



Boone County Board Minutes



2014 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 6, 2014, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

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

Motion made by Tisthammer, second by Luettel to reappoint Tom Schuele as Chairman of the Boone County Board of Commissioners for the year, 2014. Roll call vote: Yeas: Tisthammer and Luettel. Abstain: Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to reappoint Jerry L. Tisthammer as Vice Chairman of the Boone County Board of Commissioners for the year, 2014. Roll call vote: Yeas: Luettel and Schuele. Abstain: Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer 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 2014.

Motion made by Luettel, second by Tisthammer, that the budget committee for the ensuing 2014-2015 budget year is the Boone County Board of Commissioners, Boone County Clerk and Boone County Treasurer.

Motion made by Schuele, second by Luettel to reappoint Richard D. Martinsen, Certified Public Accountant, Albion, Nebraska, to prepare the County Budget for the 2014-2015 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 2014.

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 to work twenty hours per week under the supervision of the County Board for 2014.

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 an Agreement dated October 15, 2013 that shall commence on January 1, 2014 and continue until December 31, 2015.



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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 2014.

Motion made by Luettel, second by Tisthammer to reappoint the Boone County Health Center, Albion, Nebraska to do the billing, collections and make quarterly reports to the Boone County Board for the Boone County Ambulance Service for 2014.

Motion made by Luettel, second by Tisthammer to appoint Darrel Thorin as County Weed Superintendent bookkeeper on a part time basis under the supervision of the County Board for 2014. Thorin is to seek bids regarding commercial spraying for the County.

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 2014. The road clerical duties for the County Highway Superintendent's office are also included as part of the County Zoning Administrator duties.

Motion made by Schuele, second by Luettel to reappoint the Boone County Clerk as the Title VI representative for 2014.

Motion made by Tisthammer, second by Luettel to reappoint the Boone County Veterans Service Officer as the American with Disabilities Act (ADA) Coordinator for 2014.

Motion made by Tisthammer, second by Luettel to appoint the Boone County Sheriff and his staff to be the E911 Coordinator for 2014.

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 the 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, A Division of Madison 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; 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.



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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 together with Martin Luther King, Jr. Day and Columbus Day; and that Arbor Day shall be a floating holiday to be designated for Friday, December 26, 2014. 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 continue to use a paper log similar to a time clock that shows a record of their work time checking in/out as implemented effective January 1, 2013. The paper log records are subject to review by the Board concerning the payroll records.

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, 2014, commencing at 9:00 A.M. Meeting dates are subject to change due to state statute regulations. 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. The Payroll meeting is subject to change with implementation of a time clock attendance system. 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.

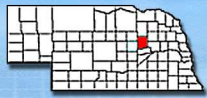
Motion made by Tisthammer, second by Luettel to appoint Tom Schuele as Courthouse Custodian Supervisor for 2014.

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 2014.

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 2014.

Motion made by Schuele, second by Luettel that (1) the following will serve on the Safety Committee according to LB 757 for 2014: 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 24, 2014, May 19, 2014, August 25, 2014 and November 24, 2014, commencing at 9:00 A.M.



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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 visited with county residents to create a pre-designated list. A motion made by Schuele, second by Tisthammer adopted and approved the 2013 and 2014 pre-designated list on December 16, 2013 at their Board of Commissioners meeting and are as follows: Elva Bartels, Albion; Jodie Borer, Albion; Kevin Cruise, St. Edward; Mark Jensen, St. Edward; Charles Krohn, Albion; Steve Lordemann, Petersburg; Mike Morgan, Cedar Rapids; Bill Schriver, Albion; Lonnie Smith, Albion; and Dennis Tyson, Albion.

Motion made by Luettel, second by Schuele, that the following be appointed to the various boards that Boone County is associated with for 2014:

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	Ken Luettel – 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:

- (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



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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: Jim Carder (2012-2014) – 2nd term; Mark Grundmayer (2012-2014) – 1st term; Hilary Maricle (2013-2015) – 1st term; and Jane Prothman (2014-2016) – 2nd 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, 2014:

Paul Groeteke, Hilary Maricle and Brad Stephens	(2014)
Justin Frey, Mark Jensen and Lee Ketteler	(2014-2015)
Chris Baum, Mark Wagner and Shelley Towey	(2014-2016)

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, 2014:

Paul Kettelson and Mark Jensen	(2014)
Ray Merrell	(2014-2015)
H. Thomas Fick and Deb Mitchell	(2014-2016)

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)
Walt Hoefer	(2011-2014)
Brian Yosten	(2011-2014)
Ardys Choat	(2013-2016)
Mary Jeanne Stokes	(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)	Foundation Board Member
Kay Flanagan (01-01-2012)	(2012-2014)
Nancy Soll (01-01-2012)	(2012-2014)
Richard Heidemann (12-14-2010)	(2013-2015)
Tracy Brodersen (12-15-2009)	(2013-2015)
Kelly Harner (01-01-2014)	(2014-2016)
Dennis Tyson (01-01-2014)	(2014-2016)

Nebraska State Statute 28-1439.03 requires the continuation of a County Drug Law Enforcement and Education Fund Board. The Resolution No. 2012-35, dated August 20, 2012 was the last appointment of a County Drug Law Enforcement and Education Fund Board. John Morgan, County Attorney, said that the drug board may be appointed at the County Board's reorganizational meeting each year in order to be kept current. Motion made by Luettel, second by Schuele that the following be appointed to serve on the County Drug Law Enforcement and Education Fund Board:



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Boone County Attorney, shall serve as Chairperson
Investigator Tim Stopak, Nebraska State Patrol, shall serve two years (2014-2015)
Boone County Sheriff's Department, shall serve two years (2014-2015)
Brent Lipker, Albion Chief of Police, shall serve one year (2014)

An Interlocal Agreement for Emergency Management Services, known as Region 44 Emergency Management, is between the County of Boone, Nance and Merrick beginning on January 1, 2012 through June 30, 2014.

Motion made by Luettel, second by Schuele that the following are appointed to the Local Emergency Planning Committee for 2014:

Rich Good – St. Edward Fire Department
Jenice Stevenson – Red Cross/Albion Rescue
Region 44 Emergency Manager
Amy Zaruba – Boone County Health Center/Albion Rescue
Sarah Moeller – Valero Safety Director
Denny Johnson – Boone County Sheriff's Office
Brent Lipker – Albion Police Chief
Bruce Benne – Albion Fire Department/Emergency Management Certified
Brady Yosten – 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
Cory Worrell – Boone Central Schools
Matt Winter – Loreda Ridge Wind Farm
Ginger Bailey – RROMRS
Nicole Boettger – American Red Cross
Dr. Anthony Kusek – Boone County Health Center
Bernie Prososki – St. Edward CVA
Joan Carraher – Cedar Rapids Public School
Rick Pelster – Helena/Petersburg
Jerry Tisthammer – Boone County Board of Commissioners
Darrel Thorin – Boone County Highway Superintendent/Transportation
Sachin Bagade – East-Central District Health Department

Motion made by Tisthammer, second by Luettel to close the Boone County offices all day on Wednesday, January 8, 2014 for the funeral of Sheriff, Dave Spiegel. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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 10:21 A.M.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 13, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 13, 2014, 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 apologized for his late arrival at 9:02 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.

Motion made by Tisthammer, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$43,006.53; Road - \$101,770.77; Boone County Visitors Promotion - \$1,963.50; Reappraisal - \$2,615.99; 911 Emergency Management (2910) - \$16,434.03; 911 Wireless Service (2913) - \$835.31; 911 Wireless Service Holding Fund (2914) - \$64,900.79; Ambulance - \$3,632.62. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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

- Clerk - \$12,064.00 (State of Nebraska \$7,311.71)(County of Boone \$4,752.29)
- Clerk of the District Court - \$1,096.49 (State of Nebraska \$383.50)(County of Boone \$712.99)
- Sheriff - \$1,055.31
- Planning & Zoning - \$145.82
- Treasurer - Treasurer's Fees - \$18.00; Miscellaneous Receipt Nos. 13282-13337 - \$713,657.32; Total Collections - \$4,168,121.52

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

The County Treasurer submitted a Semi Annual Statement for July 1, 2013 through December 31, 2013. Motion made by Schuele, second by Luettel to accept and approve the County Treasurer's Semi Annual Statement 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 December 31, 2013. 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.

Darrel Thorin, County Highway Superintendent, presented the December road maintenance, repair and project report to the Board for their review. Thorin updated the Board regarding road/bridge maintenance, materials and projects. Thorin advised the Board of an inquiry to vacate part of the platted Third Street in Loretto. Thorin prepared a job advertisement for the county road department for the Petersburg area.

Thorin and the Board discussed the sale of surplus property. Motion made by Schuele, second by Luettel to approve the sale of the 1976 Chevrolet Pickup for \$1,000.00. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



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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 2013 year end weed report to the Board for their review. The Board acknowledged Stokes and thanked him for his years of service as Boone County Weed Superintendent. Stokes resigned from the position of County Weed Superintendent effective December 31, 2013. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the 2013 year end weed reports as presented. Roll call vote: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Pat Compton, Business Development Field Staff Representative for the State Department of Economic Development, introduced herself to the Board and Aubrey Pals, BCDA, Inc. Compton provided informational material regarding economic development incentives. Compton is the representative for Boone County and may be reached by phone (308) 440-5960 or email pat.compton@nebraska.gov for her services. Compton highlighted some of the programs/grants available such as TIF, REF, CDBG and job training. Compton planned to visit with Pals regarding housing programs and possibly Boone Central Schools regarding youth programs.

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 30, 2013 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board Reorganizational Proceedings and Board of Equalization Reorganizational Proceedings of January 6, 2014 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board discussed the County Sheriff vacancy. The Board decided to advertise for the Boone County Sheriff position in the four county newspapers the weeks of January 13, 2014 and January 20, 2014 with an application deadline of Friday, January 24, 2014 at 4:00 P.M. The application may be picked up and returned to the Boone County Clerk's office. The Board plans to review the applications at the Board meeting scheduled for Monday, January 27, 2014. Motion made by Schuele, second by Luettel to advertise as discussed in all four county newspapers for the Boone County Sheriff position with an application deadline of Friday, January 24, 2014 at 4:00 P.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board discussed the Region 44 Emergency Manager vacancy. The Board decided to advertise the position in all four county newspapers the weeks of January 13, 2014 and January 20, 2014 with an application deadline of January 31, 2014 at 4:30 P.M. in the Nance County Clerk's office. The counties of Boone, Nance and Merrick have consolidated Emergency Management Services known as Region 44 Emergency Manager. The applications and job description is available at the Nance County Clerk's office. The advertisement in the Boone County newspapers is to be billed to the Nance County Clerk's office. Motion made by Schuele, second by Luettel to advertise in all four county newspapers for the Region 44 Emergency Manager position as discussed with an application deadline of Friday, January 31, 2014 at 4:30 P.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Mike Mapel, Deputy Sheriff, expressed his concerns regarding the holiday meal and other matters concerning employee morale. The Sheriff's Office did not receive an invitation to the December 20, 2013 holiday meal. Mapel's opinion is that the correspondence/communication was not done appropriately. In addition, Mapel addressed the need for better communication, professionalism and friendly atmosphere regarding all of the



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county employee departments. Mapel suggested more recognition for all county employees regarding years of service, birthdays, etc. so that all employees know and can acknowledge it to the employee if they wish. Schuele apologized to the County Sheriff's Department and assured them that the missed invitation was not intentional. It was agreed that everyone has a different personality and everyone needs to respect the different personalities and learn to work together for the betterment of the County services to the public.

The Board and employees present discussed County Employee Handbook/Time Clock updates and changes to the present County Employee Handbook Pages 13, 21, 22, 23, 25, 26, 30 and Exhibits E, G, I, J, K and P at this time. The time clock and attendance system for all county employees is being programmed and installed with a retroactive effective date of January 1, 2014. More changes will occur throughout the year as needed to work with the time and attendance system and payroll regulation changes/updates.

Open Discussion and miscellaneous public comments:

- The Board discussed the various meetings scheduled this week.
- The Board received information to review from Wellness Partners LLC, offering complete Health Fair for counties in Nebraska.
- The Board received additional information to review regarding the need to change the Boone County Ambulance Services transport billings.
- Mark Johnson, TransCanada, introduced himself to the Board. Johnson is a full time employee for TransCanada and has relocated from South Dakota to Omaha.
- Denny Johnson, Chief Deputy Sheriff, updated the Board regarding the Jim Majerus livestock/horse matters.

Chairman Schuele declared the meeting adjourned at 12:35 P.M. with the next Board meeting scheduled for Tuesday, January 21, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 21, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, January 21, 2014, 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 additional information to review from Nicole Levander, Boone County Health Center, regarding the Boone County Ambulance Service account billings. 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 Boone County Health Center is installing a new Cerner System to be implemented in March 2014. The new Cerner System will not allow the processing of the Boone County Ambulance Service transport claims. The Board plans to address the future processing of the Boone County Ambulance Service account billings at their January 27, 2014 Board meeting.

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 a request for advertisement funding. The Petersburg Volunteer Fire Department requested assistance to advertise their annual Cruise Night and Dance fundraiser event scheduled for June 14, 2014. Motion made by Luettel, second by Tisthammer to approve the advertisement request for disbursement of funds from the Visitors Promotion Fund 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.

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- Information was distributed to the employees present regarding Wellness Partners. Wellness Partners is a Nebraska based Wellness Company that offers a complete Health Fair for Counties in Nebraska.
- The Request for Leave or Approved Absence from documentation, employee hours worked and all payroll documentation/information is due by noon on Thursday, January 23, 2014 in the County Clerk's office. The Clerk's office needs to enter the information into the time clock/attendance system in order to have the clocks ready for operation.
- Tod Thieman, MIPS, plans to be at the courthouse on Tuesday, January 28, 2014 to complete the installation, check the operation of the clocks and answer employee questions.



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The Boone County Employee Handbook updates/changes were reviewed. The time clock and attendance system for all county employees is being programmed and installed with a retroactive effective date of January 1, 2014. More changes will occur throughout the year as needed to work with the time and attendance system and payroll regulation changes/updates. The wording in the second paragraph on pages 22 and 23, regarding the recording of work hours, was changed slightly for a clearer explanation from the draft discussed on January 13, 2014. Motion made by Tisthammer, second by Luettel to approve the Boone County Employee Handbook/Time Clock updates and changes to the present County Employee Handbook Pages 13, 21, 22, 23, 25, 26, 30 and Exhibits E, G, I, J, K and P as changed and presented at this time. 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 January 13, 2014 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 informed the Board of the meetings/classes/exams he needs to be recertified as County Weed Superintendent.

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 Schuele, second by Luettel to approve Resolution No. 2014-01, to set a public hearing for 10:00 A.M. on Monday, February 10, 2014 for the County One and Six Year Road Improvement Program. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed various meetings scheduled this week.

Chairman Schuele declared the meeting adjourned at 11:34 A.M. with the next Board meeting scheduled for Monday, January 27, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 27, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 27, 2014 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.

Nicole Levander, Bookkeeper, and Randall Bruland, Administrator, for the Boone County Ambulance Service discussed future bookkeeping services with the Board. 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 Boone County Health Center new Cerner System will not allow the processing of the Boone County Ambulance Service transport claims. The Board and Nicole Levander have discussed options and software regarding the County Ambulance Service bookkeeping services since August 2013. If the Board decides 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 asked Bruland about the transport services and if he is comfortable using EMS Billing Services, Inc. Bruland said that the hospital summons the county unit first, if not available, then they summons Midwest Services for the patient transport. Bruland said that the City of Albion Rescue Squad uses EMS Billing Services and seems to be satisfied. Levander said that the EMS staff is trained and specialized regarding medical terms and bookkeeping. The Board acknowledged appreciation to Nicole Levander for her services regarding the County Ambulance. Levander offered to contact EMS Billing Services, Inc. and also be the liaison for the transition of the bookkeeping services.

Motion made by Schuele, second by Luettel to approve EMS Billing Services, Inc. of Omaha, Nebraska for the Boone County Ambulance Service bookkeeping services effective March 1, 2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. 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 \$85,686.64, BCBS \$37,583.33, Ameritas Ret \$5,907.71, EFTPS \$6,420.30, Section 125 Fees \$6.00; Road \$41,021.65, BCBS \$20,074.60, Ameritas Ret \$2,768.97, EFTPS \$3,095.67; Ambulance \$2,115.00, Ameritas Ret \$66.83, EFTPS \$161.80; Public Defender Contract \$3,000.00; Boone County Fitness Center \$6,297.35, Ameritas Ret \$329.94, EFTPS \$481.74, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board did not take up the agenda item relating to the county general assistance rent request at 9:30 A.M. because the person requesting the assistance did not appear.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings and Board of Equalization Public Hearing Proceedings of January 21, 2014 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Joyce Sock, County Assessor, updated the Board regarding the implementation of the new GIS mapping system. Sock and the Board also discussed how to handle the additional hours that the GIS system implementation is taking away from the regular office duties and possible options to help with the work load.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance and projects.

The Board heard a general assistance request with regard to a utility billing at 11:00 A.M. The Board explained the general assistance guidelines. The applicants presented a utility billing that was past due. Motion made by Schuele, second by Luettel to approve partial payment of the general assistance utility request payable directly to the utility company. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

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

The Board received one application for the Boone County Sheriff vacancy position. Motion made by Tisthammer, second by Luettel to appoint Denny Johnson as Boone County Sheriff to fulfill the unexpired term of Dave Spiegel effective January 27, 2014. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Boone County is a member of the ten county East Central Planning, Exercise, Training (PET) and Interoperable Communications Region established by the State of Nebraska. Boone County must appoint at minimum one person to serve as a member and participate in the Governing Regional Committee. Such appointment shall be reviewed each year at the annual County Board Reorganizational meeting. Jan Zurcher, Region 44 Emergency Manager, resigned from the emergency management position effective December 31, 2013, therefore, the representative position is vacant on the Governing Regional Committee. Motion made by Tisthammer, second by Luettel to appoint Sheryl Machacek, Communications Coordinator for Boone County Sheriff's Office, as the representative and Denny Johnson, Boone County Sheriff's Office, as the alternate representative to fulfill the duties as required by the Governing Regional Committee that makes up the East Central PET & Interoperable Communications Region retroactive and effective January 1, 2014. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The East Central PET & Interoperable Communications Region entered into Interlocal Agreements in June of 2012, thus creating the East Central Equipment Consolidation Project. Dave Spiegel, Sheriff/911 Coordinator was appointed as the Boone County representative in 2012. Sheriff Spiegel passed away on January 4, 2014. Motion made by Schuele, second by Luettel to appoint Sheryl Machacek, Communications Coordinator for Boone County Sheriff's Office, as the primary representative and Denny Johnson, Boone County Sheriff's Office, as secondary representative, to the EC-911 Consolidations Project retroactive and effective January 6, 2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



Darrel Thorin, Denny Johnson and the Board discussed wording on Page 30, Holidays, of the present County Employee Handbook. The “scheduled to work” and “called in to work” for a nonexempt employee on a designated paid holiday is addressed in the same paragraph. Following the discussion it was decided that “scheduled to work” and “called in to work” need to be addressed separately for compensation purposes. More changes will occur throughout the year as needed to work with the time and attendance system and payroll regulation changes/updates. Motion made by Schuele, second by Tisthammer to approve the following changes regarding Holidays, Page 30, of the Boone County Employee Handbook: paragraph 3, remove last sentence; paragraph 4, address holiday compensation separately for the ”scheduled to work” and “called in to work”, making two separate paragraphs; and remove paragraph five, with a retroactive effective date of January 1, 2014 as changed and presented at this time. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

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

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board discussed if an audit is needed regarding the change in the elected/appointed official position in the County Sheriff’s office. The Board decided it would not be necessary to ask for a separate audit at this time.

Chairman Schuele declared the meeting adjourned at 1:12 P.M., the next Board meeting is scheduled for Monday, February 10, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 10, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 10, 2014, 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 Accounts Payable Vendor Claims filed for payment from the various funds: General - \$39,843.18; Road - \$83,971.77; Boone County Visitors Promotion - \$297.90; Reappraisal - \$2,004.00; Inheritance Tax - \$810.59; 911 Emergency Management (2910) - \$207.90; 911 Wireless Service (2913) - \$836.28; Ambulance - \$903.89. 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 January, 2014:

- Clerk - \$16,215.75 (State of Nebraska \$10,160.79)(County of Boone \$6,054.96)
- Clerk of the District Court - \$652.44 (State of Nebraska \$267.00)(County of Boone \$385.44)
- Sheriff - \$592.62
- Planning & Zoning - None
- Treasurer - Treasurer's Fees - \$16.00; Miscellaneous Receipt Nos. 13338-13395 - \$743,635.98; Total Collections - \$1,803,545.70

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 January 27, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Randall Bruland, Boone County Ambulance Service Administrator, provided information for the Board to review regarding AutoPulse batteries and AutoPulse SurePower Charger from Zoll Medical Corporation. Bruland informed the Board that two AutoPulse batteries are in need of replacement. 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. An AutoPulse Li-Ion Battery unit price list at \$825.00 each and an Auto-Pulse SurePower Charger list at \$1,795.00 each for the County Ambulance AutoPulse system. Motion made by Schuele, second by Luettel to approve the necessary AutoPulse system replacements and authorize Randall Bruland to purchase the necessary replacements for the AutoPulse system. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



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 four requests for advertisement funding.

The St. Edward American Legion Post #226 requested assistance to advertise the annual fundraiser event scheduled for March 1, 2014. Motion made by Schuele, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Faith Lutheran Church of St. Edward requested assistance to advertise the annual fundraiser event scheduled for March 8, 2014. Motion made by Tisthammer, second by Schuele to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Boone County Home, Farm & Garden Show Committee/Boone County Agricultural Society, Inc. requested assistance to advertise the Boone County Home, Farm & Garden Show event scheduled for March 22, 2014. Motion made by Luettel, second by Tisthammer to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Cardinal Inn Motel & Event Center requested assistance to advertise/promote the motel/event center at the Boone County Home, Farm and Garden Show. Motion made by Luettel, second by Schuele to deny the request on grounds that the funds are not to be used for the promotion of an individual business and that the Boone County Home, Farm & Garden Show Committee/Boone County Agricultural Society, Inc. already completed an application request for funds to help advertise their event. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board heard a general assistance request regarding rent. The Board explained the general assistance guidelines. The applicant asked for assistance with the first month rent and half of the security deposit. The applicant said he plans to reimburse the county for their assistance. Motion made by Schuele, second by Tisthammer to approve the general assistance rent request payable directly to the landlord. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented the January road maintenance, repair and project report to the Board for their review. Thorin updated the Board regarding road signage inventory that needs to be in compliance in 2015. Thorin is setting up the signage recordkeeping inventory by townships. Thorin had a meeting with the road crew on February 3, 2014 to discuss several items and review proper signage installation. Thorin and the Board discussed looking for a truck with a boom for signage removal, installation and would be useful to have for use in other areas of the road department.

Darrel Thorin, County Highway Superintendent, presented the 2014 One and Six Year Road Improvement Program for Boone County, Nebraska at the 10:00 A.M. public hearing. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-02, adopting the 2014 One and Six Year Road Improvement Program for Boone County, Nebraska as presented at the public hearing. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented a resolution regarding the classification of a minimum maintenance road to local. The Nebraska Administrative Code, Title 428, Rules and Regulations of



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the Board of Public Roads Classification and Standards, Chapter 1, Section 001.08 Minimum Maintenance, Specific Criteria No. four (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." The Boone County Board feels it is in the best interest of the County to reclassify said road to be a local functional classification. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-3, to reclassify said road beginning at a point between the SW corner of the SW1/4 of Section 2 and the SE corner of the SE1/4 of Section 3, Township 22 North, Range 7 West, of the 6th P. M., Boone County, Nebraska, known as 200th Avenue from minimum maintenance classification to a local functional classification. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Boone County Weed Superintendent, presented an Interlocal Cooperation Agreement with the Sandhills Weed Management Area. The financing of said organization shall be by grant funds. The operating guidelines for Sandhills Weed Management Area are attached hereto and incorporated herein the Interlocal Cooperation Agreement. Motion made by Tisthammer, second by Schuele to approve the Interlocal Cooperation Agreement with the Sandhills Weed Management Area as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Boone County Ambulance Service received a written request to write off the balance of the 2013 service run #1620 that remains after receiving an insurance payment. The usual procedure for unpaid Ambulance Service bills is to turn them over to the County Attorney for collection. The Board discussed the situation and remaining amount of the ambulance service bill. Motion made by Schuele, second by Tisthammer to write off the remaining balance of \$414.58 of the 2013 ambulance service run #1620 as requested and not forward the filed to the County Attorney. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Denny Johnson, County Sheriff, informed the Board of mileage/condition of the law enforcement vehicles. Johnson and the Board discussed vehicle replacement. Johnson and the Board discussed a Certified Law Enforcement 7(k) Agreement. Johnson has been in contact with the NIRMA labor law attorney for assistance in drafting a 7(k) Agreement and decided on the 28 work day period, maximum of 171 hours. Motion made by Schuele, second by Luettel to approve and authorize Denny Johnson, County Sheriff, to correspond with Pam Bourne, NIRMA, regarding a 28 work day period/maximum 171 hours 7(k) Agreement. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open Discussion and miscellaneous public comments:

- Commissioner Schuele noted that the Boone County Visitors Committee will meet at 5:00 p.m. on Tuesday, February 11, 2014 at the Courthouse in the Boone County Commissioners Room.
- Commissioner Schuele reported that interviews are scheduled for this afternoon, February 10, 2014 for the Region 44 Emergency Management position. Schuele reported that 25 applications were received.

Chairman Schuele declared the meeting adjourned at 12:20 P.M. with the next Board meeting scheduled for Tuesday, February 18, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



PUBLIC HEARING PROCEEDINGS

2014 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 10, 2014 at 10:00 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Tisthammer, second by Commissioner Luettel to open said public hearing. Commissioners present for said public hearing were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Darrel Thorin, Highway Superintendent, was present to answer the 2014 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 2014 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 2014 One and Six Year Road Improvement Program for Boone County, Nebraska. The one-year road improvement plan consists of ten projects and the six-year plan consists of six projects. Thorin discussed each of the projects with the public, Board and Jim Dickerson, Albion News. The Board received no opposition at the hearing.

Thorin acknowledged that Project No. 315, Primrose East Prototype Bridge and Project No. 337, Cedar Rapids historic bridge renovation, require federal matching funds and have been pending for several years. 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. Thorin suggested that the Board should start considering the replacement of at least one county timber bridge a year.

Attached hereto as part of the proceedings is a copy of the 2014 proposed projects one-year plan and six-year plan as presented by Boone County Highway Superintendent, Darrel Thorin.

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

Motion made by Luettel, second by Tisthammer to approve the 2014 One and Six Year Road Improvement Program for Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 18, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 18, 2014, 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.

Mary Ziemba, County Zoning Administrator, updated the Board regarding zoning activities. Ziemba said there has been no building permits issued to date for 2014. Ziemba informed the Board that there is a vacancy position on the Boone County Planning and Zoning Commission Board and the Board of Adjustments. Lee Ketteler resigned effective January 24, 2014 as a member of the Boone County Planning and Zoning Commission Board. Mark Zentner, a member of the Board of Adjustments, passed away in 2013. Deb Mitchell, alternate member of the Board of Adjustments, was appointed to replace Mark Zentner on the Board of Adjustments, leaving a vacancy for the alternate member position. Ziemba and the Board discussed concerns brought up at the Boone County Planning and Zoning Commission Board meeting held on January 27, 2014 regarding trees/wind towers setbacks, housing area for TransCanada Keystone pipeline material and a grievance complaint.

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.
- Commissioners Luettel, Tisthammer and Schuele reported on the NACO 2014 County Board Workshop held in Kearney February 5-7th regarding several issues including IRS/Labor audits and taxable fringe benefits.
- Northeast NACO Workshop is scheduled for Friday, March 21, 2014 at the Lifelong Learning Center in Norfolk.
- Steve Pritchard, Extension Educator, reported that the Boone County Fair July 12-16, 2014 and the Nance County Fair July 6-8, 2014 are close together and will need lots of volunteer help.
- Commissioner Schuele reported that the Region 44 Emergency Management committee approved the hiring of Tom Smith, Omaha, Nebraska as Region 44 Emergency Manager. Smith will start his new position on March 24, 2014.
- The time/attendance clock details were discussed. The new system is intended for wage and hour compliance and promote efficient work hours.



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Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin informed the Board that he received two applications for the Road District #3 position. Thorin attended a meeting last week for County Weed Superintendents.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings, 2014 One and Six Year Road Improvement Program Public Hearing Proceedings and Board of Equalization Proceedings of February 10, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Boone County Visitor's Promotion Committee met on Tuesday, February 11, 2014 at 5:00 P.M. in the Commissioners Meeting Room, Boone County Courthouse. The Visitor's Promotion Committee discussed several items. The committee received a request/suggestion for more guidance/clarification on the application form. The page three, event survey, was removed from the application form. The application form language was updated and the third page is a list of guidelines/instructions for the organizations applying for advertisement assistance. The application is available on the Boone County website at www.co.boone.ne.us under Offices>Board of Commissioners>Board Members and then a link will appear on the left hand side for the Boone County Visitor's Promotion Fund form. The form may be printed, filled out and mailed to the Boone County Clerk's Office. Motion made by Tisthammer, second by Schuele to approve the revised Boone County Visitor's Promotion Fund application form retroactive to January 1, 2014 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board received the first set of paperwork from the EMS Billing Services, Inc. of Omaha, Nebraska. The Boone County Ambulance Services patient billing will be prepared by EMS Billing Services, Inc. effective March 1, 2014. In the first set of paperwork is the Agreement between County of Boone DBA Boone County Ambulance Service and EMS Billing Services, Inc. EMS Billing Services is engaged in the business of providing billing and collection services for public and private ambulance and rescue squad entities. The County of Boone agrees to compensate EMS Billing Services for its billing services provided on a monthly basis in an amount equal to fifteen percent (15%) of amounts actually collected by EMS Billing Services. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Agreement between the County of Boone DBA Boone County Ambulance Service and EMS Billing Services, Inc. of Omaha, Nebraska effective March 1, 2014. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed various meetings scheduled this week.
- The Boone County Fitness Center received \$500.00 from NIRMA's ASIST program for the purchase of an AED for the Fitness Center.

Chairman Schuele declared the meeting adjourned at 11:12 A.M. with the next Board meeting scheduled for Monday, February 24, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 24, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 24, 2014 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. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

The County Safety Committee met at 9:00 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Board of Commissioners, Rod Nelson, Laurie Krohn, Darrel Thorin and Mike Mapel representing the Sheriff's office. In addition, present for the meeting were Kathy Thorberg, Clyde Stuhr and Monty Olson. Hand rails will be installed on the ramp as soon as weather permits. Nelson commended Thorin regarding the safety classes/meetings with the road employees. Boone County reported no injuries last quarter. The committee discussed extending the retaining wall on the south side of the ramp to prevent water from running down the ramp. The next Safety Committee meeting is scheduled for May 19, 2014 at 9:00 A.M.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$84,492.23, BCBS \$37,583.33, Ameritas Ret \$5,827.09, EFTPS \$6,328.92, Section 125 Fees \$6.00; Road \$41,021.65, BCBS \$20,074.60, Ameritas Ret \$2,768.97, EFTPS \$3,095.67; Ambulance \$1,855.00, Ameritas Ret \$73.58, EFTPS \$141.91; Public Defender Contract \$3,000.00; Boone County Fitness Center \$7,718.34, Ameritas Ret \$434.65, EFTPS \$590.45, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. The roof is being repaired at the Road District #3 shop in Petersburg. Thorin set up interviews with the applicants for the Road District 3 position.

Tony Lampert, NRCS, notified Thorin on Saturday that he was unable to attend the meeting with regard to the Cedar River Bank Stabilization project. Lampert said that NRCS prefers to have concrete proposals to present to the Board for the stabilization project regarding the erosion of the Cedar River banks at 190th Avenue and 360th Street. Thorin said one of the proposals may include moving a portion of the county road.

