

BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
AUGUST 11, 2025 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, 2025, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Lindgren called the meeting to order, and Commissioners present for roll call were Jon Lindgren, Brian J. Yosten and Matt Niewohner. Notice of the meeting was posted on the Boone County Website-Public Notices, in the Courthouse north entrance, and at the Albion Post Office; and published in the Albion News/Boone County Tribune and Petersburg Press on August 6, 2025; and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, August 8, 2025. Chairman Lindgren acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public. All who were present participated in the Pledge of Allegiance.

Motion made by Lindgren, second by Niewohner to approve the County Board Proceedings of July 28, 2025 as presented. Roll call vote: Yeas: Lindgren, Niewohner and Yosten. Nays: None. Motion carried.

Resolution No. 2021-42 was approved November 15, 2021 to authorize the County Treasurer to transfer the accrued interest from the Covid American Rescue Plan Fund (2580) to the General Fund (0100) on an as needed basis. The County Treasurer presented July 2025's accrued interest for the amount to be moved through the vendor process. Motion made by Niewohner, second by Yosten to authorize the transfer of accrued interest from the Covid American Rescue Plan Fund (2580) to the General Fund (0100) in the amount of \$2,358.82. Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

With the termination of County Employee(s), the County is required by statute to process their payroll in a timely manner, even if it means doing it out of a payroll cycle. Motion made by Lindgren, second by Niewohner to approve the payroll claim filed for payment on the General Fund and Road Fund for the gross amount of \$774.90 with the withholding amounts being included in the Accounts Payable Vendor Claims also presented and approved today. Roll call vote: Yeas: Lindgren, Niewohner and Yosten. Nays: None. Motion carried.

A Contractual Interest Statement, NADC Form C-3, for between the County of Boone and MSJM Properties Partnership was presented for review for the remainder of 2025 calendar year. Motion made by Yosten, second by Lindgren to accept the NADC Form C-3's as presented. Roll call vote: Yeas: Yosten and Lindgren. Nays: None. Abstain: Niewohner. Motion carried.

Motion made by Yosten, second by Lindgren to approve Accounts Payable Vendor Claims filed for Vendor #155, Beaver Bearing Co Albion - Roads-\$109.94. Roll call vote: Yeas: Yosten and Lindgren. Nays: None. Abstain: Niewohner. Motion carried.

Motion made by Lindgren, second by Yosten to approve Accounts Payable Vendor Claims filed for Vendor #1096, MSJM Properties Partnership-Roads-\$6,251.00. Roll call vote: Yeas: Lindgren and Yosten. Nays: None. Abstain: Niewohner. Motion carried.

Motion made by Yosten, second by Lindgren to approve Accounts Payable Vendor Claims filed for Vendor #1806, White Star Oil Company LLC: General-\$2,982.13, Roads-\$17,660.71 and Ambulance-\$1,571.70. Roll call vote: Yeas: Yosten and Lindgren. Nays: None. Abstain: Niewohner. Motion carried.

Motion made by Niewohner, second by Yosten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General (0100)-\$37,199.87; Road (0200)-\$202,239.88; Visitors Promotion Fund (0990)-\$412.00; ROD Preservation/Modernization Fund (1150)-\$236.99; Covid America Rescue Plan Fund (2580)-\$8,373.82; 911 Emergency Management (2910)-\$472.30; 911 Wireless Service (2913)-\$7,366.86; and Ambulance (5502)-\$6,045.69. Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

Motion made by Niewohner, second by Yosten to approve the following reports of the County Officials as presented for June 2025:

- Clerk - \$11,240.00 (State of Nebraska \$5,740.16)(County of Boone \$5,499.84)
- District Court - \$533.69 (State of Nebraska \$478.00)(County of Boone \$55.69)
- Sheriff - \$954.49
- Zoning - \$552.13
- Treasurer - Miscellaneous Receipt Nos. 22215-22309 - \$888,212.57
- Treasurer - Total Collections - \$1,296,025.44

Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

Rick Martinsen, Mueller & Honcik PC, was present and discussed the 2025-2026 Proposed Budget with the Board. Valuations are not expected to be certified until August 20, 2025 and no estimated amount was presented for projected use. Martinsen stated that as of right now-no changes needed to be made until the valuation was entered into the budget to see what, if any, changes needed to be made. No action taken.

