



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 18, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Monday, November 18, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Vice Chairman Temme acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of November 12, 2019 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board of Equalization Proceedings of November 12, 2019 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council requested assistance to advertise the String Beans Concert scheduled for December 7, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the String Beans Concert from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Boone County Historical Society requested assistance to advertise the Big Give Open House at the Boone County Museum on December 6, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Big Give Open House from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted a November 2017 uncollectible ambulance account that the Board reviewed on November 19, 2018 and turned over to the County Attorney for further collection. There is no receipt of any payment and the patient is deceased. Motion made by Rutten, second by Temme to write off the November 2017 County Ambulance Service due in the amount of \$2,370.00 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted a July 2018 uncollectible ambulance account that the Board reviewed on December 27, 2018 and turned over to the County Attorney for further collection. There is no receipt of any payment and the patient is deceased. Motion made by Rutten, second by Temme to write off the July 2018 County Ambulance Service due in the amount of \$2,230.00 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted an August 2017 uncollectible ambulance account that the Board reviewed on April 16, 2018 and turned over to the County Attorney for further collection. After receipt of Medicare payments and adjustments and no further payments having been made, it was determined that the



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remainder of the amount due should be written off. Motion made by Rutten, second by Temme to write off the August 2017 County Ambulance Service with a balance due after Medicare payments/adjustments in the amount of \$256.55 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The First Concord Benefits Group submitted the Section 125 Cafeteria Plan re-enrollment forms for the calendar year 2020 and Cafeteria Plan-IRC Section 125 key employees questionnaire/highly compensated employee forms for 2020. Motion made by Temme, second by Rutten to approve and authorize the Board Vice-Chairman to sign all necessary documents regarding the Section 125 Cafeteria Plan re-enrollment for 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Denny Johnson, Boone County Sheriff, appeared before the Board regarding the purchase of a law enforcement vehicle. Sheriff Johnson indicated that he would like to purchase a 2020 Dodge Durango to replace the Ford Explorer that was previously in the Sheriff's fleet. He presented three bids for the Board's review. Two bids were from Jonny Dodge Chrysler Jeep in Neligh, Nebraska. One bid was for a 2020 Dodge Durango without the pursuit package valued at 26,940.00 and one bid for a 2020 Dodge Durango with the pursuit package valued at \$29,975.00. In addition, Sheriff Johnson had a state bid for a 2020 Dodge Durango without the pursuit package valued at \$27,085.00. Sheriff Johnson indicated that it would be more cost effective to purchase the vehicle initially with the pursuit package than to purchase a vehicle without it and then upgrade after the purchase. This purchase would be covered under the current budget and that it would be early 2020 before the vehicle was received. Sheriff Johnson indicated that there would be no trade-in and that the 2014 Dodge Ram pickup would be transferred to the Road Department for their use. Motion made Temme, second by Rutten authorizing the Boone County Sheriff to proceed with the purchase of the 2020 Dodge Durango with the pursuit package from Jonny Dodge Chrysler Jeep in the sum of \$29,975.00. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed the explanation letter and Notice of Termination of Lease prepared by the Boone County Attorney regarding the current lease with the Boone County Agricultural Society, Inc. Motion made by Rutten, second by Temme approving the letter and notice as presented and authorizing the execution of the Notice of Termination of Lease by the Boone County Board of Commissioners. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Stacey Ziemba, County Highway Superintendent, appeared before the Board regarding the replacement of the building that was damaged and removed in 2018 from the County Road Department, District #3, Petersburg. The previous bids received were for a pole shed. After discussion, the Board indicated that they would like to proceed with a steel structure for the same size as the previous building. Ziemba indicated that the procedure for sealed bids required that a notice be published. Motion made by Rutten, second by Temme directing the County Highway Superintendent to proceed to publish a notice for sealed bids pursuant to state statutes for a steel structure measuring 42 feet x 40 feet x 16 feet to be completed on or before June 1, 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

County Highway Superintendent also updated the Board on the following items:

- The heating unit at the Cedar shop was replaced with what appears to be the same unit. The unit may not be big enough for the building but they will continue to monitor the situation.
- Highway Superintendent is going to look into upgrading the 1995 tractor for something newer. Once she has some information, she will present it to the Board for their review.



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- The County Engineer has been contacted regarding various matters including the Kaufmann Road. She will be talking to him more regarding this and other projects.
- The Road Department has been contacted by a representative of the Albion Country Club regarding the letter that was sent concerning a fence being located within the road right-of-way. The Albion Country Club does not want to remove the fence.

The Board reviewed the upcoming meeting schedule for the Commissioners. The Board of Commissioners is scheduled to meet on December 27, 2019 and December 30, 2019. After discussion, it was determined that there would be no need to meet on December 30, 2019. The payroll will be approved on December 27, 2019 and there would likely be nothing come up between the two dates that would require a meeting. Motion made by Rutten, second by Temme to forego the Commissioner's meeting scheduled for December 30, 2019 with the next regular Commissioner's meeting scheduled for January 13, 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

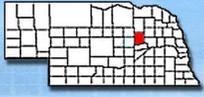
Public comments:

- Commissioner Temme indicated that he would be attending the Boone County Agricultural Society, Inc. meeting that evening.
- Commissioner Rutten indicated that he would be attending the Boone County Health Center meeting on Tuesday, November 26, 2019.
- County Clerk's Office informed the Board that \$348.00 had been raised by donations and silent auction for the NACO Fundraiser for flood victims.

The County 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.

Vice Chairman Temme declared the meeting adjourned at 11:30 A.M. with the next Board meeting scheduled for Tuesday, November 26, 2019.