Thorin presented Resolution No. 2014-04, to rescind a 1978 Resolution located in Resolution Record Book 1, at Page 119 regarding traffic control devices. The 1978 Resolution allowed all traffic control devices to be placed by a county employee or county official on any county road. The 1978 Resolution is not in compliance with current laws and regulations as stated in the Uniform Traffic Control Devices Manual. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-04 rescinding a 1978 Resolution filed in Resolution Record Book 1 at Page 119 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



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Aubrey Pals and Danielle Thober, BCDA, Inc., informed the Board of upcoming meetings of interest and would appreciate the Board attending. A meeting regarding input concerning a proposed indoor arena for the Boone County Fairgrounds is set for 7:00 A.M. on Wednesday, February 26, 2014, at BCDA, Inc. office. The BCDA, Inc. strategic planning meeting is scheduled for March 25, 2014 at 6:30 P.M. at Cargill.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of February 18, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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 a request for advertisement funding. The Albion Area Arts Council submitted an application requesting assistance to advertise the Ali Ryerson Concert scheduled for March 25, 2014. Motion made by Tisthammer, second by Schuele to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Boone County American Legion and Auxiliary held their annual meeting on February 16, 2014. The Board of Commissioners were notified that the County Legion decided not to have/sponsor a County Government Day in 2014. Commissioner Schuele asked that County Government Day discussion be an agenda item for the March 17, 2014 Board meeting.

An Agreement with Donna Johnson to provide meals for the prisoner(s) held in the Boone County Jail expires February 28, 2014. Johnson requested no change to the daily meal fees that were set in 2012. This Agreement shall be effective for one year beginning March 1, 2014 and ending February 28, 2015. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Agreement with Donna Johnson to provide meals for the prisoner(s) effective March 1, 2014 through February 28, 2015 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Commissioner Schuele received a phone call from NEMA, regarding the 2013 LEOP update.
- Commissioner Schuele plans to attend the Nance County Supervisor Meeting on February 25, 2014, regarding the EMPG grant reimbursement for full time emergency managers.

Chairman Schuele declared the meeting adjourned at 11:02 A.M., the next Board meeting is scheduled for Monday, March 10, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS CLASS AB RETAIL LIQUOR LICENSE FOR BOONE COUNTY RACEWAY LLC

Tom Schuele, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, March 10, 2014 at 9:01 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Tisthammer to open said public hearing. Notice of the hearing given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Tom Schuele, Jerry L. Tisthammer, and Ken Luettel. Applicant Kirk R. Westring was present to answer any questions. Also, present at the hearing were Denny Johnson, Sheriff and Clyde Stuhr. 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 AB) beer, on and off sale. Kirk R. Westring dba Boone County Raceway LLC, (Boone County Raceway AB-106672) has filed an application with the Nebraska Liquor Control Commission for a Retail Liquor License, Class AB.

Kirk Westring answered questions from the Board regarding his plans for Boone County Raceway LLC. The Board received no opposition. Westring said the opening night of racing is scheduled for Friday, April 25, 2014 through Friday, August 22, 2014. Westring said the Boone County Raceway LLC will not host a race during the Boone County Fair on July 11, 2014 and that the August 22, 2014 modified race will be the Shane Thome Memorial.

Motion made by Tisthammer, second by Luettel to close said hearing at 9:11 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve as presented the Application by Kirk R. Westring dba Boone County Raceway LLC, (Boone County Raceway AB-106672) for the issuance of a Retail Liquor License (Class AB) beer, on and off sale. 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 MARCH 10, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 10, 2014, 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 Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$27,394.50; Road - \$68,766.50; Boone County Visitors Promotion - \$194.40; Reappraisal - \$1,950.94; Veteran's Aid - \$1,500.00; 911 Emergency Management (2910) - \$208.83; 911 Wireless Service (2913) - \$835.30; Ambulance - \$2,989.36. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for February, 2014:

- Clerk - \$3,117.25 (State of Nebraska \$752.52)(County of Boone \$2,364.73)
- Clerk of the District Court - \$1,694.11 (State of Nebraska \$900.00)(County of Boone \$794.11)
- Sheriff - \$1,000.44
- Planning & Zoning - None
- Treasurer - Treasurer's Fees - \$12.00; Miscellaneous Receipt Nos. 13396-13450 - \$348,664.95; Total Collections - \$859,020.79

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

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of February 24, 2014 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Denny Johnson, Boone County Sheriff, provided information for the Board to review regarding the law enforcement vehicle fleet. The 2008 Explorer and 2009 Charger both have 142,000 + miles; the two 2010 Explorers both have 69,000 + miles and the 2012 Explorer has 27,000 + miles. Johnson visited with Schalk Ford, Spiegel Automotive, Kansas Highway Patrol, and Gene Steffy Chrysler-Jeep-Dodge-Ram, Fremont, Nebraska regarding law enforcement vehicles. The Board and Johnson discussed the options presented. Johnson said the installation of law enforcement equipment and signage is separate expenses that are not included in the vehicle purchase. Gene Steffy is offering \$4,500.00 for the 2008 Explorer trade in. Motion made by Luettel, second by Schuele to approve the purchase of a 2014 Dodge Ram four door crew cab pickup from Gene Steffy for \$24,361.00 less trade in of \$4,500.00 for a total of \$19,861.00. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Denny Johnson, Boone County Sheriff, and the Board discussed applications received for the advertised dispatcher and deputy sheriff positions. Johnson informed the Board that Kerri Mowrey will fill the dispatcher position starting April 1, 2014 and John Buck a certified law enforcement officer will fill the deputy sheriff position starting April 1, 2014.



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The Board did not take up the agenda item relating to the county general assistance rent request at 10:00 A.M. because the person requesting the assistance did not appear.

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

- The progress on the road signage inventory that needs to be in compliance in 2015.
- The road department is progressing with the purchase of a sign truck for use to complete the signage on county roads that need to be in compliance in 2015.
- Thorin said the Primrose East Bridge Project is scheduled for bid-letting on April 17, 2014.
- Still waiting for engineering costs for the Cedar River Historic Bridge restoration.
- The Federal Fund Purchase Program first payments are due to arrive around March 25, 2014. The Road/Bridge Buyback Program (0650) budget was set up for the arrival of these funds with the preparation of the 2013-2014 budget. The STP Funds (road buyback) is \$89,561.32 and the HBP (bridge buyback) is \$37,287.32. Thorin said that the STP Funds may be used towards bridge projects, but the HBP Funds can only be used on bridge projects. The 0650 Fund has separate revenue and expense budget codes in order to track the revenue and expenses for auditing purposes. It was decided that there is no need to set up a separate bank account in the Treasurer's office to track the buyout program.
- Thorin said Doug Reicks has been hired for Road District #3 and starts employment March 17, 2014.
- Thorin and the Board discussed Weed Superintendent certifications, meetings and duties. The annual Weed Superintendent meeting for certification/re-certification is scheduled for March 31, April 1 and 2, 2014 at the Central Community College in Hastings, Nebraska.

Darrel Thorin, County Highway Superintendent, presented a resolution regarding fracture critical bridge inspections for 2014. To ensure uniformity of inspection procedures, Nebraska Department of Roads (NDOR) has on the behalf of the county, hired consultants to conduct these fracture critical bridge inspections and load re-ratings. The cost for the bridge inspections for one fracture critical is estimated to be \$3,000.00. The county plans to utilize soft match credit for the county 20% share of the cost (\$600). The difference between a fracture critical bridge and non-fracture critical bridge is that a fracture critical bridge only has a truss for support. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-05, for Project No. STP-NBIS(99), Control No. 00886 Fracture Critical Bridge Inspections for 2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board received the 2014 Lawn Care Contract from Jarecki Lawncare & Greenhouse, LLC for review. The four step fertilizer plan and fall weed spray for the courthouse lawn is \$929.99. Additional services such as thatching and aerification are a separate expense and are billed at the time of service. The courthouse lawn services is rotated each year between Jarecki Lawncare and Schrad's KLawn in accordance with the March 22, 2010 Board proceedings. Motion made by Luettel, second by Tisthammer to approve the 2014 Lawn Care Contract with Jarecki Lawncare Greenhouse, LLC as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board, Darrel Thorin, Highway Superintendent, and Denny Johnson, Sheriff, held a conference call with Tod Thieman, MIPS, regarding the time clock/attendance system. Thieman answered the questions and will try to address the concerns of the new time and attendance system. Thieman plans to work on some more programming to fit the Board's request. The software is set to round time to the nearest 10 minutes. (Example, if the employee checks in at 7:25 the software will round to 7:30; check in at 7:45, will round to 7:50). Also, discussed was the date range for payroll as the employees change from a monthly salary to hourly wage



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scheduled for July 2014. The 24th to 23rd of the month may be the best option with the Board of Commissioners having to change the payroll meeting date each month.

Open discussion and miscellaneous public comments:

- The Board discussed attendance to the Northeast Nebraska Association of County Officials spring workshop scheduled for March 21, 2014 at the Northeast Community College, Norfolk, NE.

Chairman Schuele declared the meeting adjourned at 12:26 P.M. with the next Board meeting scheduled for Monday, March 17, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 17, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 17, 2014, 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 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.
- Jacqueline Wells, Veteran Service Officer, said the Korean War Veterans Honor Flight scheduled for March 25, 2014 includes three airplanes and 580 veterans. Four Boone County Korean War Veterans are a part of the Honor Flight to Washington D.C.
- Northeast NACO Workshop is scheduled for Friday, March 21, 2014 at the Lifelong Learning Center in Norfolk. County Officials/Employees attending the meeting are to meet at the courthouse for departure at 7:30 A.M.
- The Board of Commissioners received information in February that the Boone County Legion and Auxiliary decided not to sponsor County Government Day in 2014. Leon Magsamen, Boone County Veteran Service Committee Board Member, and Jacqueline Wells, Boone County Veteran Service Officer, were present to discuss County Government Day. Magsamen said the Boone County Legion voted at their annual meeting not to sponsor County Government Day in 2014 and that the group felt there is a lack of interest from students, schools and government officials. Magsamen and Wells said the Albion and Petersburg Legion Post plan to sponsor a County Government Day in 2014. The Board asked who is responsible for sponsoring County Government Day and responsible for the organization of the event. Magsamen said that County Government Day is an American Legion sponsored event and that Jacqueline Wells, Boone County Veteran Service Officer will be the organizer of the event.
- The time clock/attendance system was discussed. The new system is intended for wage and hour compliance and promote efficient work hours. There is still some courthouse employees not checking in/out correctly by using the correct break keys during working hours when they leave/return for lunch, etc. The department heads were asked to review the system with their employees. The system software is set to round every single employee in/out punches to the nearest 10 minutes. The Board discussed programming on March 10, 2014 with MIPS and asked if it would be possible to write a program where specified punch times are rounded to the nearest 10 minutes for the beginning and ending of the work day and other punches during the day are computed exact times.

Motion made by Tisthammer, second by Luettel to approve the time clock/attendance software system changes to be effective March 21, 2014 where specified punch times are rounded to the nearest 10 minutes for the



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beginning and ending of the work day and other punches during the day are computed exact times for the road and courthouse groups. The law enforcement groups/shifts is set to round every single employee in/out punches to the nearest 10 minutes. 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 Public Hearing Proceedings of March 10, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Darrel Thorin, Boone County Weed Superintendent, submitted his resignation regarding the Weed Superintendent duties effective March 17, 2014. Motion made by Schuele, second by Luettel to accept the resignation of Darrel Thorin as Boone County Weed Superintendent, effective March 17, 2014 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, Todd Buettner and the Board discussed County Weed Superintendent duties. Thorin said Buettner had filed an application for the road department position. Thorin and Buettner discussed the part-time weed position and felt it may be a good fit for Buettner as he already has a Commercial License for spraying. Buettner will need to attend the March 31, April 1 and 2, 2014 annual Nebraska Weed Association workshop in Hastings, NE to receive continuing education hours. Buettner will also need to obtain the right-of-way applicators license. The Board explained the part-time position being less than 20 hours per week for spraying and some months there is very little paperwork if any. Buettner suggested a monthly and hourly fee for the part-time position. The Board explained that they were not able to justify Buettner's suggestion of \$500/mo and \$20/hr in comparison to what county road employees receive to date. The Board explained that the \$350.00 a month was for necessary paperwork and to cover the time spent at meetings/re-certification. The Board reviewed a survey regarding County Weed Superintendents throughout the state and suggested \$10.00 - \$15.00 an hour for spraying.

Motion made by Luettel, second by Schuele to appoint Todd Buettner, Primrose, Nebraska, Boone County Weed Superintendent, as a part-time employee effective March 17, 2014 to receive \$350.00 monthly beginning April 2014 for paperwork/meetings and \$15.00 per hour for time clocked in for spraying hours. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin and the Board discussed the Cedar River Historical Bridge project.

Darrel Thorin, Boone County Highway Superintendent, and the Board reviewed a petition that Thorin received and presented. The petition request is to vacate all of Pine Street and a portion of Third Street in the Village of Loretto, Boone County, Nebraska. The requested streets to be vacated are further described: Beginning at a point in the SW1/4 of Section 25, Township 21 North, Range 7 West, at the intersection of State Highway 14, thence East for approximately eight hundred eighty-six feet, known as Pine Street, and at the intersection of Pine Street thence North approximately three hundred feet to the intersection of Oak Street, known as Third Street in the Village of Loretto, Nebraska all located in the SW1/4 of Section 25, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Darrel D. Thorin, Boone County Highway Superintendent, to proceed with protocol procedure and draft a resolution for a feasibility study. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



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The Boone County Board of Commissioners received and reviewed a signed petition and felt it is in the best interest of Boone County to consider vacating Pine Street and a portion of Third Street in the Village of Loretto, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-06, appointing Darrel D. Thorin, Boone County Highway Superintendent, to do a feasibility study in regard to the vacation of said streets as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed various meetings scheduled this week.

Chairman Schuele declared the meeting adjourned at 11:50 A.M. with the next Board meeting scheduled for Monday, March 24, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 24, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 24, 2014 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. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of March 17, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer 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 \$83,537.09, BCBS \$37,583.33, Ameritas Ret \$5,761.01, EFTPS \$6,255.87, Section 125 Fees \$6.00; Road \$42,142.69, BCBS \$20,074.60, Ameritas Ret \$2,844.64, EFTPS \$3,181.43; Ambulance \$1,354.12, Ameritas Ret \$55.30, EFTPS \$103.58; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,609.89, Ameritas Ret \$291.03, EFTPS \$429.14, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The County of Boone and the City of Albion Police Department has had an Interlocal Agreement for several years with regard to a one-mile radius jurisdiction of the city limits of the City of Albion. It is a joint jurisdiction of the two law enforcement agencies for the one-mile radius outside the City of Albion. This agreement is reviewed on an annual basis. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2014-07, an Interlocal Agreement between the County of Boone and City of Albion for law enforcement purposes commencing on April 1, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The City of Albion and County of Boone entered into a Lease Agreement in 2012 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. This agreement is reviewed on an annual basis. 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 Schuele to approve and authorize the Board Chairman to sign Resolution No. 2014-08, 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, 2014. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin informed the Board that asphalt bids for county road projects are due April 25, 2014 and scheduled to be opened on Monday, April 28, 2014.



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Old Plum Road Investments Ltd., c/o Bruce Dopslauf, requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 140th Avenue. The electrical line request commences from an electrical pole located in the SE1/4 of 3-19-8, running thence east to a pivot to be located in the SW1/4 of 2-19-8, all located in Boone County, Nebraska. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-09, granting permission to trench an electrical line across 140th Avenue 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.
- The Board discussed the Boone County Agricultural Society, Inc./Boone County Fair Board enclosed new arena building proposal to be located at the county fairgrounds.

Chairman Schuele declared the meeting adjourned at 11:10 A.M., the next Board meeting is scheduled for Monday, March 31, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
MARCH 31, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 31, 2014 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. Commissioner Schuele asked all present to join in the Pledge of Allegiance.

Tom Smith, Region 44 Emergency Manager, introduced himself and discussed several items with the Board. Smith has already updated the county website with his contact information. Smith was appointed by the committee representing the Region 44 Emergency Management counties of Boone, Nance and Merrick. Smith is a graduate of Monroe High School, bachelors in criminal justice from Chadron State College and a masters in emergency/disaster management from American Public University. Smith served several years in the military and recently left a position with the Nebraska Army National Guard's Civil Support Team. Smith is excited to move back and raise their children in the rural area.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin informed the Board that the Federal Fund Purchase Program first payments were deposited on March 25, 2014. The STP Funds (road buyback) is \$89,561.32 and the HBP (bridge buyback) is \$37,287.32. Thorin said that the STP Funds may be used towards bridge projects, but the HBP Funds can only be used on bridge projects.

Darrel D. Thorin, Boone County Highway Superintendent, was appointed to complete a feasibility study on March 17, 2014 in regard to vacating certain streets in the Village of Loretto, Boone County, Nebraska. Thorin presented a written feasibility study report to the Board for their review. The Board reviewed the report and discussed the recommendations with Thorin. Thorin said that both streets were opened and platted during the original establishment of the Village of Loretto, but based on current observation, neither street was ever constructed for use by the traveling public. The feasibility study is attached to the Board Proceedings. Motion made by Schuele, second by Luettel to approve Darrel D. Thorin, Boone County Highway Superintendent, to proceed with protocol procedure and draft a resolution to set a public hearing regarding vacation or abandonment of certain streets in the Village of Loretto, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel D. Thorin, Boone County Highway Superintendent, presented Resolution No. 2014-10, to set a public hearing to allow for public comments, either for or against vacating or abandoning certain streets located in the Village of Loretto, Boone County, Nebraska. The streets are known as Pine Street and Third Street on the original plat. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-10, to publish for three consecutive weeks in the legal newspaper for a public hearing to be held at the Boone County Courthouse, County Commissioners Room, 222 South 4th Street, Albion, Nebraska at 10:00 A.M. on Monday, April 28, 2014, regarding the vacation or abandonment of said streets located in the Village of Loretto, Boone County, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



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Motion made by Luettel, second by Schuele to approve the County Board Proceedings of March 24, 2014 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

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 two requests for advertisement funding. The Albion Chamber of Commerce, Inc. submitted applications requesting assistance to advertise the Golf Challenge event scheduled for May 31, 2014 and the Rhythm & Ribs event scheduled for August 23, 2014.

Motion made by Tisthammer, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund for the Albion Chamber of Commerce Golf Challenge event as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund for the Albion Chamber of Commerce Rhythm & Ribs event 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.
- Denny Johnson, Sheriff, discussed law enforcement being involved with the school career academics program. Sheriff Johnson will visit with NIRMA regarding the question if the students shadowing law enforcement can ride along in the vehicles.
- Aubrey Pals, BCDA, Inc., updated the Board regarding BCDA, Inc. activities and the agenda for BCDA, Inc. Wednesday, April 2, 2014 meeting.
- The Board acknowledged and reviewed a written document submitted by Dennis A. Vodicka regarding Nebraska Engineering Professionals.

Chairman Schuele declared the meeting adjourned at 10:30 A.M., the next Board meeting is scheduled for Monday, April 14, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 14, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 14, 2014, 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 two cases being continued. Jarecki reported that he has been assigned thirteen new cases to date in 2014. 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. Motion made by Tisthammer, second by Luettel to accept the 2014 first quarter Public Defender report as submitted. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Brandi Yosten, Jarecki Law Office, presented a Special Designated Liquor License request for April 18 and 25, 2014 on behalf of Boone County Raceway, LLC. Kirk Westring, Boone County Raceway, LLC, applied to the Nebraska Liquor Control Commission in March for a Class AB liquor license. A practice round is scheduled for April 18, 2014 and the first night of stock car racing is scheduled for April 25, 2014. Yosten said there is a possibility that the liquor license may not arrive in time for the April 18 and 25, 2014 stock car races activities. The Nebraska Liquor Control Commission suggested to Yosten to apply for Special Designated Permits to back up coverage for the April 18 and 25, 2014. The CWR's Inc. DBA The J have graciously allowed their permit to be used for the Special Designated License request for April 18 and 25, 2014 by Boone County Raceway, LLC. Motion made by Tom Schuele, second by Tisthammer to approve the Special Designated Liquor Licenses for April 18 and 25, 2014 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the following reports of the County Officials as presented for March, 2014:

- Clerk - \$8,303.50 (State of Nebraska \$4,810.89)(County of Boone \$3,492.61)
- Clerk of the District Court - \$722.50 (State of Nebraska \$256.00)(County of Boone \$466.50)
- Sheriff - \$1,373.40
- Planning & Zoning - \$527.50
- Treasurer - Treasurer's Fees - \$228.00; Miscellaneous Receipt Nos. 13451-13516 - \$323,541.96; Total Collections - \$1,048,525.67

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



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Motion made by Luettel, second by Schuele to approve the County Board Proceedings of March 31, 2014 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. 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 - \$41,197.38; Road - \$153,802.56; Boone County Visitors Promotion - \$190.00; Reappraisal - \$2,670.61; 911 Emergency Management (2910) - \$2,423.90; 911 Wireless Service (2913) - \$827.56; Ambulance - \$364.78. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Denny Johnson, Boone County Sheriff, and the Board discussed the information Johnson received from Tim Baxter, NIRMA, regarding high school students participating in career readiness programs. There is interest among the students in the school program to shadow law enforcement personnel. Johnson said NIRMA was helpful with policy language for student-ride-along shadowing law enforcement. Johnson will draft a policy to be signed between the school career readiness program, student, parent(s) and Boone County Sheriff's department.

Tom Smith, Region 44 Emergency Manager, updated the Board regarding his activity involvement and contacts since his appointment March 24, 2014. Smith presented a County Board Record of Appointment for the Board to review. Boone County is a member of the ten county East Central Planning, Exercise, Training (PET) and Interoperable Communications Region established by the State of Nebraska. Boone County must appoint at minimum one person to serve as a member and participate in the Governing Regional Committee. Such appointment shall be reviewed each year at the annual County Board Reorganizational meeting. Motion made by Tisthammer, second by Luettel to appoint Thomas Smith, Region 44 Emergency Manager, as the representative and Denny Johnson, Boone County Sheriff's Office, as the alternate representative to fulfill the duties as required by the Governing Regional Committee that makes up the East Central PET & Interoperable Communications Region retroactive and effective April 10, 2014. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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 a request for advertisement funding. The Petersburg Community Club submitted an application requesting assistance to advertise the Bash in the Burg event scheduled for August 9, 2014. Motion made by Luettel, second by Tisthammer to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund for the Bash in the Burg event as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

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

- The progress on the road signage inventory that needs to be in compliance in 2015.
- The Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road) overlay project paperwork is completed with only an audit left regarding the project.
- The NDOR Bridge program will lapse in 2014 and NDOR will not be financing/providing the new required computer and program as in the past years.
- Thorin said the Primrose East Bridge Project is scheduled for bid-letting on April 17, 2014.
- Consultants are reviewing the Cedar River Historic Bridge restoration project.
- Thorin plans to attend the RC recertification meeting in Kearney on April 21, 2014.



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Darrel Thorin, County Highway Superintendent, presented a resolution regarding Project No. ENH-6(5), CN32083, Cedar Rapids Bridge Renovation Supplemental Agreement BL0936 #2. The Supplemental Program Agreement is for amending the funding for the final phase, construction, to 95% federal and 5% local funding. This supplement also amends the preliminary engineering funding. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-11, Supplemental Program Agreement No. 2-BL0936 for Project No. ENH-6(5), Cedar Rapids Bridge renovation as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Mogensen Bros. Land & Cattle Company, c/o Keith Mogensen, requested permission to trench irrigation pipe for irrigation purposes over and across a county road commonly known as 390th Street. The pipe commences from a pivot located in the SE1/4 of 29-18-8, running thence south to a pivot located in the NE1/4 of 32-18-8, all located in Boone County, Nebraska. The approved portion of the request is for water only to flow through the pipe for irrigation. The request to apply effluent from nearby Maschhoffs LLC lagoon located in SW1/4 of 29-18-8 by pivot or surface application to the NE1/4 of 32-18-8 is pending Zoning Board Conditional Use Permit approval. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2014-12, granting permission to trench irrigation pipe across 390th Street to the NE1/4 of 32-18-8 for only use to be for irrigation water at this time, the effluent is dependent upon a future Zoning Board Conditional Use Permit approval. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Don Petsche requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 120th Street. The electrical line commences from an electrical pole located on the North side of said 120th Street in Section 11, thence running south to an irrigation well located in the N1/2NE1/4 of Section 14, all in Township 22 North, Range 7 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-13, granting permission to trench an electrical line for irrigation purposes across 120th Street to the N1/2NE1/4 of 14-22-7 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The County Treasurer's office was asked by the banking industry who is custodian of the county accounts. The County of Boone is assigned one Federal EIN number and the question of custodian of accounts is in regard to the FDIC automatically insuring an account up to \$250,000.00. The Nebraska State Auditor's office was contacted for clarification. Information received from the State Auditor's office feels each official is considered the custodian of their own office deposits. Their understanding is that the FDIC covers each official for up to \$250,000.00 deposit. When the office needs to deposit more than \$250,000.00, the individual office needs to contact the banking institution for additional pledge collateral to cover the deposit. Motion made by Luettel, second by Schuele to approve that the Elected Officials and appointed department heads are custodian of their own office deposits/accounts. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Mark Niewohner explained to the Board what type and where they would like to build additional hog confinements. Niewohner said an application for conditional use permit has been applied for with a hearing set for April 28, 2014 before the Boone County Joint Planning Commission.

Chairman Schuele declared the meeting adjourned at 11:43 A.M. with the next Board meeting scheduled for Monday, April 21, 2014.



Boone County Board Minutes



Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 21, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 21, 2014, 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 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.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance is to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences is to be delivered to the County Clerk's office upon returning to work.
- A reminder to elected officials and appointed department heads to carry with you and present a Nebraska Exempt Sale Certificate Form 13 when making purchases with the county credit card. County Government entities are sales tax exempt.
- A reminder to county officials, employees and the public that on April 14, 2014, the Courthouse is a polling site for Early Voting and no campaigning or material within 200 feet of the courthouse property.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of April 14, 2014 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

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 a request for advertisement funding. The Cedar Rapids Community Club submitted an application requesting assistance to advertise the Riot on the River event scheduled for May 24 and 25, 2014. Motion made by Schuele, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund for the Riot on the River event as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

The Board reviewed a quote from Applied Connective Technologies regarding a new computer for the Boone County Highway Superintendent's office. The 2009 computer unit is no longer compatible with the Nebraska Department of Road forms that are to be completed on line. The quote is for a Dell Optiplex 3010 workstation for \$763.32, not including installation and configuration. Motion made by Schuele, second by Luettel to



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approve the purchase of a new Dell workstation from Applied Connective Technologies as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

The paper shredder is in need of replacement. The County Clerk's office obtained quotes for a new Fellowes 425Ci CrossCut Powershred. The quotes were from Western Office Technologies, Eakes Office Plus and Fellowes.com. Western Office will dispose of the old shredder. Motion made by Luettel, second by Schuele to approve the quote for a new paper shredder from Western Office Technologies for \$2,049.00 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Tom Briese 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 an electrical pole located in the NW1/4 of Section 17, thence running east to an irrigation well located in the NE1/4 of Section 17, 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. 2014-14, granting permission to trench an electrical line for irrigation purposes across 295th Avenue to the NE1/4 of 17-19-5 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Sue Warner, NACO BCBS, and the Board reviewed the 2014-2015 NACO BCBS renewal health and benefit plans offered to NACO members effective July 1, 2014. The medical premium increase is 5% and the dental premium is no increase. The county renewal is July 1, 2014 through June 30, 2015. Effective July 1, 2014 the pre-existing waiting periods no longer apply to enrolled members regardless of age, In-and Out-of-Network cost shares no longer cross accumulate, eligibility waiting periods can be no longer than 60 days and all member expenses for deductible, coinsurance, medical services copays and pharmacy copays will accumulate toward this single out-of-pocket maximum. Covered services after this maximum is reached will be paid at 100%. NACO has scheduled important health care meetings in May to assist counties participating in the NACO BCBS pool for the County Clerk and Board members to attend.

Open discussion and miscellaneous public comments:

- Ken McIntyre, Boone County American Legion Commander, addressed County Government Day sponsorship and miscommunication regarding the event. Previous Board Proceedings refer to County Government Day sponsorship and activities. McIntyre will contact the schools to see if the date of October 15, 2014 is available. Commissioner Schuele suggested that the County American Legion organization decide on date, length of time/activities for County Government Day and then communicate the planned event to the Board of Commissioners.

Chairman Schuele declared the meeting adjourned at 11:37 A.M. with the next Board meeting scheduled for Monday, April 28, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 28, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 28, 2014 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 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 two requests for advertisement funding. The Boone County Historical Society, Inc. submitted applications requesting assistance to advertise the Decoration Day event scheduled for May 26, 2014 and advertise the Boone County Historical Society Museum through brochures.

Motion made by Luettel, second by Tisthammer to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund for the Boone County Historical Society, Inc. Decoration Day event as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund to advertise the Boone County Historical Society Museum through brochures. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 \$88,938.77, BCBS \$39,785.70, Ameritas Ret \$6,097.78, EFTPS \$6,658.67, Section 125 Fees \$8.00; Road \$43,151.65, BCBS \$21,743.02, Ameritas Ret \$2,912.75, EFTPS \$3,250.90; Ambulance \$1,255.00, Ameritas Ret \$55.02, EFTPS \$96.00; Public Defender Contract \$3,000.00; Boone County Fitness Center \$6,644.39, Ameritas Ret \$335.88, EFTPS \$508.27, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of April 21, 2014 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



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Chuck Rolf, Dave Noble and Monty Olson, Boone County Agricultural Society, Inc. representatives; Steve Pritchard, Boone-Nance County Extension; Kevin Rasmussen; and Bill Robinson discussed a proposed new multi-purpose building for the fairgrounds with the Board. Rolf informed the Board that they plan to meet with a consultant to set up a business plan. The group asked the Board if a loan up to \$50,000.00 to the Boone County Agricultural Society from the County Inheritance Tax Fund is feasible to help with the consulting fee, environmental study, and promotional material for fund raising campaign. The group and Board discussed issues regarding who would own the building if constructed, what is the long term goal for funding the upkeep of building, insurance liability, staff and responsibility before/after events. Commissioner Luettel asked what is still owed on the Event Center building. The reply was that a payment of \$21,000.00 is paid yearly with a portion being paid in June and the remaining amount in September. The Event Center building loan payments are in the budgeted levy request submitted by the Boone County Agricultural Society, Inc. each year. The present funding plan is private donations and commitments to build the proposed new facility and setting up an endowment fund for the upkeep. Motion made by Tisthammer, second by Schuele to prepare a resolution for the May 12, 2014 Board meeting to guarantee a loan up to \$50,000.00 to the Boone County Agricultural Society, Inc. for development of a business plan and promotional material for a fund raising campaign regarding a new multi-purpose building located on the fairgrounds property and the loan to be repaid from private donations from the fund raising campaign to the County of Boone Inheritance Tax Fund on or before June 1, 2015. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board received sealed bid proposals for asphalt micro surfacing regarding County Road Projects No. 375, Old Mill Road; No. 374, 255th Avenue; and No. 362, 145th Street. Sealed bids were received from Figgins Construction Co., Inc. of Red Cloud, Nebraska; Monarch of Omaha, Nebraska and Sta-Bilt Construction Company of Harlan, Iowa. Thorin said there may be a discrepancy in the bids as originally the bids were for three projects. The Project Nos. 374 and 375 will be completed in 2014 and the Project No. 362 is delayed dependent upon engineering consultant recommendation. Figgins bid appears to be for armor coating, not asphalt micro surfacing. Thorin said there is a significant difference per square yard between armor coat and micro surface material. The Board reviewed the bids and discussed the projects with Boone County Highway Superintendent, Darrel Thorin. Motion made by Tisthammer, second by Luettel to approve and accept the Sta-bilt Construction Company bid of \$152,508.00 for Project No. 374, 1½ mile of 255th Street and Project No. 375, 1½ mile of Old Mill Road as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury electrical cable across 390th Street from Belgrade West Substation located in Section 32 to a distribution line located in Section 29, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-15, granting permission to bury electrical cable across 390th Street to a distribution line located in Section 29-18-7 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury electrical cable across 390th Street from Belgrade West Substation located in Section 32 to a distribution line located in Section 29, all in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2014-16, granting permission to bury electrical cable across 390th Street to a distribution line located in Section 29-18-7 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



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Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin updated the Board regarding the Responsible Charge (RC) person re-certification and federal aid projects discussed in Kearney on April 21, 2014.

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.

Commissioner Tisthammer excused himself at 12:15 P.M.

Darrel Thorin, County Highway Superintendent, received a resolution form from Nebraska Department of Roads (NDOR) regarding the bridge Project No. IBRD-6(6), Primrose East. Thorin and the Board discussed the resolution that NDOR prepared and wanted signed by the Board and returned by May 7, 2014 in accordance with the bid that was let on April 17, 2014. The selected contractor bid is \$687,478.20 for the bridge replacement project that has been on the books since 2008. Thorin made a phone call regarding the bid being approximately \$240,000.00 over the projected costs and asked for a confirmation that the county share agreed on before bid letting of \$58,000.00 is what the county will owe for the project. Thorin received an email regarding the phone call and was authorized by NDOR to add additional language to the resolution, "Whereas, Boone County agrees to pay \$58,000.00 of the awarded contract and any additional costs resulting from change orders initiated by the County, see attached email". Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign Resolution No. 2014-17 regarding Project No. IBRD-6(6), Primrose East, with the additional language. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board discussed the present audit services. Romans, Wiemer & Associates CPA's PC are presently completing the fiscal year audit ending June 30, 2013. The fiscal year end audit of June 30, 2013 is the end of the three year contract with Romans, Wiemer & Associates. The Board asked the Clerk's office to prepare a proposal for audit services relating to all Boone County Funds and county offices for sealed bids for the fiscal years ending June 30, 2014, June 30, 2015 and June 30, 2016.