Motion made by Niewohner, second by Lindgren to set the budget hearing for the Fiscal Year 2025-2026 County Budget on September 8, 2025 at 8:30 A.M. with the Property Tax Hearing date to be determined after valuations have been certified. Roll call vote: Yeas: Niewohner, Lindgren and Yosten. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., the public attendees and the Board opened six sealed bids for Loretto West and Petersburg East project received by the County Clerk's office by 9:30 A.M. on August 11, 2025. They were as follows:

Bidder:	Start Date:	Loretto Amount:	Petersburg Amount:	Total:
General Excavating	11/01/2025	\$355,135.00	\$43,326.00	\$398,461.00
Herbst Construction Inc.	10/13/2025	\$333,112.75	\$43,621.00	\$376,733.75
JMN Construction LLC	1 st day of Fall 2026	\$360,143.50	\$62,574.00	\$422,717.50
Kea Constructors LLC	10/06/2025	\$425,880.59	\$69,426.00	\$495,306.59
MC Wells Contracting LLC	03/01/2026	\$358,177.50	\$37,684.00	\$395,861.50
Theisen Construction Inc.	04/21/2026	\$392,321.10	\$40,516.00	\$432,837.10

Motion made by Lindgren, second by Niewohner to award the project to the apparent low, Herbst Construction Inc, pending a review of the numbers. Roll call vote: Yeas: Lindgren, Niewohner and Yosten. Nays: None. Motion carried.

Brian McDonald, Highway Superintendent; and the Board discussed the shared county road that was previously worked on per the June 26, 2024 agreement. The new Interlocal Agreement was presented for review to start a second attempt at repair. Motion made by Yosten, second by Niewohner to approve the Interlocal Agreement between Boone County and Madison County for cost sharing on the 340th Avenue and authorize the Chairman to sign. Roll call vote: Yeas: Yosten, Niewohner and Lindgren. Nays: None. Motion carried.

Motion made by Lindgren, second by Niewohner to table the discussion on state bids received for motor graders for the Road Department. Roll call vote: Yeas: Lindgren, Niewohner and Yosten. Nays: None. Motion carried.

Motion made by Niewohner, second by Yosten to table the discussion on quotes received for belly dump trailers for the Road Department. Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

The State of Nebraska Statutes require an annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards to be filed on or before October 31 each year. LB82 became law on March 8, 2019, that changed the Nebraska Department of Transportation and county and municipal highway, road and street public record keeping and reporting requirements. Motion made by Yosten, second by Niewohner to approve Resolution No. 2025-15, the 2025 County Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards as submitted. Roll call vote: Yeas: Yosten, Niewohner and Lindgren. Nays: None. Motion carried.

Denny Johnson, County Sheriff, and the Board discussed the TextMyGov push notification system that was presented at the July 28, 2025 meeting. Johnson stated that he did reach out to Holt County but was still waiting for one more call back before giving his final opinion. Motion made by Lindgren, second by Niewohner to table the decision regarding the TextMyGov push notification system until the August 18, 2025 meeting. Roll call vote: Yeas: Lindgren, Niewohner and Yosten. Nays: None. Motion carried.

The Sandhills Weed Management Area Waiver, Release and Hold Harmless Agreement that was presented by Margaret Valladao, Weed Superintendent, at the July 28, 2025 meeting. The Board wanted to have further feedback from NIRMA before making a decision. The wording of the agreement in item (4) implied that the County would take on complete financial responsibility of the trailer and all equipment totaling in excess of \$700,000.00 if damaged. At this time the County has no projects warranting the use of the equipment. Motion made by Niewohner, second by Yosten to not participate in the Sandhills Weed Management Area Waiver, Release and Hold Harmless Agreement at this time. Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

Brian McDonald, Highway Superintendent, presented twenty-eight resolutions/permits for MidState/Stealth Broadband Boone County West fiber optic project. They were broken down into two phases and all were presented to McDonald for review. McDonald stated that he reviewed the presented resolutions/permits with additional requirements for such a large project and stated that one bond of \$100,000.00 should be required to cover both Phase 1 and Phase 2 of the project and for a period of two years. They were as follows:

