

BOARD OF EQUALIZATION

Madison, Nebraska

January 13, 2015

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

Advance notice of meeting was published in the Thursday, January 8, 2015 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 Christian Ohl 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 Christian Ohl, Jim Prauner, and Ron Schmidt, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer. County Treasurer Donna Primrose was present until 9:04 A.M.

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

Motion made by Prauner and seconded by Schmidt to approve the minutes of the December 2, 2014 meeting. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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

Christ is King Community Church, 715 Madison Avenue, Norfolk	2011 Ford Econoline Wagon
Community Bible Church, 401 East Park Avenue, Norfolk	2011 Chevrolet Express Sport Van
Liberty Centre Services, Inc. 900 East Norfolk Avenue, Norfolk	2014 Chevrolet Impala
Mercy Meals, 701 Madison Avenue, P.O. Box 1873, Norfolk	2005 Carriage Enclosed Trailer
Mosaic, 105 East Norfolk Avenue, Suite 200, Norfolk	2015 Chevrolet Cruze
Northern Heights Baptist Church, 708 Georgia Avenue, Norfolk	2015 R & M Utility Trailer
OGT Logistics L.L.C., 601 West Phillip Avenue, Norfolk	2005 Dodge Pickup, 1989 Freightliner
Truck Tractor, 2003 Chevrolet Pickup	
The Link, Inc., 1001 West Norfolk Avenue, Norfolk	2005 Dodge Van
The Salvation Army, 112 North 7th Street, Norfolk	2015 GMC Savana Van

County Treasurer Donna Primrose reported that all organizations have exemption applications previously approved by the Board. She explained that applications for OGT Logistics L.L.C. were previously approved under the name of Orphan Grain Train. No public comments were received.

Chairman Ohl closed the hearing at 9:04 A.M.

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

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3003: Jerome and Patricia Schmit, 4506 North 1st Street, Norfolk
Deduction from the tax rolls in the amount of \$1,039.54 for correction to the 2014 real estate taxes due to receipt of a letter from the Nebraska Department of Revenue increasing the 2014 homestead exemption from 40% to 100%
- #3004: Battle Creek Roofing Company, Mike Wilkinson, 54565 834th Road, Battle Creek
Deduction from the tax rolls in the amount of \$207.40 for correction to the 2013 personal property taxes after making adjustments to the property schedule
- #3005: Battle Creek Roofing Company, Mike Wilkinson, 54565 834th Road, Battle Creek
Deduction from the tax rolls in the amount of \$126.10 for correction to the 2014 personal property taxes after making adjustments to the property schedule
- #3006: City of Norfolk, 309 North 5th Street, Norfolk
Deduction from the tax rolls in the amount of \$1,178.82 for removal of the 2014 real estate taxes due to purchase of the property by the City of Norfolk which is a tax exempt entity
- #3007: George and Marjorie Heusinger, 111 North Birch Street, Norfolk
Addition to the tax rolls in the amount of \$18.34 for correction to the 2014 real estate taxes due to combining two lots on the tax rolls

After discussion, it was moved by Schmidt and seconded by Prauner to approve the foregoing tax list corrections as submitted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:10 A.M.

County Clerk Nancy Scheer

Christian Ohl, Chairman
County Board of Equalization

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

January 13, 2015

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, January 8, 2015 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. Due to the beginning of the term for newly elected County Commissioners and the absence of a Chairman or Vice-Chairman, County Clerk Nancy Scheer 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 Christian Ohl, Jim Prauner, and Ron Schmidt, County Highway Superintendent Richard Johnson, County Clerk Nancy Scheer, Norfolk Daily News reporter Jerry Guenther, US92 reporter Eric McKay, and WJAG reporter Susan Risinger.

Motion was made by Prauner and seconded by Ohl to remove item #11 for authorization to reimburse Zoning Administrator Heather McWhorter \$30 per month for business use of personally owned cell phone from the consent agenda so the matter could be discussed. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Clerk Nancy Scheer read the following consent agenda items into the record:

- 1) Approval of minutes of the December 30, 2014 meeting
- 2) Set February 10, 2015 as the hearing date for the one and six year road plan
- 3) Accept modification of contract with Richard Johnson to relinquish duties as NIRMA contact person and appoint County Clerk Nancy Scheer as NIRMA contact person
- 4) Appoint Chris Carlson and Darol Ellwanger to serve as Madison County representatives on the Northeast Nebraska Resource Conservation and Development District (RC&D) Board of Directors
- 5)

RESOLUTION #2015-1

WHEREAS, the Treasurer of Madison County, Nebraska has been granted authority to invest any surplus funds to secure the most beneficial rate of return to Madison County, and