Chairman Schuele declared the meeting adjourned at 1:15 P.M., the next Board meeting is scheduled for Monday, May 12, 2014.

Kathy Thorberg,
Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, April 28, 2014 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. Mary Ziemba, County Zoning Administrator, was present to answer questions regarding permits and setbacks for possible residential construction.

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 Pine Street and a portion of Third Street, Loran Addition, Loretto, Nebraska:

- The hearing is concerning approximately 934.50 feet platted as Pine Street lying south of Blocks 5 and 6, Loran Addition, Loretto, Nebraska and approximately 380 feet platted as Third Street lying east of Block 5, Loran Addition, Loretto, Nebraska.

Darrel Thorin, County Highway Superintendent, was appointed to complete a feasibility study on March 17, 2014 and submitted a written feasibility study for the Board to review at the Board of Commissioners meeting on March 31, 2014 regarding vacation of certain streets in Loran Addition, Loretto, Nebraska.

Present for the Public Hearing were landowners Steve and Nancy Paulson, Nathan Paulson, Norma Johnson and Wesley Johnson. Also, present at the public hearing were Jason and Shannon Hagemann, and Jim Dickerson, Albion News.

Darrel Thorin, County Highway Superintendent, highlighted his feasibility study regarding Pine and Third Street, Loran Addition, Loretto, Nebraska. According to records filed in the Register of Deeds Office, Boone County, Nebraska both Pine and Third Streets were opened and platted during the original establishment of Loran Addition, Loretto, Nebraska, with an eighty (80) foot right-of-way. Based on current observation, neither street was ever constructed for use by the traveling public.

Darrel Thorin, County Highway Superintendent, provided two options in the feasibility study, (1) vacate the total width of both Pine and Third Street right-of-ways with said right-of-ways reverting back to the adjacent landowners, forty (40) foot on each side, (2) leave the existing right-of-ways as is and fence the right-of-ways so the forty (40) foot on each side is to the adjacent landowner.

Norma Johnson expressed leaving the fence line and streets as is with no changes. Johnson's and the Board discussed a private drive way being more feasible to construct if one was to develop housing on their property compared to the road/street construction standards that the county government has to comply with when constructing roads/streets.

Thorin and the Board explained the concern regarding county liability if/when an accident occurs if the said streets remain as is platted/open streets. Thorin explained that a vacation of a road/street reverts the right-of-way equally to the adjacent landowners and is no longer a liability issue for the government entity. If the road/street is closed the government entity still maintains the right-of-way and is a liability issue for the government entity.



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Nancy Paulson explained that they purchased lots and had the lots surveyed in order to make sure when they build a residential dwelling that they were within the boundaries and zoning regulations. The survey is when it was learned that there is platted streets referred to as Pine and Third Streets.

Thorin informed the group that state statute allows the county to request that the landowner requesting to have a road/street built, pay for the cost of construction of the road/street. The vacation of said streets reverts the right-of-way back to the adjacent landowner being 40 feet on each side and after a vacation it is between the landowners to agree on the fence line right-of-ways.

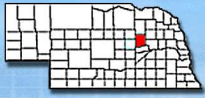
Schuele thanked everyone for their patience, cooperation and this issue has been a learning experience for everyone. The County Board instructed that a resolution be prepared regarding said Pine Street and Third Street for the Board's approval at the May 12, 2014 meeting.

Motion made by Tisthammer, second by Schuele to close said hearing at 11:00 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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.

Motion made by Luettel, second by Tisthammer to draft a resolution for their May 12, 2014 Board meeting to vacate approximately 934.50 feet platted as Pine Street lying south of Blocks 5 and 6, Loran Addition, Loretto, Nebraska and approximately 380 feet platted as Third Street lying east of Block 5, Loran Addition, Loretto, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
MAY 12, 2014
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 12, 2014, 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.

Motion made by Schuele, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$36,741.63; Road - \$92,235.26; Boone County Visitors Promotion - \$651.40; Reappraisal - \$7,171.25; Inheritance Tax - \$50,705.00; 911 Emergency Management (2910) - \$53,074.27; 911 Wireless Service (2913) - \$6,069.44; 911 Wireless Service Holding (2914) - \$2,527.08; Ambulance - \$364.20. 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 April, 2014:

- Clerk - \$13,382.50 (State of Nebraska \$7,103.45)(County of Boone \$6,279.05)
- Clerk of the District Court - \$905.20 (State of Nebraska \$454.00)(County of Boone \$451.20)
- Sheriff - \$1,161.66
- Planning & Zoning - \$823.30
- Treasurer - Treasurer's Fees - \$46.00; Miscellaneous Receipt Nos. 13517-13585 - \$1,194,181.52; Total Collections - \$7,955,852.61

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

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Public Hearing Proceedings of April 28, 2014 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Sheryl Machacek, Sheriff Communications, and Denny Johnson, Sheriff, updated the Board regarding a proposal to erect a new free standing communications tower in the southwest corner of the property owned by County of Boone, Nebraska, commonly known as the Boone County Fairgrounds. Machacek said that a Conditional Use Permit application needs to be completed and filed with the City of Albion Zoning Administrator. Upon approval of the Conditional Use Permit request then the next step is to advertise to receive bids for a new free standing 250' communications tower with utility building and bids for removal of the present tower. A written notice will need to be sent to Kohtz regarding discontinuance of land rent and removal of present tower.

Motion made by Schuele, second by Luettel to authorize the Board Chairman to sign the Request for Conditional Use Permit to be filed with the City of Albion Zoning Administrator for a new 250' communications tower to be located on a fraction of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska, commonly known as the Boone County Fairgrounds. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.



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Denny Johnson, Sheriff, submitted a quote for two new Dell Optiplex 7010 workstations to replace deputy computers in basement of the Sheriff's office. The two computers being replaced have Windows XP and are no longer compatible to access the state server. Motion made by Luettel, second by Schuele to approve the quote of \$1,820.18 from Applied Connective Technologies for two new workstations and estimated installation/configuration for the Sheriff's office as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Denny Johnson, Sheriff, submitted a proposal regarding the purchase of a new law enforcement vehicle. The quote for the law enforcement vehicle is \$24,361.00 for a 2014 Dodge Ram Pickup; trade in value of \$4,000.00 for the 2009 Dodge Charger; and estimate cost of additional equipment and installation not included with the new vehicle is \$5,782.95. Motion made by Schuele, second by Luettel to approve the vehicle/equipment quote and authorize Denny Johnson, Sheriff, to proceed with the purchase as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Tom Smith, Region 44 Emergency Manager, and the Board discussed appointing a FirstNet Contact for County of Boone, Nebraska. The FirstNet Project is an effort to build a nationwide broadband network for first responders of many disciplines that can be used in emergencies and during day to day operations. The Nebraska Office of the Chief Information Officer (OCIO) has been designated by the Governor to be Nebraska's Single Point of Contact (SPOC) for this effort. Motion made by Luettel, second by Schuele to appoint Tom Smith, Region 44 Emergency Manager, as the FirstNet Contact to represent County of Boone, Nebraska. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Ron Nealeigh, a representative for LegalShield, presented the companies benefits to the Board. LegalShield gives you the ability to talk to an attorney about any matter without worrying about high hourly costs. The monthly fees at the employees expense is Legal/ID Theft Shield combo of \$28.90; LegalShield stand-alone of \$18.95; and ID Theft Shield stand-alone at \$14.95. The legal assistance areas are family, financial, home, auto and estate planning. Commissioner Luettel asked if LifeLock was a similar business. Nealeigh said that LifeLock is a competitor. The law firm of Morrow, Poppe, Watermeier & Lonowski, P.C. of Lincoln, Nebraska is the toll free/24 hour day helpline for LegalShield members. Nealeigh asked the Board for permission to speak and present the LegalShield information to the county employees. The Board will notify Nealeigh either way after the May 19, 2014 Board meeting with the department heads.

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

- The progress on the road signage inventory that needs to be in compliance in 2015.
- A culvert collapsed on 300th Street west of 160th Avenue on April 30th, 2014. The culvert was replaced last week.
- Thorin reported that the traffic count on Central Highway last week averaged 598 vehicles per day.
- Preliminary plans are being reviewed by Nebraska Department of Roads regarding the Cedar River Historic Bridge restoration project.
- Construction start date is scheduled for August 25, 2014 for Bridge Project No. IBRD-6(6), Primrose East.

B.A.C.E. Farms LLC, C/o Daniel Jarecki requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 120th Avenue. The electrical line commences



Boone County Board Minutes



from an electrical pole located in the NW1/4 of Section 16; thence running west to an irrigation well located in the NE1/4 of Section 17, all in Township 18 North, Range 8 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-18, granting permission to trench an electrical line for irrigation purposes across 120th Avenue to the NE1/4 of 17-18-8 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Leila J. Tiede and Becky J. Akert, Co-Trustees, requested permission to trench an electrical line for irrigation purposes over and across a county road commonly known as 160th Avenue. The electrical line commences from an electrical pole located on the NW1/4 of Section 30, Township 21 North, Range 7 West; thence running west to an irrigation well located in the NE1/4 of Section 25, Township 21 North, Range 8 West, Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-19, granting permission to trench an electrical line for irrigation purposes across 160th Avenue to the NE1/4 of 25-21-8 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Great Plains Communications requested permission to plow fiber optic cable across and alongside 325th Avenue and 330th Street to a US Cellular tower located on the SE1/4 of Section 26, Township 19 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Great Plains Communications plan to bore under the two county roads and plow the fiber optic cable alongside the county road. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-20, granting permission to plow fiber optic cable across and along 325th Avenue and 330th Street to a US Cellular tower located on the SE1/4 of 26-19-5 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, presented a resolution regarding the vacation of certain streets in the Loran Addition, Loretto, Boone County, Nebraska. Thorin completed a feasibility study and the Board reviewed the feasibility study on March 31, 2014. A public hearing was held on April 28, 2014 regarding vacation of said streets. The Boone County Board of Commissioners felt it was in the best interest of Boone County to vacate said streets:

- Pine Street, lying south of Blocks 5 and 6, from the east line of State Highway 14, thence east 934.5 feet to the east line of Third Street, as platted, with an 80 foot right-of-way;
- A portion of Third Street, lying east of Block 5, from the south line of Oak Street, thence south, 380 feet to the south line of Pine Street, as platted, with an 80 foot right-of-way;
- All located in the Sw1/4 of Section 25, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Motion made by Schuele, second by Luettel to approve Resolution No. 2014-21, that the above said streets are officially vacated, 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 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, received a resolution document from Nebraska Department of Roads (NDOR) regarding Bridge Project No. IBRD-6(6), Primrose East. The Board approved Resolution No. 2014-17 on April 28, 2014 with additional language added to the contractual bid resolution. The State of Nebraska, Department of Roads division would not accept Resolution No. 2014-17, because of statements



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added to their form. Motion made by Schuele, second by Luettel to rescind Resolution No. 2014-17 and replace said Resolution No. 2014-17 with the approval of Resolution No. 2014-22, regarding Bridge Project No. IBRD-6(6), Primrose East. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, presented a resolution for the Board to review regarding Supplemental Project Program Agreement No. 1-BM1192 for Project No. IBRD-6(6), Primrose East. The original agreement was executed in November 2011 for said project. It is necessary to adjust the funding financial responsibilities of the parties and cap the County of Boone financial responsibility. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-23, Supplemental Project Program Agreement No. 1-BM1192 and authorize the Board Chairman to sign the agreement. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Dave Noble and Chuck Rolf, Boone County Agricultural Society, Inc., updated the Board regarding the proposed new multi-purpose building discussed on April 28, 2014. The Boone County Board of Commissioners have agreed to guarantee a loan up to \$50,000.00 to the Boone County Agricultural Society, Inc. for the development of a business plan and promotional material for a fund raising campaign regarding a proposed new multi-purpose building located on the fairgrounds property. Authorized representatives of the Boone County Agricultural Society, Inc. have agreed that the loan will be used as needed for up to \$50,000.00 and repaid from private donations from the fund raising campaign to the County of Boone Inheritance Tax Fund on or before June 1, 2015. The Board has agreed to sign this resolution after authorized representatives of the Boone County Agricultural Society, Inc. have signed The Promissory Note attached to this resolution. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-24, loan from the County Inheritance Tax Fund for up to \$50,000.00 to the Boone County Agricultural Society, Inc. as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Nick Gasper requested permission to trench an electrical cable for a residential dwelling over and across a county road commonly known as 330th Street. The electrical cable commences from an electrical pole located on the NE1/4 of Section 35; thence running north to a new residential dwelling to be located in the SE1/4 of Section 26, all in Township 19 North, Range 5 West, Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-25, granting permission to trench an electrical cable for a new residential dwelling across 330th Street to the SE1/4 of 26-19-5 as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Joyce Sock, Assessor, and the Board discussed a proposal from Stanard Appraisal Services, Inc. of Central City, Nebraska regarding rural residential improved property. Sock informed the Board that the rural residential improved acreages (20 acres or less) need to be reappraised to be in the median fair market value according to the Nebraska Tax Equalization and Review Commission. The quote is \$160.00 per parcel for the 381 rural residential improved properties. Motion made by Schuele, second by Luettel to approve the quote of \$60,900.00 from Stanard Appraisal Services, Inc. as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Nena Rutten, Cedar Rapids Community Club Representative, submitted an Application for Special Designated License for a community event scheduled for May 24 and 25, 2014. The Cedar Rapids Community Club events are planned for both days at Mel's Landing. The Cedar Rapids Community Club sponsored this same event in



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2013. Motion made by Schuele, second by Luettel to approve the Cedar Rapids Community Club Application for Special Designated License for May 24 and 25, 2014. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

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 a request for advertisement funding. The Petersburg Community Club submitted an application requesting assistance to advertise the Petersburg Carnival Days scheduled for June 24, 25 and 26, 2014. Motion made by Luettel, second by Schuele to approve the application requesting funding assistance for advertisement from the Visitors Promotion Fund for the Petersburg Carnival Days as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Board received an engagement letter for Boone County's June 30, 2013 audit from Romans, Wiemer & Associates of York, Nebraska. The document is to confirm the understanding of the services the auditing firm is to provide Boone County, Nebraska for the year ended June 30, 2013. The document outlines audit objectives, management responsibilities, general audit procedures, internal controls, compliance and administration. Motion made by Schuele, second by Luettel authorizing the Board Chairman to sign the Romans, Wiemer & Associates engagement letter for Boone County's June 30, 2013 audit as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion and miscellaneous public comments:

- Tom Smith, Region 44 Emergency Manager, updated the Board regarding emergency management activities.
- The Board reviewed information received from the NACO BCBS meeting held on Wednesday, May 7, 2014 in Norfolk, Nebraska.

Chairman Schuele declared the meeting adjourned at 12:42 P.M., with the next Board meeting scheduled for Monday, May 19, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 19, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 19, 2014, 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 County Safety Committee met at 9:00 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Board of Commissioners, Rod Nelson, Laurie Krohn, Tom Smith, Darrel Thorin and Denny Johnson. The hand rail is installed on the courthouse ramp. Nelson commended Thorin regarding the safety classes/meetings with the road employees. The last county employee injury reported was May 1, 2013. Tom Smith, Emergency Manager, discussed applying for a NIRMA grant to purchase safety radios for weather alerts and place them in the courthouse offices. The Safety Committee meeting adjourned at 9:12 A.M. and the next meeting is scheduled for August 25, 2014 at 9:00 A.M.

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.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance is to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences is to be delivered to the County Clerk's office upon returning to work.
- The Board distributed pamphlets regarding LegalShield services and asked the employees present if anyone was interested in a presentation from a representative for LegalShield. Ron Nealeigh, LegalShield representative, presented the company services at the May 12, 2014 Board meeting. The employees present expressed no interest in the LegalShield services.
- The Board informed the employees present that the Board is receiving several health insurance and benefit management companies inquiring to make presentations and quotes for health insurance benefits outside of Blue Cross Blue Shield of Nebraska. The Board invited employees to sit in on any health insurance presentations. The group expressed that they prefer no change be made with regard to their health insurance carrier from the NACO BCBS plan that they have had for many years.
- Steve Pritchard, Extension Educator, introduced Nathan Kreutzer, UNL Extension intern, to assist Boone and Nance County this summer.



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- Denny Johnson, Sheriff, has been appointed to the Northeast Nebraska Juvenile Services Board.
- Commissioner Schuele introduced Jim Ely, the candidate nominated in the Primary Election for County Attorney.
- The Board asked that all Elected Officials/Department Heads meet individually with the Board of Commissioners as an agenda item before the end of June, 2014.

Denny Johnson, Sheriff, was present to discuss deputy salaries. Johnson informed the Board that he will come back at a later date with more comparable information regarding benefits and deputy salaries.

The Boone County Agricultural Society, Inc. did not appear before the Board with their request for a Special Designated Liquor License.

Ray Starman, Representative for CoOpportunity Health Insurance, presented a medical insurance quote for the Board to review. Richard Lipprand, OCI Solutions, is a CFP, CLU, ChFC, Nebraska Licensed Life and Health Consultant. Lipprand and OCI representatives Yvonne and Justin, addressed the Patient Protection and Affordable Care Act (PPACA) and cost comparison of the NACO BCBS health insurance with CoOpportunity Health Insurance. The CoOpportunity medical summary figures presented proposed a 20% difference in medical premiums. The CoOpportunity premiums proposed are less than the NACO BCBS premiums, but the CoOpportunity premiums do not include the NACO benefits regarding \$15,000.00 of term Life/AD&D coverage and Long Term Disability coverage, COBRA Administration, Section 125 Plan Administration and dental. The hour long presentation addressed their underwriting and benefit plans. The Board will review the health insurance information received and make a decision at their next Board meeting.

Robin Wesolowski, Garvey & Associates of Omaha, Nebraska, a benefit advisory service, did not appear before the Board regarding their benefit services.

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 2014 first quarter report as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Joyce Sock, Assessor, presented a contract from Stanard Appraisal Services, Inc. of Central City, Nebraska regarding rural residential improved property. Sock discussed the proposal for reappraisal services with the Board on May 12, 2014. Motion made by Schuele, second by Luettel to approve the contract with Stanard Appraisal Services, Inc. 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 and Board of Equalization Proceedings of May 12, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



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Ralph Bode requested permission to trench an electrical and water line to an electric waterer for livestock over and across a county road commonly known as 130th Street. The electrical line commences from an electrical pole and the water line from a water hydrant located in the NW/14 of Section 23; thence running north to an electric waterer for livestock to be located in the SW1/4 of Section 14, all in 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. 2014-26, granting permission to trench an electrical and water line to an electric waterer for livestock across 130th Street to the SW1/4 of Section 14, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska 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.
- Commissioner Schuele updated the Board regarding the Region 44 Emergency Management committee meeting held last week.

Chairman Schuele declared the meeting adjourned at 12:45 P.M. with the next Board meeting scheduled for Tuesday, May 27, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 27, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, May 27, 2014, 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 a request for advertisement funding of up to \$400.00. The Albion Area Arts Council requested assistance to advertise the Missoula Children's Theatre scheduled for June 23-28, 2014. Motion made by Tisthammer, second by Luettel to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee had previously denied this request on the grounds that the funds are not to be used for the promotion of individual businesses. The Committee and Board would consider approval of a new application if an organization sponsors the Country Market or a separate bank account is set up for the Country Market as an organization to receive and disburse funds. The Albion Country Market requested assistance to advertise its weekly Farmers Market featuring local vendors scheduled for every Thursday from 5:00 to 6:30 P.M. commencing June 5, 2014 through September 18, 2014. Motion made by Schuele, second by Luettel to deny the request for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General - \$88,569.75, BC/BS - \$39,785.70, Ameritas Ret - \$6,098.53, EFTPS - \$6,630.39, Section 125 Fees - \$8.00; Road - \$43,151.65, BC/BS - \$21,743.02, Ameritas Ret - \$2,912.75, EFTPS - \$3,250.90; Ambulance - \$350.00, Ameritas Ret - \$23.63, EFTPS - \$26.77; Public Defender Contract - \$3,000.00; Boone County Fitness Center - \$5,255.74, Ameritas Ret - \$292.97, EFTPS - \$402.05; which is all reimbursed back to the county. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve the County Board Proceedings of May 19, 2014 as presented. Roll call vote: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Chuck Rolf, Boone County Agricultural Society representative, submitted an application to the Board for permission for a Special Designated License (SDL) to serve alcohol at the Boone County Fair from July 12-16, 2014. Chuck Rolf informed the Board that this year the concert stage will be on the racetrack and the beer garden will be located between the grandstand and the stage and will be fenced off. He also indicated that individual security people had been hired in addition to law enforcement coverage provided by the Boone County Sheriff's Department and that IDs will be checked and arm bands issued at the point of purchase.



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Motion made by Luettel, second by Schuele 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, Schuele and Tisthammer. Nays: None. Motion carried.

Mary Ziemba, Boone County Zoning Administrator, appeared before the Board and advised that David Potter, JEO representative would be appearing at the June 23, 2014 Planning & Zoning Meeting and that the updates previously requested to the Comprehensive Plan should be ready for the Planning & Zoning Board to review. It was noted that it had taken quite some time to receive these updates. Ziemba also presented for the Board of Commissioners' review and approval, an agreement with JEO Consulting Group for professional services for Energy Element and Airport Zoning District Overlay additions to the County Zoning Comprehensive Plan which are required pursuant to recent legislative action. Terms of the agreement were discussed; specifically, terms of payment. The agreement was somewhat unclear as to whether a lump sum payment of the total fees would be due or if the amount was to be paid as the work was completed. The Board asked Ziemba to check into this further for a clarification of the terms for payment. Action on this agreement was tabled until the June 9, 2014 meeting. Motion made by Tisthammer, second by Schuele to table any action on this agreement until the June 9, 2014 meeting and the Deputy Clerk was directed to put this matter on the agenda for consideration on June 9, 2014. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

After review of the information provided by NACO BC/BS and CoOpportunity Health Insurance, the Board decided to keep the same plan with NACO BC/BS at the 5% increase in medical benefits premiums and no increase in dental benefits premiums as presented on April 21, 2014. The sub-group application/coverage election form needs to be received at BC/BS Nebraska no later than June 1, 2014. 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 Luettel, second by Tisthammer to approve the NACO BC/BS Option 4 PPO Health Plan with \$1,500.00 individual deductible and Signature Blue Option 4 Dental Plan for the period of July 1, 2014 through June 30, 2015 and authorize Jerry Tisthammer to sign the 2014 NACO Coverage Election Form. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Denny Johnson, Boone County Sheriff, appeared before the Board regarding several matters:

- Sheriff Johnson presented the Board with deputy pay comparisons with other counties providing full family health benefits. Sheriff Johnson indicated that the current hourly wage for non-certified deputies is \$13.85 and certified deputies is \$14.42 and that there has been no change to this amount since 2008. Sheriff Johnson provided figures for an increase in the base of \$100.00 per month (\$14.42 p/hr. - \$30,000 p/yr.); \$200.00 per month (\$15.00 p/hr. - \$31,200 p/yr.) and \$300.00 per month (\$15.58 p/hr. - \$32,400 p/yr.). Johnson indicated to the Board that it would be hard for him to employ another deputy at the base wage as it currently stands. Sheriff Johnson further indicated that with the longevity increases, that pay for experienced deputies is good but that it takes a while to get there and that our low end (starting) wage is too low. Johnson would like to see an increase of the base wage to at least \$15.00 p/hr. to be comparable with other counties. The Commissioners reviewed the information and felt that an increase would not be out of line and that they would review the matter further.
- Sheriff Johnson indicated that it may be time to increase the law enforcement contracts with Cedar Rapids and Petersburg. At the present time, the amount paid by the two villages is \$16,500 p/year and that after visiting with other counties, the amounts are considerably lower than other contract rates.
- Sheriff Johnson advised the Board of a dispatch shift change.
- Sheriff Johnson indicated that he would like to see an employee handbook change that would provide that a starting salary could be based on experience.



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- Discussed shift conversions in relation to the upcoming transition from salary wages to hourly wages beginning July 1, 2014. Sheriff Johnson indicated that he had been working with the Clerk's Office on this matter and that he had been communicating with his staff regarding the upcoming changes.
- Sheriff Johnson indicated to the Board that he would like to make some sizeable purchases that would require Board approval. Some of these purchases would be made from the STOP Fund. The Board advised Sheriff Johnson that the County Attorney needs to approve any purchases made out of the STOP Fund and that any purchases over \$800.00 would require their approval. Since there is no Board meeting before approval of vendor claims, the Board advised Sheriff Johnson that the approval for those purchases could be made at the June 9, 2014 Board Meeting prior to approval of vendor claims.

Darrel Thorin, County Highway Superintendent, met with the Board regarding several items:

- Advised that his employees were doing well with the time clock.
- Informed the Board that he had received a bill from the State of Nebraska, Department of Roads, for \$85,000.00 for the Primrose East Bridge Project. It appeared that the bill did not deduct from the County's share, the amount that the Department of Roads had agreed to pay and that the Supplemental Agreement that was entered into had not been given to the controller. Thorin advised that he did not intend to pay this bill.

Prairie Breeze Wind Energy LLC, requested an amendment to Resolution No. 2013-24 previously passed on April 8, 2014, regarding installation of an electrical cable adjacent to 160th Avenue. The amendment was requested to correct an error in the resolution regarding the location of the electrical line. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-27, amending Resolution 2013-24, to correct the location for the installation of an electrical cable to be installed to the west side of 160th Avenue and the easement being the East thirty-three (33) feet of the NE1/4 of Section 1, Township 22 North, Range 8 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board received a written resignation from Shelley Towey, Deputy Clerk of the District Court. Towey indicated that she was taking employment elsewhere but would be available to work on a part-time basis as needed. She was advised that the amount of part-time hours worked would have to be a maximum of 20 hours per week and that the department head would need to appear before the Board to request permission to re-hire her as a part-time employee. Motion made by Schuele, second by Luettel to accept the resignation of Shelley Towey effective June 13, 2014 as a full-time employee as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to go into an executive session at 11:01 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Tisthammer, Schuele and Luettel. Nays: None. Motion carried. The Board discussed personnel issues. Motion made by Schuele, second by Luettel to come out of executive session at 11:23 A.M. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Tom Smith, Region 44 Emergency Manager, met with the Board on the following items:

- Presented an Interlocal Agreement for Emergency Management Services for the period commencing July 1, 2014 to June 30, 2018. Indicated that the agreement was basically the same except for changes made with regard to dates, spelling errors and references to specific names. Motion made by Tisthammer, second by Luettel to approve the Interlocal Agreement for Emergency Management



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Services as presented and authorize the Board Chairman to sign the Interlocal Agreement as presented for a 4 year term. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

- Presented an updated draft of the Boone County Local Emergency Operations Plan. Advised that the plan had not been changed in the past five years. Smith went through the plan and charts and discussed with the Commissioners the items that required changes. Smith will be make the necessary changes and present the final draft of the Boone County Local Emergency Operations Plan to the Board for final approval at a later meeting.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Reminder that the Board would be meeting on June 2, 2014 at 9:00 A.M. to convene the County Board of Equalization commencing June 2, 2014 to July 25, 2014.

Chairman Schuele declared the meeting adjourned at 12:10 P.M. with the next Board meeting scheduled for June 9, 2014 at 9:00 A.M.

Lorrie A. Nicklasson,
Deputy Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 9, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 9, 2014, 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 Schuele, second by Tisthammer to approve the following reports of the County Officials as presented for May, 2014:

- Clerk - \$7,051.25 (State of Nebraska \$3,239.34)(County of Boone \$3,811.91)
- Clerk of the District Court - \$1,194.30 (State of Nebraska \$665.00)(County of Boone \$529.30)
- Sheriff - \$921.98
- Planning & Zoning - \$446.00
- Treasurer - Treasurer's Fees - \$2.00; Miscellaneous Receipt Nos. 13586-13646 - \$232,397.44; Total Collections - \$1,120,991.92

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

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of May 27, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Jacqueline Wells, County Veterans Service Officer, met with the Board regarding several items. Wells indicated no problem with the time/attendance clock. The Board addressed mileage reimbursement and the twenty hours per week that was approved for a part-time employee with Wells.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Leon Magsamen expires in June 2014. Motion made by Schuele, second by Tisthammer to reappoint Leon Magsamen of Albion to a five-year term expiring in June 2019 to the Boone County Veterans Service Board. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Todd Buettner, County Weed Superintendent, and David Boschult, NE Department of Agriculture, discussed weed duty expectations with the Board. Boschult said the main focus the first year for a new Weed Superintendent is to familiarize themselves with the county. Buettner asked the Board for clarification regarding services for the monthly salary of \$350.00 and when he is to clock in regarding the hourly salary. The Board said that the \$350.00 covers training hours, Board of Commissioner meetings and paperwork. The Clock/hourly time is field inspections, complaint investigations and spraying. Buettner is to discuss the availability of the county four-wheeler with Sheriff, Denny Johnson. The Board discussed with Buettner that the main focus is the county road right-of-ways in regard to spraying of trees and noxious weeds. Use a personal approach with landowners when discussing noxious weeds on their property.



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Joyce Sock, County Assessor, met with the Board regarding several items. Sock addressed the GIS program, valuations and properties that need to be reviewed. The Board suggested additional help in the Assessor's office to complete office projects, GIS and to lessen the overtime hours.

Ellen Hirsch, Clerk of the District Court, came before the Board to ask for part-time reemployment of a former employee. The Boone County Employee Handbook addresses reemployment of former employees on Page 17, January 2012 revisions and part-time salary schedule, Exhibit "E", January 2014 revisions. Motion made by Schuele, second by Tisthammer to approve part-time reemployment of Shelley Towey as needed in the Clerk of the District Court office from July 1, 2014 through December 31, 2014 and not to exceed twenty hours per week. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Rod Nelson, Maintenance, submitted quotes regarding the addition of a wall mount duress/panic button in the Zoning/Road Department office. A panic button was not installed in the office now occupied by zoning/road at the time the panic button system was installed. Motion made by Schuele, second by Tisthammer to approve the quote of \$487.60 from Boyd's Electrical Service, Inc. of Clearwater, NE to install a duress/panic button in the road/zoning office as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed addition to the underground sprinklers on the south side of the courthouse by the highway. The proposal provides for installation of sprinkler heads south of the side walk on the south side of the courthouse. Motion made by Luettel, second by Tisthammer to approve the quote of \$1,569.00 from Green Turf to install sprinkler heads on the south side of the side walk south of the courthouse as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Mary Ziemba, Boone County Zoning Administrator, presented for the Board of Commissioners' review and approval, an agreement with JEO Consulting Group for professional services for Energy Element and Airport Zoning District Overlay additions to the County Zoning Comprehensive Plan which are required pursuant to recent legislative action. The Board tabled action on May 27, 2014 for further clarification regarding the terms of payment. The revised agreement clarifies that the County shall pay JEO an amount not to exceed \$4,400.00 for the performance of the scope of services and that the County shall be billed monthly for services performed based upon a percent complete per phase. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the agreement with JEO Consulting Group for professional services for Energy Elements and Airport Zoning District Overlay additions to the County Zoning Comprehensive Plan as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The service agreement between Applied Connective Technologies and Boone County Courthouse expired on May 31, 2014. 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 2014 through May 2015. 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, Schuele and Tisthammer. Nays: None. Motion carried.



Boone County Board Minutes



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, per the January 2014 Board Reorganizational Meeting Proceedings.

