. Due to changes in some turbine locations it is now necessary to utilize this section of 125th Street and the current load rating for the existing timber bridge structure is not sufficient to carry the loads that will be using this route. The wind energy firm will be covering all costs associated with this project. A triple box culvert is replacing the timber bridge. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-36, requesting the addition of Project C-6(372) to the Boone County 2013 One Year Road Improvement Plan. 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 for this week.

Chairman Schuele declared the meeting adjourned at 11:53 A.M. with the next Board meeting scheduled for Monday, June 24, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 24, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 24, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board heard a general assistance utility request. The Board explained the general assistance guidelines. Doris Rohrer, Representative for the League of Human Dignity, explained their services in promoting independent living for those with disabilities. Rohrer represented the individual requesting electrical assistance. Motion made by Schuele, second by Luettel to approve the general assistance utility request payable directly to the power company. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed a Subgrant Agreement between the Nebraska Department of Health and Human Services, Division of Children and Family Services Child Support Enforcement and the Boone County Clerk of the District Court. The term of the agreement is in effect from October 1, 2013 through September 30, 2014. The purpose of this agreement is for a cooperative arrangement with Boone County, Nebraska on behalf of the court pursuant to Nebraska Revised Statutes. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the Subgrant Agreement between the Nebraska Department of Health and Human Services, Division of Children and Family Services Child Support Enforcement and the Boone County Clerk of the District Court as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board received on June 21, 2013 and reviewed the audit report prepared by Romans, Wiemer & Associates for the year ended June 30, 2012. A 'Notice of Completion of Audit' was submitted to the Albion News for publication the week of June 24, 2013. Motion made by Schuele, second by Tisthammer to accept and approve the audit as presented for fiscal year ending June 30, 2012 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.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of June 17, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board heard a general assistance rent request. The Board explained the general assistance guidelines. Motion made by Schuele, second by Luettel to approve a portion of the general assistance rent request payable directly to the landlord. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Darrel Thorin, County Highway Superintendent, presented a resolution to reclassify ½ mile of a county road known as 240th Street from minimum maintenance to a local functional classification. The Boone County Board of Commissioners are aware of a new dwelling to be placed on property only accessible by the aforesaid minimum maintenance road. The Nebraska Administrative Code, Title 428, Rules and Regulations of the Board of Public Roads Classification and Standards, Chapter 1, Section 001.08 Minimum Maintenance, Specific Criteria No. 4, states: “May not be the only access to an occupied dwelling - a minimum maintenance road shall be reclassified to remote residential, local or a higher functional classification whenever an existing dwelling or newly constructed dwelling becomes occupied”. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-37, to reclassify a county road beginning at a point between the NE corner of the NE1/4 of Section 16 and the SE corner of the SE1/4 of Section 9, all in Township 20 North, Range 5 West, of the 6th P.M., Boone County, Nebraska, thence West for ½ mile, known as 240th Street to a local functional classification. Roll call vote: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-38 to authorize the Boone County Treasurer to transfer the sum of \$27,900.00 from the Boone County Economic Development Operations Fund (2605) to the Business Development Fund (2606) for the 2012-2013 budget. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve Resolution No. 2013-39 a transfer within the General Fund (0100) functions for the fiscal year ending June 30, 2013 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Boone County Board of Commissioners publish each calendar year a notice to all landowners to mow all weeds as referred to in Nebraska State Statute 39-1811. It has been observed that some landowners have failed to mow all weeds on roads abutting their land. The Board acknowledges and appreciates the landowners that cooperate in mowing the roads/ditches. The Board feels it is in the best interest of the county, for the safety of the traveling public, for the maintenance of county roads and for snow removal in the winter that said public roads and ditches be mowed twice yearly as referred to in Statute 39-1811. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-40, that effective July 1, 2013, upon failure of a landowner to mow all roads and ditches abutting lands, and after receiving notice to mow said roads and ditches, if the landowner fails to mow said road and ditches within ten days (10) of receiving said notice, the Boone County Board of Commissioners shall cause said roads to be mowed at a cost of Four hundred and fifty dollars (\$450.00) per mile. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Vikki Buhlmann, Trustee, et al., requested permission to trench a 2” water line for livestock watering purposes across a county road commonly known as 110th Avenue. The 2” water line for livestock watering purposes commences from a submersible well located on the S1/2 of Section 5, running thence west to the S1/2SE1/4 of Section 6, all in Township 21 North, Range 8 West, Boone County, Nebraska. Said well to be shared by Buhlmann/O’Brien et al. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2013-41, granting permission to trench a 2” water line for livestock watering purposes across 110th Avenue as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. 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 \$86,040.39, BCBS \$38,837.93, Ameritas Ret \$5,941.11, EFTPS \$6,445.68, Section 125



Boone County Board Minutes



Fees \$6.00; Road \$43,510.80, BCBS \$21,536.11, Ameritas Ret \$2,937.00, EFTPS \$3,285.02; Boone County Economic Development \$4,609.77, BCBS \$1,668.42, Ameritas Ret \$311.16, EFTPS \$341.81; Ambulance \$1,930.00, Ameritas Ret \$82.70, EFTPS \$147.63; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,399.72, Ameritas Ret \$314.08, EFTPS \$413.08, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The U.S. Department of Labor issued a Final Rule on the Family and Medical Leave Act effective March 2013. Due to the 2013 rule, the Boone County Employee Handbook needed to be updated. NIRMA informed the Board of the information that needed to be updated. Motion made by Schuele, second by Tisthammer to update the following in the Boone County Employee Handbook under Tab L; FMLA Leave Policy, General Notice, Form WH-381, Form WH-384, Form WH-385 and addition of Form WH-385-V. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Boone County Employee Handbook regarding cellular phones on page 48 is in need of an update. The fourth paragraph, last sentence reads: "If the County Board deems the personal purchased cell phones are being used regularly for county business, a one-time reimbursement per fiscal year end in June will be a maximum of \$300.00, which will be paid as an addition to payroll". The IRS has issued rulings regarding employee owned/personal owned cell phone use. Motion made by Schuele, second by Luettel to revise the fourth paragraph, last sentence to read: "If the County Board deems the personal purchased cell phones are being used regularly for county business, a de minimis reimbursement per fiscal year end in June will be a maximum of \$300.00. The one-time fiscal year reimbursement will be paid as an Accounts Payable Vendor Claim in July. If an eligible employee has not been employed for the full fiscal year the reimbursement will be prorated per month of employment". Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board discussed disposition of surplus property. The Board decided to offer the surplus items to the schools and other governmental entities.

Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The removal of the sidewalk and retaining wall on the East side of the courthouse property is rescheduled for Friday, July 5, 2013.

Chairman Schuele declared the meeting adjourned at 12:12 P.M., the next Board meeting is scheduled for Monday, July 8, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 8, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 8, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County 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 Cedar's Rapid Run officers requested assistance to advertise the Cedar Rapids Alumni Scholarship Fund/Cedar's Rapid Run event scheduled for August 3, 2013. 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. John's Church requested assistance to advertise the St. John's Parish Festival fundraiser event scheduled for September 8, 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 Petersburg Community Club requested assistance to advertise the Punkin' Chunkin' event scheduled for October 27, 2013. 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.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for June, 2013:

- Clerk - \$11,113.00 (State of Nebraska \$6,165.43)(County of Boone \$4,947.57)
- Clerk of the District Court - \$1,082.04 (State of Nebraska \$581.00)(County of Boone \$501.04)
- Sheriff - \$881.21
- Planning & Zoning - \$201.72
- Treasurer - Treasurer's Fees - \$6.00; Miscellaneous Receipts Nos. 12907-12962 - \$269,806.39; Total Collections - \$535,359.24

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 June 24, 2013 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Jeff Jarecki, Public Defender, presented a report to the Board regarding the status of court cases since his appointment to the position in August 2012. Jarecki reported twenty-five cases assigned in 2012 and twenty-



Boone County Board Minutes



five cases assigned to date in 2013. Jarecki reported that the 2012 assigned cases are all completed. Jarecki answered the Board's questions regarding closed/open cases, conflict of interest and continuing education that is required by state statute. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved or has a client connection.

Jan Zurcher, Region 44 Emergency Management, discussed several issues/activities with the Board. The Board signed a Juvenile Services Comprehensive Community Plan at their December 12, 2012 Board meeting regarding Juvenile Services County Aid funding available through the Nebraska Crime Commission. The C.A.R.E. Team and Zurcher prepared a comprehensive plan. The purpose of the grant funds is to assist communities in the implementation and operation of programs or services for youth. A Youth Character Enhancement Camp is scheduled for July 24 and 25, 2013. Zurcher presented papers for approval and signatures regarding the State Grant Award for the Youth Character Enhancement Camp. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the necessary papers as a recipient of the Nebraska Commission State Grant Award of \$4,866.00 for the Youth Character Enhancement Camp scheduled for July 24 and 25, 2013 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Nebraska Auditor of Public Accounts established Fund 2914 "911 Wireless Service Holding Fund" to receive a percentage of funds received each year from the Public Service Commission. The Public Service Commission funding is received into the Fund 2913 "911 Wireless Service Fund" each year from July through May. The set aside percentage is for equipment and software purchases as required by the Public Service Commission. The set aside amount for 2010-2011, 2011-2012 and 2012-2013 is \$67,427.87. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2013-42, to establish Fund 2914 in fiscal year 2013-2014 and transfer the sum of \$67,427.87 from Fund 2913 to Fund 2914 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented his monthly report to the Board for their review and discussed with the Board road/bridge maintenance and projects.

Darrel Thorin, Highway Superintendent, and the Board reviewed Resolution No 2013-43, authorizing the Board Chairman to sign the contract(s) with Constructors, Inc. of Lincoln, Nebraska for the Federal Aid Project starting at the southwest corner of the Southwest Quarter of Section 1, Township 22 North, Range 7 West, thence east for 1.38 miles, Boone County, Nebraska. The project is the Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road overlay). The construction is scheduled to begin September 9, 2013. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2013.43, authorizing the Board Chairman to sign the contract(s) for the above mentioned project as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Ronald Laska, et al., requested permission to trench an electrical line and 8" water line for irrigation purposes over and across a county road commonly known as 310th Avenue. The electrical/water line will begin from a well located in a fraction of the SE1/4 of Section 33, running thence east across 310th Avenue to an irrigation system located in a fraction of the SW1/4 of Section 34, all in Township 19 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-44, granting permission to trench an electrical and water line across 310th Avenue as presented. Roll call vote: Yeas: Schuele, Luettel 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, 2013. Motion made by Tisthammer, second by Luettel to acknowledge and approve the



Boone County Board Minutes



pledged securities (collateral) as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to accept and approve as presented the County Clerk/Register of Deeds 2012-2013 fiscal year end report. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The County Treasurer submitted a Semi Annual Statement for January 1, 2013 through June 30, 2013. 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.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report with regard to the 2011 personal property taxes. The distress warrants that were issued in November, 2012, were returned back to the County Treasurer's office on June 28, 2013. The total to be collected without penalties was \$8,119.28. This was on twenty distress warrants. There are no distress warrants unpaid as of July 8, 2013. Motion made by Tisthammer, second by Luettel to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board received a resignation from the Boone County Development Agency part time office assistant. Motion made by Schuele, second by Tisthammer to accept and approve the resignation of Jenice Stevenson, effective June 30, 2013 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to accept and approve as presented the Boone County Ambulance Service 2012-2013 fiscal year end report. Roll call vote: Yeas: Luettel, Tisthammer 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 - \$51,971.17; Road - \$195,460.02; Visitor's Promotion - \$1,724.46; Reappraisal - \$1,745.32; Boone Co Economic Development - \$1,339.44; 911 Emergency Management (2910) - \$387.76; 911 Wireless Services (2913) - \$820.89; Ambulance - \$3,353.90. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

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

Chairman Schuele declared the meeting adjourned at 12:10 P.M. with the next Board meeting scheduled for Monday, July 15, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JULY 15, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 15, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board heard a general assistance rent request. The Board explained the general assistance guidelines. Motion made by Luettel, second by Tisthammer to approve a portion of the general assistance rent request payable directly to the landlord. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of July 8, 2013 as presented. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Absent: Schuele. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable over and across a county road commonly known as 240th Street. Cornhusker needs to place an electrical cable under 240th Street in a North-South direction to provide service to a house for Greg Koetter to be located in the SE1/4 of Section 11, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The cable will be installed in 2 ½" PVC pipe. Motion made by Luettel, second by Tisthammer to approve Resolution 2013-45 granting permission to bury an electrical line over and across 240th Street as presented. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

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 Sheriff's office has hired a new jail dispatcher employee.
- The new updated 2013 Open Meeting Act poster will be available the week of August 12, 2013 in sufficient time for the effective date of September 6, 2013.
- Disposition of surplus property was discussed.
- The employees present were informed that the annual office Inventory Statements are due in the County Clerk's office in August.

