

# Commissioner's Record No. 26

MADISON COUNTY, NEBRASKA

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## BOARD OF EQUALIZATION

Madison, Nebraska

November 9, 2021

The Board of Equalization of Madison County, Nebraska met at 9:00 A.M.

Advance notice of meeting was published in the Thursday, November 4, 2021, edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Ron Schmidt called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Eric Stinson, Ron Schmidt, and Troy Uhlir, Deputy County Clerk Nancy Scheer, County Assessor Jeff Hackerott, and County Treasurer Donna Primrose.

Motion made by Uhlir and seconded by Stinson to approve the agenda for the meeting. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Chairman Schmidt opened a public hearing at 9:02 A.M. to receive testimony regarding the following motor vehicle exemption applications:

Community Concern of Norfolk Inc., 222 North 4th Street, Norfolk	2016 Dodge Grand Caravan
Lutheran High School Association., 2010 North 37th Street, Norfolk	2013 H & H 2 Wheel Trailer
The Link, Inc. 1001 West Norfolk Avenue, Norfolk	2018 Ford Focus Sedan
Wesley Center, Inc., 500 West Phillip Avenue, Norfolk	2009 Ford Econoline Wagon

County Treasurer Donna Primrose reported that all of the motor vehicle exemption applications were renewals with no new vehicles or organizations. No comments from the public were received during the hearing. Chairman Schmidt closed the hearing at 9:05 A.M.

Motion was made by Uhlir and seconded by Stinson to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, Schmidt, Stinson, Uhlir. Nays, none. Motion carried.

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Motion made by Stinson and seconded by Uhlir to approve the minutes of the October 13, 2021 meeting. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3717: All Star Trailers, 905 North 3rd Street, Norfolk  
Addition to the 2020 tax rolls in the amount of \$289.86 for correction of 2020 personal property taxes after submission of depreciation worksheet
- #3718: Terrence Brockhaus, 44124 280th Avenue, Humphrey  
Addition to the 2020 tax rolls in the amount of \$753.78 for correction of 2020 personal property taxes after submission of depreciation worksheet

After discussion, a motion was made by Uhlir and seconded by Stinson to approve the foregoing tax list corrections as submitted. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:07 A.M.

ATTEST:

Deputy County Clerk Nancy Scheer

Ronald Schmidt, Chairman  
County Board of Equalization

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### COMMISSIONERS PROCEEDINGS

Madison, Nebraska

November 9, 2021

The Board of County Commissioners of Madison County, Nebraska met in regular session at 9:30 A.M.

Advance notice of meeting was published in the Thursday, November 4, 2021 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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Following a moment of Silence and the Pledge of Allegiance to the flag of the United States of America, Chairman Troy Uhlir called the meeting to order and notified the public of the copy of the Open Meetings Act posted in the meeting room.

Present: Commissioners Eric Stinson, Ron Schmidt, and Troy Uhlir, County Clerk Anne Pruss, County Highway Superintendent Richard Johnson, and Zoning Administrator Heather McWhorter, Norfolk Daily News reporter Jerry Guenther, WJAG reporter Cody Ronnfeldt, and NCN reporter Ryan Pattee.

Commissioner Schmidt read the following consent agenda items into the record:

- 1) Approval of minutes of September 28, 2021 meeting
- 2) Approval of 2022 County Board schedule
- 3) Approval of 2022 Holiday schedule
- 4) Approval of John and Rosemary Weise Lot Split in Section 30-21-3, which is located at 54029 823rd Road, Newman Grove
- 5) Authorization for the Board Chairman to execute a service agreement renewal with Trane for maintenance of the courthouse heating and cooling system for 2022
- 6) Authorization to cancel Resolution #2021-52 from Board of Commissioners meeting on October 26, 2021
- 7)

RESOLUTION #2021-52  
ENVIRONMENTAL SERVICES AGREEMENT – BK1950  
SUPPLEMENTAL AGREEMENT NO. 1

Whereas: Madison County and HDR Engineering, Inc. have previously executed an Environmental Services agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: Madison County understands that it must continue to strictly follow all Federal, State and Local laws, rules, regulations, policies, and guidelines applicable to the funding of this Federal-aid project; and

Whereas: Madison County and HDR Engineering, Inc. wish to enter into a supplemental Environmental Services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be it Resolved: by the Board of Commissioners of Madison County, Nebraska that:

Troy Uhlir, Chair of the Madison County Board of Commissioners is hereby authorized to sign the attached Environmental Services Supplemental Agreement No. 2 between Madison County and HDR Engineering, Inc.

Madison County is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOT Project Number: BRO-7059(17)

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NDOT Control Number: 32315

NDOT Project Name: Norfolk North

8)

### RESOLUTION #2021-53

WHEREAS, Check No. 21100388, dated October 26, 2021, and drawn on the General Fund in the amount of two hundred fifty-six dollars and seventeen cents (\$256.17), was made payable to Michael Pohlen, 39623 497th Street, Lindsay, Nebraska 68644, and

WHEREAS, Madison County Court requested cancellation of payment due to overpayment of garnishment on pay period October 15, 2021,

NOW, THEREFORE, BE IT RESOLVED that Check No. 21100388, dated October 26, 2021, and drawn on the General Fund in the amount of two hundred fifty-six dollars and seventeen cents (\$256.17), is hereby cancelled.