WHEREAS, it appears to the County Board of Commissioners of Madison County, Nebraska, that it may be necessary for the Madison County Treasurer to deposit an amount in excess of 50% of the paid up capital and surplus of the Madison County banks designated as depositories for the county funds, and

WHEREAS, it would be in the best interest of the County of Madison to make available to said County all the facilities and services of said depositories, and

WHEREAS, the County Treasurer may deposit in said depositories amounts in excess of 50% when (1) the depository bank secures said deposits by a pledge of the assets of the bank in the manner and within the limitations provided for County Judges, Clerks of County Courts, and Clerks of the District Court in Sections 77-2326.04 to 77-2326.09 of the Revised Statutes of the State of Nebraska and (2) the same is approved by a formal resolution of the County Board,

NOW THEREFORE BE IT RESOLVED, that the County Treasurer of Madison County, is authorized and empowered to invest any surplus funds in the custody of the office of the County Treasurer of Madison County, Nebraska, and such funds shall be invested in order to assure the most beneficial safe rate of return to Madison County, and

BE IT RESOLVED, that the County Treasurer of Madison County, Nebraska be and she hereby is authorized to deposit and invest in the duly and legally designated depositories within and for said County of Madison any surplus funds, provided depositories secure said deposits by a pledge of the assets of the bank in a manner and within the limitations provided in Section 77-2318.01 and Section 77-2326 through 77-2326.09 of the Revised Statutes of the State of Nebraska.

6)

RESOLUTION #2015-2

WHEREAS, Check No. 14120242, dated December 16, 2014, and drawn on the General Fund in the amount of two hundred eleven dollars (\$211.00), was made payable to Marathon Press, 1500 Square Turn Blvd., Norfolk, Nebraska 68701, and,

WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk,

NOW, THEREFORE, BE IT RESOLVED that Check No. 14120242, dated December 16, 2014, and drawn on the General Fund in the amount of two hundred eleven dollars (\$211.00), is hereby cancelled.

7)

RESOLUTION #2015-3

WHEREAS, Check No. 14120442, dated December 30, 2014, and drawn on the General Fund in the amount of seven hundred twenty dollars (\$720.00), was made payable to Nebraska State Bar Association, 635 South 14th Street #200, Lincoln, Nebraska 68501-1809, and,

WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk,

NOW, THEREFORE, BE IT RESOLVED that Check No. 14120442, dated December 30, 2014, and drawn on the General Fund in the amount of seven hundred twenty dollars (\$720.00), is hereby cancelled.

Motion was made by Prauner and seconded by Schmidt to approve the consent agenda as amended. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Motion was made by Ohl and seconded by Prauner to approve the regular agenda as amended. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Clerk Nancy Scheer announced that the first item on the regular agenda was selection of a Chairman and Vice-Chairman of the County Board. Commissioner Prauner stated that he previously served as Chairman of the Board; however, since he is returning as a member of the Board and is not up to date on current issues, he suggested that Commissioner Ohl serve as the Chairman if he had the confidence to take the position. Commissioner Ohl stated that he felt he could serve as Board Chairman because there is a very good team serving as Commissioners. He expressed appreciation for Commissioner Prauner's confidence in him and his encouragement.

Motion was made by Schmidt and seconded by Prauner to nominate Commissioner Ohl as Chairman of the County Board of Commissioners. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none.

County Clerk Nancy Scheer congratulated Commissioner Ohl on his selection as County Board Chairman and asked him to conduct the remainder of the meeting.

Chairman Ohl stated that he is fortunate to serve with very good gentlemen and he expressed appreciation for the confidence of the other Board members.

Chairman Ohl conducted the remainder of the meeting.

Chairman Ohl stated that a Vice-Chairman of the County Board must be appointed and he asked for a nomination. Commissioner Schmidt stated that he is the newcomer to the Board and feels that Commissioner Prauner's experience would serve well as a good leader. Motion was made by Schmidt and seconded by Ohl to nominate Commissioner Prauner as Vice-Chairman of the County Board. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Commissioner Prauner suggested that in order to expedite the appointment process, he would be willing to serve on the same Boards as Lee Klein served on since these Boards were the same ones that he served on eight years ago. Commissioner Schmidt stated that he would like to serve on the Norfolk Area Economic Development Council; however, if this was a Board that Commissioner Prauner wanted to serve on he would defer the appointment. Commissioner Prauner asked if there was another committee that Commissioner Schmidt would like to give up so each Board member would have about the same amount of committees to serve on. He stated that he could serve on the Norfolk Area Visitors Bureau Advisory Board if Commissioner Schmidt served on the Norfolk area Economic Development Council.