Lorrie Nicklasson,
Deputy Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:30 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Rutten and second by Commissioner Temme to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Douglas Stuhr, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication 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 Douglas Stuhr, owner of the property in question. The application requested 5.00± acres be divided from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

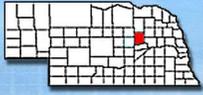
Douglas Stuhr explained to the Board that the purpose for dividing the 5.00± acres from the farm land is to make the farm work better. Stuhr advised the Board that there were no buildings located on this acreage. A survey for 5.00± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.00± acres from the parcel of farm land on October 28, 2019. Ziemba informed the Board that a Waiver of Distance had been signed as required by the Boone County Zoning Commission.

Motion made by Rutten, second by Temme to close said public hearing at 10:32 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Douglas Stuhr to divided 5.00± acres from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson
Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:33 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Douglas Stuhr, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication 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 Douglas Stuhr, owner of the property in question. The application requested that 7.37± acres be divided from a parcel of farm land located in a fraction of the SW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

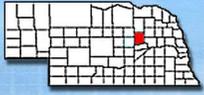
Douglas Stuhr explained to the Board that the purpose for dividing the 7.37± acres from the farm land is to make the farm work better. Stuhr also advised the Board that there were buildings located on this acreage and that the sale of the acreage was pending. A survey for 7.37± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which give priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 7.37± acres from the parcel of farm land on October 28, 2019. Ziemba informed the Board that a Waiver of Distance had been signed as required by the Boone County Zoning Commission.

Motion made by Rutten, second by Temme to close said public hearing at 10:35 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Douglas Stuhr to divide 7.37± acres from a parcel of farm land located in a fraction of the SW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson,
Deputy Boone County Clerk



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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:45 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Jeffrey Jarecki, Attorney for the Applicant, by telephone. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication 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 Deb Borer and Marilyn Nealon, Co-Personal Representatives of the Estate of Meta M. Mahoney, owner of the property in question. The application requested that 5.19± acres be divided from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 22, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Jeff Jarecki, Attorney for the Estate of Meta M. Mahoney, appeared by telephonic conference and explained that the purpose for dividing the 5.19± acres was because this acreage which includes the building site together with the remaining real estate was to be sold. However, the acreage with the building site was devised to a specific heir and in order to distribute the proceeds from the sale of all real estate pursuant to the Will of Meta M. Mahoney, the real estate had to be divided into two parcels. A survey for the 5.19± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

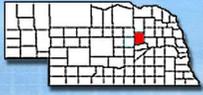
The Boone County Planning Commission Board recommended approval to divide 5.19± acres from the parcel of farm land for estate distribution purposes on October 28, 2019. Ziemba informed the Board that Waivers of Distance had been signed as required by the Boone County Zoning Commission.

Motion made by Temme, second by Rutten to close said public hearing at 10:48 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Mary Ziemba, County Planning and Zoning Administrator, indicated that she had not received the original Application for Conditional Use or Waivers of Distance from Jeff Jarecki.

Motion made by Rutten, second by Temme to approve the Conditional Use Permit submitted by Deb Borer and Marilyn Nealon, Co-Personal Representatives of the Estate of Meta M. Mahoney, to divide 5.19± acres from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 22, Township 18 North, Range 7 West of the 6th P.M., Boone County, Nebraska, contingent upon the receipt of the original documents referred to herein. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson
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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:55 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziembra, County Planning and Zoning Administrator, and Jeff Brands, representative for the Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication notice for the record.

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 Tami Jo Brands, owner of the property in question. The application requested that 5.25± acres be divided from a parcel of farm land located in a fraction of the NE1/4 NE1/4 of Section 23, Township 22 North, Range 8 West of the 6th P.M., Boone County, Nebraska.

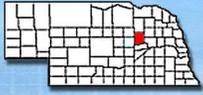
Jeff Brands explained to the Board that the purpose for dividing the 5.25± acres from the parcel of farm land was so that the property could be sold and a home built on the real estate. A survey for 5.25± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.25± acres from the parcel of farm land for subsequent sale and construction of a new home on October 28, 2019. Ziembra informed the Board that a Waiver of Distance had been signed as requested by the Boone County Planning Commission.

Motion made by Rutten, second by Temme to close said public hearing at 10:57 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Tami Jo Brands to divide 5.25± acres from a parcel of farm land for subsequent sale and construction of a new home located in a fraction of the NE1/4 NE1/4 of Section 23, Township 22 North, Range 8 West of the 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson
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MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 11:05 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Rick Fullner, representative for the Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication 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 Pillen Family Farms to transport livestock waste and compost in and out of Boone County in a manner that runs current with the DEQ Permitting Manure Management for Pillen Family Farms.

Rick Fullner, representative for Pillen Family Farms, was present on behalf of the Applicant. Fullner asked the Board to define “immediately” as it relates to Item No. 2 of the conditions to be met indicating that after the injection of manure, the ends of all fields plus anywhere else the applicator turns around, shall be disked in the soil to minimize the smell. Fullner indicated that it would not be possible to disc immediately after the waste is applied because of the soil being too wet to drive through. Fullner stated that there would be the approximate equivalent of .25” of moisture being applied to the soil.

Commissioners Temme and Rutten indicated that they understood this but that it was necessary that the waste be worked into the soil as quickly as possible to keep the smell down. Commissioner Rutten indicated that depending on the time of day when the waste was applied, that it could be disked in that same day or at least within 24 hours.

Motion made by Temme, second by Rutten to close said public hearing at 11:13 A.M. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the Conditional Use Permit submitted by Pillen Family Farms to transport livestock waste and compost in and out of Boone County in a manner that runs current with the DEQ Permitting Manure Management for Pillen Family Farms and that “immediately” under Item No. 2 of the list of condition attached shall mean as soon as possible within a 24 hour period after application. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson
Deputy Boone County Clerk