Motion was made by Schmidt and seconded by Stinson to approve the consent agenda. Roll call vote: Ayes, Stinson, and Uhlir. Nays, none. Absent, Schmidt. Motion carried.

Motion was made by Schmidt and seconded by Stinson to approve the regular agenda. Roll call vote: Ayes, Stinson, and Uhlir. Nays, none. Absent, Schmidt. Motion carried.

Pursuant to published legal notice in the Thursday, October 28, 2021, edition of the Norfolk Daily News, Chairman Troy Uhlir opened a public hearing at 9:33 A.M. to receive public comments regarding the application of Brad and Tonya Detlefsen for a Conditional Use Permit to construct a home on less than 40 acres in Section 20-24-2, which is located ½ mile west of the intersection of 548th Road and Half Mile Road, Battle Creek, Nebraska.

Planning and Zoning Administrator Heather McWhorter stated that the applicants would like to build a single-family home on this property which was split in 2018 and now requires a Conditional Use Permit to build a home. This property is in an AG2 General Agriculture District and is the only home on the ¼ Section. Received unanimous approval from Planning Commission.

No one spoke in opposition to the application.

Chairman Uhlir closed the hearing at 9:34 A.M

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After discussion, the following resolution was introduced:

### RESOLUTION #2021-54

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS a recommendation has been received from the Madison County Joint Planning Commission and WHEREAS notice of public hearing was published in the October 28, 2021, edition of The Norfolk Daily News, and a public hearing was held by law.

WHEREAS, the Madison County Joint Planning Commission and the Madison County Board of Commissioners have established the following Statement of Finding of Facts:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AG2 General Agriculture and meets the density requirements for the Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Brad & Tonya Detlefsen to construct a home on less than 40 acres on property described as:

**A Tract of land in the SE ¼ of the NW ¼ of Section 20, Township 24 North, Range 2 West of the 6th P.M. Madison County, Nebraska (See attached)**

This Conditional Use Permit shall be subject to the following conditions in addition to those established with the Madison County Zoning and Subdivision regulations:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be

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entered and shown on the Official Zoning Map of Madison County, previously adopted by reference, and said zoning map is hereby reincorporated as a part of the Madison County, Nebraska Zoning and Subdivision Resolution as amended.

Motion was made by Stinson and seconded by Schmidt to approve the application of Brad and Tonya Detlefsen for a Conditional Use Permit to construct a home on less than 40 acres in Section 20-24-2, which is located ½ mile west of the intersection of 548th Road and Half Mile Road, Battle Creek, Nebraska. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in the Thursday, October 28, 2021, edition of the Norfolk Daily News, Chairman Troy Uhlir opened a public hearing at 9:35 A.M. to receive public comments regarding the application of Jeff and Julie Suckstorf for a Conditional Use Permit to construct a home on less than 40 acres on Jeff Suckstorf's Lotsplit in Section 28-24-3, which is located at 54252 842nd Road, Battle Creek.

Planning and Zoning Administrator Heather McWhorter stated that this application is consistent with the Madison County Comprehensive Plan, Zoning, and Subdivision Regulations and the Zoning Map. This property is in an AG2 General Agriculture District and meets the density requirements for the zoning district. Received unanimous approval from Planning Commission.

No one spoke in opposition to the application.

Chairman Uhlir closed the hearing at 9:36 A.M

After discussion, the following resolution was introduced:

### RESOLUTION #2021-55

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS a recommendation has been received from the Madison County Joint Planning Commission and

WHEREAS notice of public hearing was published in the October 28, 2021, edition of The Norfolk Daily News, and a public hearing was held law.

WHEREAS, the Madison County Joint Planning Commission and the Madison County Board of Commissioners have established the following Statement of Finding of Facts:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AG2 General Agriculture and meets the density requirements for the

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Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Jeff & Julie Suckstorf to construct a home on less than 40 acres on JEFF SUCKSTORF'S LOTSPLIT on property described as:

**Tract of land in the NW ¼ of the NE ¼ of Section 28, Township 24 North, Range 3 West of the 6th P.M. Madison County, (See attached)**

This Conditional Use Permit shall be subject to the following conditions in addition to those established with the Madison County Zoning and Subdivision regulations:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown on the Official Zoning Map of Madison County, previously adopted by reference, and said zoning map is hereby reincorporated as a part of the Madison County, Nebraska Zoning and Subdivision Resolution as amended.