Kathy Thorberg, County Clerk/Election Commissioner, presented a quote for \$1,997.50 from Applied Connective Technologies LLC for replacement of the election equipment workstation, flat panel, flatbed scanner, dymo label writer, laser printer and hand scanner. The present election equipment was installed in 2005 by the State of Nebraska with federal funds that they received for the state wide election services. The new software versions regarding the election system, ballot setup, transferring of counting machine totals, etc. is requiring an upgrade from Windows XP to Windows 7. The State no longer has funds to replace the original equipment. The State equipment will be returned to the Election Division in Lincoln sometime after the November 2014 General Election. Motion made by Tisthammer, second by Luettel to approve the quote of \$1,977.50 from Applied Connective Technologies LLC regarding Election equipment as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Kathy Thorberg, County Clerk/Register of Deeds, presented a quote to the Board for their review regarding the purchase of 14 books for Register of Deeds records. The quote is \$70.50 per hard bound book from Bear Graphics, Inc. Motion made by Luettel, second by Schuele to approve the purchase of fourteen record books for \$987.00 from Bear Graphics, Inc. as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

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

- Thorin plans to attend the annual County Highway Superintendent's meeting scheduled for this week.
- Thorin said construction is scheduled to start August 25, 2014 on the Primrose East Bridge Project.
- Thorin said the tentative bid-letting date is set for October 9, 2014 for the Cedar Rapids Historical Bridge project.
- The signage is installed regarding the Orford Cemetery on Nebraska State Highway 14 between Albion and Petersburg.
- Thorin updated the Board regarding road/bridge and equipment maintenance/repairs.
- The recent rains moved a lot of corn stalks and plugged many culverts/bridges causing problem areas. Some ditches/creeks will need to be cleaned and Thorin said he is not sure where to pile the corn stalks after cleaning ditches/creeks.

The Board received bids for audit services for fiscal years ending June 30, 2014, 2015 and 2016. Bids received were from Countryman Associates, P.C. of Grand Island, NE; Morrow, Davies & Toelle, P.C. of Pilger, NE; Romans, Wiemer & Associates of York, NE; Michael J. Pommer, CPA of Wakefield, NE; and State of Nebraska, Auditor of Public Accounts. The Board reviewed the audit bids and information submitted by the firms. Motion made by Schuele, second by Tisthammer to accept and approve the auditing services of Michael J. Pommer, CPA of Wakefield, NE for the fiscal years ending June 30, 2014 - \$8,000.00; June 30, 2015 - \$8,300.00 and June 30, 2016 - \$8,600.00. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Several offices have inquired about disposal of surplus property. The Board plans to address the protocol procedure at the June 16, 2014 Board meeting.



Boone County Board Minutes



The Board reviewed the Accounts Payable Vendor Claims filed for payment from the various funds. The Board removed one Vendor Claim #778. The claim may be resubmitted after the expense services are incurred in September 2014.

Motion made by Tisthammer, second by Schuele to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$208,940.53; Road - \$281,300.77; Reappraisal - \$15,455.33; 911 Emergency Management (2910) - \$3,582.30; 911 Wireless Service (2913) - \$837.21; Ambulance - \$210.00; Boone County Fitness Center - \$7,551.00 and all is reimbursed back to the county. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The flags in the courthouse lawn are marking the flag holders that are used to display memorial flags on Memorial Day, etc. The flag holders are being replaced as an Eagle Scout project.

Chairman Schuele declared the meeting adjourned at 12:32 P.M. with the next Board meeting scheduled for Monday, June 16, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
JUNE 16, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 16, 2014, 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 of June 9, 2014 and the Board of Equalization Proceedings of June 2, 2014 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.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance is to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences is to be delivered to the County Clerk's office upon returning to work.
- The County of Boone payroll period changes on July 1, 2014 to a 22/21 with direct deposit on the last working day of the month. The July pay period will be July 1 through July 24 with direct deposit on July 31; the next pay period will be July 25 through August 21 with direct deposit on August 29; each month thereafter the pay period begins on the 22nd of the month and ends on the 21st of the next month with direct deposit on the last working day of the month. The non-exempt employees will change from a set monthly salary to hourly beginning July 1, 2014. The Board of Commissioners meetings to approve payroll will vary at the end of the month and will not necessarily be on a Monday.
- The Board informed the employees present that the Travel Expense outlined in the County Employee Handbook needs to be addressed and updated.
- The Board asked that all department heads inform Rod Nelson, Maintenance, of items that are surplus inventory in their office so Nelson can make a list for the Board to review.
- Steve Pritchard, Extension Educator, said the Nance County Fair is July 6-9, 2014 and the Boone County Fair is July 12-17, 2014.
- Denny Johnson, Sheriff, noted that lights on the present communications tower are out and need to be replaced.
- Denny Johnson, Sheriff, noted a system is needed to notify county employees of tornado warnings.
- The Board asked that all Elected Officials/Department Heads meet individually with the Board of Commissioners before the end of June, 2014. The Board thanked the department heads that have already met with the Board.

Laurie Krohn, County Treasurer, and the Board discussed several issues and concerns.

Laurie Krohn, County Treasurer, asked the Board permission to add the purchase of a copy machine/fax/scanner when preparing the 2014-2015 budget. A quote from Western Office is \$2,900.00 that



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includes a trade in allowance for the present copy machine. The copy/fax/scanner unit would be networked to the computer units in the Treasurer's office. The combination of copy/fax/scanner will eliminate the replacement of the fax machine and stand-alone printers. The consensus of the Board was for Krohn to add it as a budgeted line item for the 2014-2015 budget year.

The County of Boone used the Indirect Cost Allocation Services of Sequoia Consulting Group beginning in 2011. Wesley Ehlers, Sequoia Consulting Group, submitted an Agreement for consulting services based upon year-end financial data for fiscal years 2014, 2015 and 2016. The consulting group plan and indirect cost rates as computed would be all inclusive for claiming indirect costs for all County grants including IV-D Claiming. Sequoia's agreement of recovered funds will be shared 60% by the County and 40% by the Consultant not to exceed \$3,650.00 annually to the consultant. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign an Agreement with Sequoia Consulting Group to provide professional consulting services to Boone County, Nebraska for fiscal years 2014, 2015 and 2016 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding of up to \$400.00. The Primrose Rural Fire Department requested assistance to advertise the Primrose Mud Drags scheduled for August 31, 2014. Motion made by Luettel, second by Schuele to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Barb Hanson, Deputy Assessor, presented the 2014 Boone County Plan of Assessment prepared by Joyce Sock, County Assessor. State Statute 77-1311.02 requires the Assessor to present the Plan of Assessment to the County Board on or before June 15 each year and is due to the State Board by October 31st. The plan is for Boone County Assessment Years of 2015, 2016, and 2017. Motion made by Tisthammer, second by Luettel to accept and approve the 2014 Boone County Plan of Assessment as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board to discuss the following topics:

- Thorin reported on the annual County Highway Superintendent's meeting he attended.
- Thorin said construction is scheduled to start August 25, 2014 on the Primrose East Bridge Project and asked the Board if the Nebraska Department of Roads invoice could be paid from the fiscal year 2013-2014 budget.
- Thorin said the County is to receive an increase in funds paid in 2015 from the buyout Federal Fund Purchase Program.
- Thorin updated the Board regarding road/bridge and equipment maintenance/repairs.
- The U.S. Army Corps of Engineers Regulatory Field Office located in Kearney, Nebraska will close its services on June 23, 2014.

Chairman Schuele declared the meeting adjourned at 12:30 P.M. with the next Board meeting scheduled for Monday, June 23, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 23, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 23, 2014 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 personal request. The Board and the applicant discussed the general assistance guidelines. Motion made by Tisthammer, second by Luettel to approve the general assistance request payable direct to the entity as discussed with the applicant. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion by Schuele, second by Tisthammer to table the Visitor's Promotion Fund request to the next Board meeting due to County Visitor's Promotion Fund Committee review. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board reviewed three Accounts Payable Vendor Claims that are budgeted for expenditure in 2013-2014 budget. Motion made by Luettel, second by Schuele to approve the Accounts Payable Vendor Claims budgeted for expenditure in 2013-2014 budget and the general assistance request from the various funds: General \$10,083.50; Road \$58,000.00; and Ambulance \$731.00. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Payroll Claims filed for payment from the various funds: General \$94,914.52, BCBS \$40,957.53, Ameritas Ret \$6,563.40, EFTPS \$7,121.11, Section 125 Fees \$8.00; Road \$43,151.65, BCBS \$22,809.96, Ameritas Ret \$2,912.75, EFTPS \$3,250.90; Ambulance \$740.00, Ameritas Ret \$35.11, EFTPS \$56.60; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,233.56, Ameritas Ret \$295.33, EFTPS \$400.34, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board reviewed the year end June 30, 2013 audit report prepared by Romans, Wiemer & Associates that was received on June 16, 2014. A 'Notice of Completion of Audit' was submitted to the Albion News for publication the week of June 23, 2014. Motion made by Schuele, second by Tisthammer to accept and approve the audit as presented for fiscal year ending June 30, 2013 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 of June 16, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



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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, 2014 through September 30, 2015. 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 Schuele, 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: Schuele, Luettel and Tisthammer. 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, 2014 being a Sunday, the certification is as of Monday, June 16, 2014. Motion made by Tisthammer, second by Luettel to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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 designated from the Public Service Commission funding received into Fund 2913 is to be transferred to Fund 2914 as of June 30th each year. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-28, to transfer the sum of \$31,180.54 for fiscal year 2013-2014 from 911 Wireless Service Fund 2913 to the 911 Wireless Service Holding Fund 2914 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin updated the Board regarding Boone County Road Project No. 367, Old Mill Road between 210th and 230th Streets. Thorin received notification that the Nebraska Department of Roads has completed the audit regarding the Federal Aid Project No. STPE-2532(1), Petersburg Northeast (Raeville Road) overlay project.

Rod Nelson, Maintenance and the Board discussed several items and concerns.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board and Schalk Auto discussed repairs/tires for the county car by a telephone conference call.
- The Board, Rod Nelson, Maintenance, and Tom Smith, Region 44 Emergency Management, discussed the possible need for battery operated lights and fans for the courthouse vaults when in need to take cover for bad weather/tornado warnings.

Chairman Schuele declared the meeting adjourned at 12:18 P.M., the next Board meeting is scheduled for Monday, June 30, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, June 23, 2014 at 10:30 A.M. in the Boone County Courthouse Commissioners 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 roll call were Ken Luettel, Jerry L. Tisthammer and Tom Schuele. Also present was Mary Ziemba, Zoning Administrator. In attendance for applicant were Jerry Niewohner, Mark Niewohner and Jeff Jarecki, Attorney. In addition, approximately eight interested citizens attended the hearing.

The public hearing is for the purpose of hearing testimony in favor of, opposition to, and answer questions in relation thereto the approval or denial of an Application for a Conditional Use Permit. The applicant MSJM Properties LLC filed an Application for Conditional Use Permit and paid the application fee on May 5, 2014. The Conditional Use Permit application is to construct a finishing pigs Class I Livestock Feeding Operation (ECH) Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the southeast corner of the Northeast Quarter of Section 5, Township 20 North, Range 6 West, Boone County, Nebraska. Niewohner Bros., Inc. owns the property hereinto referenced. After receiving testimony from the proponents and opponents the Board has the option to approve, deny or postpone the decision.

Mary Ziemba, Boone County Zoning Administrator said that the Boone County Joint Planning Commission approved the Application Permit No. 11-122 on May 19, 2014 with Condition of approval after Gregory A. Christo signed release is submitted to Boone County Clerk. A Written Consent Release of Covenant was recorded in the real estate records in the Boone County Clerk/Register of Deeds office on May 28, 2014 regarding said condition set forth by the Boone County Joint Planning Commission.

Chairman Schuele opened the floor for the applicants. Jeff Jarecki recommended State Statute 84-1412 regarding a time limitation for public comments. The Board decided seven minutes per individual public comment is a reasonable amount of time.

Jerry Niewohner said that the request is to build a 2500 head swine finishing unit closer to a facility where they grow the isolated little pigs. A finishing unit built on our own land closer to the little pig unit would allow us to manage the facilities rather than contracting with other operators for finishing. Niewohner said they own adjacent farm ground to receive the direct injection of manure from pit. Niewohner said the process for zoning permits needs to speed up.

Mark Niewohner addressed concerns regarding nutrient management plan; DEQ requirements/reports; odor control and soil maps. The manure application is injected/knifed in to the crop ground one/two times a year.

Following the applicants, Commissioner Schuele opened the floor for proponents and opponents.

Aubrey Pals, BCDA, Inc., asked how many jobs the facility would create in Boone County. Niewohner said possibly half person for their operation, not sure how many jobs created for feed/distiller truck operators for other businesses.



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Ted Thieman referenced the Boone County Planning and Zoning Comprehensive Plan manual as his testimony of opposition. Thieman asked for a copy of the Boone County Joint Planning Commission's factual findings from their May 19, 2014 public hearing. Thieman said the State Statute Chapter 23-114.01 addresses "factual findings" with the word "shall". The Board acknowledged that they did not receive "factual finding" documentation from the Boone County Joint Planning Commission's hearing held on May 19, 2014. Thieman asked that the public hearing proceedings state that the Board of Commissioners did not receive a list of "factual finding(s)" from the Boone County Joint Planning Commission basing their decision for approval.

Thieman said there is more to the comprehensive plan than just complying with the hard regulations and requirements within the comprehensive plan. Thieman said that the Board needs to take the Boone County Planning and Zoning Comprehensive Plan into consideration for each zoning decision and may authorize a conditional use permitted in a zoning district, provided it is found that the locations and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. Thieman said the Board should make each subjective decision based on what is best for the quality of life for the county residents.

Jeff Jarecki felt the letter from the County Attorney and information provided by the County Zoning Administrator from the Joint Planning Commission hearing was sufficient for factual findings. Jarecki felt the Agreement (land covenant) is a separate issue from the Conditional Use Permit regulations and/or requirements. Jarecki said the Board of Commissioners are to address if the Application for Conditional Use Permit meets the County Planning and Zoning Comprehensive Plan regulations and/or requirements and that the Board of Commissioners do not have the authority to make a legal conclusion.

Commissioner Schuele stated that clarification may be needed regarding the Boone County Planning and Zoning Comprehensive Plan. Schuele said he thought the Boone County Planning and Zoning Comprehensive Plan regulations set forth within the manual were designed for the purpose of promoting the health, safety and welfare of the citizens of the county. Schuele feels that the County Zoning regulations play a key role in the decision of the permits, but in this case there is different attorney's opinions regarding a legal matter.

Kim Coakes asked if the application request met the County Planning and Zoning Comprehensive guidelines. Ziemba answered yes the application meets the guidelines regarding type of unit, radius, setbacks, etc. Coakes asked if Marcia Seier had been contacted personally regarding the document in question recorded in the real estate records. Jarecki said yes through the general public notification. Coakes main concern is that their residence already has Hidden Valley and Top Gun livestock units around them and really do not care to have two more livestock units within the area of their residence.

Chairman Schuele asked for any further testimony, hearing none he asked for a motion to close said hearing.

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

The 1999 Agreement that is filed in the Register of Deeds office between Marcia A. Seier and Niewohner Bros., Inc. was signed by Jerry Niewohner. The County Attorney and applicant's attorney differ on the legality of the land covenant in the Agreement that is filed in the real estate records.

Mary Ziemba, Zoning Administrator, provided the Board a packet with copies of the Boone County Planning Commission hearing proceedings of May 19, 2014; Agreement filed in the Register of Deeds office in 1999 regarding the real estate described on the Application for Conditional Use Permit; Written Consent Release of



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Covenant filed in May 2014 regarding the real estate; soil maps; site plan; letter from Boone County Attorney addressing the 1999 Agreement; an email strongly objecting the permit; along with other material. A copy of the Application for Conditional Use Permit approved by the Boone County Joint Planning Commission on May 19, 2014 with "Condition of approval after Gregory A. Christo signed release is submitted to Boone County Clerk", was included in the packet.

Commissioner Tisthammer toured the site for proposed new unit and units in operation. Tisthammer was impressed with the facility he toured regarding the management and operation improvements over the years. Tisthammer noted improvement in the operation of the existing units regarding the issues in the past. Tisthammer acknowledged a letter prepared by John Morgan, Boone County Attorney, regarding an Agreement filed in the real estate records between Marcia A. Seier and Niewohner Bros. Inc.

Commissioner Schuele said there is no need to continue discussion regarding the Agreement that is recorded against the real estate. The issue needs some sort of judgment which is usually settled by action in a court of law. Schuele apologized for any decision made today and felt that either outcome regarding the application will probably need to be resolved in court. We have a letter regarding the land covenant issue from the County Attorney who is to defend the County. A scenario, do not want to see the applicant start building then a court decision stops the building of the facility.

Motion made by Schuele, second by Tisthammer to deny the Application for Conditional Use Permit filed by MSJM Properties LLC to construct a finishing pig Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the southeast corner of the Northeast Quarter of Section 5, Township 20 North, Range 6 West, Boone County, Nebraska, based on the fact that we do not have clear legal standing that said Agreement is null and void. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board of Commissioners "factual finding" is the uncertainty of legal matter regarding a filed Agreement led to the decision to deny the Application for Conditional Use Permit.

Kathy Thorberg
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 30, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 30, 2014, 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.

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 one case outstanding. Jarecki reported that he has been assigned twenty-one cases to date in 2014. 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. Motion made by Tisthammer, second by Luettel to accept the 2014 second quarter Public Defender report as submitted. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Denny Johnson, County Sheriff, presented a letter of resignation from Michael L. Mapel, a full time employee as a Deputy Sheriff, for the Board to review. Motion made by Schuele, second by Tisthammer to accept the letter of resignation from Michael L. Mapel effective August 8, 2014. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding of up to \$400.00. The Manderson Lehr Post #162, The American Legion Baseball requested assistance to advertise the Area 5 Class B Baseball Tournament scheduled for July 18-23, 2014. Motion made by Tisthammer, second by Luettel to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Sheryl Machacek, Sheriff's Office Communications Director, submitted a document prepared by John Morgan, County Attorney, regarding the Communications Tower Lease Agreement between Harlan Kohtz and the County of Boone. Denny Johnson, Sheriff, has the original signed document and plans to visit with Machacek, Morgan and Kohtz for clarification regarding lease termination date. Motion made by Schuele, second by Luettel to table the Lease Agreement for further clarification. 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 June 23, 2014 as presented. Roll call vote: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



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Michael J. Pommer, CPA, of Wakefield, Nebraska submitted a Letter of Understanding for the Board to review. The Letter of Understanding is in regard to audit services of the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information for the County as of and for the years ended June 30, 2014, 2015 and 2016. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the Letter of Understanding as presented. Roll call vote: Yeas: Tisthammer. Luettel and Schuele. Nays: None. Motion carried.

The Boone County Ambulance Service is registered with the Drug Enforcement Administration. Every three years a renewal registration application needs to be completed and a non-refundable fee sent to the Drug Enforcement Administration. The requirements are under the Controlled Substances Act. The renewal registration is for August 1, 2014 through July 31, 2017. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Renewal Application for Registration for the Boone County Ambulance as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin was notified that the pre-construction meeting is scheduled for July 8, 2014 regarding the Primrose East Bridge project. Thorin discussed a preliminary plan with the Board regarding replacement material for a portion of 260th Street.

The Board and Jim Ely, Attorney, discussed several issues and concerns. Ely is the candidate nominated at the Primary Election for the office of County Attorney. County Officials elected in the November General Election take office on January 8, 2015. Boone County Attorney is a part-time elected position. The Board addressed that the courthouse office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday and the purpose of the hours is to serve the public. The Board and Ely discussed accountability of the office and staff. Ely plans to establish set office hours in the courthouse so he is accessible to county officials and the public.

Tom Smith, Region 44 Emergency Manager, updated the Board regarding grants, hazard materials tabletop exercise and the Boone County Local Emergency Operations Plan (LEOP). The LEOP is to be reviewed annually and revised/updated every five years. Smith and the Board discussed several items including reorganizing the County Emergency Response Team and LEPC.

Tom Smith, Region 44 Emergency Manager, presented the 2014 Boone County Local Emergency Operations Plan (LEOP) to the Board for their review. The 2014 LEOP supersedes all previous approved Boone County Local Emergency Operations Plans. Motion made by Tisthammer, second by Luettel to accept and approve Resolution No. 2014-29, the 2014 Boone County Local Emergency Operations Plan (LEOP) as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to recess at 12:16 P.M. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to reconvene at 1:05 P.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk, and the Board discussed several issues and concerns. In addition, discussed the added duty to the County Clerk's office as ex-officio Clerk of the District Court beginning January 8, 2015.



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The Board deemed it necessary to address travel expense reimbursement for auditing purposes. The 2012 Boone County Employee Handbook on Page 29, briefly addressed "Travel Expenses". A detailed "Travel Expenses" addressing what/when expenses are reimbursable and not reimbursable will be attached as Exhibit "R" in the Boone County Employee Handbook. The changes on Page 29 and Exhibit "R" supersedes all previous approved "Travel Expenses" and is effective July 1, 2014. Motion made by Luettel, second by Schuele to approve the revised "Travel Expenses" addressed on Page 29 and attached as Exhibit "R" to the Boone County Employee Handbook and that the revised "Travel Expenses" supersedes all previous approved "Travel Expenses" effective July 1, 2014. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board discussed changes and updates to the Boone County Employee Handbook for Compensation and Hours of Work. The conversion from monthly salary to hourly for county non-exempt employees is effective July 1, 2014. The hourly based time/attendance system requires several pages in the Boone County Employee Handbook to be addressed with clarification, conversion from days to hours and updates. Motion made by Luettel, second by Schuele to approve changes/updates to the Boone County Employee Handbook Pages 21, 22, 23, 24, 26, 30, 31, 43 and Exhibits B, E, F, J and K. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The hourly based time/attendance system effective July 1, 2014 may require the Board of Commissioners to meet on a different day of the week to approve payroll from the previous regular scheduled Monday meetings. The first pay period change will be July 1, 2014 through July 24, 2014 with the Board meeting to approve the payroll on July 28, 2014 for direct deposit to employee accounts on July 31, 2014. The next pay period will be from July 25, 2014 through August 21, 2014 with the Board meeting to approve the payroll on August 26, 2014 for direct deposit to employee accounts on August 29, 2014. The pay periods thereafter will be from the 22nd of the previous month through the 21st of the current month, thus having a pay period of 22/21. Due to timely processing/deadlines regarding the payroll approval by the Board of Commissioners at a scheduled meeting and the direct deposit submission for deposit to the employee accounts the Board may meet on different days of the week some months. Motion made by Luettel, second by Schuele to approve the following Board meeting dates to approve the payroll: Monday, July 28, 2014; Tuesday, August 26, 2014; Thursday, September 25, 2014; Monday, October 27, 2014; Tuesday, November 25, 2014 and Monday, December 29, 2014. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

The Board has been reviewing the base wage (starting wage) for new employees. The base wage (starting wage) is used when figuring a Cost of Living for employees, if given, in January each year. The Board deemed it necessary to review/address the base wage (starting wage) for new employees every four years to be consistent with the wage changes for Elected County Officials/Chief Deputy. The conversion from monthly salary to hourly for county non-exempt employees is effective July 1, 2014. The Board deemed it necessary to change the base wage (starting wage) for some of the job/titles to be competitive in the surrounding area and some of the base wage (starting wage) will remain the same as they are in the range for the surrounding area job/titles type of work. The revised base wage (starting wage) and clarification for job/titles is attached as Salary Schedule Exhibit "E" in the Boone County Employee Handbook and is effective January 1, 2015. Motion made by Luettel, second by Schuele to approve the revised base wage (starting wage) Salary Schedule Exhibit "E" and clarifications to be effective January 1, 2015. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



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Jacqueline Wells, Veterans Service Officer, and the Board discussed the part-time office hours, documentation of hours, duties, conversion to an hourly salary and other matters. The Veterans Service Officer is an appointed part-time position. The August 19, 2013 Board proceedings approved 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. The consensus regarding the conversion to an hourly salary for Jacqueline Wells is \$13.00 per hour.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Mark Grundmayer, Boone-Nance County Extension Board President, and the Board discussed several issues and concerns.

Chairman Schuele declared the meeting adjourned at 5:14 P.M. with the next Board meeting scheduled for July 14, 2014 at 9:00 A.M.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 14, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 14, 2014, 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.

Sheryl Machacek, Sheriff's Office Communications Director, presented three quotes for the Board to review regarding light replacement(s) for the Communications Tower. The Communications Tower lights are not all lighting up at this time. The Board and Machacek are in the process of reviewing the possibility of erecting a new free standing tower to be located on County property. The Board feels it is necessary to replace the lights on the present tower as the new tower/location may not be reality until 2015. Motion made by Tisthammer, second by Schuele to accept and approve the quote for \$1,060.00 from Tower Accessories, Lincoln, Nebraska to re-lamp the Communications Tower as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved two requests for advertisement funding of up to \$400.00.

The Cedar's Rapid Run officers requested assistance to advertise the Cedar Rapids Alumni Scholarship Fund/Cedar's Rapid Run event scheduled for August 2, 2014. Motion made by Schuele, second by Tisthammer to approve the recommendation for disbursement of funds from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The St. Edward Community Club requested assistance to advertise the Beaver Valley Days event scheduled for August 1, 2 and 3, 2014. Motion made by Tisthammer, second by Luettel to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of an event. Boone County adopted the County Visitors Promotion Fund in January 2006. A County Visitors Improvement Fund was never adopted. The Boone County Visitors Promotion Committee denied a request for welcoming banners. The Albion Chamber of Commerce requested assistance to help with the purchase of welcoming banners. Motion made by Schuele, second by Luettel to deny the request from the Visitors Promotion Fund for the purchase of welcoming banners. 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 June 30, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



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Motion made by Schuele, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$31,912.31; Road - \$83,628.80; County Visitors Promotion -\$942.80; Reappraisal - \$24,534.79; 911 Emergency Management (2910) - \$209.66; 911 Wireless Service (2913) - \$838.65; Ambulance - \$3,188.05. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for June, 2014:

- Clerk - \$7,635.00 (State of Nebraska \$4,266.62)(County of Boone \$3,368.38)
- Clerk of the District Court - \$607.10 (State of Nebraska \$432.00)(County of Boone \$175.10)
- Sheriff - \$989.62
- Planning & Zoning - \$528.18
- Treasurer - Treasurer's Fees - \$10.00; Miscellaneous Receipt Nos. 13647-13702 - \$177,742.44; Total Collections - \$415,359.73

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

Motion made by Tisthammer, second by Schuele to accept and approve as presented the Boone County Ambulance Service 2013-2014 fiscal year-end report. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County Clerk and County Treasurer submitted copies of pledged securities (collateral) for their respective offices as of June 30, 2014. Motion made by Tisthammer, second by Luettel to acknowledge and approve the pledged securities (collateral) as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The County Treasurer submitted a Semi Annual Statement for January 1, 2014 through June 30, 2014. Motion made by Schuele, second by Luettel to accept and approve the County Treasurer's Semi Annual Statement as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report with regard to the 2012 personal property taxes. The distress warrants that were issued in November, 2013, were returned back to the County Treasurer's office on June 30, 2014. The total to be collected without penalties was \$6,747.23. This was on nine distress warrants. There are no distress warrants unpaid as of July 14, 2014. Motion made by Tisthammer, second by Schuele to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The County Treasurer submitted to the Board a list of delinquent 2011 real estate taxes not sold at the tax sale held in March 2014, as per Nebraska State Statute. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-30, 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 2011 and subsequent years as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



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

- Thorin updated the Board regarding road/bridge and equipment maintenance/repairs.
- Thorin updated the Board regarding the Primrose East Bridge Project and Cedar Rapids Historical Bridge Project.
- Thorin visited Custer County Road Department to view their asphalt micro-surfacing overlays and material/equipment used for their projects.

Darrel D. Thorin, County Highway Superintendent, submitted a resolution for the Board to review. Boone County and Nebraska Department of Roads previously executed Project Program Agreement AH 1140, for the purchase of federal funds. The Board needs to authorize a person to make the annual certification that said funds were expended in accordance with the regulations set forth in the agreement. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2014-31, that the Boone County Highway Superintendent shall be responsible for making said certification on behalf of Boone County, Nebraska. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 Schuele, second by Luettel to approve the Letter of Understanding with Richard D. Martinsen, CPA, to assist in the preparation of the county budget for fiscal year 2014-2015. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to accept and approve as presented the County Clerk/Register of Deeds 2013-2014 fiscal year-end report. 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.
- The Boone County Clerk's office received information from the Boone County American Legion Commander that County Government Day is set with the schools to be held on Wednesday, October 22, 2014.

Chairman Schuele declared the meeting adjourned at 12:26 P.M. with the next Board meeting scheduled for Monday, July 21, 2014.

Kathy Thorberg,
Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, July 14, 2014 at 11:00 A.M. in the Boone County Courthouse Commissioners 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 roll call were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Also present was Mary Ziemba, Zoning Administrator. In attendance for applicant were Jerry Niewohner and Jeff Jarecki, Attorney. In addition, approximately six interested citizens attended the hearing.

The public hearing is for the purpose of hearing testimony in favor of, opposition to, and answer questions in relation thereto the approval or denial of an Application for a Conditional Use Permit. The applicant M.S.J.M. Properties LLC filed an Application for Conditional Use Permit and paid the application fee on May 5, 2014. The Conditional Use Permit application is to construct a finishing pigs Class 1 Livestock Feeding Operation (ECH) Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the northeast corner of the Northeast Quarter of Section 5, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. JSMM Farms LLC owns the property hereinto referenced. After receiving testimony from the proponents and opponents the Board has the option to approve, deny or postpone the decision.

Chairman Schuele opened the floor for the applicants. Jeff Jarecki recommended State Statute 84-1412 regarding a time limitation for public comments. The Board decided ten minutes per individual public comment is a reasonable amount of time. Ted Thieman spoke in opposition of a time limit being set for public comments. Jarecki recommended the time limitation for the conduction of the public hearing in a timely fashion.

Jeff Jarecki, Attorney, spoke on behalf of the applicant regarding the application for construction of a finishing hog facility. The new facility would allow the finishing of hogs in their own facility, therefore saving the operation contracting and trucking. In addition the new facility would allow application of effluent applied to the applicant's property, increase in tax base and jobs in the livestock industry.

Jeff Jarecki, Attorney, submitted a copy of the June 23, 2014 Boone County Planning and Zoning Commission Public Hearing minutes and finding of facts as an exhibit to the Board of Commissioners Public Hearing. Jarecki commended Mary Ziemba, Zoning Administrator, on her preparation of the June 23, 2014 Public Hearing Proceedings.

Jerry Niewohner addressed concerns regarding nutrient management plan; DEQ requirements/reports; odor control and soil maps. The manure application is injected/knifed in to the crop ground one/two times a year. Niewohner said they own adjacent farm ground to receive the direct injection of manure. The building structure will be similar to the buildings in the area with the animal waste being collected in a deep pit under the building. Niewohner noted that the location site for this facility meets the County Zoning regulations. Niewohner addressed questions concerning the possibility of an underground pipe to an irrigation system, which is applying effluent to crop ground, leaking into the soil. Niewohner was asked about the Top Gun livestock facility, he said that they are a partner in the Top Gun farrowing facility.

Following the applicants, Commissioner Schuele opened the floor for proponents and opponents.

Jeff Atkinson, landowner, spoke in opposition. Atkinson said he is not against economic development when development is in the proper place. Atkinson is concerned with the concentration of several confinements already located in the area Townships 20 and 21 North, Range 7 West, Boone County, Nebraska. Atkinson



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presented a map showing eight livestock facilities already in the township area. Atkinson owns a 12 acre building site in the SW1/4 of 4-20-7 that is within a mile of the proposed unit. Atkinson presented a recommendation to the Board to deny or table the permit for additional information regarding compliance.

Atkinson noted there has been a history of previous violations by the applicant in managing confinement units and that the Nebraska DEQ has not issued a construction and operating permit for this new unit. Atkinson asked the Board to either deny the permit due to past non-compliance issues or table the permit for the following recommendations for the County Board to review before a decision is made on the applicants permit:

- A copy of a construction and operating permit for this application that has been approved by the Nebraska DEQ for waste and management control for the County Commissioners to review;
- A letter of recommendation for applicant by the Nebraska DEQ addressed to the County Commissioners showing that current operating facilities owned by the applicant are in compliance with all applicable Nebraska State Laws for waste and management of a livestock confinement system;
- Review existing permits that have been granted to this applicant by the County Board to make sure they are in compliance for rules and regulations on a County level; and
- A study to be conducted by the Boone County Planning Commission or department of the Board's choosing to present to the County Board to look at number of confinement units by township to prevent over concentration of these units in addition to other current zoning setback rules.

Jim Atkinson is concerned with the injection of livestock waste, containing antibiotics, into the soil with no contact in the air to break down the antibiotics. Atkinson said that the antibiotics could possibly find their way into the groundwater.

Jeff Atkinson cited a study printed in an Iowa's Enlightening Source magazine referencing EPA materials that 80 percent of orally administered livestock antibiotics show up in animal waste.

Janet Atkinson is concerned with staph bacteria, MRSA, that has become resistant to commonly used antibiotics and it is a serious concern in environments containing an overabundance of antibiotics.