- Phase 1:
 - Permit/Resolution No. 2025-16
 - Boring/plowing a fiber optic cable for 700 feet at a depth of 4 feet along 200th Avenue (north/south) between Sections 22 and 23, all in Township 20 North, Range 7 West of the 6th P.M.
 - Permit/Resolution No. 2025-17
 - Boring/plowing a fiber optic cable for 10,680 feet at a depth of 4 feet along 190th Avenue (north/south) between Sections 3 and 4, all in Township 19 North, Range 7 West of the 6th P.M.; and Sections 27, 28, 33 and 34, all in Township 20 North, Range 7 West of the 6th P.M.
 - Permit/Resolution No. 2025-18
 - Boring/plowing a fiber optic cable for 720 feet at a depth of 4 feet along 270th Street (east/west) between Sections 27, 34, 28 and 33, all in Township 20 North, Range 7 West of the 6th P.M.
 - Permit/Resolution No. 2025-19
 - Boring/plowing a fiber optic cable for 7,750 feet at a depth of 4 feet along 180th Avenue (north/south) between Sections 28, 29, 32 and 33, all in Township 20 North, Range 7 West of the 6th P.M.
 - Permit/Resolution No. 2025-20
 - Boring/plowing a fiber optic cable for 2,650 feet at a depth of 4 feet along 270th Street (east/west) between Sections 29 and 32, all in Township 20 North, Range 7 West of the 6th P.M.
 - Permit/Resolution No. 2025-21
 - Boring/plowing a fiber optic cable for 2,090 feet at a depth of 4 feet along 280th Street (east/west) between Sections 32 and 33, all in Township 20 North, Range 7 West of the 6th P.M.
 - Permit/Resolution No. 2025-22
 - Boring/plowing a fiber optic cable for 810 feet at a depth of 4 feet along 170th Avenue (north/south) between Sections 29 and 30, all in Township 20 North, Range 7 West of the 6th P.M.

- Permit/Resolution No. 2025-23
 - Boring/plowing a fiber optic cable for 4,360 feet at a depth of 4 feet along 160th Avenue (north/south) between Section 19, Township 20 North, Range 7 West of the 6th P.M. and Section 24, Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-24
 - Boring/plowing a fiber optic cable for 2,660 feet at a depth of 4 feet along 250th Street (east/west) between Sections 18 and 19, all in Township 20 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-25
 - Boring/plowing a fiber optic cable for 3,630 feet at a depth of 4 feet along 145th Avenue (north/south) between Sections 23 and 26, all in Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-26
 - Boring/plowing a fiber optic cable for 2,880 feet at a depth of 4 feet along 255th Street (east/west) between Sections 23 and 24, all in Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-27
 - Boring/plowing a fiber optic cable for 13,220 feet at a depth of 4 feet along 140th Avenue (north/south) between Sections 22, 23, 26, 27, 34 and 35, all in Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-28
 - Boring/plowing a fiber optic cable for 4,270 feet at a depth of 4 feet along 255th Street (east/west) in Section 22, Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-29
 - Boring/plowing a fiber optic cable for 870 feet at a depth of 4 feet along 285th Street (east/west) in Section 3, Township 19 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-30
 - Boring/plowing a fiber optic cable for 4,260 feet at a depth of 4 feet along 115th Avenue (north/south) in Section 20, Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-31
 - Boring/plowing a fiber optic cable for 1,000 feet at a depth of 4 feet along 250th Street (east/west) between Sections 17 and 20, all in Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-32
 - Boring/plowing a fiber optic cable for 15,950 feet at a depth of 4 feet along 110th Avenue (north/south) between Sections 17, 18, 19, 20, 29, 30, 31 and 32, all in Township 20 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-33
 - Boring/plowing a fiber optic cable for 700 feet at a depth of 4 feet along 280th Street (east/west) between Sections 31 and 32, all in Township 20 North, Range 8 West of the 6th P.M. and Sections 5 and 6, all in Township 19 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-34
 - Boring/plowing a fiber optic cable for 5,250 feet at a depth of 4 feet along 290th Street (east/west) between Sections 4, 5, 8 and 9, all in Township 19 North, Range 8 West of the 6th P.M.
- Permit/Resolution No. 2025-35
 - Boring/plowing a fiber optic cable for 11,610 feet at a depth of 4 feet along 300th Street (east/west) between Sections 10, 11, 12, 13, 14, 15, all in Township 19 North, Range 8 West of the 6th P.M.