Motion was made by Stinson and seconded by Schmidt to approve the application of Jeff and Julie Suckstorf for a Conditional Use Permit to construct a home on less than 40 acres on Jeff Suckstorf's Lotsplit in Section 28-24-3, which is located at 54252 842nd Road, Battle Creek, Nebraska. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in the Thursday, October 28, 2021, edition of the Norfolk Daily News, Chairman Troy Uhlir opened a public hearing at 9:37 A.M. to receive public comments regarding the application of Jared Suckstorf for a Conditional Use Permit to construct a home on less than 40 acres on Roy D. Swoboda's Lotsplit in Section 23-24-3, which is located at 54487 843rd Road, Meadow Grove, Nebraska.

Planning and Zoning Administrator Heather McWhorter stated that the applicants is consistent with the Madison County Comprehensive Plan, Zoning, and Subdivision Regulations and the Zoning Map. This property is in an AG2 General Agriculture District and meets the density requirements for the zoning district. Received unanimous approval from Planning Commission.

No one spoke in opposition to the application.

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Chairman Uhlir closed the hearing at 9:38 A.M

After discussion, the following resolution was introduced:

### RESOLUTION #2021-56

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS a recommendation has been received from the Madison County Joint Planning Commission and

WHEREAS notice of public hearing was published in the October 28, 2021, edition of The Norfolk Daily News, and a public hearing was held by law.

WHEREAS, the Madison County Joint Planning Commission and the Madison County Board of Commissioners have established the following Statement of Finding of Facts:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AG2 General Agriculture and meets the density requirements for the Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Jared Suckstorf to construct a home on less than 40 acres on ROY D SWOBODA'S LOTSPLIT on property described as:

**Tract of land in the N ½ of the NE ¼ of Section 23, Township 24 North, Range 3 West of the 6th P.M. Madison County, Nebraska  
(See attached)**

This Conditional Use Permit shall be subject to the following conditions in addition to those established with the Madison County Zoning and Subdivision regulations:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown on the Official Zoning Map of Madison County, previously adopted by reference, and said zoning map is hereby reincorporated as a part of the Madison County, Nebraska Zoning and Subdivision Resolution as amended.

Motion was made by Schmidt and seconded by Stinson to approve the application of Jared Suckstorf for a Conditional Use Permit to construct a home on less than 40 acres on Roy D. Swoboda's Lotsplit in Section 23-24-3, which is located at 54487 843rd Road, Meadow Grove, Nebraska. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in the Thursday, October 28, 2021, edition of the Norfolk Daily News, Chairman Troy Uhlir opened a public hearing at 9:40 A.M. to receive public comments regarding the application of Jamie Unkel Wolff for a Conditional Use Permit to operate an Event Venue in Section 2-23-2, which is located ½ mile south of the intersection of 840th Road and 550th Avenue, Madison, Nebraska.

Planning and Zoning Administrator Heather McWhorter stated that the applicant is requesting a Conditional Use Permit to operator an Event Venue. If approved the property will be split and the structure built. She stated that this does meet the zoning regulations as indicated in Section 402 Intensive Agriculture, Permitted Conditional Use (4) which states:

*Publicly and privately owned parks, playgrounds, golf courses, dude ranches, motorized cart tracks, forest and conservation areas, country clubs, event venues, swimming pools, golf driving ranges, motorized cart tracks, or other outdoor recreation areas such as campgrounds, youth camps, gun clubs, and archer, trap and skeet ranges.*

Planning and Zoning Administrator Heather McWhorter stated that the applicants are consistent with the Madison County Comprehensive Plan, Zoning, and Subdivision Regulations and the Zoning Map. A Conditional Use Permit is required under Section 402 AG1 Agriculture Intensive, Permitted Conditional Uses. The board recommended the following conditions:

- A Conditional Use Permit for rental of an event center
- A parking area will be clearly identified, and adequate lighting provided
- Liability insurance must be always maintained on the property
- A copy of the rental agreement must be provided to the Zoning Administrator and kept on file in the Zoning office
- The permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, the U.S. Government, and State Fire Marshall
- The Conditional Use Permit is for 10 years and will be renewed automatically pending no verifiable complaints
- If ownership is transferred, the Zoning Administrator must be notified 30 days prior to the sale of the property
- A copy of the signed permit must be recorded with the Madison County Register of Deeds office by applicant
- A zoning permit must be obtained from the Zoning Office before construction begins

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Jamie Unkel-Wolff and her son Evan Wolff were present at the meeting to provide testimony in favor of this conditional use permit to operate an event venue. Ms. Unkel-Wolff stated that she has been thinking about building and operating an event venue for quite some time now. Unfortunately, with the price of land she does not plan to purchase new property, instead she plans to use a portion of her parent's property to either renovate a barn or build a new one. This barn would then be used as a venue to support wedding receptions, family reunions, graduations, and other events. Ms. Unkel-Wolff explained that depending on what the State Fire Marshall determines for the venue, she would like to have the barn support up to 450 guests. Evan Unkel reported that the current barn they have planned to renovate is 90 feet by 120 feet however, if they are unable to renovate he will be building a new barn that will roughly be the same size. Commissioner Ron Schmidt asked if this property will have the capability of supporting enough parking for up to 450 guests to attend events. Evan Unkel stated that there would need to be parking for about 250 vehicles and this property does have the space to provide this type of capacity. The parking lot will also have the appropriate amount of lighting installed.