Open discussion and miscellaneous public comments: Commissioner Luettel acknowledged that the Road District #3 shop building roof is leaking.

Vice Chairman Tisthammer declared the meeting adjourned at 1:17 P.M. with the next Board meeting scheduled for Monday, July 22, 2013.

Kathy Thorberg, Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 22, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 22, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The County Treasurer submitted to the Board a list of delinquent 2010 real estate taxes not sold at the tax sale held in March 2013, as per Nebraska State Statute. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-46, 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 2010 and subsequent years as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings and Board of Equalization Proceedings of July 15, 2013 as presented. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Abstain: Schuele. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Progress on the 110th Street project.
- Cedar Rapids Historical Bridge project papers have been forwarded to the Nebraska Historical Society for review.
- Received an Army Corps of Engineers permit regarding the Pilot Knob Bridge that was damaged in 2010.
- Thorin attended a TransCanada Keystone XL Pipeline meeting in Norfolk last week and said the tour and meeting was very informative.
- Thorin said that the county road department has used the county owned crane very little in the past five years. The Board granted Thorin permission to determine a value for possible sale of the crane.

Darrel Thorin, County Highway Superintendent, presented a resolution between Boone County and the State of Nebraska, Department of Roads for Project No. NBIS (101). The project is for underwater inspections on two Boone County bridges. The estimated cost is \$5,713.00, with the County's twenty percent share being \$1,142.60. Boone County will utilize a portion of their current soft match credit balance to pay for the twenty percent local cost share of \$1,142.60 required for this project. Motion made by Schuele, second by Luettel to approve Resolution No. 2013-47, regarding the statewide underwater bridge inspections and authorizes the Board Chairman to sign the Program Agreement for Consultant 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 County Payroll Claims filed for payment from the various funds: General \$87,566.90, BCBS \$38,837.93, Ameritas Ret \$6,030.91, EFTPS \$6,562.47, Section 125 Fees \$6.00; Road \$43,510.80, BCBS \$21,536.11, Ameritas Ret \$2,937.00, EFTPS \$3,285.02; Boone County Economic Development \$3,556.67, BCBS \$1,668.42, Ameritas Ret \$240.08, EFTPS \$261.25; Ambulance \$2,186.78, Ameritas Ret \$112.18, EFTPS \$167.28; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,240.48, Ameritas Ret \$297.86, EFTPS \$400.90, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. 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.

Miscellaneous Public Comments:

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

Chairman Schuele declared the meeting adjourned at 11:00 A.M., the next Board meeting is scheduled for Monday, July 29, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 29, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 29, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele and Jerry L. Tisthammer. 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 Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Mike and Roberta Seda visited with the Board regarding the division of 3.27 acres from the NW1/4 of Section 36, Township 19 North, Range 6 West, Boone County, Nebraska in order to sell the residential dwelling from the farm ground. Seda explained the situation that the buyer is trying to secure a loan preferably before August 1st due to interest rates. The Planning and Zoning Commission heard the Conditional Use Permit request on July 22, 2013. A ten day publication notice is required before a public hearing. A public hearing is scheduled with the Board of Commissioners for 9:00 A.M. on August 12, 2013 regarding the Seda property Conditional Use Permit request. The Board felt there would be no problem approving the Conditional Use Permit that is scheduled for August 12, 2013.

Sheriff, Dave Spiegel and Donna Johnson, office manager, discussed base (starting) salary for dispatchers. Spiegel provided the Board information in regard to comparable size counties starting dispatcher salaries. Spiegel told the Board that the dispatching personnel has more work each year due to state mandates. Spiegel said you cannot compare law enforcement/dispatch responsibility and stress with other county offices duties. The law enforcement office has personnel on duty 24 hours a day that means someone is covering weekends, nights and holidays, which needs to be taken into consideration when addressing base salaries for each department. Spiegel stressed the importance of the staff when 911 calls are received, responsibility of inmates and verbal abuse from inmates. Johnson said that the employees are extremely grateful for the insurance, longevity program and other benefits, but a starting (new hire) monthly salary of \$1,600.00 (\$9.23/hr.) before training/\$1,700.00 (\$9.81/hr.) after training is not competitive enough for hiring a new employee. As the Board pointed out that in the past the jail dispatcher positions was a secondary income for families, in today's society there is more single parents as head of household. Commissioner Schuele is on the NACO Board to review elected official salaries across the state and to set guidelines for the 2014 elected position salaries. The Board has discussed setting a timeline to re-evaluate all of the county base salaries (new hire) every four years to coincide with the change of the elected officials in order to be consistent and fair to each respective office. The sheriff office personnel thanked the Board for listening and the Board appreciated the information provided as they re-evaluate the respective base wages (new hire) to be effective January 2015.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin and the Board discussed market/scrap iron value regarding the disposition of the little giant dragline crane. They felt the weigh up price would generate approximately \$3,000.00.



Boone County Board Minutes



Ellen Norskov, requested permission to bore an electrical cable under a county road commonly known as 240th Street. The electrical cable commencing from a utility pole located in the NE1/4 of Section 15, running thence north to a submersible well to be located in the SE1/4 of Section 10, all located in Township 20 North, Range 7 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-48, granting permission to bore an electrical cable under 240th Street as presented. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.

Robert J. Kennedy, requested permission to bore an electrical cable under a county road commonly known as 350th Street. The electrical cable commencing from a utility pole located in the SW1/4 of Section 2, running thence South to a stock well to be located in the NW1/4 of Section 11, all located in Township 18 North, Range 8 West, Boone County, Nebraska. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2013-49, granting permission to bore an electrical cable under 350th Street as presented. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

The Board discussed a cost of living in regard to employee salaries. Salaries for all elective offices for calendar years 2011 through 2014 was set with Resolution No. 2010-1 and reads cost of living increase “based on the Consumer Price Index (CPI) as established by the Bureau of Labor Statistics, U. S. Department of Labor”. In 2011 the consensus of the Board is to use the CPI annual average rate for elected officials’ cost of living as set forth in Resolution No. 2010-1. The Consumer Price Index (CPI) of June 2013 shows a 12 month change for all items was 1.8 percent. Motion made by Schuele, second by Tisthammer to approve a 1.8 percent cost of living figured on the respective base wage for all county employees effective January 1, 2014. 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 of July 22, 2013 as presented. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the Board of Equalization Proceedings of July 22, 2013 and July 25, 2013 and the 2013 Boone County Board of Equalization Proceedings as presented. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

Miscellaneous Public Comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board decided to renew the Nebraska Life magazine subscription for placement in the courthouse lobby.

Chairman Schuele declared the meeting adjourned at 10:41 A.M., the next Board meeting is scheduled for Monday, August 12, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 12, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 12, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Boone County Board of Commissioners Reorganizational Proceedings states "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". Among the Accounts Payable Vendor Claims to be reviewed for approval at the August 12, 2013 Board meeting is the purchase of a new laptop computer submitted by the Boone County Economic Development office. The Board would appreciate the department heads to follow the protocol policy procedures as set forth by the Board. Motion made by Tisthammer, second by Luettel to approve the purchase of a laptop computer and software for \$1,123.43 from Applied Connective Technologies for use by the Boone County Economic Development office. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Absent: Schuele. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$35,354.36; Road - \$316,554.04; Visitor's Promotion - \$1,954.77; Reappraisal - \$5,258.46; Boone Co Economic Development - \$2,152.20; Inheritance Tax - \$15,009.00; 911 Emergency Management (2910) - \$6,416.71; 911 Wireless Service (2913) - \$3,566.88; Ambulance - \$330.72. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for July, 2013:

- Clerk - \$13,342.75 (State of Nebraska \$7,309.96) (County of Boone \$6,032.79)
- Clerk of the District Court - \$663.85 (State of Nebraska \$413.00) (County of Boone \$250.85)
- Sheriff - \$1,228.32
- Planning & Zoning - \$556.34
- Treasurer - Treasurer's Fees - zero; Miscellaneous Receipts Nos. 12963-13031 - \$206,645.17; Total Collections - \$457,524.71

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

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of July 29, 2013 as presented. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his July report regarding gravel, road/bridge maintenance and repair. In addition, the following topics were discussed:



Boone County Board Minutes



- Thorin reported that he received notice that the Road Department will be receiving FEMA funds from the federal flood disaster of 2010. The funds received from FEMA are to help replace the Primrose East Bridge (Pilot Knob Bridge) that was washed out.
- Discussed gate/fence/access issues on a non-maintained open county road known as 165th Avenue.
- The Board asked Thorin how replacement of fencing material is addressed. Thorin provided a fencing schedule guideline used by the Nebraska Department of Roads and explained that fencing material is figured at 16 1/2 feet equaling 1 rod.
- Received information from NIRMA regarding Global Harmonization System (GHS) Training that is required by December 1, 2013. The required GHS training will be held at the fall NACO District Weed Superintendent meetings.

Darrel Thorin, Highway Superintendent, and the Board reviewed Resolution No 2013-50, an agreement between Boone County, Nebraska and JEO Consulting Group, Inc. of Wahoo, Nebraska regarding the Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road overlay). The construction is scheduled to begin September 9, 2013. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-50, an agreement between Boone County and JEO Consulting Group, Inc. regarding Federal Aid Project No. STPE-2532(1) as presented. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Absent: Schuele. Motion carried.

Joyce Sock, Assessor, presented an Agreement for the Provision of Limited Professional Services, between GIS Workshop, Inc. and Boone County NE for the Board to review. A \$19,913.00 grant from the Nebraska State Records Board will be applied to the Geographic Information System (GIS) contract with GIS Workshop, Inc. The GIS project must be completed by June 30, 2014 to receive the grant funding. The contracted project amount with GIS Workshop, Inc. is \$89,800.00. After implementation of the GIS the annual maintenance fee is \$8,000.00 and website hosting \$4,800.00. Motion made by Luettel, second by Tisthammer to approve the contract with GIS Workshop, Inc. as presented. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Jan Zurcher, Region 44 Emergency Management, discussed several issues/activities with the Board.

- Zurcher updated the Board regarding the Region 44 Emergency Management (Boone, Nance and Merrick Counties) activities.
- Zurcher is working on the Boone County LEOP which is to be updated every five years. Zurcher left a copy of the "County Officials and EOC Staff" for the Board to review and provide updates if necessary.
- Zurcher reported on the Building Your Character (BYC) camp for area youth held July 24 and 25, 2013 at the Boone County Fairgrounds. The Community Advocates Reaching Everyone (CARE) team hosted the camp in hopes of addressing the community's health and wellness concerns for youth. The grant funds available to the County for the camp activities were applied for by Zurcher through the Nebraska Crime Commission and Region IV. The camp was deemed successful with continued engagement with the camp participants planned during the school year and plans for another camp in 2014.

Richard Martinsen, CPA, and the Board reviewed the preliminary figures for the 2013-2014 County Budget. The budgets submitted for each department show a proposed personal and real property tax requirement increase of 8.71% or \$312,146.00 more than the 2012-2013 requirement of \$3,585,619.00. The preliminary county valuation estimate is 1.5 billion. The preliminary figures indicate that the county tax levy request per



Boone County Board Minutes



\$100.00 of valuation would be .258027 compared to 2012-2013 levy of .292361. The three major road construction projects that have been on the books for several years are budgeted in the 2013-2014 figures specifically the Raeville Road overlay, Primrose East Bridge and Cedar Rapids Historic Bridge. Increased budget requests were noted in several other areas such as GIS and employee health insurance benefit. Due to a full Board not being present for the meeting today, the preliminary figures will be published for the budget hearing, adjustments if any will be made at the budget hearing. The budget hearing is scheduled for Monday, September 9, 2013 at 11:00 A.M.

Open discussion and miscellaneous public comments:

- Randall Bruland and the Board discussed update/replacement of the County Ambulance cell phone.
- Joyce Sock, Assessor, received notification that the TERC hearing scheduled for today in Columbus has been rescheduled for December 19, 2013 in Aurora.