Ted Thieman spoke in opposition noting the concentration of several livestock operations west of Loretto. Thieman expressed concerns about the antibiotics possibly entering the groundwater and eventually entering into Albion's wellhead protection area. Thieman said that wells west of Petersburg in sandy soil have shown a slow but steady increase in nitrate levels. Thieman said that the Board of Commissioners and the Boone County Planning and Zoning Commission should ask more questions of applicants and look into the future beyond current regulations. Thieman said that we cannot keep concentrating livestock operations and expect the environment not to "kick back".

Thieman said that the Boone County Planning and Zoning Comprehensive Plan needs to be reviewed and address who is responsible for cleanup and how to clean up an abandoned livestock operation. The present Boone County Planning & Zoning Comprehensive Plan does not address decommissions regarding livestock facilities. Thieman said that the Wind Energy portion of the Boone County Planning and Zoning Comprehensive Plan addresses decommission and clean up when no longer in operation.

Jeff Jarecki asked the Board of Commissioners to focus on the relevant issue at hand, that being if the Application for Conditional Use Permit meets the Boone County Planning and Zoning Comprehensive Plan regulations and/or requirements.



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Commissioner Schuele drove through the area last week to view the livestock facilities and the area for the proposed new facility. Schuele said that the newer facilities with the animal waste being collected in a deep pit under the building and ventilation has improved the odor. Schuele said they live close to a livestock confinement and it surprisingly has very little daily effect with regard to odor. Everything the society does affects the ground water. The livestock operations under Nebraska DEQ regulations' submit soil samples and DEQ rates the amount of waste/nutrients that can be applied per acre to crop ground every year. Farm ground owners apply commercial fertilizer often and do not have to answer to anyone or test the soil, unlike the livestock operation regulations.

The Board of Commissioners agreed that the Boone County Planning and Zoning Comprehensive Plan should be reviewed to address decommissioning of livestock operations no longer in operation or abandoned. In addition, that the Boone County Planning Commission may need to consider reviewing the regulations/setbacks due to the concentration of livestock facilities in some of the county townships.

Mary Ziemba, Zoning Administrator, provided the Board a packet with copies of the June 23, 2014 Boone County Planning Commission hearing proceedings and other material.

Chairman Schuele asked for any further testimony, hearing none he asked for a motion to close said hearing.

Motion made by Luettel and second by Tisthammer to close said hearing at 11:55 A.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Commissioner Schuele asked for any additional comments, before the Board either approves, denies or postpones their decision.

Commissioner Luettel commended Mary Ziemba, County Zoning Administrator, on her report and public hearing proceedings.

Commissioner Tisthammer reiterated that the Boone County Planning and Zoning Comprehensive Plan should be reviewed to address decommissioning of abandoned livestock operations.

Commissioner Schuele said that any permit that the Board of Commissioners approve is contingent on Nebraska DEQ approval and regulations.

Janet Atkinson asked the Board if they in good conscious could approve the application without further study of the concerns presented today.

Motion made by Luettel, second by Schuele to approve the Application for Conditional Use Permit submitted by M.S.J.M. Properties, LLC to construct a finishing pigs Class 1 Livestock Feeding Operation (ECH) Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the northeast corner of the Northeast Quarter of Section 5, Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. JSMM Farms LLC owns the property hereinto referenced. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Commission Schuele thanked everyone for coming and appreciated their input.

The Board of Commissioners "Factual Findings" are the same as the Boone County Planning and Zoning Commission:



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1. The one-half mile setback from residence complies with the regulations. Article 12: A-1 Agricultural – Primary District Section 2. Conditional Uses. 2.21
 - A (a) ECH operations shall locate at least 2640 feet from any non-farm residence or other residence not on the owner's property of other LFO.
2. The lack of overlapping circles complies with the regulations. Article 22: Valentine Soil Overlay District Section 2. 2.4
 - C The overlapping of separation circles within the Valentine Soil Association, Elsmere-Wann-Loup Association, Thurman-Hord-Loretto Association shall not be allowed.
3. It is committed by the NDEQ to put recommended rates only of nutrients. Article 12: A-1 Agricultural – Primary District Section 2 Conditional Uses. 2.21
 - B. Conditional Use Permits shall be approved by the Planning Commission and County Board of Commissioners based upon a proposed site plan and conditions or requirements pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environmental Quality (DEQ) or any other applicable State Agency. The applicant shall file a copy of his/her Operation and Maintenance Plan and Manure Management Plan as filed with the DEQ with the Zoning Administrator, and shall also file a copy of all approved DEQ plans and permits with the Zoning Administrator within thirty (30) days after they are issued by the DEQ.
 - C. An animal manure management plan shall be submitted to the Zoning Administrator which shall follow the “best possible management practice: in order to protect the environment, as well as the health, safety and general welfare of the public and their property values”.
 - D. If stockpiling of animal waste is part of the manure management plan, the waste shall be maintained in an area at least one (1) mile from a platted residential area and at the respective distance from a neighbors' dwelling as outlined in Section 2.21, A (1-5) of this Article.
4. Animal husbandry is a permitted use of Agricultural 1 District and permitted with conditions. Article 12: A-1 Agricultural – Primary District Section 1 Permitted Principal Uses 1.1 Agricultural operations, and the usual agricultural and farm buildings and structures, including residence of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.

Kathy Thorberg
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 21, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 21, 2014, 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.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance is to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences is to be delivered to the County Clerk's office upon returning to work.
- The County of Boone payroll period changes on July 1, 2014 to a 22/21 with direct deposit on the last working day of the month. The July pay period will be July 1 through July 24 with direct deposit on July 31; the next pay period will be July 25 through August 21 with direct deposit on August 29; each month thereafter the pay period begins on the 22nd of the month and ends on the 21st of the next month with direct deposit on the last working day of the month. The non-exempt employees will change from a set monthly salary to hourly beginning July 1, 2014. The Board of Commissioners meetings to approve payroll will vary at the end of the month and will not necessarily be on a Monday.
- The revised pages to the Boone County Employee Handbook were distributed to the department heads to give to their respective employee(s) along with a receipt page to be signed and returned to the County Clerk's office to be placed in the respective employee file.
- Information regarding the annual Office Inventories was distributed to the department heads.
- The office budget worksheets for fiscal year 2014-2015 was distributed to the department heads.
- Cost of Living for January 2015 was discussed, no decision made at this time by the Board.
- Ken McIntyre, Boone County American Legion Commander, notified the Boone County Clerk's office that the schools have been contacted and scheduled County Government Day for Wednesday, October 22, 2014.
- Tom Smith, Region 44 Emergency Manager, reported that the 404 Mitigation Grant Funding is available state wide for hazard mitigation plan updates and projects for communities.
- The Board acknowledged appreciation to the offices and employees that are complying with the County Employee Handbook time/attendance in regard to punch times for start/ending of day and lunch/breaks.



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Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings and Zoning Public Hearing Proceedings of July 14, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding of up to \$400.00. The St. Edward Fire & Rescue requested assistance to advertise the St. Edward Fire & Rescue fundraising event scheduled for August 23, 2014. Motion made by Schuele, second by Tisthammer to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin informed the Board that the bid letting for the Cedar Rapids Historic Bridge project is scheduled for October 9, 2014. Tim Baxter, NIRMA, completed an onsite audit of the Boone County Road Department last week. Baxter said the Boone County Road Department will receive a very high score and commended Thorin and the road employees. Thorin said the last onsite audit of items needing to be corrected was two pages long and that it is a great accomplishment to receive an audit with only two items that needed correcting. Thorin said the two items were corrected immediately. The Board commends Thorin and the road employees for their accomplishment.

Darrel Thorin, County Highway Superintendent, was notified by Nebraska Department of Roads that the contractor selected for the Primrose East Bridge project is requesting an extension to the project start date from August 25, 2014 to September 15, 2014. Motion made by Tisthammer, second by Schuele to approve the Primrose East Bridge project contractor's request to extend the start date to September 15, 2014. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 2:35 P.M. with the next Board meeting scheduled for Monday, July 28, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 28, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 28, 2014 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 a request for advertisement funding of up to \$400.00. The St. John's Parish Council of Petersburg requested assistance to advertise the St. John's Bazaar fundraising event scheduled for September 7, 2014. Motion made by Luettel, second by Schuele to approve 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 discussed the change effective July 1, 2014 regarding Compensatory Time on Page 26 of the Boone County Employee Handbook with Employee Payroll No. 17 and department head. The Board explained that any comp time accumulated above the forty hours in any pay period will be paid out that pay period. An employee with accumulated comp of forty hours is equivalent to one week of no employee productivity in the respective office. The employee protested signing the payroll claim as wanted time off instead of being paid out. The Board said they cannot hold up all of the County Payroll for one individual as the accumulated time is being addressed correctly. The Board made a note and signed on the employee payroll time sheet to be paid as the employee handbook addresses comp time.

Motion made by Tisthammer, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General \$81,913.09, BCBS \$40,957.53, Ameritas Ret \$5,648.11, EFTPS \$6,130.30, Section 125 Fees \$6.00; Road \$37,872.01, BCBS \$22,809.96, Ameritas Ret \$2,556.37, EFTPS \$2,846.98; Ambulance \$2,300.00, Ameritas Ret \$55.36, EFTPS \$175.93; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,905.24, Ameritas Ret \$323.06, EFTPS \$451.78, which is all reimbursed back to the County. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of July 21, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the 2014 Board of Equalization Proceedings of July 21, 2014 and Final Board of Equalization Proceedings of July 25, 2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin and the Board discussed inspections of bridges and culverts. Bridges over 20 feet are required to be inspected every twenty-four months according to federal and state regulations. Bridges under 20 feet are not monitored by the State of Nebraska, Department of Roads.



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Darrel Thorin, County Highway Superintendent, presented a quote and information regarding a RAC Geo II Distance Measuring Device and Software for purchase by the Boone County Road Department. The equipment will be used for signage, culvert and bridge inventories. Motion made by Tisthammer, second by Schuele to approve the purchase of the RAC Geo II Distance Measuring Device and software from JAMAR Technologies, Inc. for \$1,725.00 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board discussed a cost of living wage increase for county employees beginning January 1, 2015. The Boone County Employee Handbook, Salary Schedule, Exhibit "E", provides hourly base wages for starting new employees within the departments. The job/title hourly base wage is used to figure the Cost of Living percent for employees, if any, in January each year. The Board has based a Cost of Living on the consumer price index (CPI) as reported by the U.S. Department of Labor for several years. The CPI Index for June 2014 average is 2.1%. Motion made by Schuele, second by Luettel to approve a 2.1% Cost of Living figured on the hourly base wages set out in Exhibit "E" of the Boone County Employee Handbook, effective January 1, 2015, with the exceptions of no cost of living in January 2015 for the road operators, chief deputies, weed and ambulance hourly rates. Roll call vote: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Jon Karmann requested permission to trench an electrical line and 6" pipe in the same trench for irrigation purposes over and across a county road commonly known as 180th Avenue. The electrical line and 6" pipe in the same trench commences from underground pipe located in the northeast corner of the SE1/4 of Section 29; thence running east to an irrigation pivot located in the northwest corner of the SW1/4 of Section 28, all in Township 19 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Schuele, second by Tisthammer to approve Resolution No. 2014-32, granting permission to trench an electrical line and 6" pipe in the same trench for irrigation purposes across 180th Avenue to the northwest corner of the SW1/4 of 28-19-7 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Jon Karmann requested permission to trench an electrical line and 6" pipe in the same trench for irrigation purposes over and across a county road commonly known as 180th Avenue. The electrical line and 6" pipe in the same trench commences from underground pipe located in the southeast corner of the SE1/4 of Section 29; thence running east to an irrigation pivot located in the southwest corner of the SW1/4 of Section 28, all in Township 19 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2014-33, granting permission to trench an electrical line and 6" pipe in the same trench for irrigation purposes across 180th Avenue to the southwest corner of the SW1/4 of 28-19-7 as presented. 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.

Motion made by Tisthammer, second by Luettel to go into an executive session at 10:53 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation. Motion made by Tisthammer, second by Luettel to come out of executive session at 11:44 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation and took no action.



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Motion made by Tisthammer, second by Luettel to go into an executive session at 11:45 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation. Motion made by Luettel, second by Tisthammer to come out of executive session at 12:01 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 Board discussed who would attend the various meetings scheduled this week.
- Andrew Rogers, US 92, visited with the Board and observed the meeting.

Chairman Schuele declared the meeting adjourned at 12:12 P.M., the next Board meeting is scheduled for Monday, August 11, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 11, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 11, 2014, 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 a request for advertisement funding of up to \$400.00. The Rae Valley Heritage Association requested assistance to advertise the Nebraska State Antique Tractor & Horse Plowing Bee event scheduled for August 22, 23 and 24, 2014. Motion made by Luettel, second by Tisthammer to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve a Payroll claim filed for payment from the General Fund in the amount of \$2,318.01 and the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$47,222.54; Road - \$140,197.30; County Visitors Promotion - \$1,196.00; Reappraisal - \$7,013.88; 911 Emergency Management (2910) - \$5,746.62; 911 Wireless Services (2913) - \$886.50; Ambulance - \$1,114.73. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for July, 2014:

- Clerk - \$4,385.50 (State of Nebraska \$2,154.31)(County of Boone \$2,231.19)
- Clerk of the District Court - \$855.03 (State of Nebraska \$355.00)(County of Boone \$500.03)
- Sheriff - \$4,049.00
- Planning & Zoning - \$671.51
- Treasurer - Treasurer's Fees - none; Miscellaneous Receipt Nos. 13703-13767 - \$342,819.42; Total Collections - \$729,297.44

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 July 28, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board heard a general assistance request regarding rent. The Board explained the general assistance guidelines. The Board and applicant discussed the circumstances and other options. Motion made by Schuele, second by Tisthammer to approve the payment of one month rent payable to the landlord. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.



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

- Thorin updated the Board regarding road/bridge and equipment maintenance/repairs.
- Thorin updated the Board regarding the Primrose East Bridge Project and Cedar Rapids Historical Bridge Project.
- Thorin informed the Board that motor grader operator training is planned for the Boone County Road Department in September, 2014. The training is funded with federal/state funds through Nebraska Department of Roads, LTAP division.

Richard Good, Chairman of the Boone County Veterans Service Committee, and Jacqueline Wells, Boone County Veterans Service Officer, met with the Board to discuss the Veteran's Aid Fund (1900) and other matters. Good said a special fund was established in the 60's through donations for operating an office to provide for emergency needs of veterans, if there becomes a time that there is not a county office. The Veteran's Aid Fund 1900 was levied for the veterans service committee requested dollar amount for providing aid to veterans for food, clothing, fuel, etc. as set out in Nebraska Revised Statutes Chapter 80-102 prior to the fiscal year 2002-2003 budget. The requested amount each fiscal year through the 2004-2005 year was \$500.00. The requested amount for fiscal year 2005-2006 was \$700.00; 2006-2007 was \$1,000.00; and each fiscal year 2007-2008 through 2013-2014 was \$2,000.00. The revenue balance at the end of June 30, 2014 in Fund 1900 is \$50,880.19. An audit found that the County Veterans Service Committee was keeping the special funds in a separate account outside the County funds deposited through the County Treasurer's office. The donated funds were then deposited in a separate interest bearing account in the County Treasurers office. The Fund 1900 last tax levy was calendar year 2001 for the 2001-2002 fiscal year. The 2001-2002 budget request was for \$500.00 and the tax revenue collected was \$540.62, but no expenses from the Fund 1900 in 2001-2002. The interest income of the donated funds deposit is what has been covering the budget request/expenses from 2001-2002 fiscal year through the 2013-2014 fiscal year. The Board asked what the committee's intent is for use of the original donated funds, as there would not be enough funds to provide for the operation of an office today for any length of time. Good referenced the statute for providing aid to veterans for food, clothing, etc., which is the same statute as the Veteran's Aid Fund 1900. The Fund 1900 is a requested amount that when the Veterans Service Officer ask for part of the budgeted amount a check (for example \$500.00) is written from the County Imprest Account to the Veterans Aid Fund and then the Veterans Service Officer deposits the \$500.00 into a separate checking account that is used to provide for emergency needs of veterans. Good said that the Veterans Service Committee is involved in the decision regarding what the aid request is for and the amount. The Fund 1900 is providing for emergency needs of veterans, it is not funding the operation of the Boone County Veterans Service office. The operation of the Boone County Veterans Service office is a tax levy within the County General Fund. Good said it appears some of the initial portion of the donation has declined. Good suggested that the county re-establish a tax levy for the Fund 1900 to replace the funds to the initial amount. The Board said they will have more research completed on the issue and address the issue during the 2014-2015 budget preparation. The Board plans to discuss the matter further with the County Veterans Service Committee.

In other matters the Board discussed what the intent is from the County Veterans Service Committee for hours of employment of a Veterans Service Officer, to be available to serve the public within the courthouse office. Good said the committee wants Wells available for veterans 24/7, and that at times she needs to meet with veterans and provide service at locations other than the office. At the June 30, 2014 Board meeting Jacqueline Wells, Veterans Service Officer, and the Board discussed the part-time office hours, documentation of hours, duties, conversion to an hourly salary and other matters. The Veterans Service Officer is an appointed part-time position. The August 19, 2013 Board proceedings approved Jacqueline Wells, Veteran Service Officer, at her request for the part-time being twenty hours a week with Tuesday and Thursday each from 8:00 A.M. to 5:00



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P.M. and Wednesday from 8:00 A.M. To Noon, effective September 2, 2013. The consensus regarding the conversion to an hourly salary for Jacqueline Wells was \$13.00 per hour at 35 hours of office work per week. When converting to an hour salary Wells said she averaged 220-260 hours per month providing services to veterans. Based on a 40 hour work week, the longest months of the year is 184 hours. The appointed position has been a part-time office position over the years from 32 hours now to Wells requested 20 hours. Wells said she works 50 hours a week providing services to veterans. The Board reminded Wells that the part time was based on a 35 hour week at the office and any veterans request outside of the office hours Wells is to log the time of the call or visit from start to finish, whom she helped and what the emergency services covered. The completed form for hours outside the office is to be turned into the County Clerk's office and the time will be manually put into the system for hours worked to be paid. A part-time employee should not be logging 40 plus hours per week. The Board suggested that if the work load and services for veterans cannot be completed in the 35 hours per week, then we may need to address the office personnel duties differently. The Board said we need an accurate tracking of the time for budgeting and classification of employment. The Board asked Wells to track actual time of her services for helping veterans the next two weeks.

Mark Johnson and Eric Munz, TransCanada/Keystone Pipeline, updated the Board in regard to the Keystone Pipeline project. Darrel Thorin, County Highway Superintendent, Mary Ziemba, County Zoning Administrator, and Thomas J. Smith, Region 44 Emergency Manager, were present for the project update. Johnson said that they are still waiting for federal approval and a court ruling in regard to a Nebraska Supreme Court hearing that is scheduled for September 5, 2014, regarding LB 1161. Johnson said that the company has acquired approximately 84 percent of Nebraska and 91 percent of Boone County right-of-way pipeline easements. Johnson said that the safety concerns exceeds the standards regarding well head protection and leakage. If a leak occurs the impact would be less than a half-mile. Johnson said construction is normally a 100 mile stretch with three crews and roughly five to eight months to complete each section. Smith asked about safety, action plans and adverse weather. Johnson addressed the questions and said safety training will be held with all local emergency responders along the pipeline route. Johnson plans to update the Board regarding the pipeline project every three to four months.

The County Road Department disposed of a 1981 Chevrolet Pickup. The cab was disposed of several years ago and the box made into a trailer. The motor vehicle title needs to be signed over as junked to the State of Nebraska, Department of Motor Vehicles in order to remove the VIN Number from the records. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign the Certificate of Title No. 23G03261 for disposal of a 1981 Chevrolet Pickup as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- Tom Smith, Region 44 Emergency Manager, updated the Board regarding activities and training.
- Jacob, US 92, observed the Board meeting.

Chairman Schuele declared the meeting adjourned at 12:20 P.M. with the next Board meeting scheduled for Monday, August 18, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 18, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 18, 2014, 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 of August 11, 2014 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.

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance is to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences is to be delivered to the County Clerk's office upon returning to work.
- A reminder to department heads that the County Office Inventories are due in the County Clerk's office on Friday, August 22, 2014.
- Denny Johnson, Sheriff, reported that a Mobile Food Pantry will be at the Albion Fire Station on Saturday, August 23, 2014 from 10:00 A.M. to Noon. The public may contact the Boone County Sheriff's office for information.
- Jacqueline Wells, County Veterans Service Officer, attended part of the 30th Annual Nebraska Vietnam Veterans Reunion that was held August 14-17, 2014 in Norfolk, Nebraska.
- Laurie Krohn, County Treasurer, said that the second half of taxes are due on September 1st, but due to the holiday, interest will not start until September 3, 2014 at a rate of 14%.
- Department heads are to notify Rod Nelson, Maintenance, of their surplus items. Nelson will make a list of the surplus items for offices to review and dispose of properly. Computer workstations need to be disposed of by smashing them due to privacy regulations.

The state statutes require the Sheriff to make quarterly reports to the County Board describing fees and activities. Motion made by Tisthammer, second by Schuele to accept and approve the County Sheriff's 2014 second quarter report as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin said that motor grader operator training for the Boone County Road Department will be held at the Boone County Fairgrounds on September 3rd and 4th, 2014. The first day will be classroom instructions and the second day will be hands on motor grader operating instructions by Nebraska LTAP.



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Cornhusker Public Power District requested permission to bore an electrical cable under a county road commonly known as the intersection of 390th Street and 200th Avenue. The county road runs east and west and curves to the north between Sections 26, 27 and 34 in Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The electrical cable is to be placed underground in the roadway commencing from a pole on the north side of 390th Street and going east to a pole on the east side of 200th Avenue. This line is for the connection of two 3-phase lines and will be bored from pole to pole with the wire being installed in PVC pipe. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-34, to bore an electrical cable under a county road commonly known as the intersection of 390th Street and 200th Avenue in Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

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

Richard Martinsen, CPA, and the Board reviewed preliminary figures for the 2014-2015 County Budget. The Board and Martinsen discussed budgets submitted for each department. The two major road construction projects that have been on the books for several years are budgeted in the 2014-2015 figures specifically the Primrose East Bridge and Cedar Rapids Historic Bridge. Increased budget requests were noted in several other areas such as GIS, employee health insurance benefits and a free standing communications tower. Martinsen plans to meet with the Board on Tuesday, August 26, 2014 at 1:00 P.M. to discuss the 2014-2015 County Budget. The budget hearing is scheduled for Monday, September 15, 2014 at 10:30 A.M.

Motion made by Schuele, second by Tisthammer to recess at 12:24 P.M. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

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

Motion made by Luettel, second by Schuele to go into an executive session at 1:01 P.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried. The Board conducted an annual employee evaluation. Motion made by Tisthammer, second by Luettel to come out of executive session at 1:39 P.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board conducted an annual employee evaluation and took no action.

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 2:58 P.M. with the next Board meeting scheduled for Tuesday, August 26, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 26, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, August 26, 2014 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 County Safety Committee met at 9:00 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Board of Commissioners, Rod Nelson, Darrel Thorin and Denny Johnson. Nelson reported two injuries last quarter. A panic button has been installed in the County Planning and Zoning office. Thorin reported on the NIRMA audit regarding the County Road Department. Nelson and the committee discussed issues concerning the back door of the Law Enforcement Building. The Safety Committee meeting was adjourned at 9:18 A.M.

Richard Martinsen, CPA, and the Board reviewed the preliminary figures regarding the 2014-2015 County Budget. The preliminary figures show a total personal and real property tax requirement for 2014-2015 of \$3,372,718.00 compared to the 2013-2014 request of \$3,837,584.00. The county share of the BCDA, Inc. budget request and a new Communications Tower, to be located on the fairgrounds property, will be budgeted in the Inheritance Tax Fund. The Board and Martinsen discussed adjustments to the General, Road and Veteran's Aid Funds. Martinsen will review the adjusted figures/budget print out from the County Clerk's office and prepare the 2014-2015 County Budget publication for the 10:30 A.M. public hearing scheduled for Monday, September 15, 2014.

Motion made by Luettel, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$81,504.71, BCBS \$39,959.33, Ameritas Ret \$5,607.23, EFTPS \$6,099.93, Section 125 Fees \$6.00; Road \$39,869.70, BCBS \$22,809.96, Ameritas Ret \$2,691.18, EFTPS \$2,999.86; Ambulance \$3,345.00, Ameritas Ret \$91.13, EFTPS \$255.87; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,202.27, Ameritas Ret \$290.40, EFTPS \$397.97, which is all reimbursed back to the County. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of August 18, 2014 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Rod Nelson, Maintenance, submitted two quotes from Applied Connective Technologies for the Board to review regarding the purchase of a new computer. Applied Connective Technologies quoted a Dell Optiplex 7010 Workstation and a 3020 Workstation. The quotes do not include installation and configuration. Motion made by Luettel, second by Schuele to approve the purchase of the Dell Optiplex 3020 Workstation, Dell 22" LED Widescreen Monitor, Microsoft Office 2013 including freight for \$935.58 from Applied Connective Technologies as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.



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The Boone County Board of Commissioners recognizes the threat that natural and manmade disasters pose to people and property. The Federal Emergency Management Agency (FEMA) Integrated Public Alert and Warning System (IPAWS) is an internet-based mass notification capability Federal, State, territorial, tribal and local authorities can use to issue critical public alerts and warnings. The mass notification capability will be available to the Boone County Public Service Answering Point and Public Safety Agencies. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2014-35 authorizing Region 44 Emergency Manager to enter into an IPAWS-OPEN MOA on behalf of Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin said that motor grader operator training for the Boone County Road Department will be held at the Boone County Fairgrounds on September 3rd and 4th, 2014. The first day will be classroom instructions and the second day will be hands on motor grader operating instructions by Nebraska LTAP. Thorin said that some of the Nance and Platte County Road Department employees will be attending the training with the Boone County Road Department.

Ken (Foltz) Bernard, Project Manager/GIS Technician, presented a build out/close out presentation to the Board of Commissioners; Joyce Sock, Assessor; Barb Hanson, Deputy Assessor; Mary Ziemba, Zoning Administrator; and Darrel Thorin, Highway Superintendent. The County of Boone received a grant of \$19,913.00 from the Nebraska State Records Board for Geographic Information System (GIS) data development. The County of Boone signed a contract with GIS Workshop, Inc. for \$89,800.00 for GIS data development in August of 2013. The County share after the grant is \$69,887.00 and Bernard said that Boone County received the last issuance of the state grant funding. GIS is a combination of digital maps and database information. Traditionally, county assessment has used paper maps to track parcel, soil and land use boundaries; in addition, the assessment database was completely disconnected from the mapping making it hard to crosscheck information. This process was very labor intensive and difficult to implement with high precision. When properly implemented, Assessment GIS seamlessly links the parcel, soil and land use data directly to the appraisal database. GIS can increase efficiency and increase accuracy in many ways for the Assessor's office. The Assessor's office rural and urban cadastral maps and the parcels from sections using legal description from the MIPS programs have been scanned into the GIS program. Bernard said that they are ahead of schedule with parcel process about 99% complete. Bernard said there is approximately 94 parcels left to draw out and identify. A public site is available at boone.gisworkshop.com. Upon the completion of the GIS project the information/maps will be very beneficial to the public and government agencies.

Darrel Thorin, County Highway Superintendent, and Denny Johnson, County Sheriff, asked the Board if they could have user access to the time/attendance system. The request is to view only their respective employees in order to monitor the attendance punch times and address accountability regarding overtime. Motion made by Schuele, second by Tisthammer to approve MIPS programming to allow view only access to the Highway Superintendent regarding road employees and the Sheriff regarding law enforcement/jail dispatch employees. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board moved into the county courtroom for the agenda item regarding the County Veterans Service Office/Officer with Boone County Veterans. The Board of Commissioners; County Veterans Service Committee members Richard Good, Leon Magsamen, Ken McIntyre and Ray Thieman; Jacqueline Wells and family; three county courthouse employees; one courthouse state employee; and approximately twenty-five veterans/spouses citizens met to discuss the status of the Boone County Veterans Service Office/Officer.



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Richard Good, Chairman of the Boone County Veterans Service Committee, explained past circumstances/issues and proposed that the Boone County Veterans Service Office/Officer be changed from a part-time position to a full-time position. Good explained that the paper work for veteran's benefits and services has increased over the years. Wells said she provides services for 700 veterans and averages 50 hours a week. Several Nance County Veterans receive services from Wells due to Nance County Veterans Services being contracted with Hall County. It was suggested to discuss the veteran services with Nance County to see if there is interest in contracting with Boone County. Harry Jordan provided a lengthy presentation regarding an award recognition that he submitted for Wells and her wealth of knowledge in regard to veterans' benefits. Following Jordan's talk, Magsamen asked if anyone has ever thanked Wells for her dedicated services. Commissioner Schuele said when work is getting done we all take it for granted and do not show gratitude even for family and home life. Magsamen offered a round of applause to thank Wells for her dedicated service to area veterans.

Commissioner Schuele explained the time/attendance system, change of non-exempt employees to hourly wage, statute changes and accountability. Commissioner Luettel asked if any of the public had questions or misconceptions of why they were contacted to attend the meeting today, there was no response from the public. The Board Chairman moved the meeting back into the Board room.

The Boone County Veterans Service Office Committee proposed a full time position with the office hours being the same as the courthouse 8:00 A.M. to 5:00 P.M., Monday through Friday, with a one hour unpaid break. When at all possible Wells is to schedule the nursing home visits in the week day mornings. Due to liability issues Wells is to limit private home visits and veterans visiting her home. Good said that Wells is to limit herself to any overtime hours and that the 40 hour full time position should be sufficient time to complete the paperwork in the office. An emergency occurring after the scheduled office hours should be the only extra hours over 40 per week. It was explained to the Committee and Wells, that the 40 hour work week is Sunday A.M. through Saturday midnight. The Labor Law does not allow averaging of 30 hours one week and 50 hours the next week, each week is figured on its own. Wells said she is waiving the county health insurance benefit. To adjust the part-time sick hours accumulated for 2013 and 2014, the clerk's office is to use 24 hours per week (Monday-8 hours; Tuesday-Friday 4 hours) for January - August 2013 and use 20 hours per week (Tuesday & Thursday-8 hours; Wednesday-4 hours) for September 2013 through August 21, 2014. The full time position benefits regarding sick and vacation are outlined in the Employee Handbook beginning with the August 22, 2014 date. The office operating budget in the General Fund is to accommodate a full time County Veteran Service Officer at 40 hours per week and an administrative assistant at 20 hours per week. The Veteran's Aid Fund (1900) check book line for emergency groceries, gas, etc. is to increase from \$2,000.00 to \$5,000.00 for fiscal year 2014-2015 and to set a tax levy for the \$5,000.00 and for \$16,700.00 that was expenses not levied for since 2001. The Boone County Veterans Service Committee extended their appreciation, on behalf of the County Veterans, to the Board of Commissioners for continued tax dollar support to provide a local County Veterans Service Office.

Motion made by Tisthammer, second by Luettel to approve the Boone County Veterans Service Office/ Officer appointed position to be a full time (40 hour week) position retroactive to August 22, 2014 with office hours 8:00 A.M. to 12:00 P.M. and 1:00 P.M. to 5:00 P.M., Monday through Friday and a part-time administrative assistant (20 hours per week) from 8:00 A.M. to Noon. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

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

Chairman Schuele declared the meeting adjourned at 1:23 P.M., the next Board meeting is scheduled for Monday, September 8, 2014.



Boone County Board Minutes



Kathy Thorberg, Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 8, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 8, 2014, 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 an update from Sheryl Machacek, Sheriff's Office Communications Director, and Denny Johnson, Sheriff, regarding the new Communications Tower project. Machacek said that the process for erecting a new tower is becoming increasingly demanding and more complicated. Machacek feels it may be necessary to hire a consultant for planning and engineering if the tower application is approved by Nebraska Department of Aeronautics. Machacek received a Determination of No Hazard to Air Navigation from the Federal Aviation Administration. Machacek plans to submit the paperwork to the FAA, Nebraska Department of Aeronautics for approval or disapproval for a new 300' Communications Tower to be erected on the southwest corner of the Boone County Fairgrounds. The Nebraska Department of Aeronautics has 60 days to review the project for approval or disapproval.

Motion made by Luettel, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$22,260.30; Road - \$79,284.51; Reappraisal - \$9,476.70; Inheritance Tax - \$3,780.00; 911 Emergency Management (2910) - \$257.78; 911 Wireless Services (2913) - \$1,031.11; Ambulance - \$1,179.76. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the following reports of the County Officials as presented for August, 2014:

- Clerk - \$3,394.00 (State of Nebraska \$770.02)(County of Boone \$2,623.98)
- Clerk of the District Court - \$2,006.12 (State of Nebraska \$1,072.00)(County of Boone \$934.12)
- Sheriff - \$1,440.11
- Planning & Zoning - \$667.00
- Treasurer - Treasurer's Fees - \$2.00; Miscellaneous Receipt Nos. 13768-13823 - \$151,645.99; Total Collections - \$5,136,758.37

The County Veterans Service Officer submitted a report of activity for August, 2014.