Ms. Unkel-Wolff stated that she doesn't plan to purchase a liquor permit however, individuals who would like to have alcohol at their events are able to provide their own bar or hire a liquor establishment to serve alcohol. She explained that if individuals would like to take their alcohol outside, there will be a confined beer garden area attached to the barn where they can do so. There will also be signs designating that alcohol can't be taken past a certain point in order to avoid alcohol going out the door uncontrollably. Ms. Unkel-Wolff explained that there will be a kitchen area where food can be prepared or served by a caterer but the individuals who are renting the barn will need to provide those services. Commissioner Schmidt asked if trees will be planted around the venue in order to help muffle some of the noise that can occur during events. Evan Unkel explained that he does plan to plant trees around the venue and down the driveway to help with noise however, the venue will not support outdoor concerts therefore, the noise will be limited to inside the building.

The following individuals spoke in opposition to the application: Darlene Miller, Myron Tiedtke, Sewerna Tiedtke, Dix Stranton, Richard Johnson, Janice Hitz, and Kerry Barnhart. Letters were submitted and read from Randy & Deb Sunderman, Dennis Smydra, Randy & Peggy Sellin, and Gerald Volk. Some of the concerns that were brought to attention by these individuals included the concerns of increase traffic, law enforcement and emergency personnel accessibility, individuals drinking and driving, vehicle accidents on the curvy road that has no ditches, increase in property taxes, litter, and the increase of noise. A few of the surrounding neighbors explained that there is a lot of farm equipment that is hauled on this road and due to the road not having ditches it can be very difficult to get around these big machines. Chairman Troy Uhlir stated that he spoke with County Sheriff Todd Volk and he doesn't believe that this location will be an issue for law enforcement to get to. Sheriff Volk explained that there are already these types of venues in the country and graduation parties in the country that occur that they are able to respond to in a timely fashion.

Chairman Uhlir stated that he didn't think the board should be implementing a noise restriction on this venue. He explained that once someone puts a noise restriction on this it just opens the door for someone to request a noise restriction on something else like a fan on a dryer, tractors, or irrigation motors. This venue will not be having outdoor concerts therefore, the noise should be limited. County Highway Superintendent Richard Johnson expressed that his concern with the location of this proposed venue is that it needs to have a driveway that is located in a safe place. He explained that traffic coming in and out could be stacked up clear down the road therefore, there needs to be a decent amount of sight distance for the entrance to the driveway so other drivers can see the lineup and avoid accidents from occurring. Chairman Uhlir reported that he spoke with the County Assessor Jeff Hackerott and he was notified that because this venue is a commercial property it will be compared to other commercial properties for tax purposes and it will not affect the agriculture or residential valuations.

Ms. Unkel-Wolff stated that she understood that there was a concern with surrounding neighbors that events could go late into the night. She explained that she agrees the later an event goes the possibility of problems occurring is more likely. Commissioner Schmidt suggested that in the rental agreement it should note that all events must end at midnight or before. Myron Tiedtke, a neighbor close to this property, asked the commissioners

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if they had been out to this property and performed their own inspection. He stated that he was concerned with the venue having restrooms there could be an issue with installing a septic tank due to the water table level in this location. Planning and Zoning Administrator Heather McWhorter explained that the conditional use permit is subject to following all local laws and regulations. This means that if the state finds that a septic system or any other regulations aren't going to be met in this location then the permit could be voided because it doesn't follow along with the laws that are required to follow.

Chairman Uhlir closed the hearing at 10:17 A.M

After discussion, the following resolution was introduced:

### RESOLUTION #2021-57

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS a recommendation has been received from the Madison County Joint Planning Commission and

WHEREAS notice of public hearing was published in the October 28, 2021, edition of The Norfolk Daily News, and a public hearing was held by law.

WHEREAS, the Madison County Joint Planning Commission and the Madison County Board of Commissioners have established the following Statement of Finding of Facts:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. A Conditional Use Permit is required under Section 402 AG1 Agriculture Intensive, Permitted Conditional Uses.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Jamie Unkel Wolff to operate an Event Venue on property described as:

**A Tract in the SW ¼ of the NW ¼ of Section 2, Township 23 North, Range 2 West of the 6th P.M. Madison County, Nebraska  
(See attached)**

This Conditional Use Permit shall be subject to the following conditions in addition to those established with the Madison County Zoning and Subdivision regulations:

1. This is a Conditional Use Permit for rental of an event center.
2. A parking area will be clearly identified, and adequate lighting provided.
3. Liability insurance must be always maintained on the property.
4. A copy of the rental agreement must be provided to the Zoning Administrator and kept on file in the Zoning Office. The agreement

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must also include that events end at midnight and no parking along the road.

5. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, the U.S. Government, and State Fire Marshall.
6. This Conditional Use Permit is for 10 years and will renew automatically pending no verifiable complaints.
7. If ownership is transferred, Zoning Administrator must be notified 30 days prior to sale of property.
8. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by applicant.
9. A zoning permit must be obtained from the Zoning Office before construction begins.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown on the Official Zoning Map of Madison County, previously adopted by reference, and said zoning map is hereby reincorporated as a part of the Madison County, Nebraska Zoning and Subdivision Resolution as amended.

Motion was made by Stinson and seconded by Schmidt to approve the application of Jamie Unkel-Wolff for a Conditional Use Permit to operate an Event Venue in Section 2-23-2, which is located ½ mile south of the intersection of 840th Road and 550th Avenue, Madison, Nebraska. Roll call vote: Ayes, Stinson, and Uhlir. Nays, Schmidt. Motion carried.

Wayne Ohnesorg, Madison County Extension Office explained that he was not prepared to talk about the current space at 1305 South 13<sup>th</sup> Street, Norfolk, Nebraska and asked to move discussion to November 22, 2021 Board of Commissioner. The board granted this request to discuss this topic at the requested date from Mr. Ohnesorg.

The County has been working with the Historical Society to create an agreement that gets the museum open regular hours. The board has approved in their budget to fund \$15,000 to the Historical Society however, they will not receive these funds until an agreement has been completed. Unfortunately, the Historical Society's museum continues to be closed and regular open hours have not been set so the Commissioners suggested that this be noted in the agreement as well before funds can be dispersed. County Attorney Joseph Smith stated that he spoke with Mark Fitzgerald, attorney representing the Historical Society, and Mr. Fitzgerald notified him that he was under the impression that the County was taking a neutral position on the train display from the Northeast Nebraska Model Railroad Association. Mr. Smith explained that he didn't think the County was quite so neutral about the situation. Chairman Uhlir advised that the train display could stay in the museum however, the funds that the County was providing the

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historical society could not go towards the train club to help pay for repairs and parts. He explained that the reason why the County won't allow the funds to go towards the trains is because the train collection is owned privately and does not have any historical value to Madison County.

The Historical Society has been renting a portion of the Madison City Auditorium to house their museum for \$1 annually. City of Madison Mayor Al Brandl explained that during a meeting with the City Council and the Historical Society, the City Council voted unanimously to have the model railroad train display be removed from the museum building. The City Council also agreed that tax payers' dollars should not be used to pay for a privately owned model train collection. Mr. Brandl stated that the train association was given a letter that they were to be removed from the building within 60 days and as of today they still have not responded to this notice.

County Attorney Joseph Smith explained that there are some concerns on who will be purchasing the new furnace for the museum. He stated that it was under his impression that the County was not going to have a part in this purchase. Mr. Brandl reported that the City of Madison did order a new furnace but it is unclear as to who will be paying for it. Mr. Brandl explained that a couple weeks ago the Historical Society voted that they would pay for the furnace in full however, they did not state how they were going to pay for it or if they had the funds to do so. He also explained that because the Historical Society had agreed to pay for the new furnace that is why they had agreed upon the \$1 annual rent.

Chairman Uhlir stated that the County is here to help the Historical Society and they do want to see them succeed; however, the county wants to have guidelines set on how their funds can be spent and have regular open hours. He explained that he had read the minutes from the Historical Society's last meeting and looks like there are some new board members in the organization so he is hopeful that this will be beneficial to them. Mr. Smith agreed and stated that there needs to be some clarifications on some of the misunderstandings that had occurred but it looks like they are moving in the right direction. Mr. Brandl questioned if this proposed agreement had the City of Madison included in it. Chairman Uhlir explained that it was strictly between the Historical Society and Madison County and that the only thing listed in the agreement is that the funds that are provided from Madison County can be used to pay for rent and lease expenses payable to the City of Madison. Commissioner Schmidt suggested that this agreement should not be dated or funds be given until the museum starts opening up to the public. Commissioner Eric Stinson agreed and explained that if the County were to give them the funds now without the museum being open, they are basically just providing funds for the Historical Society to store their displays and that's not what the County wants to see happen. Mr. Smith advised that one of the Commissioners should sit down with him and review the proposed agreement that was given and make the necessary adjustments that are needed for further clarification on what the County expects to see from the Historical Society. Commissioner Schmidt agreed to meet with County Attorney Joseph Smith to draw an agreement with the Historical Society. County Clerk Anne Pruss stated that a draft agreement has been prepared and will be giving to the County Attorney and Commissioner Schmidt to make modification or changes.