Motion made by Yosten, second by Niewohner to approve Permit/Resolutions 2025-16 – 2025-35 (Phase 1) as described above pending receipt of the permit fee. Roll call vote: Yeas: Yosten, Niewohner and Lindgren. Nays: None. Motion carried.

- Phase 2:

- Permit/Resolution No. 2025-36
 - Boring/plowing a fiber optic cable for 3,000 feet at a depth of 4 feet along 150th Street (east/west) between Sections 23, 24, 25 and 26, all in Township 19 North, Range 8 West of the 6th P.M.

- Permit/Resolution No. 2025-37
 - Boring/plowing a fiber optic cable for 2,460 feet at a depth of 4 feet along 160th Avenue (north/south) between Sections 13 and 24, all in Township 19 North, Range 8 West of the 6th P.M. and Sections 18 and 19, all in Township 19 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-38
 - Boring/plowing a fiber optic cable for 1,050 feet at a depth of 4 feet along 175th Avenue (north/south) between Sections 17 and 20, all in Township 19 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-39
 - Boring/plowing a fiber optic cable for 7,100 feet at a depth of 4 feet along 310th Street (east/west) between Sections 15, 16, 17, 20, 21 and 22, all in Township 19 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-40
 - Boring/plowing a fiber optic cable for 1,090 feet at a depth of 4 feet along 325th Street (east/west) in Section 29, Township 19 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-41
 - Boring/plowing a fiber optic cable for 18,080 feet at a depth of 4 feet along 190th Avenue (north/south) between Sections 15, 16, 21 and 22, all in Township 19 North, Range 7 West of the 6th P.M.; and in Sections 28 and 33, all in Township 19 North, Range 7 West of the 6th P.M.; and in Section 4, Township 18 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-42
 - Boring/plowing a fiber optic cable for 5,010 feet at a depth of 4 feet along 340th Street (east/west) between Sections 33 and 34; all in Township 19 North, Range 7 West of the 6th P.M. and Sections 3 and 4, all in Township 18 North, Range 7 West of the 6th P.M.
- Permit/Resolution No. 2025-43
 - Boring/plowing a fiber optic cable for 750 feet at a depth of 4 feet along 210th Avenue (north/south) between Sections 35 and 36, all in Township 19 North, Range 7 West of the 6th P.M.
- Agenda error – there was not a Permit/Resolution No. 2025-44.

Motion made by Yosten, second by Niewohner to approve Permit/Resolutions 2025-36 – 2025-43 (Phase 2) as described above pending receipt of the permit fee and a bond of \$100,000 that will cover both Phase 1 and Phase 2 Permits/Resolutions. Roll call vote: Yeas: Yosten, Niewohner and Lindgren. Nays: None. Motion carried.

The Board called a meeting with Department Heads to discuss interoffice relationships regarding recently posted anonymous notes in the common area. No action taken.

The Board received and reviewed a County funeral/burial request. Motion made by Yosten, second by Niewohner to approve the maximum amount that the County provides, per resolution, for an individual (county resident) funeral/burial expense paid directly to Levander Funeral Home. Roll call vote: Yeas: Yosten, Niewohner and Lindgren. 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 three request for advertisement funding and they were as follows:

- Akron Community Church Inc. requested assistance to advertise the Community Trap Shoot, Cornhole & Hamburger Feed event scheduled for September 14, 2025. Motion made by Yosten, second by Lindgren to approve the application requesting funding assistance from Akron Community Church Inc. for the Community Trap Shoot, Cornhole & Hamburger Feed event from the Visitor's Promotion fund as submitted. Roll call vote: Yeas: Yosten, Lindgren and Niewohner. Nays: None. Motion carried.
- Rae Valley Heritage Association Inc. requested assistance to advertise the State Antique Tractor & Horse Plowing event scheduled for August 22, 23 and 24, 2025. Motion made by Niewohner, second by Yosten to approve the application requesting funding assistance from Rae Valley Heritage Association Inc. for the State Antique Tractor & Horse Plowing event from the Visitor's Promotion fund as submitted. Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