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

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of August 26, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



The Northeast Nebraska Economic Development District (NENEDD) submitted a form for the Board to review regarding County Representatives for the NENEDD Council of Officials. Each County must have one elected and one non-elected representative appointed to the Council of Officials. Commissioner Ken Luettel is the appointed elected representative. Motion made by Schuele, second by Tisthammer to appoint Aubrey Schriver, BCDA, Inc. Director, as the Boone County non-elected representative to the NENEDD Council of Officials. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, submitted a report for the month of August, 2014 for the Board to review. Motion made by Schuele, second by Luettel to accept the County Highway Superintendent report for the month of August, 2014 as submitted. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motions carried.

Great Plains Communications, Inc. requested permission to plow copper telephone cable on the edge of the county road on the south side of 300th Street for approximately 2370 feet between Sections 11 and 14, Township 19 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Great Plains Communications provide their own utility signage. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2014-36, to plow copper telephone cable on the edge of the county road on the south side of 300th Street for approximately 2370 feet as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Pursuant to State Statute Section 23-347, each county officer shall make, acknowledge under oath, and file with the County Board of his or her county an inventory statement of all county personal property in the custody and possession of said county officer after the close of each fiscal year. Motion made by Schuele, second by Luettel to approve the County Offices' 2013-2014 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, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to go into an executive session at 10:32 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried. The County Board and County Treasurer discussed possible litigation. Motion made by Tisthammer, second by Schuele to come out of executive session at 11:21 A.M. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried. The Board and Treasurer discussed possible litigation and took no action.

Open discussion and miscellaneous public comments:

- Vasthil Patino and Jacob Imig, Columbus News Team representatives, were present to observe the Board meeting. The Columbus News Team is an umbrella of US92 radio station owned by Mike Flood. The new web base news information may be followed on columbusnewsteam.com.
- The Board discussed who would attend the various meetings scheduled this week.
- Paul Groeteke, Chairman of the Boone County Planning and Zoning Commission, and the Board discussed protocol procedure regarding denied conditional use permit applications being resubmitted.

Chairman Schuele declared the meeting adjourned at 11:55 A.M. with the next Board meeting scheduled for Monday, September 15, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 15, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 15, 2014, 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.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance are to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences are to be delivered to the County Clerk's office upon returning to work.
- Rod Nelson, Maintenance, explained the heat/cool thermostat settings, humidity in office areas and scheduling/editing settings on the thermostats. Department heads are to contact Nelson if a thermostat setting needs to be changed.
- Denny Johnson, Sheriff, reported that the Mobile Food Pantry in August was very well attended and there are plans for a second Mobile Food Pantry in October.
- Kathy Thorberg, County Clerk, asked the employees present if anyone is interested in implementing a Wellness Program for the county employees. NIRMA has contracted with a Wellness Consultant to help interested counties to implement a Wellness Program. No employee attending the meeting showed interest in a Wellness Program.
- Kathy Thorberg, County Clerk, explained the IRS ruling regarding meal reimbursement when attending a one day meeting. When the meeting/registration does not include a noon meal, the employee should not be asking for meal reimbursement. A one day meeting is no different than a day of work, where an employee has one hour of unpaid break for lunch. If an employee submits a claim for a meal reimbursement, for a one day meeting, it is to be submitted with payroll and the employee will pay tax on the reimbursement benefit.
- Nebraska Department of Roads, Public Transportation Division, emailed material regarding Public Transportation for the county and surrounding area. The Good Samaritan Society-Albion has been managing and providing Public Transportation for residents living in Boone County for several years with partial funding through a grant from the Nebraska Public Transportation Division. The Good Samaritan Society-Albion is no longer receiving the grant funding. The Good Samaritan Society-Albion, without grant funding, is presently providing Public Transportation Services on Monday and Wednesday. The Department of Roads, Public Transportation Division is reaching out to the community to see if any organization in Boone County would like to provide Public Transportation Services.



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Motion made by Tisthammer, second by Luettel to approve the County Board Proceedings of September 8, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Lisa Langan, County Court, presented quotes from Western Office Products Plus, Inc. and Eakes Office Plus, Inc. regarding a lease for a new copy machine. The present copy machine lease is through Western Office Products Plus, Inc. and expires September, 2014. Langan and the Board discussed the quote differences for the same machine and the length of lease payment's preferred by Langan for the new copy machine. Motion made by Schuele, second by Luettel to approve and authorize Lisa Langan, County Court, to enter into a 36 month lease agreement with Eakes Office Plus, Inc. for \$156.20 per month. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Lisa Langan, County Court, and the Board discussed possibly changing office space for the District #5 Probation Officer and a separate phone line. Langan said that Judge Skroupa, presiding 5th District Judge for 2014, would like the Boone County Court phone line be separate from the State Probation phone line. Langan said that the present phone calls for the State Probation Officer and Boone County Court office come in on the same line. On the days that the Boone County Court office is not staffed the County Court line is forwarded to another County Court office and that it would be in the best interest for the State Probation office calls be separate so that they are not forwarded to another County Court office. The Board asked Langan who would pay the monthly phone line bill? The Boone County assessment for the fiscal year 2014-2015 of \$4,809.60 has already been submitted to the State of Nebraska, District #5 Probation office. There is several counties in the District #5 Probation area. The Board asked how the other counties are handling the phone lines and if the Probation Officers are using their cell phone numbers. There is a phone and internet line in the room that is reserved for Nebraska Department of Health and Human Services (NDHHS) on an as needed basis. The Board may allow the Probation Officer to use the space reserved for NDHHS, except when the NDHHS calls for available space, the NDHHS are first for use of the room. Langan is to inquire about phone lines/usage by the probation officers in other counties in the district.

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 of up to \$400.00.

The Albion Area Arts Council requested assistance to advertise the Tonic Sol-fa Concert scheduled for October 19, 2014. Motion made by Schuele, second by Tisthammer to approve 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 Petersburg Community Club requested assistance to advertise the annual Punkin Chunkin event scheduled for October 26, 2014. Motion made by Luettel, second by Tisthammer to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The County Budget Act (State Statute Section 23-904) requires a budget message to be completed by the budget making authority outlining the fiscal policy for the budget period. The budget message must include a list of all cash amounts being held by officials that do not appear in the County Treasurer's Office six month balance reports. The Board has approved and authorized accounts within County Offices to receive and disburse fees, etc. Some of the accounts balance to zero and some accounts have a beginning balance. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-37 authorizing the accounts within County



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Offices as stated in the resolution. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. 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 2014-2015 property tax request be set at \$3,433,986.00, which is different from the 2013-2014 request of \$3,837,584.00; and the 2014 county tax rate is at 0.180253, which is different from the 2013 tax rate of 0.250248. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-38 at the September 15, 2014 public hearing to adopt and approve the County Budget for 2014-2015 as published and presented with the above property tax requests. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The 2014-2015 County Budget public hearing for the County of Boone, Nebraska was held at 10:30 A.M. on September 15, 2014. Motion made by Schuele, second by Tisthammer to approve exceeding the lid limit by an additional 1% budget authority growth for fiscal year 2014-2015. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board received a Certificate of Cost Allocation Plan to review from Sequoia Consulting Group. The indirect costs reimbursement relates to space provided for the Nebraska Health and Human Services when they need space to meet with individuals. The Cost Allocation Plan for review is based on actual costs for the fiscal year ended June 30, 2013. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign the Certificate of Cost Allocation Plan for the year ended June 30, 2013 and the Computation of Indirect Costs reimbursement form to the Nebraska Health and Human Services 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.
- David Figgner discussed a possible road issue with the Board and Darrel Thorin, County Highway Superintendent. Thorin explained the protocol procedure to reclassify a road.

Chairman Schuele declared the meeting adjourned at 12:10 P.M. with the next Board meeting scheduled for Monday, September 22, 2014.

Kathy Thorberg,
Boone County Clerk



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PUBLIC HEARING PROCEEDINGS 2014-2015 COUNTY BUDGET

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 15, 2014 at 10:30 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 Darrel Thorin, County Highway Superintendent; Mary Ziemba, County Zoning Administrator; Vasthil Patino, Columbus News Team; Jim Dickerson, Albion News; and Clyde Stuhr.

The public hearing was for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2014-2015 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 2014-2015 Boone County proposed budget at a different amount than the prior year tax request in compliance with the provisions of State Statute Section 77-1601.02. The hearing was open for one hour and the proposed budget was published in the September 10, 2014 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 decrease, 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 2014-2015 is \$3,433,986.00, which is a decrease of \$403,598.00 from fiscal year 2013-2014. The proposed tax rate for 2014 of 0.180253 is lower than the 2013 tax rate of 0.250248 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 2014 County valuation is \$1,905,089,826.00 compared to the 2013 valuation of \$1,533,513,853.00 an increase of \$371,575,973.00.

The 2014-2015 County Budget adopted has a tax request expense decrease from the 2013-2014 County Budget. The County of Boone, Nebraska financial contribution to the BCDA, Inc. is 80% of the corporation budget. The contribution is budgeted in the Inheritance Tax Fund for fiscal year 2014-2015. The past years the contribution was in the General Fund tax request. Martinsen and the Board answered questions regarding the Name Plate Tax received from the 102 Wind Towers located in Boone County.

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

Discussion: The county tax rate will be 0.180253. If it were not for the use of inheritance tax dollars, the county rate would be increased to 0.188431 in order to maintain the current level of services that are both mandated under state law and that our county taxpayers deserve and expect.



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Motion made by Schuele, second by Tisthammer to approve exceeding the lid limitation by an additional 1% growth for fiscal year 2014-2015. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve and adopt the County Budget for 2014-2015 as published and presented with an Unused Budget Authority created for next year of \$359,075.44; and set the 2014 County Tax Rate at 0.180253, which is different than the County Tax Rate of 0.250248 for 2013. Roll call vote: Yeas: Schuele, Tisthammer 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 Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 22, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 22, 2014, 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 to discuss the following topics:

- Thorin updated the Board regarding road/bridge and equipment maintenance/repairs.
- Thorin updated the Board regarding the Primrose East Bridge Project. The construction crew plans to start pouring the concrete deck today. Bygland Dirt Contracting, Inc. is contracted for the dirt work.
- Thorin said that the Cedar Rapids Historical Bridge Project bid letting date changed from October 9, 2014 to October 23, 2014 due to NDOR wanting a traffic count. Thorin explained to NDOR that the bridge has been closed since 2008, making it somewhat difficult to get a traffic count.
- Permits for driveways in the county road right-of-ways.
- Road issues regarding a portion of 110th and 115th Avenues.
- The classification of certain county roads.

The Boone County Board of Commissioners adopted the 2014-2015 County Budget on September 15, 2014 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. 2014-39 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 2014-2015 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 Luettel, second by Schuele to approve Resolution No. 2014-40, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) 48.88% to the Road Fund (0200) for the 2014-2015 Tax Year on a monthly basis not to exceed \$1,521,000.00. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Great Plains Communications, Inc. requested permission to plow fiber optic cable on the north side of 120th Street between Sections 12 and 13, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Great Plains Communications provide their own utility signage. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-41, granting permission to plow fiber optic cable on the north side of 120th Street, beginning at the intersection of 220th Avenue and 120th Street, thence west for approximately one mile on the north side of 120th Street to State Highway 14 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Great Plains Communications, Inc. requested permission to plow fiber optic cable on the west side of 230th Avenue, beginning at the intersection of State Highway 32 and 230th Avenue. Great Plains Communications provide their own utility signage. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-42, granting permission to plow fiber optic cable on the west side of 230th Avenue, beginning at the intersection of State Highway 32 and 230th Avenue, thence south approximately 3 1/2 miles to the intersection of 230th Avenue and 180th Street as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Nebraska Revised Statute Section 39-846 and Section 39-847, provides for financial assistance to counties for the replacement of deficient bridges. The statute provides that any County Board may apply to the Department of Roads for State Aid in the replacement of any bridge under the jurisdiction of such Board. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2014-43, regarding the funding of Bridge Project No. IBRD-6(6), Primrose East Bridge as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to approve the County Board and Public Hearing Proceedings of September 15, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Josh Gensler, SpyGlass Group, LLC of Ohio, explained the company's services to the Board by a teleconference phone call. The company is engaging Auditor as an independent contractor to analyze its primary telecommunications service accounts (local voice, long distance voice, data, internet, and wireless) to seek cost recovery, service elimination and cost reduction recommendations. Gensler said that there is no cost for the audit. The Board agreed to sign a SpyGlass Snapshot Audit Agreement between the County of Boone and The SpyGlass Group, LLC, an Ohio limited liability company. The County submits two months of phone bills and the signed agreement allows SpyGlass to contact the phone companies for information. The County of Boone owes no fee to SpyGlass for the audit and recommendations. The Board has twelve months to review, implement or not implement the audit recommendations. If the Board decides to implement one of the audit recommendations then the County will pay SpyGlass for the recovery of funds.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Tom Smith, Region 44 Emergency Manager, updated the Board regarding activities and training.
- Vasthil Patino, Columbus News Team, observed the Board meeting.

Chairman Schuele declared the meeting adjourned at 12:40 P.M. with the next Board meeting scheduled for Thursday, September 25, 2014.

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, September 22, 2014 at 9:45 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, 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 Tom Schuele, Jerry L. Tisthammer and Ken Luettel. 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 Brandon and Abbie Murray. Brandon P. Murray and Abbie J. Murray have $\frac{1}{2}$ interest ownership of the real estate referenced herein. The application request is to divide 3.11 \pm acres from farm ground located on a fraction of the SE1/4 of Section 2, Township 21 North, Range 5 West of the 6th P.M., Boone County, Nebraska.

The applicants were not present at the hearing. Mary Ziemba, County Zoning Administrator, informed the Board that the County Planning Commission recommended approval of the request. Ziemba explained to the Board that the lending institution is not interested in securing the agricultural property with a home mortgage loan. Ziemba explained that there is an existing building site and that Murray's moved a house onto the property. Ziemba said the plans are to remove the existing old house after Murray's move into the house they moved onto the property. A survey is completed. Mary Ziemba, Zoning Administrator, received no opposition from surrounding landowners.

Motion made by Tisthammer, second by Luettel to close said hearing at 9:55 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 Brandon and Abbie Murray. The approval is to divide 3.11 \pm acres from farm ground in order to finance the existing building site located on a fraction of the SE1/4 of Section 2, Township 21 North, Range 5 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 SEPTEMBER 25, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Thursday, September 25, 2014 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. Chairman Schuele noted that the scheduled meeting is for approving the County Payroll Claims.

Motion made by Schuele, second by Tisthammer to approve the County Payroll Claims filed for payment from the various funds: General \$88,187.87, BCBS \$41,718.51, Ameritas Ret \$6,046.63, EFTPS \$6,605.42, Section 125 Fees \$6.00; Road \$40,202.47, BCBS \$22,809.96, Ameritas Ret \$2,713.65, EFTPS \$3,025.30; Ambulance \$1,585.00, Ameritas Ret \$50.97, EFTPS \$121.25; Public Defender Contract \$3,000.00; Boone County Fitness Center \$5,260.01, Ameritas Ret \$297.09, EFTPS \$402.40, which is all reimbursed back to the County. Roll call vote: Yeas: Schuele and Tisthammer. Nays: None. Absent: Luettel. Motion carried.

Motion made by Tisthammer, second by Schuele to approve all of the County Board/Public Hearing Proceedings of September 22, 2014 as presented. Roll call vote: Yeas: Tisthammer and Schuele. Nays: None. Absent: Luettel. Motion carried.

Open discussion: The Board discussed paying overtime hours in lieu of converting overtime hours to compensatory time.

Chairman Schuele declared the meeting adjourned at 9:40 A.M., the next Board meeting is scheduled for Monday, September 29, 2014.

Kathy Thorberg, Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 29, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 29, 2014 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.

Vic Lee, CEO for Boone County Health Center, discussed with the Board the Spalding Medical Clinic located in Spalding, Nebraska. The clinic in Spalding is an outpatient department of the Boone County Health Center (BCHC). Lee said that the Boone County Health Center has negotiated the purchase of a tract of land in Greeley County for the relocation and building of a new Spalding Medical Clinic. The selected site is approximately 1.05 acres in the northeast corner of the north half of the Southeast Quarter of Section 20, Township 20 North, Range 9 West of the 6th P.M., Greeley County, Nebraska. The selected site for a new clinic building would be adjacent to the proposed new Spalding Nursing Home facility. Lee said that the new nursing home facility proposal is six million with the Spalding Community needing to come up with two million. Lee said upon completion of the new Spalding Medical Clinic the present clinic facility will be advertised for sale. Lee said that the property will be surveyed for the site location. The Boone County Health Center plans to reimburse the County of Boone, Nebraska for the purchase of the property. The Boone County Health Center cannot own real estate. Motion made by Tisthammer, second by Luettel authorizing the purchase of approximately 1.05 acres for \$14,000.00 per acre as presented by Vic Lee, CEO for Boone County Health Center. 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 September 25, 2014 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin updated the Board on the Bridge Project No. IBRD-6(6), Primrose East Bridge regarding RC and material issues with Nebraska Department of Roads.

Darrel Thorin, County Highway Superintendent, received a resignation from a full time road employee. Motion made by Schuele, second by Luettel to accept the resignation of Greg Krohn effective October 10, 2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented bids for a tractor to replace the 1996 65D Challenger Track Tractor. The bids received were from Kayton International, Inc., Road Builders Machinery and Supply Co., Inc. and Green Line Equipment, Inc. The Board reviewed quotes regarding several different tractor options. Motion made by Luettel, second by Tisthammer to approve and authorize Darrel Thorin, County Highway Superintendent, to trade in the 1996 Challenger and purchase a 2009 John Deere 7830 Tractor from Green Line Equipment, Inc. for \$75,000.00 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



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Darrel Thorin, Highway Superintendent, submitted for review and approval the annual Standardized System of Annual Reporting (SSAR). The annual report is submitted to the Board of Public Roads Classification and Standards pursuant to Neb. Rev. Statute 39-2510. The report includes a cost per mile/hour for the road department equipment. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the annual SSAR report for fiscal year ending June 30, 2014 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Fred Bader, Bader's Highway and Street of Norfolk, Nebraska, presented an estimate for Crack Sealing 3.25 miles of 255th Avenue, commonly referred to as Niewohner road. Bader's Highway will blow out all cracks, clean, seal and squeegee all cracks. Fred Bader introduce his son-in-law Adrian Mayer, who is taking over the management of the business. Motion made by Luettel, second by Tisthammer to accept and approve the estimate for crack sealing of 255th Avenue for \$6,850.00 as presented by Bader's Highway and Street. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

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

Chairman Schuele declared the meeting adjourned at 12:02 P.M., the next Board meeting is scheduled for Tuesday, October 14, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 14, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 14, 2014, 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 of up to \$400.00.

The Albion Chamber of Commerce requested assistance to advertise the Halloween Parade Kid's Event scheduled for October 31, 2014. Motion made by Tisthammer, second by Luettel to approve recommendation for disbursement of funds from the Visitors Promotion Fund for advertisement of the Halloween Parade. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The St. Edward Economic Development requested assistance to advertise the Holiday Extravaganza event scheduled for November 7, 8 and 9, 2014. Motion made by Schuele, second by Tisthammer to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve the County Board Proceedings and Board of Equalization Proceedings of September 29, 2014 as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed two Accounts Payable Vendor Claims No. 991 for \$8.56 and No. 998 for \$8.56, for one day meeting meal reimbursement requests. In accordance with the intent of the Boone County Employee Handbook a same day meeting lunch is not reimbursable, as it is no different than a lunch break on a regular work day, as non-exempt employees are being paid hours of work for the meeting. The Boone County Employee Handbook addresses Travel Expense under Tab/Exhibit R. The Board plans to clarify the Employee Handbook regarding one day meeting meal reimbursements. Motion made by Schuele, second by Luettel to reject two Accounts Payable Vendor Claims No. 991 for \$8.56 and No. 998 for \$8.56, due to being one day meeting meal reimbursement requests. The requestors may resubmit the one day meeting lunch claim for reimbursement to be payable and taxed with payroll. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed two Accounts Payable Vendor Claims No. 1599 for \$168.04 and No. 1779 for \$48.05, regarding requests for meal expense and mileage reimbursements. The Boone County Employee Handbook addresses Travel Expense under Tab/Exhibit R for allowable amounts regarding meals not provided with the meeting registration. Motion made by Schuele, second by Luettel to partially reject \$27.24 of Accounts Payable Vendor Claim No. 1599 and partially reject \$19.78 of Accounts Payable Vendor Claim No. 1779, regarding allowable meal expenses for meetings of more than one day in accordance with the Boone County



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Employee Handbook, Travel Expense, Exhibit R. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve a Payroll claim filed for payment from the Road Fund in the amount of \$1,875.71 and the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$53,287.32; Road - \$222,635.53; County Visitors Promotion - \$1,636.91; Reappraisal - \$6,196.19; Veteran's Aid - \$1,000.00; Inheritance Tax - \$7,048.24; 911 Emergency Management (2910) - \$2,451.48; 911 Wireless Services (2913) - \$937.93; Ambulance - \$1,359.68. 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 , 2014:

- Clerk - \$5,624.50 (State of Nebraska \$1,706.30)(County of Boone \$3,918.20)
- Clerk of the District Court - \$1,264.65 (State of Nebraska \$515.00)(County of Boone \$749.65)
- Sheriff - \$1,065.78
- Planning & Zoning - \$596.50
- Treasurer - Treasurer's Fees - \$10.00; Miscellaneous Receipt Nos. 13824-13874 - \$144,572.24; Total Collections - \$2,017,101.93

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

Michael J. Pommer, CPA, of Wakefield, Nebraska met with the Board and reviewed the County Audit for fiscal year end June 30, 2014. Pommer told the Board that the Audit went well and that the staff was cooperative. Pommer referenced areas of the audit that he discussed with the Board. The Board and Pommer discussed an exit audit for the Boone County Clerk of the District Court office due to the change of the department head on January 8, 2015. Motion made by Tisthammer, second by Luettel to authorize Michael J. Pommer, CPA to complete an exit audit of the Boone County Clerk of the District Court office on January 7, 2015. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board reviewed the year end June 30, 2014 audit report prepared by Michael J. Pommer, CPA that was received on September 30, 2014. A 'Notice of Completion of Audit' was submitted to the Albion News for publication the week of October 13, 2014. Motion made by Luettel, second by Tisthammer to accept and approve the audit as presented for fiscal year ending June 30, 2014 and said audit is on file with the Boone County Clerk and the Nebraska Auditor of Public Accounts. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

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

- Thorin updated the Board regarding road/bridge and equipment maintenance/repairs.
- Thorin updated the Board regarding the Primrose East Bridge Project and Cedar Rapids Historical Bridge Project.

The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 26, 2014. The road closure is for 140th Street, located between Sections 19 and 30, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska; beginning at the junction of 220th Avenue and 140th Street, thence east one mile. Motion made by Luettel, second by Schuele to



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approve Resolution No. 2014-44 for a temporary road closure relating to the Punkin' Chunkin event as presented. Roll call vote: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, submitted to the Board the name of Morgan Mogensen, for the current board member vacancy on the Boone County Planning and Zoning Commission. Morgan Mogensen of Cedar Rapids was present to accept the position. Motion made by Schuele, second by Luettel to appoint Morgan Mogensen to complete the term of Lee Ketteler as a member of the Boone County Planning and Zoning Commission effective October 14, 2014. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Joyce Sock, County Assessor, submitted a Contractor Agreement to the Board for their review and approval. The Contractor Agreement is between the County of Boone, Nebraska and Larry Petsche of Petersburg, Nebraska to do the pickup work for the Assessor's Office. The Board reviewed the agreement and a schedule for payment based on the type of pickup work to be performed. It was the Board's opinion that whoever was doing the pickup work should be required to use a county vehicle rather than their personal vehicle due to liability issues. The initial term of this contract shall commence on November 14, 2014 and shall continue until March 31, 2015. 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 Tisthammer, second by Luettel to approve the Contractor Agreement between the County of Boone, Nebraska and Larry Petsche as presented and authorizes the Board Chairman to sign said agreement. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- Commissioner Luettel reported on the NIRMA Self Defense Conference he attended in Kearney, Nebraska on October 9 and 10, 2014. Luettel accepted the NIRMA dividend check on behalf of Boone County in the amount of \$9,074.00.
- Vasthil Patino, Columbus News Team, observed the Board meeting.

Chairman Schuele declared the meeting adjourned at 12:38 P.M. with the next Board meeting scheduled for Monday, October 20, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Tuesday, October 14, 2014 at 11:00 A.M. in the Boone County Courthouse Commissioners 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 roll call were Ken Luettel, Jerry L. Tisthammer and Tom Schuele. Also present was Mary Ziemba, Zoning Administrator, Mark Wagner, Boone County Planning & Zoning Commission, and John Morgan, County Attorney. In attendance for applicant were Jerry Niewohner, Mark Niewohner, Jeff Jarecki, Attorney of Albion and Warren R. Whitted, Jr., Attorney of Omaha. In addition, approximately ten interested citizens attended the hearing.

The public hearing is for the purpose of hearing testimony in favor of, opposition to, and answer questions in relation thereto the approval or denial of an Application for a Conditional Use Permit. The applicant MSJM Properties, LLC filed an Application for Conditional Use Permit on September 3, 2014. The Conditional Use Permit (CUP) application is to construct a Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the southeast corner of the Northeast Quarter of Section 5, Township 20 North, Range 6 West, Boone County, Nebraska. Niewohner Bros., Inc. owns the property hereinto referenced. After receiving testimony from the proponents and opponents the Board has the option to approve, deny or postpone/table the decision.

Chairman Schuele opened the floor for the applicants. Jeff Jarecki recommended State Statute 84-1412 regarding a time limitation for public comments. The Board Chairman denied the request for time limitation regarding public comments.

Jerry Niewohner said that the request is to build a 2500 head swine finishing unit closer to a facility where they grow the isolated little pigs. The plans for the unit includes an 8 foot underfloor deep pit for manure storage. A finishing unit built on our own land closer to the little pig unit would allow us to manage the facilities rather than contracting with other operators for finishing. Niewohner said they own adjacent farm ground to receive the direct injection of manure from pit. Niewohner discussed miscommunications, errors in documents/publications and the length of time required for hearings/rulings regarding zoning matters.

The Board acknowledged miscommunications/errors and responded that it has occurred on both sides.

The Board of Commissioners received a copy of Case No. CI 14-49 a Motion for Temporary Injunction and Notice of Hearing filed in the District Court of Boone County, Nebraska with a hearing date set for Tuesday, November 4, 2014. The District Court filing is in regard to an Agreement (land covenant) filed in 1999 on Section 5, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska.

Jeff Jarecki, submitted a copy of the State of Nebraska, Department of Environmental Quality letter that Jerry Niewohner received dated September 30, 2014. The letter addresses M.S.J.M. Properties, LLC-MSJM East Construction and Operating Permit for the SE1/4, NE1/4, Section 5, Township 20 North, Range 6 West, Boone County, Nebraska. The permit is in response to the application received on June 9, 2014. The letter also states that "The issuance of this permit does not remove your responsibility to comply with any county or local zoning regulations."

Jarecki asked that the Board of Commissioners to approve the Conditional Use Permit Application as the Boone County Planning and Zoning Board unanimously passed the Conditional Use Permit on September 22, 2014.



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Jarecki reiterated his statement from the June 23, 2014 public hearing that the Agreement (land covenant) is a separate issue from the Conditional Use Permit regulations and/or requirements. Jarecki said the Board of Commissioners are to address if the Application for Conditional Use Permit meets the County Planning and Zoning Comprehensive Plan regulations and/or requirements and that the Board of Commissioners do not have the authority to make a legal conclusion.

Following the applicants, Commissioner Schuele opened the floor for proponents and opponents.

Mary Ziemba, Boone County Zoning Administrator, read a statement she prepared regarding the MSJM Properties, LLC Application for Conditional Use Permit and zoning regulations. Ziemba asked that the statement be on the record and a written part of the minutes of the October 14, 2014 Public Hearing. The statement is attached to and a part of the October 14, 2014 Public Hearing Proceedings.

Mary Ann Kunzman stated she agreed with the Zoning Administrator statements. Kunzman said she appreciates the south winds as she can work outside without the livestock odor. If this unit is built then we are surrounded by the north and south winds for livestock odor.

Jack Kunzman stated he agreed with the Zoning Administrator statements. He addressed the odor of the outside air surrounding their residence. Kunzman agreed with the stop of construction until the court settlement and asked what the purpose of statutes and regulations is, if they are not enforced.

Warren R. Whitted, Jr., Attorney, addressed the difference between a private and restricted covenant. Whitted said that the Planning and Zoning Commission unanimously approved recommendation of the Conditional Use Permit Application and that it is the appropriate use of the land. He encouraged the Board of Commissioners to rule on and approve the Conditional Use Permit, which is for use of the land and not construction. Whitted said that the structure is not in violation, since it is not being used as a livestock confinement, yet.

Ziemba said she is in favor of agriculture in the county, but to begin construction before any permits are approved and issued, that is a violation of the State Statutes.

Jarecki and Jerry Niewohner said that there was miscommunication in the Niewohner office. Niewohner said he thought the necessary papers were completed. Niewohner said he assumed the Board of Commissioners would approve the Conditional Use Permit because the Planning and Zoning Commission approved the Conditional Use Permit.

Mark Wagner said that the Planning and Zoning Commission Board makes recommendations to the Board of Commissioners. The Planning and Zoning Commission Board do not make the final decision regarding Conditional Use Permits and Planning and Zoning Manual regulations. The Planning and Zoning Commission Board recommended approval based on that the Agreement (land covenant) being resolved. The covenant restriction regarding the real estate was the primary discussion. The Planning and Zoning Commission had no legal back up at their hearing.

Commissioner Schuele asked John Morgan, County Attorney, if he has changed his opinion regarding the covenant. Morgan's opinion has not changed regarding the covenant, but noted that a civil suit has been filed.

Whitted said it sounds like there has been a lot of miscommunication in both the Niewohner office and Zoning Administrator office regarding Conditional Use Permit requests. Whitted suggested to complete the backfill of



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the missing items by the November 4, 2014 court hearing date. Whitted said it is possible that the judge may issue a temporary restrain order to stop construction on November 4, 2014. The Board asked if the covenant restriction was forceful, he said he felt it was a private covenant and not one that stays with the land. The Agreement (land covenant) can be read both ways, depends on what the courts decide.

Commissioner Tisthammer addressed Jerry Niewohner disposition when approaching county employees and noted that they are trying to be helpful to do their best at what they were hired to do. Tisthammer also addressed that there appears to be a driveway constructed on/off the county right-of-way with no permit issued from the County, along with no Zoning Building Permit issued for either facility.

Commissioner Luettel addressed starting construction with no approval and it appears to be a large lack of communication within the Niewohner operation. Luettel said you need to communicate with the County Zoning office often until the requested project is completed.

Commissioner Schuele provided a short review of the Application for Conditional Use Permit (CUP) requests. The CUP applications were denied a few years ago due to mismanagement of hog confinement facilities at that time. It appears that the management problems were resolved and there is better management in place today. The size of the CUP application request is an affordable and efficient size to raise hogs as long as the requirements are met. Schuele said that we appreciate your operation and for what you do for the feeding of the population and economy. There has been several delays as discussed here today, from wrong legal descriptions, errors in publications, etc. The CUP was denied in June with the intention that the covenant be settled judicially before construction. The Zoning regulations were brought about by the citizens of Boone County not by one individual or this Board for the protection of the land, water and air quality. Schuele gave a scenario of a dairy in Antelope County that started building without following the protocol procedure, the court denied construction, it is not built and bankruptcy was filed. That is what we want to avoid here and is why we suggested the covenant be settled before construction.

A Conditional Use Permit (CUP) is an application for Permitted Use of the Land. A Zoning Building Permit/Zoning Permit is for the construction of everything from replacing a structure to building a new structure. One needs to apply for a Zoning/Building Permit after approval of a CUP.

Darrel Thorin, County Highway Superintendent, noted that the request for a new driveway access off of a county road has been in effect since 1976 and is a permit by Resolution approved by the Board of Commissioners.

Chairman Schuele asked for any further testimony, hearing none he asked for a motion to close said hearing.

Motion made by Tisthammer and second by Luettel to close said hearing at 11:47 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Commissioner Schuele said that the Board of Commissioners may approve, deny or table/postpone their decision today regarding the Application for Conditional Use Permit.