Vice Chairman Tisthammer declared the meeting adjourned at 12:48 P.M. with the next Board meeting scheduled for Monday, August 19, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Jerry L. Tisthammer, Vice Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, August 12, 2013 at 9:03 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, second by Commissioner Tisthammer to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Ken Luettel and Jerry L. Tisthammer. Commissioner Schuele was absent. Applicants Michael and Roberta Seda and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Vice 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 Michael and Roberta Seda. Michael A. Seda is the property owner of the real estate referenced herein. The application request is to divide 3.27± acres from farm ground located on a fraction of the NW1/4 of Section 36, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska to sell the residential dwelling.

Michael and Roberta Seda explained to the Board that they are selling the residential dwelling. A Waiver of Distance is signed and filed in the Boone County Register of Deeds office. A survey is completed and a Warranty Deed that includes an ingress/egress easement for driveway access is signed and filed in the Boone County Register of Deeds office. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners. The County Planning Commission recommended approval of the request.

Motion made by Luettel, second by Tisthammer to close said hearing at 9:14 A.M. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Motion made by Luettel, second by Tisthammer to approve as presented the Application for Conditional Use Permit submitted by Michael and Roberta Seda. The approval is to divide 3.27± acres from farm ground to sell the residential dwelling located on a fraction of the NW1/4 of Section 36, Township 19 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Schuele. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
AUGUST 19, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 19, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County 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 American Legion requested assistance to advertise the America Supports You Freedom Walk scheduled for September 11, 2013. 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.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings and Zoning Public Hearing Proceedings of August 12, 2013 as presented. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Abstain: Schuele. Motion carried.

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

- Commissioner Schuele thanked everyone for cards/gifts, visits and concerns regarding his recent hospitalization.
- County officials reported on activities with regard to their respective office.
- Groundbreaking was held August 13, 2013 for the new Albion City Swimming Pool.
- The revised Open Meeting Act poster is posted with an effective date of September 6, 2013.
- The postcard reminders to renew your motor vehicle licenses will be mailed from the State of Nebraska, Department of Motor Vehicles beginning October 2013. Previously the respective County Treasurer offices have been mailing the renewal reminders each month.
- The employees present were reminded that the annual County Office Inventory Statements are due in the County Clerk's office on August 21, 2013.
- The Northeast Nebraska Association of County Officials fall workshop is scheduled for Friday, September, 20, 2013 at St. Benedict Center, Schuyler, Nebraska.
- Nebraska State Fair is scheduled for August 23 through September 2, 2013 in Grand Island.
- The local Teammates program is in need of a coordinator.



Boone County Board Minutes



Becky Lynch, USA Communications, presented a phone/internet services option to the Board and employees present. Lynch explained the company's fiber connection services opposed to the present courthouse phone system DSL connection. The proposal is for digital e-fax system software, replacing the present analog system. USA Communications piggybacks off of Nebraska Link and Charter lines. USA Communications proposal has nothing to do with hardware. Lynch estimated a monthly billing savings of \$363.00 and answered questions from employees. The offices that presently have one phone/fax line would have an additional \$16.95 per month cost for e-fax capability, which would change the estimated monthly savings. Lynch was not sure if the proposed software would be compatible with the time clock when it is implemented. The offices with frontiernet.net email addresses would need to change their email address. USA Communications is working to get redundancy in place and upgrade internet speed. Offices with fax machines know when a fax has arrived verses digital e-fax where one would have to keep checking the computer screens. The Board may visit with Nance and Merrick County regarding the USA Communications services. No decisions were made at the meeting.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Cedar Rapids Historical Bridge project papers have been approved by the Nebraska Historical Society and forwarded to the State of Nebraska, Department of Roads Planning, Specifications and Expenditures division for final review.
- Vandalism occurred on August 11, 2013 to the county excavator that was left at the project site west of Loretto on minimum maintenance road 220th Street. The windows were shot out, a shell casing was found and a nearby transformer was also shot out. As soon as the County Highway Superintendent receives the Sheriff's Office report, the information will be forwarded to NIRMA.
- Mailed notices regarding irrigation watering the county roads and two notices to mow weeds.

Darrel Thorin, Highway Superintendent, presented an agreement between Boone County, Nebraska and the State of Nebraska, Department of Roads regarding surveying services. The State desires the County provide a Registered Land Surveyor to tie out land monuments prior to the construction of Project No. RD-52-3 (1009) and tie and remonument after construction. The State agrees to reimburse the County for the actual cost of the survey work. Motion made by Schuele, second by Luettel to approve the Agreement as presented for Project No. RD-52-3 (1009), Belgrade North and East, Boone and Nance Counties. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board and Darrel Thorin, County Highway Superintendent, discussed property access/road issues regarding approximately three quarters of a mile of 165th Avenue with Rob Robinson, Carma Wilton, Doug Belgum and Donna Iburg. Robinson stated his concerns regarding access, specifically a locked gate, trees in the way, center of road higher than sides and road too narrow for equipment to the SW1/4 and SE1/4 of 30-22-7 especially during planting and harvest season. Wilton is property owner of the NW1/4 of 30-22-7 and said she locked the gate because people have not shut the gate which results in the livestock roaming onto neighboring properties. The NE1/4 of 30-22-7 is owned by Mark Iburg and it is fenced.



Boone County Board Minutes



The road in question was opened in July 1880 with a 66' right-of-way. In 1903 the road right-of-way could be set between 40' and 66'. In 1953 legislation was passed allowing the Board to set County Road right-of-way at any width as is deemed necessary by the County Board. One needs to study all options looking to the future of changes such as is there access to all four quarters besides 165th Avenue; is a survey necessary to determine the exact location of the open road established in 1880; determine the road right-of-way or narrow the right-of-way; if the road remains open to the creek, then no locked gates will be allowed; and as long as it is an open road, access cannot be denied to the creek. A public hearing will need to be held to change the record status in any way regarding the open road of 165th Avenue and 66' right-of-way.

Thorin presented possible resolutions for the access/road issue: (1) fence the open road on both sides to the creek with the 66' right-of-way, thus eliminating the locked gate issue; (2) fence the open road on both sides with a narrower right-of-way set by a Board resolution; (3) vacate all of the open road in question with right-of-way reverting equally to the adjacent landowners; (4) the property owners may sign an ingress/egress easement agreement if said road is vacated; or (5) vacate only the south portion of the road in question lying between the SE1/4 and SW1/4, eliminating public access to creek.

Wilton is willing to install a fence on her property regarding said road in question, but she feels that there is two sets of rules and the rules are not being applied equally to the property owners.

The Board heard at length both sides of the situation with no action taken today and will take the matter under advisement. No matter what is decided regarding the portion of road in question a public hearing will need to be held to make a decision of one of the possible options mentioned.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. Sam Fuehrer retired from the committee. The term of Sam Fuehrer expires in June 2014. The County Veterans Service Committee recommended Leon Magsamen of Albion to complete Sam Fuehrer's term and serve on the County Veterans Service Committee. Motion made by Schuele, second by Luettel to appoint Leon Magsamen to complete the term of Sam Fuehrer expiring in June 2014 to the Boone County Veterans Service Committee. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Jacqueline Wells, Veteran Service Officer, and the Board discussed the hours Wells proposed for the Veteran Service office to be open for the public. Wells is an appointed part time department head scheduled to work twenty hours per week. Wells discussed hours with the County Veterans Service Committee in the past and said she conducted a poll since January 2013 regarding week day traffic, time of day, availability of assistance from the Pension Center in St. Paul, Minnesota and the state offices. Results of the poll showed a high need of Wells being available in the afternoon for the veterans. Wells said it is impossible to reach the Pension Center on Mondays and seems everyone leaves early on Fridays at the state level. Wells asked that the twenty hours be scheduled for Tuesday and Thursday from 8:00 A.M. to 5:00 P.M. and Wednesday from 8:00 A.M. to Noon. The Board and Wells discussed the request. The Board asked Wells if adding four hours and being available all day on Wednesday would be helpful assisting the public. The Veteran Service Officer is an appointed part time position, therefore the Board may change the designated employee hours to fit the veteran's needs. The Board said they will try the proposed hours and if it appears the needs are not being satisfied, then another change would be made. Motion made by Tisthammer, second by Schuele to approve Jacqueline Wells, Veteran Service Officer, part time being twenty hours a week with Tuesday and Thursday each from 8:00 A.M. to 5:00 P.M. and Wednesday from 8:00 A.M. To Noon, effective September 2, 2013. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



Jacqueline Wells, Veteran Service Officer, asked for part time clerical employment for the Veterans Service office. The Board and Wells discussed if the part time clerical twenty hours should coincide with Wells' hours or be set differently. The proposed hours for the part time clerical will be Monday thru Friday from 8:00 A.M. to Noon. Motion made by Luettel, second by Tisthammer to approve part time clerical hours for the Veterans office to be Monday thru Friday from 8:00 A.M. to Noon effective August 20, 2013 and the hiring of Jane Klassen, as part time clerical effective August 20, 2013. Roll call vote: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Schuele, second by Luettel to accept and approve the County Sheriff's 2013 second quarter report as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board discussed if a land line phone was needed in the room used for Region 44 Emergency Management in the courthouse. The Board felt the cell phone is sufficient for now.

Chairman Schuele declared the meeting adjourned at 12:58 P.M. with the next Board meeting scheduled for Monday, August 26, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
AUGUST 26, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 26, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Road/bridge maintenance and projects.
- A pre-construction meeting is scheduled for Wednesday, August 28, 2013 at 10:00 A.M. at the County Annex meeting room regarding the Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road overlay), scheduled to begin September 9, 2013. The meeting is with the State Department of Roads, JEO Consulting Group and Contractors, Inc., of Lincoln.
- Thorin felt that the mowing weed notices he mailed have been effective.
- Presented a proposal to repair the Road District #3 shop building roof.

Motion made by Luettel, second by Tisthammer to approve the proposed amount of \$7,033.00 from Hespe Company, Inc. to provide labor, material, freight and equipment to remove and replace 24 galvanized roof sheets to repair the roof on the Road District #3 shop building. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Nebraska State Statute 23-347 is in regard to the filing of inventory statements. Each county officer is to file within two calendar months after the close of each fiscal year and shall acknowledge under oath, an inventory statement of all county personal property in the custody and possession of said county officer to the county board. The county board in each county shall examine each inventory statement so filed and if said statement is correct and proper in every particular, the county board shall deliver each of said inventory statements to the clerk of the county for filing as a public record in said county clerk's office in a manner convenient for reference. The Board plans to review the inventory statements within the next two weeks and make any approval/disapprovals at their September 9, 2013 Board meeting.

The Board discussed a temporary employee claim filed for payment at \$8.50/hour with the department head. A claim filed for the same temporary employee was paid in May 2013 at \$8.00/hour. The Board reminded the department head that any cost of living changes, etc. are considered in January each year.

Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds, with a correction from the submitted \$8.50/hour to \$8.00/hour for Temporary Employee No. 63: General \$87,297.39, BCBS \$40,506.35, Ameritas Ret \$5,989.37, EFTPS \$6,536.51, Section 125 Fees \$6.00; Road \$43,590.80, BCBS \$21,536.11, Ameritas Ret \$2,942.40, EFTPS \$3,291.14; Boone County Economic Development \$3,556.67, BCBS \$1,668.42, Ameritas Ret \$240.08, EFTPS \$261.25; Ambulance \$860.00, Ameritas Ret \$40.51, EFTPS \$65.78; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,756.20, Ameritas Ret \$333.71, EFTPS \$440.35, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



The Board and Steve Pritchard, Extension Educator, discussed Pritchard's request to re-hire a former county employee for temporary employment. The Boone County Employee Handbook, Page 17, addresses reemployment. Former employees of the County are not eligible for re-hire without prior approval of the County Board. Pritchard's office hired a temporary employee without completing an employment application form and no prior approval was obtained from the County Board due to the temporary employee being a former employee. The Board explained to Pritchard the County's liability due to an unemployment claim filed by the former employee. The Boone County Extension Office has one full time office assistant employee and two UNL employees with Pritchard covering Boone/Nance and Sonya Glup covering Boone/Nance/Greeley. The Extension office has two temporary employees to call when there is a day that neither of the three can be in the office. The Board suggested to Pritchard that on the days neither of the three of them can be in the office, to post closed on the door with a contact number and an answering machine with a contact number. Motion made by Schuele, second by Tisthammer denying the Extension office request to re-hire a former county employee for temporary employment. 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 Board of Equalization Proceedings of August 19, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week and the Northeast meeting on Friday, September 20, 2013.
- Commissioner Schuele updated the Board regarding the manager position for the Boone County Fitness Center.

