



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS
OCTOBER 17, 2016

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 17, 2016, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Luettel called the meeting to order and Commissioners present for roll call were Jerry L. Tisthammer and Ken Luettel. Commissioner Hilary K. Maricle was absent. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Luettel 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 October 11, 2016 as presented. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Absent: Maricle. Motion carried.

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

- Commissioner Luettel asked all present to join in the Pledge of Allegiance.
- County officials reported on activities with regard to their respective offices.
- The group discussed County Government Day activities with Ken McIntyre, Boone County American Legion Commander. The County Government Day event is scheduled for Wednesday, October 19, 2016 at the Knights of Columbus Hall in Albion with a mock trial program.
- The department heads present discussed information for a resolution regarding fees charged by the county offices that are not set by statute.
- Commissioner Ken Luettel reported on the annual NIRMA Self Defense Conference held October 6 and 7, 2016.

Darrel Thorin, County Highway Superintendent, presented quotes for the Board to review regarding a new open end shed to be located at the County Road District #1 yards, Cedar Rapids. The approximate cost for an open end building with dirt floor is \$20,500.66; concrete for a floor is \$10,396.00; concrete footings, rebar, anchor bolts, labor, etc. is \$5,360.00. Thorin and the Board discussed the use of the proposed open end building. Thorin said that the building is for storing road equipment that is currently setting outside. Motion made by Tisthammer, second by Luettel to approve to proceed with an open end 30' x 50' x 16' sentinel building with a dirt floor and concrete footings, etc. for approximately \$25,860.66 from Bob Thompson Construction of Cedar Rapids, Nebraska. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Absent: Maricle. Motion carried.

Brad Beckwith requested permission to trench a water line for a hydrant across a county road commonly known as 170th Avenue, running north and south between Sections 7 and 8, all in Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska. The request commences from an existing water well located in the NE1/4 of Section 7, thence running east to a hydrant to be located in the NW1/4NW1/4 of Section 8, all in Township 20 North, Range 7 West of the 6th P.M., Boone County, Nebraska for the purpose of watering livestock. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2016-60, granting permission to Brad Beckwith to trench a water line for a hydrant for the purpose of watering livestock across 170th Avenue as presented. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Maricle. Motion carried.



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Great Plains Communications requested permission to plow fiber optic cable across a county road commonly known as 310th Avenue, running North and South between Sections 27, 28, 33 and 34 all in Township 22 North, Range 5 West and Sections 3 and 4, all in Township 21 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Great Plains Communications will be commencing at the SE corner of 310th Avenue/State Highway 32 intersection, thence plowing south on the west side of 310th Avenue for a distance of approximately three miles to a point of termination at the NE corner of 170th Street/310th Avenue intersection located between Sections 3 and 4, all in Township 21 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Motion made by Tisthammer, second by Luettel to approve Resolution No. 2016-61, granting permission to Great Plains Communications to plow fiber optic cable across a county road known as 310th Avenue and plowing south on the west side of 310th Avenue in the county road right-of-way as presented. Roll call vote: Yeas: Tisthammer and Luettel. Nays: None. Absent: Maricle. Motion carried.

The Board appointed Darrel Thorin, County Highway Superintendent, at the August 29, 2016 Board meeting to complete a feasibility study regarding the vacation of a portion of county road known as 270th Street. Thorin presented the feasibility study for the Board to review. The feasibility study is in regard to a Petition to Vacate County Road submitted by Albert VanDeWalle, for a portion of 270th Street commencing at the SW1/4 corner of Section 30 and the NW1/4 corner of Section 31, running thence east for approximately one (1) mile to the SE1/4 corner of Section 30 and the NE1/4 corner of Section 31, all in Township 20 North, Range 5 West, of the 6th P.M. Boone County, Nebraska. This portion of road is not included in the county's current inventory with the Nebraska Department of Roads and will have no effect on the State Highway Allocation funds received by the County. The road may currently be driven on by four-wheel drive vehicles from 280th Avenue, but for less than one-quarter mile and at that point it becomes impassable. It does not appear that vacating said road will land lock any landowners in this section. The Board received no opposition at the public hearing held at 10:00 A.M. on October 17, 2016. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2016-62, that said road be 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, with the understanding that all utilities with assets that may be affected by this vacation continue to have full access to their property for said portion of 270th Street as presented. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Maricle. Motion carried.

The Boone County Board of Commissioners have been made aware of five certain County Roads that are inaccessible and currently still open. The five sections of roads are located in Township 20 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Thorin said that the five additional sections of roads are not included in the county's current inventory with the Nebraska Department of Roads and will have no effect on the State Highway Allocation Funds received by the County. Thorin recommends the following to be vacated:

1. A section of road commencing at a point between the SW1/4 corner of Section 29, thence east for one-half (1/2) mile to a point between the SW1/4 of Section 29 and the NW1/4 of Section 32, known as 270th Street.
2. A section of road commencing at the NW corner of the S1/2 of the SW1/4, thence running south three-quarters (3/4) of a mile to the SW corner of the NW1/4 of Section 32, known as 290th Avenue.
3. A section of road commencing at the SE corner of the SW1/4 of Section 29, thence running north for one-half (1/2) mile to the NE corner of the SW1/4, known as 295th Avenue.
4. A section of road commencing at the NW corner of the NE1/4 of Section 33, thence running south for one-half (1/2) mile to the SW corner of the NE1/4 of Section 33, known as 305th Avenue.
5. A section of road commencing at a point between the SW corner of the NW1/4 and the NW corner of the SW1/4 of Section 34, thence running east for one (1) mile, known as 275th Street.



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The Boone County Board of Commissioners feel it is in the best interest of Boone County to consider vacating said portions of roads and to hold a public hearing to allow for public comments either for or against vacating said County Roads. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2016-63, to set a public hearing to be held on November 21, 2016 at 10:00 A.M., to hear comments in favor of or opposition to the vacation of said roads. Roll call vote: Yeas: Luettel and Tisthammer. Nays: None. Absent: Maricle. Motion carried.

Open discussion and miscellaneous public comments:

- The Board discussed various meetings they attended and who will attend the meetings scheduled this week.
- Dana Andersen informed the Board of the proposed Andersen Subdivision for housing development that would be located on the east side of the present fairgrounds property. Andersen ask the Board if they would discuss and consider the possibility of an easement/access through the county fairgrounds property for the proposed Andersen Subdivision. The Board will discuss the request at a future meeting.

Chairman Luettel declared the meeting adjourned at 12:10 P.M. with the next Board meeting scheduled for Wednesday, October 26, 2016.

Kathy Thorberg,
Boone County Clerk