Commissioner Schuele asked John Morgan to clarify that if the Board of Commissioners decide to postpone/table their decision today, then the Applicant will not need to re-file a new Application for Conditional Use Permit on the same structure and the Board of Commissioners will not need to hold another



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public hearing to make a decision. Morgan said that was correct, when an Application is denied then an applicant has to start new paper work from the beginning again.

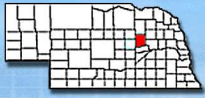
Mark Niewohner said that the construction crew is loading up and leaving today.

Mary Ziemba, Zoning Administrator, provided the Board a packet with copies of the Boone County Planning & Zoning Commission unapproved draft of the September 22, 2014 meeting and hearing proceedings; Memorandum submitted by Jeff Jarecki at the September 22, 2014 hearing; copy of the Application for Conditional Use Permit dated September 3, 2014 and other material. A copy of Case No. CI 14-49 filed in Boone County District Court was submitted to the Board and a letter from Ted and Ramona Thieman in opposition of the Conditional Use Permit.

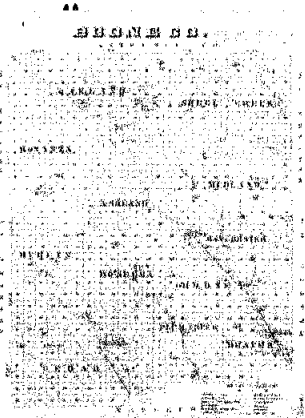
Commissioner Schuele said there is no need to continue discussion regarding the Agreement that is recorded against the real estate. A judgment has been filed in Boone County District Court with a hearing scheduled for Tuesday, November 4, 2014. We need to recognize some value regarding the Boone County Zoning regulations that have been established.

Motion made by Schuele, second by Luettel to table/postpone a decision until the November 10, 2014 Board meeting regarding the Application for Conditional Use Permit filed by MSJM Properties, LLC to construct a finishing pig Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Units) to be located on a Fraction of the southeast corner of the Northeast Quarter of Section 5, Township 20 North, Range 6 West, Boone County, Nebraska, following the November 4, 2014 District Court Hearing decision regarding the Agreement (land covenant). Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



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Mary Ziemba
Boone County Zoning Administrator
Boone County Courthouse
222 S 4th Street
Albion, NE 68620
402-395-2737
bczoning@boone-county.org

October 14, 2014

Statement from Mary Ziemba, Boone County Zoning Administrator

I ask that this statement be on the record and a written part of the minutes.

1. On June 23, 2014, at the monthly Commissioner Meeting, the conditional use permit submitted by MSJM Properties, LLC for the construction of a Class I Livestock Feeding Operation, ECH, Hog Confinement Unit (301-1000 Animal Units) in a Fraction of the SE corner of the NE ¼ of Section 5, Township 20N, Range 6W was not approved. One of the reasons for the denial of this permit was the agreement between Marcia Seier and the Niewohner Brothers. The Niewohner Brothers did not have Marcia Seier sign the Agreement to clarify this use of land requested by MSJM Properties, LLC. I question the legality of the signing of this Agreement from Christo, and the need to know the actual meaning or interpretation of the agreement, which I feel, needs to be a case for a judge, in a court of law.

2. I believe the action of MSJM Properties, LLC is a direct and wrongful action against all of the residents of Boone County. MSJM Properties, LLC has broken the law by breaking the Nebraska State Statute 23-114.05. County Zoning; violations, penalty; injunction, which is also a part of the Boone County Zoning Regulations.

3. On October 2, 2014, by certified mail, I sent a cease and desist order to stop construction immediately, and sited their violations and the legal penalties. Their action of beginning and continuing construction of this hog facility violates this said State Statute and also has, and continues to cause harm to Boone County Citizens, not physical, but the mental anguish placed upon them. I believe, we, as a County need to see the penalties associated with this absolute planned, undeniable wrongful action taken against the County and the citizens of Boone County to be implemented to the fullest degree per State Statute 23-114.05. I, as the Boone County Zoning Administrator, accepted this position to protect the quality of the land use and of the lives, the well-being and health of Boone County Citizens and our natural resources.

Mary Ziemba
Boone County Zoning Administrator



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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, October 20, 2014 at 10:08 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 Stephen J. Lordemann 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 Stephen J. and Gloria J. Lordemann. Stephen J. Lordemann and Gloria Lordemann are the property owners of the real estate referenced herein. The application request is to divide 5.62± acres from farm ground located in a fraction of the NE1/4 of Section 6, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska to construct a new home.

Stephen J. Lordemann explained that their son and daughter-in-law plan to move back to Boone County and build a new home. Mary Ziemba, Zoning Administrator, said the County Planning and Zoning Commission recommended approval of the request. The Board asked if a survey is completed for the 5.62± acres. Lordemann said that they will have the application acreage of 5.62± acres surveyed.

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

Motion made by Luettel, second by Tisthammer to approve the Application for Conditional Use Permit submitted by Stephen J. and Gloria J. Lordemann, with the condition that a new survey be completed and submitted for the 5.62± acres. The approval is to divide 5.62± acres from farm ground to construct a new home to be located on a fraction of the NE1/4 of Section 6, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



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, October 20, 2014 at 10:45 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. Jean Olson representing the applicant 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 Daniel Olson. Christopher C. Olson and Daniel A. Olson are the property owners of the real estate referenced herein. The application request is to divide 3.00± acres for the existing building site from a parcel of farm ground located on the NW1/4 of Section 25, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska.

Jean Olson explained to the Board that the purpose for dividing the 3.00± acres for the existing building site from the farm ground is legal formality. A survey request by Dan Olson is completed. The existing building site is the residence of Dan and Jean Olson. The County Planning Commission recommended approval of the request.

Motion made by Luettel, second by Tisthammer to close said hearing at 10:50 A.M. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Tisthammer to approve as presented the Application for Conditional Use Permit submitted by Daniel Olson. The approval is to divide 3.00± acres for the existing building site from a parcel of farm ground located on a fraction of the NW1/4 of Section 25, Township 20 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

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, October 20, 2014 at 10:25 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Luettel, second by Commissioner Schuele to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Ken Luettel, Tom Schuele and Jerry L. Tisthammer. Applicant John Veik and Mary Ziemba, County Zoning Administrator, were present to answer any questions. Duane Kuhlman was present for the hearing. 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 John Veik. John A. and Laurene M. Veik are the property owners of the real estate referenced herein. The application request is to divide 3.00± acres from farm ground located in a fraction of the NW1/4 of Section 29, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska to construct a new home.

John Veik explained that their daughter and son-in-law plan to move back to Boone County and build a new home. Duane Kuhlman, landowner of the SW1/4 of 20-22-6 that lays north of the application request, addressed the Verizon Cell Tower and their feedlot that is within a mile radius. Ziemba explained the present zoning regulations regarding Conditional Use Permits for residential property. Ziemba suggested to Veik that they should check out the availability of water for a residence before applying for a building permit. Mary Ziemba, Zoning Administrator, said the County Planning and Zoning Commission recommended approval of the request. A survey is completed for the 3.00± acres located in the northwest corner of the NW1/4 of Section 29, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska.

Motion made by Tisthammer, second by Luettel to close said hearing at 10:40 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the Application for Conditional Use Permit submitted by John Veik. The approval is to divide 3.00± acres from farm ground to construct a new home to be located on the northwest corner of the NW1/4 of Section 29, Township 22 North, Range 6 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 OCTOBER 20, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 20, 2014, 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 Zoning Public Hearing Proceedings of October 14, 2014 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.

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance are to be delivered to the County Clerk's office prior to the leave. Approved unforeseen leave of absences are to be delivered to the County Clerk's office upon returning to work.
- Denny Johnson, Sheriff, reported that the Mobile Food Pantry on October 4, 2014 was very well attended and 10,000 pounds of food was distributed.
- The Elected Officials and department heads were reminded that County Government Day is Wednesday, October 22, 2014. The department heads present received a copy of the program for October 22, 2014.
- Steve Pritchard, UNL Extension Educator, said that a Business Program for cattleman is scheduled for November 3, 2014 in Albion.

Tony Lampert, Natural Resources Conservation Service Civil Engineer, St. Paul, Nebraska, presented the Daniel Batenhorst Cedar River Streambank Protection design. Lampert, Darrel Thorin, County Highway Superintendent and the Board reviewed and discussed the design of stream bank stabilization for a section of the Cedar River owned by Daniel Batenhorst. The jobsite in Boone County regarding plans for river bank stabilization is primarily located in the NW1/4 of Section 15 and NE1/4 of Section 16, all in Township 18 North, Range 7 West, of the 6th P.M., Boone County, Nebraska. Lampert, Thorin and the Board discussed the Boone County Road Department involvement during construction. Lambert explained the funding for the project, material and the six page construction design.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin updated the Board regarding the Primrose East Bridge Project and the Cedar Rapids Historical Bridge Project. Thorin shared with the Board a copy of the national news article "Nebraska Showcases First Use of GRS-IBS" regarding new technology used on the Primrose East Bridge project.

Amy O'Brien requested permission to trench an electrical line to a submersible well to water livestock across a county road commonly known as 130th Avenue. The electrical line commences from an electrical pole located



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on the west side of said road in Section 28; thence running east to a submersible well located in the NW1/4 of Section 27, all in Township 21 North, Range 8 West of the 6th P.M., Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-45, granting permission to trench an electrical line to a submersible well to water livestock across 130th Avenue to the NW1/4 of Section 27, Township 21 North, Range 8 West of the 6th P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding of up to \$200.00. The Albion Area Arts Council requested assistance to advertise The Lightning Bugs concert scheduled for November 16, 2014. Motion made by Schuele, second by Luettel to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board received information to review from First Concord Benefits Group, LLC regarding the new Section 125 Plan Document (Flexible Benefits Plan). The Affordable Care Act released information pertaining to certain reporting/benefit regulations that have been incorporated into the new Section 125 Plan Document. The new Section 125 Plan Document is to replace the original document. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Adoption Agreement as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

No action was taken in regard to a County Surveyor Agreement. In a county having a population of less than one hundred fifty thousand inhabitants in which no county surveyor has been elected and qualified, the county board of such county shall appoint a competent surveyor either on a full-time or part-time basis from any other county of the State of Nebraska to such office. An appointed surveyor shall serve the same four-year term as that of an elected surveyor. The county board shall negotiate a contract with the surveyor, such contract shall specify the responsibility of the appointee to carry out the statutory duties of the office of county surveyor. Christopher C. Hays of Osceola, Nebraska is the appointed Boone County Surveyor with the present Surveyor Services Agreement ending December 31, 2014. The Board plans to discuss the Surveyor Agreement with Chris Hays at a later date.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Jeff Jarecki, Boone County Public Defender, reported that he has been assigned thirty-one cases to date in 2014. 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. Jarecki and the Board discussed various issues.

Chairman Schuele declared the meeting adjourned at 12:29 P.M. with the next Board meeting scheduled for Monday, October 27, 2014.

Kathy Thorberg,
Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS BOONE COUNTY ZONING REGULATIONS

Tom Schuele, Chairman of the Boone County Board of Commissioners, made a motion to open a public hearing on Monday, October 27, 2014 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room, in Albion, Nebraska; second by Commissioner Tisthammer. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Tom Schuele, Jerry Tisthammer and Ken Luettel. Also present was Mary Ziemba, County Zoning Administrator, David Potter, JEO representative, and Char Carpenter, Antelope County Zoning Administrator.

The purpose of the public hearing is for the purpose of hearing testimony in favor of, opposition to, and answer questions regarding the following:

- The proposed amendment to the Boone County Comprehensive Plan to include the energy element
- The proposed update and amendments to the Boone County Zoning Regulations
- The revised and updated Official Zoning Map.

David Potter, JEO representative, appeared at the hearing and outlined the various amendments, changes and updates to the Boone County Comprehensive Plan and Zoning Regulations.

Potter explained that pursuant to LB 997, the comprehensive plan needs to be amended to include an energy element regarding energy consumption and conservation. Potter said that it doesn't provide any more regulations to the county but is more along the lines of policy recommendations.

The current zoning regulations have been amended and/or revised over the years with some of the amendments/revisions having been properly adopted. By updating the zoning regulations and obtaining Board approval, the County would be adopting a set of regulations that includes all previous changes and would be a total update. This total update would include the airport zoning regulations in addition to the setback for trees planted along a right-of-way. Potter listed certain additional revisions made to the draft and that the Board should adopt the zoning regulations with the additional revisions before approving the update to the regulations.

Potter explained the Airport Zoning regulations pursuant to LB 140 to the Board and pointed out to them on the zoning map the 10 mile approach. The topography of the area around the airport could affect the ability to construct permanent structures within this 10 mile radius. Potter indicated that if necessary a variance may be granted by the Department of Aeronautics upon application.

Potter pointed out some of the features on the new zoning map such as the 10 mile approach for the airport, 1 mile radius lines for the cities and villages and flood plains.

Motion made by Tisthammer, second by Luettel at 10:35 A.M. to close the public hearing. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Schuele, second by Luettel to approve Resolution 2014-46, a resolution to adopt the energy element of the Boone County Comprehensive Plan. It was noted that this was not recommended for approval by the Planning and Zoning Commission, however, it is required by law. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



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Motion made by Tisthammer, second by Luettel to adopt the amendments/revisions to the Boone County Zoning Regulations. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Luettel, second by Tisthammer to adopt Resolution No. 2014-47, a resolution to update and adopt the Boone County Zoning Regulations and Official Zoning Map as presented. Luettel expressed his concerns regarding the 10 mile approach as stated in the new Airport Hazard regulations; feeling that it was extreme considering the size of the airport and could hurt economic development within the approach area. Liability to the county needed to be considered if this was not included in the zoning regulations. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Lorrie Nicklasson
Deputy Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 27, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 27, 2014, 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 a request for advertisement funding of up to \$400.00. The Albion Chamber of Commerce requested assistance to advertise the Albion Chamber of Commerce Christmas Promotion scheduled for November 20, 2014 through December 24, 2014. Motion made by Tisthammer, second by Luettel to approve recommendation for disbursement of funds from Visitor's Promotion Fund 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 - \$90,545.93, BCBS - \$43,247.53, Ameritas Ret - \$6,217.34, EFTPS - \$6,783.03, Section 125 Fees - \$6.00; Road - \$41,634.94, BCBS - \$22,033.32, Ameritas Ret - \$2,810.36, EFTPS - \$3,134.90; Ambulance - \$1,460.00, Ameritas Ret - \$43.88, EFTPS - \$111.68; Public Defender - \$3,000; and Boone County Fitness Center - \$5,678.18, Ameritas Ret - \$314.11, EFTPS - \$434.38; 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 County Board Proceedings of October 20, 2014 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the Zoning Public Hearings Proceedings of October 20, 2014 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, discussed with the Board the following items:

- Complaints regarding the time clock and payroll amounts since going hourly.
- Updated the Board regarding the Cedar Rapids bridge letting. Indicated that the bids had come in high. Anticipates that the project will be relet at some point and was hoping it would be done in November.
- Updated the Board regarding the Primrose East Bridge Project.

Darrel Thorin, County Highway Superintendent, presented to the Board for their approval an Emergency Action Plan for the County Road Department. Thorin indicated that during the course of public inspections, it was pointed out that there was no Emergency Action Plan in place in the event of severe weather etc. A template was obtained from NIRMA for an Emergency Action Plan and Tom Smith, Emergency Manager, took the information and compiled a plan for the Boone County road shops, including assignment of shelter locations. Thorin provided Google Earth maps indicating the location of the storm shelters. NIRMA indicated that the plan should be approved by the Board and then notice provided to NIRMA of its approval. Motion made by Schuele, second by Luettel to approve the Emergency Action Plan for the County Road Department as



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presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried. Thorin indicated he would provide notice to NIRMA of Board approval.

Motion made by Tisthammer, second by Luettel to go into an executive session at 9:31 A.M. for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. The Board discussed personnel issues. Motion made by Tisthammer, second by Luettel to come out of executive session at 9:50 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried. No formal action taken in executive session and only that reason stated was discussed.

Char Carpenter, Antelope County Zoning Administrator, on behalf of the Nebraska Planning & Zoning Association, was in attendance at the meeting to present the President's Special Service Recognition Award to the Boone County Board of Commissioners. Ms. Carpenter presented a plaque to the Commissioners in recognition and appreciation for their foresight to sponsor a set of model county zoning regulations for commercial wind towers.

Following the close of a Public Hearing, motion was made by Schuele, second by Luettel to approve Resolution 2014-46, a resolution to adopt the energy element of the Boone County Comprehensive Plan. It was noted that this was not recommended for approval by the Planning and Zoning Commission, however, it is required by law. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Following the close of a Public Hearing, motion was made by Luettel, second by Tisthammer to adopt Resolution No. 2014-47, a resolution to update and adopt the Boone County Zoning Regulations and Official Zoning Map as presented. Luettel expressed his concerns regarding the 10 mile approach as stated in the new Airport Hazard regulations; feeling that it was extreme considering the size of the airport and could hurt economic development within the approach area. Liability to the county needed to be considered if this was not included in the zoning regulations. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The agenda item regarding an Agreement between the County of Boone, Boone County Fitness Center and Centerstage Danzers was tabled because the document had not yet been signed by Erica Young on behalf of Centerstage Danzers. This agenda item will be carried forward to the November 10, 2014 meeting.

The County Board conducted a quarterly visit of the county jail. Pursuant to Nebraska State Statute 47-109, 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.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- Lorrie Nicklasson, Deputy County Clerk, informed the Board of the upcoming County Courthouse Food Drive Challenge from November 3-21, 2014. All food items collected are donated to the local food pantry and the County has participated in prior years. The Board indicated that the County's participation would be a good thing.

Chairman Schuele declared the meeting adjourned at 11:31 A.M. with the next Board meeting scheduled for Monday, November 10, 2014.

Lorrie Nicklasson,
Deputy Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 10, 2014

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 10, 2014, 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, Attorney, and Mark Niewohner met with the Board regarding a decision concerning the public hearing held on October 14, 2014 for a Conditional Use Permit by MSJM Properties, LLC to construct a hog confinement facility. The Board tabled a decision to their November 10, 2014 Board meeting due to a court hearing scheduled for November 4, 2014. Jarecki stated that the outstanding documents have all been filed with the County Zoning Administrator. Based upon the documents being filed Jarecki and Niewohner asked for the Board to approve the Conditional Use Permit. The Board asked Jarecki about the November 4, 2014 court decision. Jarecki said that a temporary injunction to stop construction was filed by Seier and the court did not make a ruling. In addition, Niewohner asked if there is a possibility they may install the concrete slats to winterize areas of the concrete that has already been completed. The Board made no comment/motion to the additional construction request. Jarecki answered questions from the Board regarding the protocol procedure for a court ruling. It may be decided in a couple of weeks or it may be several weeks before a decision is handed down by the judge. Motion made by Schuele, second by Luettel to table/postpone a decision until the November 25, 2014 Board meeting in regard to the public hearing held on October 14, 2014 concerning an Application for Conditional Use Permit filed by MSJM Properties, LLC to construct a hog confinement facility. 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 three requests for advertisement funding.

The Albion Area Arts Council requested assistance to advertise the Nebraska Brass Concert scheduled for December 7, 2014. Motion made by Luettel, second by Schuele to approve 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 Petersburg Community Club requested assistance to advertise their annual Christmas Supper and Entertainment event scheduled for December 15, 2014. Motion made by Luettel, second by Tisthammer to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Boone County Philanthropy Council requested assistance to advertise the Boone County Big Give event scheduled for December 5, 2014. Motion made by Tisthammer, second by Schuele to approve recommendation for disbursement of funds from the Visitors Promotion Fund as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



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Motion made by Luettel, second by Schuele to approve the following reports of the County Officials as presented for October, 2014:

- Clerk - \$4,072.00 (State of Nebraska \$1,543.54)(County of Boone \$2,528.46)
- Clerk of the District Court - \$1,151.07 (State of Nebraska \$360.00)(County of Boone \$791.07)
- Sheriff - \$1,192.89
- Planning & Zoning - \$821.97
- Treasurer - Treasurer's Fees - \$0.00; Miscellaneous Receipt Nos. 13875-13931 - \$472,187.22; Total Collections - \$737,801.60

The County Veterans Service Officer submitted a report of activity for September and October, 2014.

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

Motion made by Luettel, second by Tisthammer to approve the County Board Proceedings of October 27, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve the Boone County Zoning Regulations Public Hearing Proceedings of October 27, 2014 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Carrie Rodriguez, Probation Chief Deputy, and Lisa Langan, Boone County Court, met with the Board to discuss office space relocation for the Fifth District Probation officers when they are meeting with clients in the Boone County Courthouse. Langan said that the Judge has concerns with the probation officers clients using the restrooms in the hallway to the judge chambers. Langan said with the juvenile case increase, at times there is two probation officers seeing clients on the same day. The present space used for the probation office is a small room next to the court room/county court office and is too small for two probation officers with clients. Rodriguez said that the probation district purchased cell phones for the probation officers to use when contacting their clients. It is not necessary for the county to pay for a phone line for the probation officers to use in the courthouse. The Board decision at this time is to relocate the probation office to the former Zoning/Emergency Manager office and that the probation officers use their cell phones. Rodriguez indicated that the probation officers are flexible and if in the future there is a need to relocate the probation office space once again it would not be a problem.

The Board took no action regarding the agenda item for a General Assistance request, due to the requestor did not appear before the Board.

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

- Thorin updated the Board regarding the road/bridge and equipment maintenance/repairs.
- The Board and Thorin discussed the quality of gravel and the amount that is stockpiled.
- Thorin and the Board discussed driveway/field approaches being constructed in the county right-of-ways with no permits or culverts.
- Thorin updated the Board regarding the Primrose East Bridge Project and Cedar Rapids Historical Bridge Project.
- Thorin said the plan is to have the Primrose East Bridge open to traffic at the end of this week.
- Nebraska Department of Roads plans to put together a webcam regarding the building and installation of the Primrose East Bridge project to use for presentations.



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An Agreement providing for the construction of the Federal Aid Project No. ENH-6(5), Cedar Rapids Historical Bridge was signed in 2009. The bridge crosses the Cedar River on the east edge of Cedar Rapids, Nebraska. The bids that Nebraska Department of Roads received for the Federal Aid Project No. ENH-6(5) ranged from \$182,316.50 to \$298,747.00, considerably higher than estimated by the Nebraska Department of Roads. The contract was awarded to Cramer and Associates, Inc., of Grimes, Iowa for \$182,316.50. The county share of the project will increase an additional \$14,000.00 to \$15,000.00. Thorin said that if the county is not interested in paying the increased amount, they may deny the contractor bid with the possibility the project will be dropped and the bridge not repaired. Thorin informed the Board that the County has already spent \$11,000.00 for the required environmental studies. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign Resolution No. 2014-48, regarding the acceptance of the Contractor bid of \$182,316.50 for the Federal Aid Project No. ENH-6(5), Cedar Rapids Historical Bridge as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, received a resignation from a full time road employee. Motion made by Tisthammer, second by Schuele to accept the resignation of David Redler effective November 19, 2014. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board reviewed an Agreement between the County of Boone, Boone County Fitness Center and Centerstage Danzers. The Centerstage Danzers rent a room at the Boone County Fitness Center for dance classes. The renter agrees to carry general liability insurance coverage for the dance classes. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Agreement between the County of Boone, Boone County Fitness Center and Centerstage Danzers as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Darrel Hadley, Fowlkes Realty & Auction Co., Inc., presented a Residential Purchase Agreement to the Board for their review. Hadley explained to the Board that the Boone County Health Center is interested in purchasing Lot 1, Block 5, South Fairview Addition to Albion, Boone County, Nebraska. The Boone County Health Center cannot own real estate, therefore, the real estate is owned by the County of Boone, Nebraska. The Boone County Health Center plans to reimburse the County of Boone for the real estate purchase. Hadley explained that once the buyer accepts the Purchase Agreement, he then visits with the seller for acceptance of the Purchase Agreement. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Residential Purchase Agreement in the sum of \$65,000.00 plus closing costs of \$311.25 for Lot 1, Block 5, South Fairview Addition to Albion, Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed Accounts Payable Vendor Claims submitted by employees for meeting expense reimbursements. The Boone County Employee Handbook addresses Travel Expense under Tab/Exhibit R for allowable amounts regarding meals not provided with the meeting registration. The Accounts Payable Vendor Claim Nos. 991, 998 and 1785 regarding meal reimbursements were adjusted in accordance with Exhibit R of the Boone County Employee Handbook. The Accounts Payable Vendor Claim No. 1069 regarding mileage reimbursement was adjusted to the direct route from work place to meeting site. Mileage reimbursement for employees is figured from the work place by a direct route to the meeting site and return. The mileage was adjusted from 310 miles to 250 miles for the meeting.

Motion made by Schuele, second by Luettel to partially reject the following amounts on the Accounts Payable Vendor Claims No. 991 - \$3.59; No. 998 - \$3.79; No. 1785 - \$.28; and No. 1069 - \$33.60 regarding allowable meeting expense reimbursements. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.



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Motion made by Schuele, second by Luettel to approve the Accounts Payable Vendor Claims filed for payment from the various funds, less the rejected amounts: General - \$50,256.04; Road - \$75,567.08; County Visitors Promotion - \$400.00; Reappraisal - \$6,425.51; 911 Emergency Management (2910) - \$244.40; 911 Wireless Services (2913) - \$977.60; Ambulance - \$1,178.15. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- A Columbus News Team representative observed the Board meeting.
- Tom Smith, Region 44 Emergency Manager, updated the Board regarding emergency manager activities.
- Tom Smith updated the Board regarding plans for an Interoperable Communications System for Region 44 Emergency Management (Boone, Nance and Merrick). The emergency telephone communications system includes wireless, land line, Reverse 911, and emergency communications over radio and TV. The cost of \$3,600.00 is split between the three counties and a percentage of the cost may be reimbursed with state/federal funds. Smith asked the Board not to renew the expired agreement with Platte County.
- Tom Smith, Region 44 Emergency Manager, has set up a Boone County Local Emergency Planning Committee (LEPC) meeting for Monday, November 17, 2014 at 6:30 P.M., at the Albion Fire Hall.
- Ted Thieman felt that the Board of Commissioners should pursue the violation of zoning building permits by MSJM Properties, LLC for starting building constructions without the permits. Schuele replied that the Board is in no position to prosecute. Thieman said that the Board should have written documentation to the County Attorney requesting the County Attorney to take action.
- Thieman informed the Board that the Jim Majerus horse issue is not being followed in accordance with the plea agreement and that horses have been out on the county road. Thieman felt that the Board should ask the Sheriff's office to complete an inspection of the horse situation.

Chairman Schuele declared the meeting adjourned at 12:05 P.M. with the next Board meeting scheduled for Monday, November 17, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
NOVEMBER 17, 2014
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 17, 2014, 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 of November 10, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, and the Board discussed the internet service provided to the courthouse. Presently the DSL Internet service through Frontier Communications is 5 Megs. Great Plains Communications is the internet provider to the courthouse for the State of Nebraska equipment. Great Plains Communications has the capability to provide 50 Megs. If the Board chooses to change the internet capabilities, the offices with frontier emails will need to change their email addresses. Knott indicated that the difference in services is that Frontier is based out of New York and Great Plains is based out of Blair, Nebraska. Knott will provide figures for internet services and possible new phone system for the Board to review. The Board made no decision at this time.

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.
- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance are to be delivered to the County Clerk's office prior to the leave. Employees present were reminded that the work hours for the pay period ending on November 21, 2014 need to be checked with the County Clerk's office no later than Thursday, November 20, 2014. The payroll processing is a narrow time frame due to the holiday, therefore, what is pulled over is what is processed for the payroll ending November 21, 2014.
- Denny Johnson, Sheriff, reported that the group ordered 15,000 pounds of food for the Mobile Food Pantry that is scheduled to arrive on Saturday, November 22, 2014. Johnson said that help is appreciated and volunteers are asked to be at the Albion Fire Hall at 8:30 A.M.
- Employees present were reminded that the Nebraska County Courthouse food drive challenge ends Friday, November 21, 2014 and the donations go to the local food pantry.
- The employees were informed that the ALCO stores discontinued the ALCO Stores Charge Account program effective November 7, 2014.
- Commissioner Schuele addressed that there is a need to evaluate office space due to office personnel changes in 2015. Also, the Board feels there is a need to address compensatory time to be possibly eliminated. The Board feels that there should be little need for overtime accumulation by employees on a daily basis. There is times that overtime may occur due to weather and office work structure, with the employee being paid accordingly.



Boone County Board Minutes



Darrel Hadley, Fowlkes Realty & Auction Co., Inc., informed the Board that the seller accepted the Residential Purchase Agreement in the sum of \$65,000.00 plus closing costs of \$311.25 for Lot 1, Block 5, South Fairview Addition to Albion, Boone County, Nebraska. The Boone County Health Center plans to reimburse the County of Boone for the real estate purchase. The Board plans to process the payment of \$65,311.25 to Fowlkes Realty & Auction Co., Inc. on December 8, 2014.

Darrel Thorin, County Highway Superintendent, received two sealed bids for a new 2015 motor grader for the Board to review. The following bids were submitted: Nebraska Machinery - \$196,684.80 - 12M3 Cat; Murphy Tractor - \$199,500.00 – John Deere 772GP. Thorin said he asked that the bids include a new snow wing and trade in amount for the 140H Cat with 13,000 plus hours. Delivery of the new motor grader is expected in February 2015. Matt Geyer, Murphy Tractor, addressed questions in regard to the John Deere bid and Eddie Bomar, Nebraska Machinery, addressed questions in regard to the Cat bid. Thorin said that the road employees have no problem operating either machine. Commissioner Schuele thanked both representatives for competitive bids and for making the decision difficult. Motion made by Tisthammer, second by Luettel to approve the purchase of the 12M3 Cat Motor Grader from Nebraska Machinery for the sum of \$196,684.80, including the trade in of the 140H Cat 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, projects and equipment. Thorin updated the Board regarding the Primrose East Bridge Project and the Cedar Rapids Historical Bridge Project. Thorin said the plan is to install the approach guard rails on the Primrose East Bridge today and hopefully be open to traffic this week.

An annual certification of a County Highway Superintendent is due each year by December 31st to the Nebraska Department of Roads per Nebraska Revised Statutes §39-2501 through §39-2505. The performance of the duties listed in the certification determines federal highway allocation funds incentive payments. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Certification for the Nebraska Department of Roads of Darrel Thorin, Boone County Highway Superintendent, for the calendar year 2014 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bore a 3-phase electrical cable under a county road commonly known as 190th Street. The request is to relocate the overhead line to an underground line between the SW1/4 of Section 14 and the NW1/4 of Section 23, all in Township 21 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-49, granting permission to bore an electrical line under 190th Street to relocate the overhead line to an underground line between the SW1/4 of Section 14 and the NW1/4 of Section 23, all in Township 21 North, Range 6 West of the 6th P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bore a 3-phase electrical cable under a county road commonly known as 190th Street. The request is to relocate the overhead line to an underground line between the SW1/4 of Section 14 and the NW1/4 of Section 23, all in Township 21 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Motion made by Tisthammer, second by Schuele to approve Resolution No. 2014-50, granting permission to bore an electrical line under 190th Street to relocate the overhead line to an underground line between the SW1/4 of Section 14 and the NW1/4 of Section 23, all in Township 21 North, Range 6 West of the 6th P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.