No action was taken.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) District Court October, 2021 fees
- 3) Register of Deeds October, 2021 fees
- 4) Sale of surplus property
- 5) Planning and Zoning 3rd quarter 2021 report
- 6) Economic Development 3rd quarter 2021 report
- 7) Madison County Comprehensive Plan from Five Rule Rural Planning

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## MADISON COUNTY, NEBRASKA

- 8) Letter from State of Nebraska Jail Standards Division advising annual inspection for the Nebraska Jail Standards on November 10, 2021

The following claims were audited:

### GENERAL FUND

Total Net Payroll		165,992.63
Advanced Correctional Healthcare	Medical Services, County Jail	14,500.97
Albracht Disposal Service	Waste Removal Services, Public Defender	41.00
American Family Life Assurance Company	Insurance Premiums	1,106.33
Apex Therapy Services LLC	Professional Services, Community Based Grant	366.00
Appearra	Rug Service, Supplies, Public Defender	33.02
Appearra	Towel & Mop Service, County Jail	74.54
BI Inc.	Electronic Monitoring, Community Based Grant	162.13
Big Country Auto	Repairs, Reappraisal	20.67
Black Hills Energy	Gas Service, Courthouse	222.66
Black Hills Energy	Gas Service, County Jail	401.31
Blue Cross Blue Shield of Nebraska	Insurance Premiums	5,147.11
Bomgaars	Supplies, Noxious Weed Department	10.49
Brady & Amy's Inc.	Fuel, Courthouse	63.94
Brady & Amy's Inc.	Fuel, County Sheriff	2,105.80
Brady & Amy's Inc.	Fuel, County Jail	362.37
Brogan Lamkli PC LLO	Legal Services, Juvenile Court	859.79
Brogan Lamkli PC LLO	Legal Services, County Court	1,501.08
Buffalo County Sheriff	Civil Process Fees, Mental Health	22.01
Capital One	Supplies, County Attorney	93.30
Maria Izabel Chavez	Interpreting Services, Public Defender	130.00
City of Madison	Utilities, Courthouse	2,518.16
City of Madison	Utilities, County Jail	730.49
City of Norfolk	SNARE Annual Appropriation, County Sheriff	3,000.00
Colonial Life and Accident Insurance Company	Insurance Premiums	300.24
Consolidated Management Company	Meals, County Jail	50.47

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County Veterans Service Officers Association	Annual Dues, Veterans Service Office	110.00
Courtesy Ford	Repairs, County Sheriff	41.81
Cuming County Clerk	Contract Services, Community Based Grant	2,969.84
Custom Sports	Uniforms, County Sheriff	50.00
DAS State Accounting	Teletype Service, County Sheriff	262.29
DAS State Accounting	Teletype Service, County Jail	441.71
Jon Downey	Uniforms, County Sheriff	32.09
dwb Inc.	Communications Room Updates, Courthouse	51,254.55
Eakes Office Solutions	Supplies, Clerk of District Court	107.55
Eakes Office Solutions	Copier Contract, County Court	42.98
Eakes Office Solutions	Supplies, Courthouse	600.76
Eakes Office Solutions	Supplies, Extension Office	52.88
Eakes Office Solutions	Supplies, County Attorney	58.79
Eakes Office Solutions	Supplies, County Jail	110.66
Eakes Office Solutions	Supplies, Probation Office	277.54
Nathan Eckstrom	Meals, Mileage, County Attorney	193.75
Farmers Pride	Fuel, County Sheriff	740.17
Field's Hardware	Supplies, County Jail	471.87
First Concord Benefits Group LLC	Deductible Buy Down Costs, Administration Fees, Flex Plan	7,277.37
Fitzgerald, Vetter, Temple, Bartell & Henderson	Legal Services, Juvenile Court	2,286.42
Floor Maintenance & Paper Supply	Supplies, County Jail	645.16
Pam Foltz	Registration Fee, Extension Office	45.00
gWorks	Software Subscription, County Clerk	9,762.50
Galyen Boettcher Baier PC LLO	Legal Services, Juvenile Court	3,386.88
Galyen Boettcher Baier PC LLO	Legal Services, District Court	584.48
Yvonne Gerrard	Cleaning Services, Probation Office	200.00
Curt Guenther	Tutoring Services, Juvenile Accountability	30.00
Hall County Court	Copies, Law Enforcement	6.50
Naomi Hemphill	Cleaning Services, Public Defender	70.00
Shane Hoadley	Tutoring Services, Juvenile Accountability	110.00
Hoffman Plumbing	Water Line Connection Fee, Zoning & Noxious Weed Bldg.	1,399.75
Holiday Inn Kearney	Lodging, County Attorney	719.70
Hollman Media	Website Services, County Sheriff	650.00