Motion made by Schuele, second by Luettel to recess at 10:54 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to reconvene said meeting at 1:00 P.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The County Safety Committee met at 1:00 P.M. to discuss routine business. The committee discussed the courthouse sidewalk replacement and yard landscaping. The project is to be completed as soon as possible.

Chairman Schuele declared the meeting adjourned at 1:30 P.M., the next Board meeting is scheduled for Monday, September 9, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



PUBLIC HEARING PROCEEDINGS 2013-2014 COUNTY BUDGET

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 9, 2013 at 11:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Richard Martinsen, CPA was present to answer budget questions. Chairman Schuele read the notice for the record. Also, present for the budget hearing were Steve Pritchard, Extension; Sheryl Machacek, Sheriff Communications; Jan Zurcher, Region 44 Emergency Management; Laurie Krohn, Treasurer; and Jim Dickerson, Albion News.

The public hearing was for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2013-2014 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 2013-2014 Boone County proposed budget at a different amount than the prior year tax request in compliance with the provisions of State Statute Section 77-1601.02 The hearing was open for one hour and the proposed budget was published in the August 28, 2013 issue of the Albion News.

The County Board and those present for the hearing discussed with Martinsen the differences from last fiscal year's budget in the areas of asking dollar increase, land valuation, tax rate, property tax requirement and fund balances. Martinsen provided answers to questions asked with regard to the proposed budget and publication. The proposed property tax request for 2013-2014 is \$3,837,584.00, which is an increase of \$251,965.00 from fiscal year 2012-2013. The proposed tax rate for 2013 of 0.250248 is lower than the 2012 tax rate of 0.292361 due to increased valuation. It takes a 75% vote to exceed the 2.5% lid limitation by an additional 1% budget authority growth. 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. The 2013 County valuation is \$1,533,513,853.00 compared to the 2012 valuation of \$1,226,437,534.00, an increase of \$307,076,319.00.

The 2013-2014 County Budget adopted has a tax request expense increase of 7% more than the 2012-2013 fiscal year budget requests. The majority of the County Budget increase reflects the Courthouse renovation bonds, road fund projects that have been on the books for several years, 1.8% cost of living wage increases, 12% health insurance benefit increase and reappraisal fund regarding GIS project.

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

Discussion: The county tax rate will be 0.250248. If it were not for the use of inheritance tax dollars, the county rate would be increased to 0.276332 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 Luettel to approve exceeding the lid limitation by an additional 1% growth for fiscal year 2013-2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve and adopt the County Budget for 2013-2014 as published and presented with an Unused Budget Authority created for next year of \$686.37; and set the 2013 County Tax Rate at 0.250248, which is different than the County Tax Rate of 0.292361 for 2012. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 Board Minutes



Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 9, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 9, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board received a written resignation from a Boone County Sheriff's office full time employee. Motion made by Luettel, second by Tisthammer to accept and approve the resignation of Peggy Nelson, effective September 16, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the following reports of the County Officials as presented for August, 2013:

- Clerk - \$14,843.75 (State of Nebraska \$8,612.00)(County of Boone \$6,231.75)
- Clerk of the District Court - \$1,825.58 (State of Nebraska \$929.00)(County of Boone \$896.58)
- Sheriff - \$1,127.84
- Planning & Zoning - \$611.35
- Treasurer - Treasurer's Fees - \$4.00; Miscellaneous Receipts Nos. 13032-13111 - \$269,609.06; Total Collections - \$4,575,058.21

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

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of August 26, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The primary use of the Boone County 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 Mary Carrick Concert event scheduled for October 6, 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 Area Arts Council requested assistance to advertise The Toasted Ponies Concert event scheduled for November 10, 2013. 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.

Sheryl Machacek, Sheriff Communications, and Jan Zurcher, Region 44 Emergency Management, presented the EC-911 Equipment Sharing Project to the Board. The governing county boards of Boone, Butler, Merrick,



Boone County Board Minutes



Nance, Platte, Polk and Saunders as well as the City of Columbus acting as the Platte County Public Safety Answering Point (PSAP), hereafter collectively referred to as the “East Central 911 (EC-911)” recognize the benefit of shared E9-1-1 customer premise equipment. The EC-911 Board has selected Electronic Engineering/Callworks for the EC-911 Equipment Sharing Project. The project will allow each county to have six backup choices should one agency go down, allowing calls to be forwarded automatically. The project will allow each county to have their 911 Equipment replaced and covered for 7 years. No additional costs for software updates and it includes all upgrades as Next Generation 911 progresses throughout the state. Next Generation 911 allows people to text 911 and eventually send 911 pictures. This project also allows for a compatible IP phone system to allow dispatchers to answer 911 from any IP phone on the system. The project will allow each county to reduce monthly trunk costs and allows Boone County to eliminate the annual NG-911, Inc. support costs and the GeoComm costs of 911 mapping system. Boone County will need to continue payment to GeoComm for rural 911 addressing and GIS Data Maintenance.

In order to proceed with the EC-911 Equipment Sharing Project the EC-911 Board needs all current participants to confirm they are going to participate and agree to sign the needed Inter-Local Agreement. The proposed project cost share for Boone County is \$135,209.98 with a maximum of \$140,296.54. Boone County presently has enough revenue in the 911 Emergency Management Fund (2910) and 911 Wireless Service Holding Fund (2914) to cover the proposed EC-911 Equipment Sharing Project. Motion made by Luettel, second by Schuele to approve commitment to participate in the EC-911 Equipment Sharing Project. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Jan Zurcher, Region 44 Emergency Management, discussed tower options with the Board. The county owns a 250 foot tower and pays a yearly lease to the owner of the real estate. The EC-911 Equipment Sharing Project will require space on a communications tower. Zurcher said that there is a Viaero tower in the area and that the county may rent space for the EC-911 project for \$700.00 a month. The Board may want to pursue moving the present tower or installation of a new tower on county owned property. The installation of a new free standing tower on county owned property has been discussed many times the past several years. Zurcher will research tower options and bring information back to the Board.

Darrel Thorin, Highway Superintendent, presented the August report regarding road maintenance and repair to the Board for their review. The Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road overlay) was started today. The Primrose East Bridget project bid letting has been postponed from December to February. Thorin and the Board discussed an open road on 160th Avenue between Beaver Valley Road and 130th Street according to road records. Thorin will research the records and view the area and bring information back to the Board.

Darrel Thorin, Highway Superintendent, presented information to the Board regarding the 165th Avenue property access/road issues. Thorin and Mark Iburg, landowner and county road employee, found corners, etc. referenced on surveys that are on file in the Boone County Register of Deeds office. Rob Robinson was present at the Board meeting. Rob Robinson is the owner of the SW1/4 and SE1/4 of 30-22-7, Carma Wilton is the owner of the NW1/4 of 30-22-7 and Mark Iburg is the owner of the NE1/4 of 30-22-7. The measurements from the south and north corners as located for Section 30 indicated that all of the existing trail/road is on the Iburg property and part of the Robinson gates are on Iburg property. Thorin and the Board reviewed options similar to the ones discussed at the August 19, 2013 Board meeting. Thorin plans to meet at the site with Iburg, Robinson and Wilton all at the same time to explain the survey measurements and discuss the situation.

Jon Strom, Great Plains Communications, requested permission to bore fiber optic cable for the Prairie Breeze Wind Energy LLC wind towers under several Boone County roads. The fiber optic cable to be bored under several Boone County roads will begin in Township 22 North, Range 6 & 7 West to the Antelope/Boone



Boone County Board Minutes



County line, all located in Boone County, Nebraska. Maps are attached to the resolution. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-51, granting permission to bore fiber optic cable under several Boone County roads to service Prairie Breeze Wind Energy LLC wind towers as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, requested that the funds regarding the new Highway Bridge Buyback Program Fund 0650 be set up as a separate revenue account by the County Treasurer and that the earned interest be credited to Fund 0650 beginning with the 2013-2014 fiscal budget year. The funds projected from the state is scheduled to be disbursed in March 2014. The bridge portion has to be used on bridge projects, the road portion may be used on either road or bridge projects. Motion made by Schuele, second by Tisthammer to approve and authorize the County Treasurer to establish a separate revenue account for the Highway Bridge Buyback Program Fund 0650 and to include the credit of earned interest. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board heard a general assistance request for utility deposits. The Board explained the general assistance guidelines and that the guidelines include county residency for six months prior to granting a general assistance request. The requestor is presently working in Boone County, but is not/has not been a resident of Boone County. The requestor withdrew the request, due to not residing in the county.

Pursuant to State Statute Section 23-347, each county officer shall make, acknowledge under oath, and file with the County Board of his or her county an inventory statement of all county personal property in the custody and possession of said county officer after the close of each fiscal year. Motion made by Schuele, second by Tisthammer to approve the County Offices' 2012-2013 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 in a manner convenient for reference. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. 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 Schuele, second by Luettel to approve Resolution No. 2013-52 authorizing the accounts within County Offices as stated in the resolution. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Boone passes by a majority vote a resolution setting the tax request at a different amount. The Governing Body of the County of Boone, by a majority vote by the Boone County Board of Commissioners, resolves that: the 2013-2014 property tax request be set at \$3,837,584.00, which is different from the 2012-2013 request of \$3,585,619.00; and the 2013 county tax rate is at 0.250248, which is different from the 2012 tax rate of 0.292361. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-53 at the September 9, 2013 public hearing to adopt and approve the County Budget for 2013-2014 as published and presented with the above property tax requests. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The 2013-2014 County Budget public hearing for the County of Boone, Nebraska was held at 11:00 A.M. on September 9, 2013. Motion made by Schuele, second by Luettel to approve exceeding the lid limit by an



Boone County Board Minutes



additional 1% budget authority growth for fiscal year 2013-2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$71,953.83; Road - \$137,637.50; County Visitors Promotion - \$1,000.00; Reappraisal - \$2,947.15; Boone Co Economic Development - \$1,911.26; 911 Emergency Management (2910) - \$463.24; 911 Wireless Services (2913) - \$832.99; Ambulance - \$373.90. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board and Rod Nelson, Maintenance, discussed the possible need for some part time custodial help in the courthouse. The Board and Nelson discussed the courthouse sidewalk/grounds project. Nelson and the Board agreed that better communication would solve some of the perceptions and problems. The Board discussed a County Internal Job Posting to see if anyone is interested in extra hours and cleaning the courthouse. Motion made by Luettel, second by Tisthammer to post a County Internal Job Posting for part time cleaning of the courthouse not to exceed five hours per week with the application deadline being 4:00 P.M. on Friday, September 13, 2013. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Open Discussion and miscellaneous public comments: The Board discussed who would attend the various meetings scheduled this week and the NIRMA's Annual Self Defense Conference for County Officials.

Chairman Schuele declared the meeting adjourned at 2:10 P.M. with the next Board meeting scheduled for Monday, September 16, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
SEPTEMBER 16, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 16, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Boone County Economic Development/Boone County Development Agency (Agency) representatives Shannon Landauer, Tim Kayton, Richard Good, Dean Hamling, Bob Racek, and Corey Worell presented a proposal to restructure the Boone County Development Agency to the Board. Jeff Jarecki, Attorney, has been researching and preparing documents to change the Boone County Development Agency, Joint Public Agency Agreement filed with the Nebraska Secretary of State October 26, 2000, to a 501(c)(3) nonprofit corporation to be known as Boone County Development Agency, Inc. Jarecki said the structure for funding is not changing. The funding of the Agency will still be taxpayers' dollars being County@80%, City of Albion@10%, City of St. Edward@2.5%, Village of Cedar Rapids@2.5%, Village of Petersburg@2.5%, Albion Economic Development, Inc.@2.5%, and Village of Primrose@\$750.00. Albion Economic Development, Inc. has agreed to fund an additional \$20,000.00 above their allotment to help with a second full time employee in the Agency. Albion Economic Development, Inc. presently has no employee as in the past years. Jarecki said an amendment with regard to wording of the present Agreement is being drafted and the 501(c)(3) Corporation will allow for the Agency to be more beneficial to operate as an economic business structure with more flexibility. The proposed Agency will be on its own as a business and no longer tied to the County Government rules and statutes. The employee(s) will not be county government employees. The Agency runs into stumbling blocks being under county government statutes to try to accomplish some of the goals and possible infrastructure to attract businesses to the area. Landauer said that Rick Martinsen, CPA, has agreed to process the payroll for the Agency and that the Agency will pay the accounts payable with a two signature check system. Racek said the meeting was very informative with some details not thought about by the Agency. The details have not been worked out to date regarding the County owned building, inventory, equipment, guaranteed loans and effective date of restructure. Racek said that the Boone County Development Agency is a unified county wide effort for economic development. Commissioner Schuele acknowledge the volunteer time committed by the Agency non-compensated board members. The Agency Board is scheduled to meet on Wednesday, September 18, 2013 to vote on the restructure proposal.