- St. John's the Baptist Catholic Church requested assistance to advertise the St. John's Parish Bazaar event scheduled for August 31, 2025. Motion made by Lindgren, second by Yosten to approve the application requesting funding assistance from St. John's the Baptist Catholic Church for the St. John's Parish Bazaar event from the Visitor's Promotion fund as submitted. Roll call vote: Yeas: Lindgren, Yosten and Niewohner. Nays: None. Motion carried.

Public Comments:

- District 1 and 3 foremen were present to discuss the motor grader and trailer quotes, but it will be further discussed at the August 18, 2025.
- Brian McDonald, Highway Superintendent, discussed the Timber Creek crossing on 130th Avenue regarding drainage issues and the Albion Northwest project that is currently being advertised.
- Discussed the fire alarm system and the County Clerk is waiting on responses from the Good Samaritan and County Hospital representatives for a shared meeting date before scheduling.
- Rod Nelson, Courthouse Maintenance, discussed the NMC Exchange generator and maintenance agreements.
- Denny Johnson, County Sheriff, updated the Board regarding the department, employees and schedules.

Chairman Lindgren declared the meeting adjourned at 1:30 P.M., with the next Board meeting scheduled for Monday, August 18, 2025.

Sarah Robinson,
Boone County Clerk

ATTEST:

APPROVED:

Sarah Robinson, Boone County Clerk

Jon Lindgren, Chairman

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

Jon Lindgren, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Wednesday, June 25, 2025 at 10:15 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Lindgren and second by Commissioner Niewohner to open said public hearing. Commissioners present for said public hearing were Jon Lindgren, Brian J. Yosten and Matt Niewohner. Also present for said hearing to answer any questions were Patrick Erwin, Skyward Landing Services on behalf of Skyward Landing Services, Applicant; Timothy Shanle, Real Estate Owner; and Victoria Olson, Zoning Administrator. Chairman Lindgren read the notice for the record and noted that the Open Meeting Laws are posted and available to the public.

Notice of the meeting was posted on the Boone County Website-Public Notices on August 6, 2025, and published in the Albion News/Boone County Tribune and Petersburg Press on July 30, 2025. The public hearing notice and agenda were posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Monday, August 8, 2025. The convened hearing was open to the public.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions regarding the approval or denial of an Application for Conditional Use Permit submitted by Patrick Erwin on behalf of Skyward Landing Services. The owner of the real estate referenced herein is Timothy and Amy Shanle. The application requested by Skyward Landing Services is to build/construct a new cell tower located on a parcel of land Section Thirty (30), Township Twenty (20) North, Range Six (6) West of the 6th P.M., Boone County Nebraska.

Erwin and Olson explained that construction of the tower is for Verizon Wireless to put an antennae on for better service coverage. It is in the 3 mile radius of the Albion Airport Authority runways, but the airport will be closing the closest one so this will not be an issue.

American Tower Corporation sent a letter in opposition to stating that they have an existing tower within 1,000 feet of the construction site and they were not contacted by the vendor (Verizon) regarding an antennae on their tower.

Olson stated that the Planning Commission recommended approved the Conditional Use Permit with the condition that a letter be received from the Albion Airport Authority regarding their approval of the construction of the tower.

Motion made by Lindgren, second by Yosten to close said public hearing at 10:22 A.M. Roll call vote: Yeas: Lindgren, Yosten and Niewohner. Nays: None. Motion carried.

Motion made by Niewohner, second by Yosten to approve the Conditional Use Permit and attachment submitted by Skyward Landing Services for new tower construction in Section Thirty (30), Township Twenty (20) North, Range Six (6) West of the 6th P.M., Boone County Nebraska with the Waiver of Distance(s) when completed. Roll call vote: Yeas: Niewohner, Yosten and Lindgren. Nays: None. Motion carried.

Sarah Robinson,
Boone County Clerk

ATTEST:

APPROVED:

Sarah Robinson, Boone County Clerk

Jon Lindgren, Chairman