Boone County Board Minutes



Laurie Krohn, County Treasurer, submitted a Distress Warrant Report for the Board to review. There were twelve distress warrants delivered to the Boone County Sheriff on November 1, 2014 for collection of unpaid 2013 personal property taxes. The amount of uncollected 2013 personal property taxes, not including penalties is \$5,932.41. The total to be collected on distress warrants, with penalties is \$6,115.57. Motion made by Tisthammer, second by Schuele to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Albion Chamber of Commerce is proposing a Downtown Albion Lighting Project. The project is to brighten up downtown buildings. The Board received a proposal form regarding the county owned building that is occupied by BCDA, Inc. at 233 South 4th Street, Albion, Nebraska. Motion made by Schuele, second by Luettel to support the Albion Chamber of Commerce Downtown Lighting Project to display lights on the county owned building at no expense to the county. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

County of Boone has been a member of the Nebraska Intergovernmental Risk Management Association (NIRMA) pool since November 1987. NIRMA was formed pursuant to the Intergovernmental Risk Management Act (Neb. Rev. Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801 et seq.); and counties and other public agencies as defined in Neb. Rev. Stat. §44-4303 are allowed to participate in said cooperative undertakings. The current Intergovernmental/Interlocal Agreements (NIRMA and NIRMA II) will expire on June 30, 2015. The Board held a lengthy discussion regarding the NIRMA insurance renewal and prior local insurance agencies requests to submit proposals. The Board acknowledged that NIRMA is focused on county government insurance needs and dividends received by County of Boone from NIRMA is a cumulative sum of \$230,321.00. Motion made by Schuele, second by Tisthammer to approve and adopt Resolution No. 2014-51 to extend Boone County's commitment to participate in NIRMA and NIRMA II for the period July 1, 2015 through June 30, 2018 as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board contacted the NACO office and reviewed the information received regarding guidelines for filling county office vacancies. In a county having a population of less than one hundred fifty thousand inhabitants in which no county surveyor has been elected and qualified, the county board of such county shall appoint a competent surveyor either on a full-time or part-time basis from any other county of the State of Nebraska to such office. An appointed surveyor shall serve the same four-year term as that of an elected surveyor. The county board shall negotiate a contract with the surveyor, such contract shall specify the responsibility of the appointee to carry out the statutory duties of the office of county surveyor. Christopher C. Hays of Osceola, Nebraska is the appointed Boone County Surveyor with the present Surveyor Services Agreement ending December 31, 2014. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign an Agreement for Surveyor Services with Christopher C. Hays of Osceola, Nebraska as set forth in Nebraska State Statutes for a four year term ending December 31, 2018 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. 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 Luettel, second by Tisthammer to accept and approve the County Sheriff's 2014 third quarter report as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled this week.
- The Board meeting previously scheduled for November 24, 2014 is changed to Tuesday, November 25, 2014 to accommodate the payroll period.
- The Board discussed the protocol procedure to fill the County Assessor's office vacancy.
- Denny Johnson, Sheriff, updated the Board regarding the Communications Tower project proposal to erect a new tower on county property known as the county fairgrounds. Johnson and Sheryl Machacek, Communications Director, have been in contact with Platte Valley Communications for guidance with the project.

Chairman Schuele declared the meeting adjourned at 12:50 P.M. with the next Board meeting scheduled for Tuesday, November 25, 2014.

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, November 17, 2014 at 11:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Schuele, second by Commissioner Luettel to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Tom Schuele, Ken Luettel and Jerry L. Tisthammer. Applicant Loren Johnson 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 Loren Johnson. Loren A. Johnson is the property owner of the real estate referenced herein. The application request is to divide 3.00± acres from a parcel of farm ground located in the NW1/4 of Section 28, Township 20 North, Range 5 West of the 6th P.M., Boone County, Nebraska.

Loren Johnson explained to the Board that the purpose for dividing the 3.00± acres is to construct a new home. A survey request by Loren Johnson is completed. The Board addressed that the basement foundation is just within the 63 feet setback requirements. The Board discussed tree planting with Johnson. Johnson said that he is aware of the tree setback distance and that there is no room for trees on the north and west side of the house. The Boone County Planning and Zoning Commission approved the Conditional Use Permit.

Motion made by Tisthammer, second by Luettel to close said hearing at 11:09 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Motion made by Tisthammer, second by Schuele to approve as presented the Application for Conditional Use Permit submitted by Loren Johnson. The approval is to divide 3.00± acres from a parcel of farm ground located in a fraction of the NW1/4 of Section 28, Township 20 North, Range 5 West of the 6th P.M., Boone County, Nebraska to construct a new home. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 25, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, November 25, 2014, 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 County Safety Committee met at 9:04 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Tom Schuele and Ken Luettel, Denny Johnson, Laurie Krohn, Rod Nelson, Tom Smith and Darrel Thorin. In addition, Hilary Maricle and Kathy Thorberg were present for the safety meeting. Nelson addressed old business regarding the back door project on the law enforcement building. The back door project is completed. Thorin reported on the NIRMA audit regarding the County Road Department. Thorin said that all the county road shops are in compliance with the posting of the Emergency Action Plan. Thorin thanked Smith for his assistance with the Emergency Action Plan. Nelson and Schuele feel that it would be beneficial to appoint a Boone County Fitness Center employee as a member of the County Safety Committee. The Board plans to address the safety committee members at the County Board Reorganizational meeting on January 8, 2015. The committee discussed preventability and safety suggestions were addressed by the committee regarding worker's compensation claims. Johnson thanked Nelson for fixing the three issues written up by the Fire Marshall's office regarding the law enforcement building. Tom Smith addressed several issues. Smith said he has not heard from NIRMA regarding the NIRMA ASSIST Program Grant and discussed a new Internal Notification System. The Safety Committee meeting was adjourned at 9:16 A.M.

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

The Boone-Nance County Extension Board recommends the reappointment of Mark Grundmayer of Petersburg to serve a second three-year term on the Boone-Nance County Extension Board beginning January, 2015. Motion made by Luettel, second by Schuele to reappoint Mark Grundmayer to serve a second three-year term on the Boone-Nance County Extension Board beginning January, 2015. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Boone-Nance County Extension Board recommends the appointment of Ken Schriver of Albion to serve his first three-year term on the Boone-Nance County Extension Board beginning January, 2015. Schriver replaces Jim Carder who has completed his sixth year on the board. Motion made by Luettel, second by Schuele to appoint Ken Schriver to serve a three-year term on the Boone-Nance County Extension Board beginning January, 2015. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.



Boone County Board Minutes



Motion made by Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General - \$95,603.90, BCBS - \$42,470.89, Ameritas Ret - \$6,565.20, EFTPS - \$7,171.01, Section 125 Fees - \$6.00; Road - \$43,268.60, BCBS - \$20,282.74, Ameritas Ret - \$2,920.63, EFTPS - \$3,267.55; Ambulance - \$1,579.56, Ameritas Ret - \$60.39, EFTPS - \$120.83; Public Defender - \$3,000.00; and Boone County Fitness Center - \$5,981.72, Ameritas Ret - \$312.24, EFTPS - \$457.58; which is all reimbursed back to the county. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings and Zoning Public Hearing Proceedings of November 17, 2014 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Brandi Yosten, Attorney, met with the Board regarding a decision concerning the public hearing held on October 14, 2014 for a Conditional Use Permit by MSJM Properties, LLC to construct a hog confinement facility. The Board tabled a decision to their November 10, 2014 Board meeting due to a court hearing scheduled for November 4, 2014. The Board tabled a decision on November 10, 2014 to their November 25, 2014 Board meeting due to no court ruling. Yosten explained the courts brief filing process and asked the Board to table a decision to their December 8, 2014 Board meeting. Motion made by Schuele, second by Luettel to table/postpone a decision until the December 8, 2014 Board meeting in regard to the public hearing held on October 14, 2014 concerning an Application for Conditional Use Permit filed by MSJM Properties, LLC to construct a hog confinement facility. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Barb Hanson, Deputy Assessor, and the Board discussed plans going forward for the Boone County Assessor's office. Hanson plans to advertise for a full time employee.

The Board discussed the County Assessor vacancy. The present term ends January 7, 2015. No person shall be eligible to file for, be appointed to, or hold the office of county assessor or serve as deputy assessor in any county of this state unless he or she holds a county assessor certificate. Motion made by Luettel, second by Schuele to appoint Barb Hanson as Boone County Assessor to fulfill the unexpired term of Joyce Sock effective November 25, 2014. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

The Board discussed the County Assessor vacancy for the 2015-2018 four-year term beginning January 8, 2015. The Board decided to advertise for the Boone County Assessor position in the Albion Newspaper and by email to post the vacated position to all the Nebraska counties. The newspaper ad is for the weeks of December 1, 2014 and December 8, 2014 with an application deadline of Thursday, December 18, 2014 at 5:00 P.M. The application may be picked up and returned to the Boone County Clerk's office. The Board plans to review the applications at the Board meeting scheduled for Monday, December 22, 2014 and plan to appoint to fulfill the vacancy at their December 29, 2014 Board meeting. Motion made by Schuele, second by Luettel to advertise as discussed for the Boone County Assessor position with an application deadline of Thursday, December 18, 2014 at 5:00 P.M. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Darrel Thorin, County Highway Superintendent, updated the Board regarding road/bridge and equipment maintenance/repairs. Thorin updated the Board regarding the Cedar Rapids Historical Bridge project. Thorin informed the Board that the Primrose East Bridge opened for traffic on November 19, 2014, with plans to complete the dirt work and seeding in the spring.



Boone County Board Minutes



Darrel Thorin, County Highway Superintendent, presented an Agreement for Engineering Services to the Board for review. The Agreement for Engineering Services is with Wilson & Company of Omaha, Nebraska to provide engineering services related to the replacement of County Bridge No. C000601010. The bridge is located on Beaver Valley Road a quarter mile west of 170th Avenue. Motion made by Schuele, second by Luettel to approve and authorize the Board Chairman to sign the Agreement for Engineering Services for the replacement of County Bridge No. C000601010 with Wilson & Company as presented. Roll call vote: Yeas: Schuele and Luettel. Nays: None. Absent: Tisthammer. Motion carried.

Andy Devine, Albion City Administrator, submitted an Interlocal Agreement for renewal between the County of Boone and City of Albion. The City of Albion requires a Street Superintendent and desires the Street Superintendent to be licensed with the State of Nebraska. Darrel D. Thorin is a Class A Licensed County Highway Superintendent, a licensed Street Superintendent and a full time employee for the County of Boone. Thorin is a full time salaried employee of Boone County and City of Albion desires to remit payment directly to Boone County on a monthly basis for each month of this agreement. The Board and Thorin discussed the language difference regarding insurance liability from the prior year agreements. All parties on an annual basis shall review the Interlocal Agreement. Motion made by Luettel, second by Schuele to approve and authorize the Board Chairman to sign Resolution No. 2014-52 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, 2015 as presented. Roll call vote: Yeas: Luettel and Schuele. Nays: None. Absent: Tisthammer. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled.
- Tom Smith, Region 44 Emergency Manager, updated the Board regarding several items. Smith explained the capabilities of AlertSense base services regarding the new Internal Notification System for the Region 44 Counties of Boone, Merrick and Nance.
- Tom Smith, Region 44 Emergency Manager, updated the Board regarding the Boone County Local Emergency Planning Committee (LEPC) meeting that was held on November 17, 2014.
- Mark Niewohner, Darrel Thorin, Highway Superintendent, and the Board discussed a portion of 180th Street lying between State Highway 14 and Y Road. All present agreed that a portion of 180th Street is dangerous and that something needs to be done. They discussed the possibilities and the protocol procedure for each scenario.
- Jerry Niewohner asked the Board what they decided in regard to the public hearing held on October 14, 2014 for a Conditional Use Permit by MSJM Properties, LLC to construct a hog confinement facility. Commissioner Schuele informed Niewohner that the agenda item regarding the Conditional Use Permit was at 10:00 A.M. and that their legal counsel asked the Board to table/postpone a decision to the December 8, 2014 Board meeting. Schuele explained that a Zoning Building Permit is separate from a Conditional Use Permit and a Building Permit cannot be issued before a Conditional Use Permit is approved. Niewohner and the Board had a lengthy spirited discussion regarding several issues.

Chairman Schuele declared the meeting adjourned at 12:45 P.M. with the next Board meeting scheduled for Monday, December 8, 2014.

Kathy Thorberg,
Boone County Clerk



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 8, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 8, 2014, 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 Hadley, Fowlkes Realty & Auction Co., Inc., presented a Residential Purchase Agreement to the Board of Commissioners on November 10, 2014. The Boone County Health Center is interested in purchasing Lot 1, Block 5, South Fairview Addition to Albion, Boone County, Nebraska. The Boone County Health Center cannot own real estate, therefore, the real estate is owned by the County of Boone, Nebraska. The Boone County Health Center plans to reimburse the County of Boone for the real estate purchase. Motion made by Luettel, second by Schuele to approve the purchase of Lot 1, Block 5, South Fairview Addition to Albion, Boone County, Nebraska for the Boone County Health Center in the amount of \$65,000.00 plus closing costs of \$351.25 and issue a check payable to Fowlkes Realty & Auction Co., Inc. as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the following reports of the County Officials as presented for November, 2014:

- Clerk - \$4,619.50 (State of Nebraska \$2,201.56)(County of Boone \$2,417.94)
- Clerk of the District Court - \$2,820.72 (State of Nebraska \$2,424.00)(County of Boone \$396.72)
- Sheriff - \$2,008.52
- Planning & Zoning - \$143.00
- Treasurer - Treasurer's Fees - \$6.00; Miscellaneous Receipt Nos. 13932-13989 - \$270,107.00; Total Collections - \$470,787.66
- The County Veterans Service Officer submitted a report of activity for November, 2014.

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

The First Concord Benefits Group submitted the Section 125 Cafeteria Plan re-enrollment forms for calendar year 2015 and Cafeteria Plan-IRC Section 125 key employees questionnaire/highly compensated employee forms for 2015. Motion made by Tisthammer, second by Luettel to approve and authorize the Board Chairman to sign all necessary documents regarding the Section 125 Cafeteria Plan re-enrollment and maintain the grace period plan. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.



Boone County Board Minutes



Aubrey Schriver, BCDA, Inc., presented the BCDA, Inc. Membership Agreement and BCDA, Inc. Disbursement Agreement for the Board to review and sign.

The BCDA, Inc. Membership Agreement addresses the corporation's terms of membership and financial contribution with the County of Boone; Albion Economic Development Corporation; City of Albion; Village of Cedar Rapids; Village of Petersburg; Village of Primrose; and City of St. Edward. Motion made by Schuele, second by Tisthammer to approve and authorize the Board Chairman to sign the Membership Agreement between BCDA, Inc. and County of Boone for fiscal year July 1, 2014 to June 30, 2015, with the county contribution being 80% of BCDA, Inc. budget as presented. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The BCDA, Inc. Disbursement Agreement addresses recitals and terms of fund disbursements between the County of Boone and BCDA, Inc., a non-profit corporation. Motion made by Tisthammer, second by Schuele to approve and authorize the Board Chairman to sign the Disbursement Agreement between the County of Boone and BCDA, Inc. commencing July 1, 2014 and ends on June 30, 2015 as presented. Roll call vote: Yeas: Tisthammer, Schuele and Luettel. Nays: None. Motion carried.

The Board heard a general assistance request regarding utilities. The Board explained the protocol procedure and guidelines regarding general assistance. Motion made by Schuele, second by Luettel to approve a portion of the two utility bills payable directly to the entities. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. 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 - \$35,269.26; Road - \$75,259.18; County Visitors Promotion - \$374.40; Reappraisal - \$6,229.69; Inheritance Tax \$66,516.17; 911 Emergency Management (2910) - \$289.45; 911 Wireless Services (2913) - \$1,157.77; Ambulance - \$2,615.46. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Sheryl Machacek, Communications Director, and Denny Johnson, Sheriff, updated the Board regarding the Boone County Communications Tower project. Machacek explained the Nebraska Regional Interoperable Network (NRIN) to the Board. There are 3 dishes proposed in Boone County to complete the NRIN and EC-911 Project. One of those dishes was proposed at 23 GHz frequency. The 23 GHz frequency crossed over into the Aviation Range and will not pass the FAA. Mike Epley at Platte Valley Communications of Kearney is working with Machacek regarding the frequency issues. Machacek asked the Board if they would consider purchasing land for the Communications Tower project if the frequency is not approved by FAA for the fairgrounds site. The chosen location site is the southwest corner of county owned property known as the Boone County Fairgrounds. If the frequency issues are passed by the FAA then the next step is a soil study of the site that is proposed for the new 300 foot communications tower. The consensus of the Board, is to proceed with the soil study, upon FAA frequency approval.

The Board held their monthly meeting with the officials and department heads.

- Commissioner Schuele asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective office.
- Steve Pritchard, Extension Office, said that an educational meeting on the 2014 Farm Bill is scheduled for January 15, 2015 at the Boone County Fairgrounds.



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- A reminder to employees/department heads that the Time Clock/Attendance System employees Request for Leave/Absence forms are to be completed and delivered to the County Clerk's office timely for posting to the payroll system. Employee vacation/sick leave that is approved in advance are to be delivered to the County Clerk's office prior to the leave.
- Those present discussed possible changes to comp time, vacation year-end payout and wage increase effective date changed from January 1, 2015 to December 22, 2014 to coincide with the 22/21 payroll period.
- The Board will make a decision regarding comp time on December 15, 2014. If the decision is to remove comp time from the handbook it will also be effective December 22, 2014 with all earned comp time to be used or paid out with the December 21, 2014 payroll date. Any overtime earned will be paid out each pay period. The Board feels that there should be little need for overtime accumulation by employees on a daily basis. There are times that overtime may occur due to weather and office work structure, with the employee being paid accordingly.
- The Board addressed comp time as additional cost to the county. When an employee is absent from work due to use of comp time, usually someone is being paid to sit in the office or the office is closed and the work still needs to be completed when they return to work.
- An employee may carry up to 40 vacation hours to the next calendar year. The employee is reminded that if they plan to be absent anytime from December 22, 2014 through December 31, 2014 they need to use 2014 earned vacation.
- The Employee Handbook addresses travel expenses for mandated/necessary training and meetings. The Board plans to clarify same day meeting meal reimbursement, reimbursement is for employee only expense, set travel expense reimbursement from courthouse direct route to meeting destination for mileage and paid wages of drive time for non-exempt employees.

Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his November report. Thorin updated the Board regarding the road/bridge and equipment maintenance/repairs.

John Temme requested permission to trench an 8" plastic water line and electric kill switch wire in the same trench for irrigation purposes. The request is to trench across 130th Street commencing from an irrigation well to be located in the SE1/4 of Section 15, Township 22 North, Range 6 West; thence running south to an irrigation pivot to be located in the E1/2NE1/4 of Section 22, 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. 2014-53, granting permission to trench an 8" water line and electric wire in the same trench across 130th Street to an irrigation pivot to be located in the E1/2NE1/4 of Section 22, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Niewohner Grandchildrens LP, Jerry Niewohner, Registered Agent, requested permission to trench an electrical line/2" water line in the same trench across 220th Street. The request commences from an existing pole/water line located in part of the E1/2 of Section 5, Township 20 North, Range 7 West; thence running Northeasterly to the W1/2 of Section 33, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska as presented. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2014-54, granting permission to trench an electrical line/2" water line across 220th Street from an existing pole/water line located in part of the E1/2 of Section 5, Township 20 North, Range 7 West; thence running Northeasterly to the W1/2 of Section 33, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska as presented. Roll Call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.



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Jeff Jarecki, Attorney, met with the Board regarding a decision concerning the public hearing held on October 14, 2014 for a Conditional Use Permit by MSJM Properties, LLC to construct a hog confinement facility. The Board tabled a decision to their November 10, 2014 Board meeting due to a court hearing scheduled for November 4, 2014. The Board tabled a decision on November 10, 2014 to their November 25, 2014 Board meeting due to no court ruling. The Board tabled a decision on November 25, 2014 Board meeting to their December 8, 2014 Board meeting due to no court ruling. Jarecki asked the Board to table a decision to their December 22, 2014 Board meeting due to no court ruling. Motion made by Schuele, second by Tisthammer to table/postpone a decision until the December 22, 2014 Board meeting in regard to the public hearing held on October 14, 2014 concerning an Application for Conditional Use Permit filed by MSJM Properties, LLC to construct a hog confinement facility. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

Open discussion and miscellaneous public comments:

- The Board received a recommitment dividend from Nebraska Intergovernmental Risk Management Association (NIRMA) in the amount of \$6,049.00. Boone County has been a member of NIRMA/NIRMA II insurance program since 1988. NIRMA is a member owned and operated non-profit program.

Chairman Schuele declared the meeting adjourned at 12:05 P.M. with the next Board meeting scheduled for Monday, December 15, 2014.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
DECEMBER 22, 2014

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 22, 2014, 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, Attorney, met with the Board regarding a decision concerning the public hearing held on October 14, 2014 for a Conditional Use Permit by MSJM Properties, LLC to construct a hog confinement facility. The Board tabled a decision to their November 10, 2014 Board meeting due to a court hearing scheduled for November 4, 2014. The Board tabled a decision on November 10, 2014 to their November 25, 2014 Board meeting; November 25, 2014 Board meeting to their December 8, 2014 Board meeting; and the December 8, 2014 Board meeting to their December 22, 2014 Board meeting, due to no court ruling. Jarecki said that the judge received briefs from both parties to review and asked the Board to table a decision to their January 12, 2015 Board meeting due to no court ruling. Motion made by Schuele, second by Tisthammer to table/postpone a decision until the January 12, 2015 Board meeting in regard to the public hearing held on October 14, 2014 concerning an Application for Conditional Use Permit filed by MSJM Properties, LLC to construct a hog confinement facility. Roll call vote: Yeas: Schuele, Tisthammer and Luettel. Nays: None. Motion carried.

The Board advertised the vacancy of the Boone County Assessor 2015-2018 four-year term beginning January 8, 2015 for two weeks with the application deadline being Thursday, December 18, 2014. The Board received one application for the vacancy position. The Board interviewed the applicant and discussed plans going forward for the Boone County Assessor's office with Barb Hanson. Motion made by Schuele, second by Luettel to appoint Barb Hanson to fulfill the vacancy of Boone County Assessor for the 2015-2018 four-year term beginning January 8, 2015. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Luettel, second by Schuele to approve the County Board Proceedings of December 15, 2014 as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to set the 2015 Board of Equalization Reorganizational meeting for Thursday, January 8, 2015 at 11:45 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitor's Promotion Committee previously approved a request for advertisement funding. The St. Michael's Parish of Albion requested assistance to advertise the St. Patrick's Carnival fundraiser event scheduled for March 15, 2015. Motion made by Tisthammer, second by Luettel to approve 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, updated the Board regarding road/bridge maintenance, projects and equipment. Thorin updated the Board on road/bridge information he received at the NACO convention last week. The Nebraska Department of Roads, Board of Classifications and Standards is working on a Rules,



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Relaxation and Revision plan that may make it easier for county/local government to be able to complete road/bridge projects.

John Temme requested permission to trench an electrical line across 260th Avenue for the purpose of operating an irrigation system. The electrical line will commence from a power pole located in the NW1/4 of Section 23, Township 22 North, Range 6 West; thence running west across 260th Avenue to an irrigation system to be located in the E1/2NE1/4 of Section 22, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska. Motion made by Luettel, second by Schuele to approve Resolution No. 2014-55, granting permission to trench an electrical line across 260th Avenue to an irrigation system to be located in the E1/2NE1/4 of Section 22, Township 22 North, Range 6 West of the 6th P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented a Construction Engineering Agreement and Resolution for the Board to review. The Construction Engineering Agreement is in regard to the Federal Aid Project No. ENH-6(5), Cedar Rapids Historical Bridge. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-56, regarding Federal Aid Project No. ENH-6(5), Cedar Rapids Historical Bridge and authorize the Board Chairman to sign the Construction Engineering Agreement as presented. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, presented a quote for a used pickup for the Board to review. Thorin and the Board discussed the road department pickup inventory. Motion made by Tisthammer, second by Luettel to approve the purchase of a 2013 GMC, Sierra 1500, Pickup for \$25,400.00 from Schalk Auto, Inc. of Albion as presented. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

The Board reviewed information received from Wellness Partners, LLC of McCook, Nebraska. Wellness Partners is a Nebraska based Wellness Company that offers a complete Health Fair for Counties in Nebraska. No action by the Board at this time.

The Board reviewed the changes and updates to the Boone County Employee Handbook that has been discussed at several meetings. The new time/attendance system; conversion from monthly salary to hourly for county non-exempt employees; removal of compensatory time; travel expense clarification; travel time to meetings clarification and updates required several pages in the Boone County Employee Handbook to be updated in 2014. The Board reviewed the changes/updates of the Boone County Employee Handbook Pages 21, 22, 23, 24, 25, 26, 30, 52, 53 and Exhibits E, G, J, P and R. The Board decided to have the prepared Resolution No. 2014-57 signed by the elected/exempt personnel and be placed on the agenda for approval on December 29, 2014.

Open discussion and miscellaneous public comments: Denny Johnson, Sheriff, updated the Board regarding the horses removed from the Jim Majerus farm by the Nebraska Humane Society last week.

Chairman Schuele declared the meeting adjourned at 12:02 P.M. with the next Board meeting scheduled for Monday, December 29, 2014.

Kathy Thorberg,
Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING CONDITIONAL USE PERMIT

Tom Schuele, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, December 22, 2014 at 11:00 A.M. in the Boone County Courthouse Commissioners 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 roll call were Jerry L. Tisthammer, Ken Luettel and Tom Schuele. Also present was Mary Ziemba, Zoning Administrator. In attendance for applicant were Chuck Heying and Nick Strehle, Nutrient Advisors LLC.

The public hearing is for the purpose of hearing testimony in favor of, opposition to, and answer questions in relation thereto the approval or denial of an Application for a Conditional Use Permit. The applicant Chuck Heying Feedyard filed an Application for Conditional Use Permit and paid the application fee on October 7, 2014. The Conditional Use Permit application is to increase the Open Livestock Feeding Operation from a Class II A to a Class II B. The Chuck Heying Feedyard is located on a Fraction of the SE1/4 of Section 16, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Charles J. and Kim J. Heying are the property owners hereinto referenced. After receiving testimony from the proponents and opponents the Board has the option to approve, deny or postpone the decision.

Mary Ziemba, Zoning Administrator notified surrounding landowners. The County Planning Commission recommended approval of the request. Ziemba said that a Waiver of Distance has been signed and will be filed in the Register of Deeds records. No opposition was present at the hearing. Applicant Chuck Heying explained that he plans to expand his feeder cattle operation by adding six feed yards adjacent to the present facility and increase the head of cattle being fed 2,500 to 3,500. Heying explained that the manure from the cattle feed yards is applied onto the farm ground that he owns. Nick Strehle addressed nutrient management plan for Heying.

Motion made by Tisthammer and second by Luettel to close said hearing at 11:07 A.M. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Commissioner Schuele asked for any additional comments, before the Board either approves, denies or postpones their decision. No additional comments.

Motion made by Luettel, second by Tisthammer to approve the Application for Conditional Use Permit submitted by Chuck Heying Feedyard to increase the Open Livestock Feeding Operation from a Class II A to a Class II B, located on a Fraction of the SE1/4 of Section 16, Township 22 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Kathy Thorberg,
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
DECEMBER 29, 2014 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 29, 2014, 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 Schuele, second by Luettel to approve the County Payroll Claims filed for payment from the various funds: General - \$94,966.02, BCBS - \$41,694.25, Ameritas Ret - \$6,542.02, EFTPS - \$7,125.94, Section 125 Fees - \$6.00; Road - \$37,487.58, BCBS - \$22,033.32, Ameritas Ret - \$2,530.39, EFTPS - \$2,822.93; Ambulance - \$2,587.50, Ameritas Ret - \$85.56, EFTPS - \$197.94; Public Defender - \$3,000.00; and Boone County Fitness Center - \$5,611.47, Ameritas Ret - \$302.07, EFTPS - \$429.25; which is all reimbursed back to the county. 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 Visitor's Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council requested assistance to advertise The Talbott Brothers concert scheduled for January 25, 2015. Motion made by Tisthammer, second by Luettel to approve 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 Luettel, second by Tisthammer to approve the County Board Proceedings and Zoning Public Hearing Proceedings of December 22, 2014 as presented. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

The Board reviewed the changes and updates to the Boone County Employee Handbook that has been discussed at several meetings. The new time/attendance system; conversion from monthly salary to hourly for county non-exempt employees; removal of compensatory time; travel expense clarification; travel time to meetings clarification and updates required several pages in the Boone County Employee Handbook to be updated in 2014. The Board reviewed the changes/updates of the Boone County Employee Handbook Pages 21, 22, 23, 24, 25, 26, 30, 52, 53 and Exhibits E, G, J, P and R on December 22, 2014. The Board of Commissioners decided at their December 15, 2014 Board meeting to remove Compensatory Time and language from the Boone County Employee Handbook effective December 22, 2014, with all earned compensatory time to be used prior to December 21, 2014 or paid out with the December 21, 2014 payroll date. Beginning December 22, 2014 any overtime earned will be paid out each pay period. The Board decided at their December 22, 2014 Board meeting to have the prepared Resolution No. 2014-57 signed by the elected/exempt personnel and be placed on the agenda for approval on December 29, 2014. Motion made by Schuele, second by Luettel to approve Resolution No. 2014-57, updates and changes to the Boone County Employee Handbook. Roll call vote: Yeas: Schuele, Luettel and Tisthammer. Nays: None. Motion carried.

The Board in accordance with Nebraska Revised Statute §77-2318 approves the applications and authorizes the deposit of county funds in designated banks as County Depositories each year. Motion made by Tisthammer, second by Luettel to approve as written Resolution No. 2014-58 to accept and approve the written applications of the following designated County Depositories of the County Funds for 2015: Boone County Bank, a division of Madison County Bank, Albion; Cedar Rapids State Bank, Cedar Rapids; Cornerstone Bank of York, Albion



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and St. Edward Branches; First Bank & Trust of Fullerton, St. Edward Branch; Homestead Bank of Cozad, Albion Branch; Petersburg State Bank of Petersburg and alternate investment NPAIT, Lincoln. Roll call vote: Yeas: Tisthammer, Luettel and Schuele. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, presented an agreement for a new high speed and more efficient internet service for the courthouse. Tom Krings, Applied Connective Technologies, proposed a new telephone system for the courthouse. The following were present for the internet/telephone discussion and proposals: Board of Commissioners, Kathy Thorberg, County Clerk; Barb Hanson, Assessor; Nancy Ahlers, Deputy Treasurer; Darrel Thorin, Highway Superintendent; Mary Ziemba, County Zoning Administrator; Jacqueline Wells, Veteran Service Office; Sheryl Machacek, Sheriff Communications; Denny Johnson, Sheriff; and Hilary Maricle, County Commissioner Elect. Knott explained the fiber optic internet services agreement provided by Netlink, Inc., a wholly-owned subsidiary of Great Plains Communications, Inc. and Boone County, Nebraska. The new system would upgrade the county internet from the present DSL Internet service through Frontier Communications, 5 Megs, to the fiber optic for 50 Megabits. Some of the offices have existing Frontier email accounts that will need to be changed. Knott said that the internet services could be changed soon due to Great Plains Communications already has fiber optic to the courthouse for the State of Nebraska equipment. Knott said that there would possibly be a one-time fee of \$1,450.00 for the network/firewall upgrade to handle the new internet speed. Motion made by Luettel, second by Tisthammer to approve and authorize the Board Chairman to sign the GPC Service Order Agreement and the County Clerk to sign the Telecommunications Services Agreement for Internet Services at a rate of \$400.00 per month for a term of 60 months between Great Plains Communications, Inc., Netlink, Inc. and County of Boone, Nebraska. Roll call vote: Yeas: Luettel, Tisthammer and Schuele. Nays: None. Motion carried.

Tom Krings prepared a synopsis of telephony and internet current costs and proposed costs using new Panasonic technology. The monthly telephone expense cost savings will show up when the new internet and new phone system are both installed. Several items were discussed such as battery backup, fire wall, email addresses, redundancy built in when a line is cut due to the telephone/internet services being the same line, fax line numbers coming in as email and need to be a separate number from telephone number, pay off for the Frontier phone line contracts, how to split billing/budgets for monthly billing and the possible new 911 System. Krings plans to visit with department heads and review the present telephone contracts/line information to prepare a proposal for the Board meeting on January 12, 2015.

The Board discussed the need for a policy regarding use of the courthouse meeting space by organizations outside of county government. The Board visited with Ellen Hirsch regarding the use of the courthouse meeting space by the Boone-Nance Genealogical Society. Commissioner Schuele said that civic organizations may use the meeting room in the BCDA, Inc. building at 233 South 4th Street by calling 402-395-3356 to schedule date/time or the Kvam Room at the Boone County Health Center, 723 West Fairview Street by calling 402-395-2191 to schedule date/time. Hirsch agreed to schedule the Boone-Nance Genealogical Society group meetings at the BCDA, Inc. building meeting room and no longer use the meeting rooms at the courthouse. The Board plans to draft a policy addressing the use of courthouse meeting space by non-government organizations.

Open discussion and miscellaneous public comments:

- The Board discussed who would attend the various meetings scheduled.
- The Board welcomed Mark O'Brien and Noah Weidner, Boone Central High School Government Class students.
- Ed Miller discussed a road concern with the Board.



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- Kathy Thorberg, County Clerk, provided the Board a tabulation of the Boone County Lodging Tax collected since July 2006.
- An open house is scheduled today from 2:00 to 4:00 P.M. at the Boone County Courthouse to honor the years of service of Tom Schuele, Boone County Commissioner District 1 from 2007-2014; John Morgan, County Attorney from 2010-2014; and Ellen Hirsch, Clerk of the District Court Office from 1977-2014.

Chairman Schuele declared the meeting adjourned at 11:30 A.M. with the Reorganizational meeting scheduled for Thursday, January 8, 2015 and next regular Board meeting scheduled for Monday, January 12, 2015.

Kathy Thorberg,
Boone County Clerk