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

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- County Government Day is scheduled for October 23, 2013. The County Clerk's office will contact Ken McIntyre, Boone County American Legion Commander, for details.
- Jacqueline Wells, Veteran Service Officer, introduced Jane Klassen, part time employee in the Veteran Service Office.
- The courthouse lawn is landscaped and the majority is seeded. The underground sprinklers have been moved and are hooked back up. The sidewalk/lawn project is looking good.



Boone County Board Minutes



- Beginning October 1, 2013, the Department of Motor Vehicles will be mailing the motor vehicle license reminders. The reminder will arrive as a threefold letter where you remove the bottom portion to take to the County Treasurer to renew your vehicle license. What the County currently retains from each registration fee will be reduced by 50 cents beginning October 1st, to cover the postage expense incurred by Department of Motor Vehicles. Previously the County Treasurers' offices have been mailing renewal postcards each month.
- The Freedom Walk was well attended on Wednesday, September 11, 2013.
- Commissioner Schuele provided a handout regarding workplace gossip, following up with an inside housekeeping that was addressed earlier with personnel involved. There is an article also available "Dealing with Difficult Employees" for anyone interested in reading. Commissioner Schuele received the articles from NACO legal counsel.

Rod Nelson, Maintenance, received a proposal to replace one of the courthouse roof top air/heat units. The courthouse rooftop units consist of three new units that were installed when the courthouse was remodeled beginning in 2009 and four old units. The old unit number RTU-4 controls the majority of the north side of the courthouse building. The compressor is not working and the unit has received several repairs. Motion made by Tisthammer, second by Luettel to approve and accept the Eller Heating, Air Conditioning & Plumbing, LLC proposal of \$10,123.00 to replace the old Lennox Roof Top unit number RTU-4 with a new unit as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed part time cleaning position for the courthouse. The Board posted internally regarding the cleaning position. The Board and Nelson reviewed the application received. Commissioner Schuele and Nelson will meet with the applicant to discuss the part time cleaning duties of five hours per week. Motion made by Luettel, second by Schuele to accept the application of Kelly Gilroy for part time cleaning of the courthouse at five hours per week. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Thorin received notice that the Cedar Rapids Historical Bridge project may be completed by county workforce. The truss bridge testing and inspection after completion will be completed by the Highway Bridge Services, LLC. The project has not received a notice to proceed. Construction may possibly begin in the spring of 2014.
- There is a need for installation of several E911 address signage. The area fire departments installed the initial signage. The Sheriff's office has asked Thorin if the Road Department would install the new/replaced signs in the future. There are several new/moved in residential homes in the county rural areas with no E911 address signage. The Road Department already completes the location sight. The Sheriff's office will order the address signage and the Road Department will install/replace signage as needed.

MJR Partners, requested permission to trench a 1" water line over and across a county road commonly known as 225th Avenue. The water line commencing from a well located in the SE1/4 of Section 30, running thence west to a hydrant to provide water for livestock to be located in the SW1/4 of Section 30, all located in Township 20 North, Range 6 West, Boone County, Nebraska. Motion made by Tisthammer, second by Schuele



Boone County Board Minutes



to approve Resolution No. 2013-54, granting permission to trench a 1" water line over and across 225th Avenue as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, presented an agreement between Boone County, Nebraska and the State of Nebraska, Department of Roads regarding surveying services. The State desires the County provide a Registered Land Surveyor to tie out land monuments prior to the construction of Project No. STP-91-5(124) and tie and remonument after construction. The State agrees to reimburse the County for the actual cost of the survey work. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Agreement as presented for Project No. STP-91-5(124). Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings and Public Hearing Proceedings of September 9, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The County Board of Equalization shall each year, meet on or before October 15th to levy the necessary taxes for the current year. (State Statute 77-1601) Motion made by Schuele, second by Luettel to set the 2013 levies for the 2013-2014 fiscal year budget at 11:00 A.M. on Monday, September 30, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board received a Certificate of Cost Allocation Plan and Computation of Indirect Costs from Sequoia Consulting Group for their review. The completed countywide Cost Allocation Plan is based on actual costs for the fiscal year ended June 30, 2012. The Computation of Indirect Costs is for the county's July 1, 2013 through June 30, 2014 fiscal year. The indirect costs reimbursement relates to the office space provided in the courthouse for Nebraska Health and Human Services when needed and the Clerk of the District Court – IV-D Child Support services. Sequoia Consulting Services receives a percentage of the indirect cost recovery reimbursement received by the county from Nebraska Health and Human Services. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Certificate of Cost Allocation Plan and Computation of Indirect Costs as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The county employees may participate in a Cafeteria 125 Flexible Benefit Plan (Plan) at the employee's expense. A participant forfeits any amount in their account under the plan for the plan year, if a claim for reimbursement is not provided to the Plan Administrator within 90 days after the last day of the plan year. Currently three county employees participate in the reimbursement portion of the plan. The county received unused funds for Plan Year 2012. Forfeitures of benefits shall become the sole property of the Employer. Forfeitures of benefits may also be applied toward the cost of administering the plan or at the discretion of the Employer, forfeitures of benefits under the plan may be reallocated to participants in any reasonable manner. Motion made by Schuele, second by Tisthammer to deposit the 2012 forfeiture fund benefit into the County General Fund. Roll call vote: Yeas: Tisthammer. Nays: Schuele and Luettel.

Motion did not carry. After further discussion the employee will be made aware of the plan forfeiture of benefits policy and options. Motion made by Luettel, second by Schuele to return the 2012 forfeiture to the employee through payroll. Roll call vote: Yeas: Luettel and Schuele. Nays: Tisthammer. Motion carried.

Open discussion and miscellaneous public comments:

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



Boone County Board Minutes



- Jeff Jarecki, Public Defender, presented a third quarter report for the Board to review.

Chairman Schuele declared the meeting adjourned at 11:45 A.M. with the next Board meeting scheduled for Monday, September 23, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
SEPTEMBER 23, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 23, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Ken McIntyre, Boone County American Legion Commander, and the Board discussed County Government Day activities. County Government Day is scheduled for Wednesday, October 23, 2013 with registration from 8:30 A.M. to 9:00 A.M. at the KC Hall in Albion. The general assembly and program by county officials will take place at the KC Hall beginning at 9:00 A.M. with closing scheduled for 2:30 P.M. McIntyre said to prepare for 84 high school students.

The Boone County Board of Commissioners adopted the 2013-2014 County Budget on September 9, 2013 and approved an interfund transfer from the Inheritance Tax Fund (2700) to the Courthouse Bond Fund (3000). Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-55 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 2013-2014 fiscal year budget. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. 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 Schuele, second by Luettel to approve Resolution No. 2013-56, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) 53.83% to the Road Fund (0200) for the 2013-2014 Tax Year on a monthly basis not to exceed \$1,936,000.00. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Road/bridge maintenance and projects.
- County Project No. 372, box culvert northwest of Petersburg, is close to completion and the wind farm developer is paying all of the costs.
- Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road asphalt overlay).
- Thorin met with Mark Iburg, Rob Robinson and Carma Wilton last week regarding the 165th Avenue property access/road issues. Thorin and the three landowners met at the site to review the surveyed quarter mile corners and current county road right-of-way in regard to the 165th Avenue property access/road issues. Thorin and the landowners came to a verbal agreement. Thorin explained the protocol procedures to the landowners and will contact the County Attorney for language to proceed with a land owner's agreement document.
- The new Caterpillar 12M2 motor grader ordered in April from Nebraska Machinery Company arrived last week at the Road District #2 shop.



Boone County Board Minutes



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. 2013-57 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, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Highway Superintendent, submitted for review and approval the annual Standardized System of Annual Reporting (SSAR). The annual report is submitted to the Board of Public Roads Classification and Standards pursuant to Neb. Rev. Statute 39-2510. The report includes a cost per mile/hour for the road department equipment. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the annual SSAR report for fiscal year ending June 30, 2013 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 of September 16, 2013 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$88,290.11, BCBS \$39,765.49, Ameritas Ret \$6,069.58, EFTPS \$6,617.09, Section 125 Fees \$6.00; Road \$43,675.80, BCBS \$21,536.11, Ameritas Ret \$2,948.14, EFTPS \$3,297.64; Boone County Economic Development \$3,556.67, BCBS \$1,668.42, Ameritas Ret \$240.08, EFTPS \$261.25; Ambulance \$1,305.00, Ameritas Ret \$49.62, EFTPS \$99.81; Public Defender Contract \$3,000.00; Boone County Fitness Center \$4,818.89, Ameritas Ret \$260.68, EFTPS \$368.65, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- A Nebraska Tax Modernization Committee Public Hearing is scheduled for Thursday, September 26, 2013 at the Northeast Nebraska Community College in Norfolk.
- Commissioner Schuele updated the Board regarding the proposed restructure of the Boone County Development Agency.

Chairman Schuele declared the meeting adjourned at 10:36 A.M., the next Board meeting is scheduled for Monday, September 30, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
SEPTEMBER 30, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 30, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin reported on the progress regarding the Raeville Road asphalt overlay and said that the County Project No. 372, box culvert northwest of Petersburg is completed. Thorin said beginning September 30, 2013 the Boone County Road Department will work five eight-hour days.

The primary use of the Boone County 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. Edward Economic Development requested assistance to advertise the St. Edward Extravaganza event scheduled for November 8-10, 2013. 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 County Board Proceedings and Board of Equalization Proceedings of September 23, 2013 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Shannon Landauer, Economic Development Director, and Commissioner Schuele, updated the Board regarding the restructure of the Boone County Development Agency. The Development Agency Executive Committee formed a restructure committee to discuss all possibilities and decisions that need to be made before changing to a non-profit corporation. The committee has discussed property, utilities, janitorial services, insurance, the guaranteed loans, personal property (furniture/equipment), financial institution, agency structure/boards, payroll and two signatures on checks. The present structure is a Joint Public Agency Agreement filed with the Nebraska Secretary of State and the proposed restructure is a 501(c)(3) nonprofit corporation to be effective January 1, 2014.

Open Discussion and Miscellaneous Public Comments:

- Commissioner's Schuele and Luettel reported on information received at meetings they attended last week.

Chairman Schuele declared the meeting adjourned at 11:47 A.M. with the next Board meeting scheduled for Tuesday, October 15, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 15, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 15, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board and Jeff Jarecki, Public Defender, reviewed and discussed the Public Defender Agreement that commenced August 1, 2012 and continues through December 31, 2013. Jarecki discussed the statutory changes presented in the new Agreement with the Board. Jarecki proposed no changes regarding the monthly compensation of \$3,000.00 and limitation appointment to seventy-two cases annually. The initial term of the Agreement shall commence on January 1, 2014 and continue through December 31, 2015. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Public Defender Agreement commencing on January 1, 2014 through December 31, 2015. Roll call vote: Yeas: Schuele, Luettel 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 September, 2013:

- Clerk - \$5,313.00 (State of Nebraska \$1,841.05)(County of Boone \$3,471.95)
- Clerk of the District Court - \$2,850.88 (State of Nebraska \$2,110.00)(County of Boone \$740.88)
- Sheriff - \$1,284.66
- Planning & Zoning - \$389.25
- Treasurer - Treasurer's Fees - \$2.00; Miscellaneous Receipts Nos. 13112-13163 - \$244,993.82; Total Collections - \$2,900,221.46

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 and Board of Equalization Proceedings of September 30, 2013 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented the September road maintenance, repair and project report to the Board for their review and updated the Board regarding the following:

- Thorin has applied to the Department of Roads for additional allowable days to complete the Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road) overlay project.
- The Board reviewed a letter concerning the 165th Avenue property access/road issue received from an attorney representing one of the landowners.
- The FEMA funds from the 2010 flood have been received to help replace the Primrose East Bridge (Pilot Knob Bridge) that was washed out.