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## MADISON COUNTY, NEBRASKA

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Hollman Media	Website Updates, County Offices	50.00
Carey Hopkins	Mileage, Community Based Grant	83.44
Joseph Hurd	Mileage, County Attorney	141.12
Jack's Uniforms & Equipment	Uniforms, County Jail	188.84
Lynette Kasik	Cell Phone Service, County Sheriff	50.00
Matthew Kiernan	Meals, Mileage, County Attorney	229.75
Michelle Kroupa	Cleaning Services, Extension Office	370.00
Lakeview Title Company	Title Searches, Noxious Weed Department	150.00
Madison County Clerk	Tax Deposit, Retirement	90,697.67
Madison County Clerk of District Court	Civil Filing Fees, District Court	890.00
Madison County Court	Court Costs, County Court	1,421.00
Madison County Sheriff	Civil Process Fees, County Court	154.07
Madison County Sheriff	Civil Process Fees, District Court	1,124.26
Madison County Sheriff	Civil Process Fees, Mental Health	146.33
Madison County Treasurer	Insurance & Cash-in-Lieu Reimbursement	296.45
Madison National Life Insurance Company Inc.	Insurance Premiums	334.38
Menards	Supplies, Courthouse	78.91
Microfilm Imaging Systems Inc.	Equipment Rent, Clerk of District Court	12.00
Microfilm Imaging Systems Inc.	Equipment Rent, County Court	190.75
MIPS	Data Processing Costs, County Clerk	640.48
MIPS	Data Processing Costs, County Treasurer	1,416.24
MIPS	Data Processing Costs, Equipment Rent, Register of Deeds	540.00
Moyer, Moyer & Lafleur	Legal Services, Juvenile Court	1,618.25
Jacob Mrsny	Mileage, Community Based Grant	167.44
Nationwide Retirement Solutions	Deferred Compensation	2,310.00
Nebraska Child Support Payment Center	Child Support	257.08
Nebraska Department of Agriculture	License Renewal Fee, Noxious Weed Department	25.00
Nebraska Law Enforcement Training Center	Lodging, Tuition, County Jail	460.00
Nebraska.gov	Search Fees, County Attorney	8.50
Norfolk Daily News	Publication Costs, County Offices	186.68
Norfolk GM Auto Center	Vehicle Repairs, Noxious Weed Department	242.32
Northeast Nebraska Juvenile Services Inc.	Boarding Juveniles, Juvenile Detention	2,718.75
Mike O'Brien	Mileage, Community Based Grant	56.00

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## MADISON COUNTY, NEBRASKA

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One Office Solution	Supplies, County Clerk	8.48
One Office Solution	Supplies, County Treasurer	87.99
One Office Solution	Supplies, Copier Contract, County Assessor	27.56
One Office Solution	Supplies, County Court	599.75
One Office Solution	Copier Contract, Supplies, Public Defender	633.41
One Office Solution	Supplies, County Sheriff	239.75
One Office Solution	Copier Contract, Veterans Service Office	13.61
Osborne Motors Inc.	Vehicle Repairs, County Sheriff	127.46
Michael Petersen	Contract Services, Community Based Grant	120.00
Pitney Bowes Inc.	Supplies, County Offices	416.46
Sarah Polacek	Mileage, Extension Office	182.56
Pollard Pumping, Inc.	Pumping and Disposal Services, County Jail	317.50
Precision IT	Computer Equipment, County Clerk	913.00
Precision IT	Equipment, Supplies, Contract Services, Probation Office	1,418.90
Precision IT	Contract Services, County Offices	5,451.80
Presto-X	Pest Control Services, Public Defender	169.00
Priority Communications & Solutions	Telephone Software & Installation, Courthouse	2,377.93
Reigle Implement Co., Inc.	Parts, Courthouse	64.10
Relx Inc. dba Lexis Nexis	Record Searches, County Attorney	609.00
Mary Rohrich	Cleaning Services, Probation Office	290.00
RS Electric	Electrical Repairs, Courthouse	136.28
Sixta Sass	Interpreting Services, Public Defender	150.00
Security Shredding	Shredding Services, County Court	70.00
Security Shredding	Shredding Services, Public Defender	35.00
Short Stop	Fuel, County Sheriff	269.47
Stratton, DeLay, Doele, Carlson, Buettner & Stover	Legal Services, Juvenile Court	2,896.40
Summit Food Service LLC	Inmate Meals, County Jail	8,403.33
TeeCo Inc.	Supplies, Zoning Department	7.85
TeeCo Inc.	Supplies, Noxious Weed Department	7.85
Tilly's	Fuel, County Sheriff	239.49
Trane	Annual HVAC Contract, Courthouse	10,504.13
Troy Uhlir	Fuel, County Board	44.90
US Bank Corporate Payment System	Uniforms, Fuel, Supplies, Equipment, Cable TV, County Sheriff	1,973.58

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US Bank Corporate Payment System	Supplies, Juvenile Accountability	82.45
Verizon Wireless	Telephone Service, Reappraisal	40.01
Verizon Wireless	Telephone Service, Extension Office	450.98
Verizon Wireless	Telephone Service, County Attorney	40.01
Verizon Wireless	Telephone Service, Community Based Grant	169.08
Verizon Wireless	Connection Fees, County Offices	80.02
Vision Service Plan	Insurance Premiums	458.90
Derek Volker	Tutoring Services, Community Based Grant	10.00
Wex Bank	Fuel, Reappraisal	197.91
Zelle Human Resource Solutions	Consulting Services, County Clerk	5,126.56
	Total General Claims with Payroll	<u>437,527.68</u>