Boone County Board Minutes



The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 27, 2013. The road closure is for 140th Street, located between Sections 19-22-6 and 30-22-6, beginning at the junction of 220th Avenue and 140th Street, thence east one mile. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-58 for a temporary road closure relating to the Punkin' Chunkin event as presented. Roll call vote: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Joseph A. Micek, Cornhusker Public Power, requested permission to bore an electrical cable underground in the roadway in an East-West direction then turning South on the West side of Loretto, Nebraska between Sections 25 and 26, Township 21 North, Range 7 West, Boone County, Nebraska, commonly known as Elm Street/205th Street for approximately 141 feet. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2013-59, granting permission to bore electrical cable in the roadway of Elm Street/205th Street as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Shannon Landauer, Boone County Development, explained that the Boone County Development Agency approved a business loan with a Certificate of Deposit guarantee. The lending institution requested a resolution authorizing the Board Chairman to sign the documents and Certificate of Deposit as collateral. The lending agency is aware of the possible restructure of the Boone County Development Agency and that the Certificate of Deposit guarantee may need to be changed. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2013-60, authorizing the Board Chairman to sign documents for a business loan Certificate of Deposit guarantee as presented. Roll call vote: Yeas: Tisthammer, Schuele 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 - \$52,245.27; Road - \$132,383.12; County Visitors Promotion - \$737.98; Reappraisal - \$1,851.76; County Veteran's Aid - \$500.00; Boone Co Economic Development (2605) - \$1,294.39; County Economic Business Development (2606) - \$30,000.00; Inheritance Tax - \$176,868.66; 911 Emergency Management (2910) - \$3,874.86; 911 Wireless Service (2913) - \$839.45; Ambulance - \$487.64. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open Discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board heard a general assistance request.
- The County of Boone received a 2013 dividend of \$17,338.00 from their insurance company Nebraska Intergovernmental Risk Management Association (NIRMA) on October 4, 2013.

Chairman Schuele declared the meeting adjourned at 11:48 A.M. with the next Board meeting scheduled for Monday, October 21, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 21, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:03 A.M. on Monday, October 21, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The primary use of the Boone County Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved one request for advertisement funding.

The Albion Area Arts Council requested assistance to advertise the Jerry Barlow Concert event scheduled for December 8, 2013. 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.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of October 15, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin reported on the progress regarding the Raeville Road asphalt overlay.

The Boone County Board of Commissioners deems it may be in the public interest to either relocate a road to the west of the original location of the road or vacate said road known as 165th Avenue. The road runs north and south between the NW1/4 and the NE1/4 of Section 30, to a part where the Beaver Creek intersects the SW1/4 and the SE1/4 of Section 30, all located in Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2013-61, appointing Darrel D. Thorin, Boone County Highway Superintendent, to do a feasibility study in regard to the relocation or vacation of said road as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Michael Farms, Inc., requested permission to trench an electrical line for a grain bin over and across a county road commonly known as Old Mill Road. The electrical line commences from an electrical pole located on the east side of Old Mill Road, running westerly to a grain bin to be located in the SW1/4 of Section 1, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-62, granting permission to trench an electrical line over and across Old Mill Road as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

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



Boone County Board Minutes



- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- Discussed County Government Day activities that is scheduled for October 23, 2013.
- Shannon Landauer, Economic Development, introduced Aubrey Pals, full time employee in the Boone County Development Agency office.
- Boone County will be participating in the 93 County Food Drive challenge from November 4-22, 2013. The public is invited to participate in the challenge, the donations go to the local food pantry. A box for donated items will be in the lobby of the Courthouse or a monetary donation may be left at the County Clerk's Office with checks made out to the Boone County Food Pantry.

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:

The Board discussed attendance/speaker for Boone County Government Day.

Chairman Schuele declared the meeting adjourned at 10:35 A.M. with the next Board meeting scheduled for Monday, October 28, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 28, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 28, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings and Board of Equalization Proceedings of October 21, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The primary use of the Boone County Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved one request for advertisement funding.

The Albion Chamber of Commerce, Inc. requested assistance to advertise the Albion Chamber of Commerce 2013 Christmas Promotion event scheduled for November 21 and 22, 2013. 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.

Darrel Thorin, County Highway Superintendent, appeared before the Board and discussed the following topics:

- Road/bridge maintenance and projects.
- Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road asphalt overlay).
- Thorin received notice that the fracture critical bridge inspections are completed for 2013.

Darrel D. Thorin, Boone County Highway Superintendent, submitted a feasibility study for the Board to review. The Board asked Thorin to complete a feasibility study at the October 21, 2013 Board meeting. The feasibility study is in regard to either relocating road to the west of the original location of the road or vacating said road known as 165th Avenue. The road runs north and south between the NW1/4 and the NE1/4 of Section 30, to a part where the Beaver Creek intersects the SW1/4 and the SE1/4 of Section 30, all located in Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Darrel D. Thorin, Boone County Highway Superintendent, recommends that said portion of 165th Avenue be vacated with all right-of-way rights reverting back to the adjacent landowners, 33 feet on each side.

Motion made by Luettel, second by Tisthammer to approve Resolution No. 2013-63, to set a public hearing for November 18, 2013 at 10:00 A.M. in the Boone County Courthouse, County Commissioners meeting room, regarding vacation of said road known as 165th Avenue. Roll call vote: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



The salaries of all elected county officers must be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices. The Nebraska Association of County Officials (NACO) selected a salary committee of twelve elected officials representing seven elected offices across the state. The salary committee takes into account a variety of factors. The Board is reviewing the 2015-2018 Salary Recommendations for County Officials compiled by NACO and the 2013 Salary Committee. The Board plans to set the 2015-2018 elected county officials salaries at their Board meeting on November 25, 2013.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$90,486.01, BCBS \$39,044.84, Ameritas Ret \$6,188.56, EFTPS \$6,789.52, Section 125 Fees \$6.00; Road \$43,675.80, BCBS \$21,536.11, Ameritas Ret \$2,948.14, EFTPS \$3,297.64; Boone County Economic Development \$3,556.67, BCBS \$1,668.42, Ameritas Ret \$240.08, EFTPS \$261.25; Ambulance \$1,675.00, Ameritas Ret \$66.49, EFTPS \$128.13; Public Defender Contract \$3,000.00; Boone County Fitness Center \$6,005.25, Ameritas Ret \$327.39, EFTPS \$459.42, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

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

Chairman Schuele declared the meeting adjourned at 10:05 A.M., the next Board meeting is scheduled for Tuesday, November 12, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
NOVEMBER 12, 2013
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, November 12, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report for the Board to review. There were nine distress warrants delivered to the Boone County Sheriff on November 1, 2013 for collection of unpaid 2012 personal property taxes. The amount of uncollected 2012 personal property taxes, not including penalties is \$6,747.23. The total to be collected on distress warrants, with penalties is \$7,042.53. Motion made by Luettel, second by Schuele to accept and approve the County Treasurer's Distress Warrant Report 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 Accounts Payable Vendor Claims filed for payment from the various funds: General - \$25,004.62; Road - \$110,336.81; County Visitors Promotion - \$368.65; Reappraisal - \$3,602.02; Boone Co Economic Development (2605) - \$693.18; 911 Emergency Management (2910) - \$223.49; 911 Wireless Service (2913) - \$893.93; Ambulance - \$240.06. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Luettel, second by Schuele to approve the following reports of the County Officials as presented for October, 2013:

- Clerk - \$7,713.75 (State of Nebraska \$2,838.58)(County of Boone \$4,875.17)
- Clerk of the District Court - \$1,320.46 (State of Nebraska \$409.00)(County of Boone \$911.46)
- Sheriff - \$1,625.86
- Planning & Zoning - \$475.54
- Treasurer - Treasurer's Fees - \$110.00; Miscellaneous Receipts Nos. 13164-13230 - \$358,217.87; Total Collections - \$612,863.15

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

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of October 28, 2013 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Joyce Sock, Assessor, discussed with the Board the replacement of the existing computer in her office. Sock presented a quote for the purchase of a new Dell Optiplex 9020 All-in-One computer from Applied Connective Technologies for \$1,362.56. The installation and configuration are an estimate. Motion made by Luettel, second by Schuele to approve the computer purchase request for the Assessor's office as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Joyce Sock, County Assessor, met with the Board to review and approve a Contractor Agreement with Larry D. Petsche to do the pickup work for the Assessor's Office. Sock presented the Board with an agreement and a schedule for payment based on the type of pickup work to be performed. It was the Board's opinion that whoever was doing the pickup work



Boone County Board Minutes



should be required to use a county vehicle rather than their personal vehicle due to liability issues. The initial term of this contract shall commence on November 12, 2013 and shall continue until March 31, 2014. The agreement shall continue thereafter for an additional twelve-month period unless either party shall give the other party 60 days written notice that this agreement shall terminate. Motion made by Schuele, second by Luettel to approve the Contractor Agreement between the County of Boone, Nebraska and Larry D. Petsche as presented and authorizes the Board Chairman to sign said agreement. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Joyce Sock, Assessor, discussed with the Board the stress she is having with TPW Petersburg LLC (TPW) regarding wind tower personal property and real estate assessment. Sock informed the Board that TPW has not been responding to the Assessor's office request to complete the paperwork regarding the assessments. The personal property and real estate assessments is separate from the Nameplate Tax that is collected. Sock received a phone call from TPW that it plans to send an attorney on Tuesday, November 26, 2013 to meet with Sock and County Appraiser, Darrel Stanard, to discuss the matter. The Board asked Sock if there was any problem with Laredo Ridge Wind Farm, Sock said no problem and they have completed their paperwork.

Darrel Thorin, County Highway Superintendent, presented the October road maintenance, repair and project report to the Board for their review and updated the Board regarding the following:

- The Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road) overlay project is completed, but not officially open to the public. The shoulders need to be finished/seeded, grinding of the asphalt joints and the proper signage installed. Thorin said they are hopeful to reopen the road next week.
- The Board and Thorin discussed general road/bridge maintenance and equipment repair.

Larry Beierman, requested permission to trench an electrical cable over and across 220th Avenue, commencing from a utility pole located in the NW1/4 of Section 19, Township 19 North, Range 6 West, running thence West to a grain dryer to be located in the NE1/4 of Section 24, Township 19 North, Range 7 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-64, granting permission to trench an electrical cable over and across 220th Avenue as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Schuele, second by Luettel to accept and approve the County Sheriff's 2013 third quarter report as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Terry Baxter, NIRMA, reviewed safety issues with Denny Johnson, Deputy Sheriff, as a routine visit. State Statute Chapter 81-1443 (2) states the following: "No person appointed to the reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the governing body. After approval, he may carry a weapon only when authorized by the sheriff or chief of police and when discharging official duties as a duly constituted peace officer". A reserve deputy is not classified as a certified law enforcement officer and are limited to the number of hours they can serve in the reserve capacity per calendar year. Motion made by Schuele, second by Luettel, to approve Pamela Stapleman as a reserve officer for the Boone County Sheriff's office. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

The primary use of the Boone County 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 received a request for advertisement funding. The Cardinal Inn requested assistance to establish an Internet



Boone County Board Minutes



Website. The Board discussed the request being quite different from community events. The guidelines established by the Boone County Visitor's Promotion Committee does not address such a request. It is apparent that some guidelines regarding website advertising needs to be established so it is clear what is acceptable, not acceptable and type of businesses that can apply. Motion made by Schuele, second by Luettel to table the request for further review and discussion. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

The requestor for general assistance was unable to attend today's meeting and contacted the Board by telephone to reschedule on Monday, November 18, 2013.

Open Discussion and miscellaneous public comments:

- Commissioner Schuele reported on the Boone County Health Center Board meeting he attended last week.

Chairman Schuele declared the meeting adjourned at 11:43 A.M. with the next Board meeting scheduled for Monday, November 18, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 18, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 18, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Schuele called the meeting to order and Commissioners present for roll call were Tom Schuele and Jerry L. Tisthammer. Commissioner Ken Luettel arrived at 9:03 A.M. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Schuele acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

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

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- Tom Schuele, Commissioner, reminded everyone that the County employee holiday gathering is set for Friday, December 20, 2013 at the fairgrounds.
- Boone County is participating in the 93 County Food Drive challenge from November 4-22, 2013. The public is invited to participate in the challenge, the donations go to the local food pantry. A box for donated items will be in the lobby of the Courthouse or a monetary donation may be left at the County Clerk's Office with checks made out to the Boone County Food Pantry.
- The Board has received several quotes and discussed possibly replacing the present courthouse telephone/internet system since March of 2012. The employees present felt that the internet upgrade by Frontier Communications has improved services. The consensus is not to replace the telephone/internet system at this time.
- Boone County may possibly be a pilot in December for MIPS time clock system. The present plan is that the new time clock system and employees changing to hourly salaries to be effective January 1, 2014.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. The Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road) asphalt overlay is completed except for seeding of the shoulders and is open to the public.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings and Board of Equalization Proceedings of November 12, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Joyce Sock, Assessor, presented a quote from Eakes Office Plus for a new Sharp MX-2615N Color Digital Imager Copy Machine/Fax/Scanner for the Assessor's office. Sock is trading in the present copy machine and will not be replacing the present fax machine. The quote for the new color copy machine/fax/scanner is \$8,390.00. The monthly maintenance fee quote is \$116.42, which is \$99.49 less per month than the present copy machine maintenance fee. Motion made by Schuele, second by Luettel to approve the purchase of the Sharp MX-3625N Color Digital Imager/copy machine/fax/scanner for the County Assessor's office from Eakes Office Plus as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board did not take up the agenda item relating to the county general assistance utility request because the person requesting the assistance did not appear.

Open discussion and miscellaneous public comments:

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

Chairman Schuele declared the meeting adjourned at 11:40 A.M. with the next Board meeting scheduled for Monday, November 25, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2013 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 in relation thereto the proposed vacation of a county road:

- The hearing is concerning approximately three-quarters of a mile of a county road known as 165th Avenue. The road runs north and south between the NW1/4 and the NE1/4 of Section 30, to a part where the Beaver Creek intersects the SW1/4 and the SE1/4 of Section 30, all located in Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study for the Board's review dated October 25, 2013 recommending that approximately three-quarter mile of 165th Avenue be vacated with all right-of-way rights reverting back to the adjacent landowners, 33 feet on each side.

Present for the Public Hearing were landowners Mark Iburg, owner of the NE1/4 of 30-22-7; Carma Wilton, owner of the NW1/4 of 30-22-7; and Rob Robinson, owner of the SW1/4 and SE1/4 of 30-22-7. Also, present at the public hearing were Jerry Bode, Walter and Deanna Stokes, and Jim Dickerson, Albion News.

Darrel Thorin, Highway Superintendent, highlighted his feasibility study regarding 165th Avenue and all present received a copy of the feasibility study. According to records filed in the Register of Deeds Office, Boone County, Nebraska the road in question was opened June 1880 with a sixty-six (66) foot right-of-way and was opened on the half mile line of Section 30 and was to follow that line as close as possible. This road is not part of the County's road inventory registered with the State of Nebraska and as a result has no bearing on the amount of funds received from the State Allocation Trust Fund. This road, other than at the very north end, does not service any residential dwellings, nor are there any other building structures to the south. This current road is not regularly maintained by the County Road Department. It was determined that none of the south half of Section 30 would be isolated, as the landowner has access from 170th Avenue.

Rob Robinson submitted google maps of the area and read his concerns/request concerning 165th Avenue. Robinson feels the County should abandon 165th Avenue between the SE1/4 and SW1/4 of his property and leave 165th Avenue open between the NE1/4 and NW1/4 in order to access his property. Robinson feels that if 165th Avenue is vacated, the County should assign the present road/trail right-of-way to him. Robinson's attorney, Tom Maul, submitted a letter by email.

Mark Iburg expressed that the existing road/trail appears to be on his property and was advised by his attorney concerning liability if/when an accident occurs. Iburg requested the road be moved off of his property to where the records indicate it is to be located or vacate all of that part of 165th Avenue that is in question. Iburg said that access to the four quarters, locked gates, disagreements, trespassing, etc. has been an issue for several



Boone County Board Minutes



years. Iburg asked the Board to make a decision to vacate all of 165th Avenue or relocate the road according to records and leave all of 165th Avenue open. Let's get 165th Avenue settled and be done with the issue.

Carma Wilton expressed equal treatment regarding 165th Avenue, either vacate all of it or none of it that is in question. Robinson is not land locked since he has access from 170th Avenue. We all know that when the water table is high that is not when you try to remove hay bales or crops.

Walter and Deanna Stokes were just interested neighbors. Jerry Bode hauls hay for all three land owners.

The measurements from the south and north corners as located for Section 30 indicated that all of the existing trail/road is on the Iburg property and part of the Robinson gates are on Iburg property, according to the records on file in the Register of Deeds office. Thorin said the north and south corner survey stakes were located and GPS was used to locate the center of Section 30.

Motion made by Luettel, second by Schuele to close said hearing at 11:10 A.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

After the public hearing the County Board shall by resolution at its next meeting or as soon thereafter as may be practicable vacate or abandon or refuse vacation or abandonment, as in the judgment of the Board the public good may require.

If the Board decides to leave 165th Avenue as an open road for public access, technically there can be no locked gates. The Board asked Thorin to contact the State for clarification of the 10 year road establishment provision. The 10 year provision question is regarding a road/trail location that has been maintained for 10 years or a road/trail location that has not been maintained for 10 years.

Motion made by Schuele, second by Tisthammer to table the decision until a later date. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 9, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 9, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$50,069.71; Road - \$410,769.98; Reappraisal - \$24,819.88; Boone Co Economic Development (2605) - \$1,034.07; 911 Emergency Management (2910) - \$209.04; 911 Wireless Service (2913) - \$836.19; Ambulance - \$709.18. 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 November, 2013:

- Clerk - \$5,562.00 (State of Nebraska \$3,038.09)(County of Boone \$2,523.91)
- Clerk of the District Court - \$1,115.45 (State of Nebraska \$385.00)(County of Boone \$730.45)
- Sheriff - \$1,279.97
- Planning & Zoning - \$125.78
- Treasurer - Treasurer's Fees - None; Miscellaneous Receipt Nos. 13231-13281 - \$183,664.17; Total Collections - \$353,931.91

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 of November 25, 2013 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Nebraska Revised Statutes 23-1114(2007 Reissue) provides that "The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices". The base salary is fixed for the elected officers 2015-2018 term and the filing fee for the 2014 Election is 1% of the respective office annual salary that commences January 2015. The offices of County Attorney, Commissioners and Surveyor are considered part-time positions. Motion made by Schuele, second by Tisthammer to approve and adopt Resolution No. 2013-67, establishing base salaries, annual adjustment and benefits for the elected officials of Boone County for the 2015-2018 term with the annual salaries as follows: County Assessor, Attorney, Clerk and Treasurer - \$46,800.00; Sheriff - \$52,800.00; Commissioners - \$21,600.00; and Surveyor - \$10,000.00. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Brian Yosten, Visitors Promotion Committee member, and Aubrey Pals, Boone County Economic Development employee, discussed the Boone County Visitors Promotion Fund with the Board. The Visitors



Boone County Board Minutes



Promotion Fund revenue is generated from the two percent County Lodging Tax that began July 2006. The 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 (Nebraska Statute 81-1255). The Visitors Promotion Committee and the Board of Commissioners set the guidelines regarding the type of organizations/activities and type of advertisement that is reimbursable from the Visitors Promotion Fund. Due to the restructure of the Boone County Development Agency to a non-profit corporation, the organization will no longer be under the county government regulations. Therefore, all of the Boone County Visitors Promotion Fund activity will be streamlined through the Boone County Clerk's office beginning January 1, 2014.

The primary use of the Boone County Visitors 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 received three requests for advertisement funding.

The Cardinal Inn requested assistance to establish an internet website. This request was tabled at the November 12, 2013 Board meeting for further review and discussion. The Board discussed the request being quite different from community events with Yosten and Pals. The guidelines established by the Boone County Visitors Promotion Committee does not address such a request. It is apparent that some guidelines regarding website advertising needs to be established so it is clear what is acceptable, not acceptable and type of businesses that can apply. The Visitors Promotion Committee meets annually to review the guidelines, usually in February. The Board of Commissioners then approve/disapprove the guidelines and advertisement reimbursements. Motion made by Tisthammer, second by Luettel to approve the Cardinal Inn request, as a one-time reimbursement to establish a new website, limiting applications for website advertisement to the lodging tax facilities that collect the 2% lodging tax at this time and allowing research time before the committee meeting to consider expanding guidelines addressing website advertisement. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Albion Area Arts Council requested assistance to advertise the Matthew Coley Concert scheduled for January 26, 2014. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The St. Michael's Parish requested assistance to advertise the annual St. Patrick's Carnival fundraiser event scheduled for March 16, 2014. Motion made by Luettel, second by Schuele to approve the recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board heard a general assistance request with regard to rent. The Board explained the general assistance guidelines. The applicant presented a rent billing that was past due. Motion made by Schuele, second by Luettel to approve payment of the general assistance rent request payable directly to the landlord. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board heard a general assistance request with regard to rent and utilities. The Board explained the general assistance guidelines. The applicant stated he was past due on rent and utilities. The applicant had no utility billings to present. Motion made by Luettel, second by Tisthammer to approve payment of the general assistance rent request payable directly to the landlord and no assistance regarding the utilities. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Jeff Jarecki, Attorney, and Aubrey Pals, Boone County Economic Development employee, and the Board discussed the restructure of the Boone County Development Agency regarding protocol procedures for the



Boone County Board Minutes



county owned office inventory, guaranteed loans in CDs that are under the County of Boone federal tax I.D. number and the transfer of the current budget funds to the non-profit corporation. Jarecki said that the federal tax I.D. number for the non-profit Boone County Development Agency, Inc. has been approved. An Accounts Payable Vendor check is to be issued from the Boone County Imprest Account for the balance of the Boone County Economic Development Operations Fund (2605) payable at the same time as the December 2013 payroll, to the Cedar Rapids State Bank to open the Boone County Development Agency, Inc. operating account. An Accounts Payable Vendor check is to be issued from the Boone County Imprest Account for the balance of the Boone County Economic Business Development Fund (2606) upon the completion of a new signed agreement between the governmental entities for the non-profit corporation to the Boone County Bank.

David Fox, requested permission to trench a gas line for an irrigation well over and across 250th Street, commencing from a gas line located in the right-of-way of the SE1/4 of Section 18, Township 20 North, Range 7 West, running thence south to an irrigation well to be located in the NE1/4 of Section 19, Township 20 North, Range 7 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2013-68, granting permission to trench a gas line over and across 250th Street as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The State of Nebraska, Department of Roads needs the county board to designate the official county newspaper(s) in order to comply with the state statute when advertising their projects for bids in the county. The Cedar Rapids Press loss their legal status. Motion made by Tisthammer, second by Luettel to designate the official county newspapers for 2014 to include the Albion News, Petersburg Press and The St. Edward Advance. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Denny Johnson and Donna Johnson, representing the County Sheriff's office, and the Board continued the November 25, 2013 Board meeting discussion regarding the base (starting) salary for dispatchers. The proposal is for a base wage increase from \$1,600.00 to \$1,700.00 for dispatcher position and \$1,600.00 to \$1,850.00 for the communications/dispatcher position. The Board plans to review the material presented and make a decision at a later date.

Russell Stokes, Boone County Weed Superintendent, and the Board discussed the weed program and certification requirements. Stokes informed the Board that he is resigning from the County Weed Superintendent position. Stokes plans to complete the year end reports, inventory paperwork and necessary weed related projects. The Board agreed to draft an agreement with Stokes for compensation of January and February 2014 hours allowing time for completion of his duties and help with the transition of the newly appointed weed superintendent. Russell Stokes submitted a resignation effective December 31, 2013 as Boone County Weed Superintendent.

Darrel Thorin, County Highway Superintendent, presented the November road maintenance, repair and project report to the Board for their review. Thorin updated the Board regarding road/bridge maintenance, materials and projects.

Motion made by Tisthammer, second by Luettel to go into an executive session at 12:50 P.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board and Darrel Thorin, Boone County



Boone County Board Minutes



Highway Superintendent, discussed personnel issues. Motion made by Schuele, second by Luettel to come out of executive session at 1:15 P.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. No official action regarding personnel issue taken at this time.

The Region 44 Emergency Management vehicle is vibrating and may need new tires or other repairs. The Board authorizes Jan Zurcher, Region 44 Emergency Manager, to have the vehicle looked at and if the repairs are minor, to have them fixed and have a new set of tires mounted.