### ROAD/BRIDGE FUND

Total Net Payroll		38,096.09
American Broadband	Telephone Service	53.63
American Family Life Assurance Company	Insurance Premiums	640.55
Appeara	Towel and Uniform Service	536.67
Barco Municipal Products Inc.	Signs	1,954.57
Battle Creek Light & Power	Utilities	279.56
Black Hills Energy	Utilities	196.43
Blue Cross Blue Shield of Nebraska	Insurance Premiums	1,269.75
Brady & Amy's	Fuel	632.64
Carhart Lumber Company	Shop Supplies	4.99
City of Madison	Utilities	493.13
City of Newman Grove	Utilities	61.00
City of Norfolk Transfer Station	Waste Disposal Services	46.20
Colonial Life and Accident Insurance Company	Insurance Premiums	180.16
Cornhusker Auto Center	Repair Service, Parts	493.84
Cornhusker International Trucks Inc.	Repair Service, Parts	2,127.50
Dale Johnson Ent. Inc.	Gravel	3,603.22
Dinkel Implement Company	Parts	102.00
Eastern Nebraska Trailer Repair Inc.	Parts	316.35
Eco Water Systems	Shop Supplies	45.95

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## MADISON COUNTY, NEBRASKA

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First Concord Benefits Group	Flex Plan, Administration Fees	633.67
Floor Maintenance and Paper Supply	Shop Supplies	64.14
Island Supply Welding Company	Shop Supplies	74.98
K & S Door Co/Overhead Door	Building Repairs	30.00
Ken's Trailer Sales & Repair	Parts	128.00
Kimball Midwest	Shop Supplies	284.07
Lawson Products	Tools	70.59
Loup Power District	Utilities	104.60
Madison County Clerk	Tax Deposit, Retirement	18,846.25
Madison National Life Insurance Company Inc.	Insurance Premiums	45.00
Mainelli Wagner & Associates Inc.	Consulting Services	28,215.12
Matheson Tri-Gas Inc.	Shop Supplies	288.56
Matteo Sand & Gravel Co., Inc.	Gravel	3,546.40
Meisinger Oil Company	Fuel	6,109.59
Menards	Shop Supplies	185.31
Nationwide Retirement Solutions	Deferred Compensation	1,225.00
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Harvestore Systems	Shop Supplies	28.56
Nebraska Public Power District	Utilities	104.69
Nextlink Internet	Internet Service	15.00
NMC Exchange LLC	Parts	1,225.19
Norfolk Iron & Metal Company	Bridge Materials	3,788.90
Norfolk NAPA	Shop Supplies	1,558.84
Pioneer Telephone Company	Telephone Service	32.12
Powerplan	Parts	1,151.97
Prime Sanitation	Waste Disposal Services	58.50
RDO Truck Centers	Repair Service, Parts	2,545.67
Road Builders Machinery & Supply	Repair Service, Parts	7,747.80
Rockmount Research & Alloys Inc.	Parts	1,448.10
Sapp Bros. Norfolk	Oil	405.00
Scheer's Ace Hardware	Shop Supplies	1.98
Stanley Petroleum Maintenance Inc.	Repair Service, Parts	324.50
T-Bone North	Fuel	10,260.01

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## MADISON COUNTY, NEBRASKA

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TeeCo Inc.	Shop Supplies	73.45
Theo's Corner	Fuel	74.28
Truck Center Companies	Parts, Fuel	55.70
TWD Lock Safe & Key	Shop Supplies	14.00
Village of Meadow Grove	Utilities	69.00
Vision Service Plan	Insurance Premiums	134.06
Zoubek Oil Company, Inc.	Fuel	<u>5,143.05</u>
	Total Road/Bridge Claims with Payroll	147,339.12

### FEDERAL AID SECONDARY FUND

Mainelli Wagner & Associates Inc.	Consulting Services	<u>18,473.16</u>
	Total Federal Aid Secondary Fund	18,473.16

### VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administration Fees	<u>988.14</u>
	Total Visitors Improvement Fund	988.14

### REGISTER OF DEEDS PRESERVATION AND MODERNIZATION FUND

Eakes Office Solutions	Supplies	295.77
MIPS	Data Processing Costs	<u>568.24</u>
	Total ROD Preservation & Modernization Fund	864.01

### 911 EMERGENCY FUND

Century Link	Telephone Service	791.21
Frontier	Telephone Service	164.10
Racom Corporation	Tower Repairs	<u>2,231.25</u>
	Total 911 Emergency Fund	3,186.56

### DRUG COURT FUND

NMG LLC dba Norfolk Works	Drug Screening	<u>85.00</u>
	Total Drug Court Fund	85.00

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MADISON COUNTY, NEBRASKA

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Motion was made by Stinson and seconded by Schmidt to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

The Board adjourned at 11:38 A.M. to Monday, November 22, 2021 at 2:00 P.M.

ATTEST:

Anne M. Pruss  
County Clerk

Troy Uhlir, Chairman  
County Board of Commissioners