Open Discussion and miscellaneous public comments:

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

Chairman Schuele declared the meeting adjourned at 1:27 P.M. with the next Board meeting scheduled for Monday, December 16, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 16, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 16, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

The Board and Boone County Development Agency representatives Brandi Yosten, Attorney for Jarecki Law; Shannon Landauer; Aubrey Pals; Richard Good; Tim Kayton; and Bob Racek discussed the county office (Boone County Development Agency) inventory of county personal property filed according to State Statute Section 23-347. Yosten presented a Bill of Sale from Boone County, Nebraska to BCDA, Inc. for the consideration of \$1.00 for the personal property listed. Yosten relayed the message from Jeff Jarecki that the guaranteed loan CDs will be left in place and they will submit the name change and federal tax I.D. number change to the loan institutions. The group discussed the restructure of the Boone County Development Agency/Boone County Economic Development Operations Fund (2605) transition to a non-profit 501(c)(3) corporation. The Boone County Development Agency is a Joint Public Agency Agreement filed with the Nebraska Secretary of State October 26, 2000. A federal tax I.D. number has been received for the restructured Boone County Development Agency, Inc. as a 501(c)(3) nonprofit corporation. The new entity name and office address will be BCDA, INC. located at 233 South 4th Street, Albion, Nebraska 68620 beginning January 1, 2014. The BCDA, INC will receive a check from the Boone County Imprest Account for the remaining funds in the Boone County Treasurer's office, less December expenses, from the Boone County Economic Operations Fund (2605) at the end of December 2013 in order to open an operations account at the Cedar Rapids State Bank.

Motion made by Tisthammer, second by Schuele, to approve the Bill of Sale from Boone County, Nebraska, for and in consideration of One Dollar (\$1.00) and convey unto BCDA, Inc. the personal property as listed in the Bill of Sale. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of December 9, 2013 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received a resignation from Russell Stokes, County Weed Superintendent, at their December 9, 2013 Board meeting. The Board plans to advertise for two weeks in the four county newspapers regarding the part-time County Weed Superintendent position. Motion made by Schuele, second by Luettel to accept the written resignation of Russell Stokes, County Weed Superintendent, effective December 31, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. 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



Boone County Board Minutes



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 reappointment of Jane Prothman of Albion to serve a second three-year term on the Boone-Nance County Extension Board beginning January, 2014. Motion made by Luettel, second by Schuele to re-appoint Jane Prothman to serve a second three-year term on the Boone-Nance County Extension Board beginning January, 2014. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

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

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- Forms were distributed to the department heads regarding the implementation of the time clock attendance records for vacation/sick leave and approved absence.
- A thank you was received from the Boone County Food Pantry for the donation from the Nebraska 93 County Food Drive challenge held in November 2013. Commissioner Schuele expressed a thank you to those that contributed to the challenge to help those in need.
- The mileage reimbursement rate will be 56 cents per mile beginning January 1, 2014. The 2014 rate is a half cent decrease from the 2013 rate of 56.5 cents.
- The department heads/employees were reminded that Colonial Life & Accident Insurance representatives would be available on December 17-18, 2013 to present their services and answer any questions.

The Boone County Employee Handbook, Grievance Procedure on Page 13, paragraph 3 states; "The Board of Commissioners shall create the pre-designated list of people to serve on the Grievance Board. The pre-designated list shall contain ten impartial members and updated annually". Motion made by Schuele, second by Tisthammer to appoint and approve a pre-designated list of ten names to serve as a Grievance Board for the County for the 2013 and 2014 calendar year. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Grievance Board procedures need to be addressed for the appointed Grievance Board. The Board contacted NIRMA legal counsel regarding procedures for a Grievance Board. Motion made by Luettel, second by Schuele to approve Grievance Board Hearing Procedures and Grievance Board Information Request form as provided by the NIRMA legal counsel. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nay: None. Motion carried.

Motion made by Luettel, second by Schuele to set the 2014 Board of Commissioners Reorganizational meeting for Monday, January 6, 2014 at 9:00 A.M. and the 2014 Board of Equalization Reorganizational meeting for Monday, January 6, 2014 at 11:00 A.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



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. Due to December 15, 2013 being a Sunday, the certification is as of Monday, December 16, 2013. Motion made by Tisthammer, second by Schuele to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Denny Johnson and Donna Johnson, representing the Sheriff's office, and the Board continued the discussion regarding dispatcher base wages. Commissioner Schuele suggested consistency as about a year ago the road department employees' base wage was changed from \$2,000.00/monthly to \$2,050.00/monthly. The plan is to re-evaluate all base wages (starting salary for new employees) on a four year schedule to coincide with the elected officials and deputies and have some consistency for re-evaluations. Commissioner Schuele suggested a \$50.00 increase to the dispatcher base and \$100.00 increase to the communications director position base for January 2014, with the understanding all base wages be re-evaluated for January 2015 and every four years thereafter. If the dispatchers and communications director receive the increase that is proposed today it will be figured into the four year re-evaluation for 2015-2018. Commissioners Luettel and Tisthammer said the base wage increase that is being asked for by the Sheriff's office should be approved because the Sheriff's office is not receiving applicants for the dispatcher positions.

Motion made by Luettel, second by Tisthammer to approve the dispatcher base wage (starting salary) to increase \$100.00 from \$1,600.00 to \$1,700.00 per month, the Communications Director base wage (starting salary) to increase \$250.00 from \$1,600.00 to \$1,850.00 per month, with the January 1.8% cost of living figured on the new base wage, effective January 2014. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Pam Jochum, County Attorney's office, presented a quote from Applied Connective Technologies for a new Dell Optiplex 3010 Workstation and 22" Monitor. Jochum said the present office computer needs to be updated. The computer being replaced was purchased in June 2009 as listed on the County Attorney's office inventory. Motion made by Schuele, second by Luettel to approve and authorize the County Attorney's office request to purchase a Dell workstation, monitor and accessories for \$1,484.27 with installation and configuration not included, from Applied Connective Technologies as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin updated the Board with information received at the NACO meeting last week regarding Nebraska Department of Roads possible changes in regulations and funding. Thorin said Fire Marshall's presented information at the NACO meeting regarding the need for a written plan concerning storage of oil/fuel within 150 feet of waters in the United States.

The County Attorney is to represent the County Board of Commissioners regarding an employee grievance matter. The department head may need representation regarding an employee grievance matter. Motion made by Luettel, second by Schuele to approve a representation agreement with Woods & Aitken legal counsel regarding general labor and employment matter outside the NIRMA employment hotline as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Jim Majerus met with the Board and Darrel Thorin, Highway Superintendent, to discuss a minimum maintenance road/livestock issue. Majerus presently has a road closed sign up and wire across the minimum maintenance road known as 190th Avenue. Majerus requested that the minimum maintenance road be closed through the winter to allow him to graze his livestock, since his water source for the livestock is froze and that is why the horses/livestock were out on the county road. Majerus said no one uses the minimum maintenance road and that the county does not remove the snow. Majerus sees no reason why it cannot be left temporarily closed for the winter. Thorin explained that 190th Avenue is a minimum maintenance county road that is open to the public. One cannot close a road without following the proper procedures. The Board told Majerus that the issue is for him to contain his livestock and not allowing them to roam on public roads. The Board advised Majerus to build a fence that will contain the horses/livestock. The Board told Majerus to have the road close sign and wire removed by Tuesday evening, December 17, 2013 regarding the 190th Avenue minimum maintenance public road.

Open discussion and miscellaneous public comments:

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

Chairman Schuele declared the meeting adjourned at 12:25 P.M. with the next Board meeting scheduled for Monday, December 23, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 23, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 23, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$92,625.54, BCBS \$39,044.84, Ameritas Ret \$6,402.16, EFTPS \$6,953.18, Section 125 Fees \$6.00; Road \$41,379.25, BCBS \$20,074.60, Ameritas Ret \$2,793.12, EFTPS \$3,121.96; Boone County Economic Development \$8,214.71, Ameritas Ret \$554.49, EFTPS \$625.31; Ambulance \$1,528.25, Ameritas Ret \$64.69, EFTPS \$116.90; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,467.07, Ameritas Ret \$293.07, EFTPS \$418.21, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment to close out the Boone County Economic Development Operations Fund (2605) funds in the County Treasurer's office: General - Sourcegas Distribution \$143.21; Boone County Economic Development - US Bank Card \$21.91 and BCDA, INC. \$35,674.86, to be deposited in the corporation's operation account at the Cedar Rapids State Bank. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board received a resignation from a full time Boone County Sheriff's office employee. Motion made by Tisthammer, second by Schuele to accept and approve the resignation of Amanda Cole, Jail Dispatcher, effective December 17, 2013 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board received a copy of the resignation from the full time Regional 44 Emergency Management position submitted to the Nance County Board of Supervisors. Motion made by Schuele, second by Luettel to accept and approve the resignation of Jan Zurcher, Region 44 Emergency Manager, effective December 31, 2013. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Boone County Health Center is installing a new Cerner System to be implemented in March 2014. The Boone County Board of Commissioners have an agreement with the Boone County Health Center to process the Boone County Ambulance Service transport claims. The new Cerner System will not allow the processing of the Boone County Ambulance Service transport claims. The Board and Nicole Levander discussed software options that would allow the Boone County Health Center to continue the Boone County Ambulance Service bookkeeping services. Levander will provide more software information for the Board to review in January. In Addition, Levander received information from EMS Billing Services of Omaha, Nebraska. The Albion city ambulance uses the EMS Billing Services. If the Board would decide to use EMS Billing Services, then the Boone County Health Center would no longer be processing the Boone County Ambulance Service transport claims. The Board will need to be make a decision in January regarding the Boone County Ambulance Service bookkeeping services.



Boone County Board Minutes



The Board received the names of the four selected people from the County pre-designated Grievance Board list of members. The department head and employee involved in the grievance each selected two people from the pre-designated Grievance Board list of members. The Board mailed letters on December 23, 2013 to the four selected Grievance Board members and asked them to select a fifth member and select the Grievance Board chairperson. Motion made by Schuele, second by Luettel to accept the correspondence from the two law firms and proceed with the Grievance Board procedure addressed in the Boone County Employee Handbook. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Beginning January 1, 2014, the Boone County Visitor's Promotion Fund requests will be processed through the Boone County Clerk's office. Due to the restructure of the Boone County Development Agency to a non-profit organization and changing the operation to BCDA, Inc., the corporation will no longer be under the County Government regulations. Motion made by Tisthammer, second by Luettel to approve the administration of the Boone County Visitor's Promotion Fund by the Boone County Clerk's office, beginning January 1, 2014. 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 of December 16, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- Commissioner Schuele informed the Board that Aubrey Pals received the BCDA, Inc. position.

Chairman Schuele declared the meeting adjourned at 11:35 A.M., the next Board meeting is scheduled for Monday, December 30, 2013.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 30, 2013 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 30, 2013, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Jeff Jarecki, Public Defender, presented a report to the Board regarding the status of court cases since his appointment to the position in August 2012. Jarecki reported that the twenty-five cases assigned in 2012 are all completed. Jarecki reported that thirty-seven cases were assigned in 2013 with four of the cases being conflict of interest. Jarecki answered the Board's questions regarding closed/open cases and conflict of interest. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved or has a client connection.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects. Thorin and the Board discussed advanced preparation regarding the One and Six Year Road Improvement projects and possibly looking into a road magnet.

The Board received a retirement resignation from Dave Spiegel, Boone County Sheriff. Motion made by Schuele, second by Luettel to regretfully accept and approve the written retirement resignation of Dave Spiegel, Boone County Sheriff, effective February 28, 2014 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 Board Proceedings of December 23, 2013 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board received no applications for the County Weed Superintendent position. The Board and Darrel Thorin, County Highway Superintendent, discussed options regarding County Weed Superintendent duties and required certifications. The Weed Superintendent position will be addressed at the County Board Reorganizational meeting.

The Boone County Employee Handbook updates will be prepared after the installation of the time clock and County Board Reorganizational meeting.

MIPS plans to install the time clock and software on January 2, 2014.

The County Clerk's office updated the Board regarding personnel regulations/policies.

Open Discussion and Miscellaneous Public Comments:

- The Board reported on information received at meetings they attended last week.

Chairman Schuele declared the meeting adjourned at 11:55 A.M. with the County Board Reorganizational meeting scheduled for Monday, January 6, 2014 and the next regular Board meeting scheduled for Monday, January 13, 2014.

Kathy Thorberg,
Boone County Clerk