Chairman Ohl presented the following appointments of representatives and alternate representatives to the following positions or Boards for the year 2015:

Chairman Social Services Board:	Christian Ohl
Vice-Chairman Social Services Board:	Jim Prauner
Chairman of Board of Equalization:	Jim Prauner
Vice-Chairman of Board of Equalization:	Ron Schmidt
Overseer of Courthouse, Jail & Grounds:	County Board of Commissioners
County Physician:	Midwest Health Partners
Jail Physician:	Midwest Health Partners
County Law Librarian:	Monica Rotherham
County Highway Superintendent:	Richard C. Johnson
Planning and Zoning Administrator:	Heather McWhorter
Veterans' Service Officer:	Gregg Hanson
County Weed Superintendent	Donald Svitak
Madison County Health Board:	Dr. Gordon Adams
	Clerk of Dist. Court Monica Rotherham
	County Sheriff Vern Hjorth
Budget Committee:	Nancy Scheer
	Richard Johnson
	Ron Schmidt, Ex-Officio
Northeast Nebraska Area Agency on Aging:	Christian Ohl
Alternate:	Ron Schmidt
North Star Services:	Jim Prauner
Alternate:	Christian Ohl
Region 4 Behavioral Health System:	Ron Schmidt
Alternate:	Christian Ohl
Northeast Nebraska Juvenile Services Administrative Board:	Jim Prauner
Alternate:	Ron Schmidt
Elkhorn Valley Local Emergency Planning Committee:	Ron Schmidt
Alternate:	Christian Ohl
Region 11 Emergency Management	Jim Prauner
Alternate:	Christian Ohl
Americans with Disabilities Act Coordinator:	Ron Schmidt
Alternate:	Jim Prauner
Northeast Nebraska Solid Waste Coalition Representative:	Christian Ohl
Alternate:	Jim Prauner
Northeast Nebraska Economic Development Dist.:	Christian Ohl
Non-Elected Representative:	Heather McWhorter
Norfolk Area Economic Development Council	Ron Schmidt
Alternate:	Jim Prauner

Elkhorn Logan Valley Public Health Department	Christian Ohl
Alternate:	Jim Prauner
Community Representative:	Linda Miller
Railroad Transportation Safety District	Christian Ohl
	Jim Prauner
	Ron Schmidt
Norfolk Area Visitors Bureau Advisory Board (Ex-Officio):	Jim Prauner
Alternate:	Ron Schmidt
Safety Committee Chairman	Ron Schmidt

Motion made by Prauner and seconded by Schmidt to approve the foregoing appointments. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Norfolk Daily News representative Vicki Hrabanek was in attendance for designation of the official county newspaper for 2015. She expressed appreciation for the opportunity to address the Board and requested re-appointment of the Norfolk Daily News as the official county newspaper.

Commissioner Prauner stated that when he previously served on the Board, the Madison Star Mail was the official county newspaper; however, the Norfolk Daily News covers a wider area and more constituents.

Motion was made by Schmidt and seconded by Prauner to designate The Norfolk Daily News as the official county newspaper for publication of the Commissioners' Proceedings from February 1, 2015 through January 31, 2016.

During discussion on the motion, Commissioner Schmidt stated there are occasions when the newspaper that includes the meeting watch is delivered on the day of the meeting, so it is received after the meeting is over.

Norfolk Daily News reporter Jerry Guenther stated that the article listing meeting topics can't be published sooner due to the agenda deadline so the first day this article can be published is on Saturday. County Clerk Nancy Scheer stated that the Commissioners would need to amend the County Board meeting policy and change the agenda deadline. Commissioner Schmidt stated that he wasn't aware of these deadlines. Chairman Ohl stated that this matter could be looked at from the County's perspective in the future. He stated that the agenda is posted to the Madison County website. Vicki Hrabanek stated that the meeting agenda is also posted on the Norfolk Daily News website free of charge.

Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Motion was made by Schmidt and seconded by Prauner to designate publication of notices in the legal newspaper, The Norfolk Daily News, and posting on the Madison County website as the official methods of notification to the public of meetings of the County Board of Commissioners and County Board of Equalization. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following banks were presented as depositories for Madison County funds for 2015:

- Bank First, Norfolk, Nebraska 68701
- Bank of Newman Grove, Newman Grove, Nebraska 68758
- Frontier Bank, Madison, Madison, Nebraska 68748
- Madison County Bank, Madison, Nebraska 68748
- Midwest Bank, Norfolk, Nebraska 68701
- Pinnacle Bank, Madison, Nebraska 68748
- U.S. Bank, N.A., Norfolk, Nebraska 68701
- Wells Fargo Bank, N.A., Norfolk, Nebraska 68701

Motion made by Prauner and seconded by Schmidt to designate the foregoing banks as depositories for Madison County funds for 2015. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Josh Moenning, Executive Director of 4 Lanes 4 Nebraska, thanked the Board for the opportunity to address the Board. He reported that two weeks ago he presented information on 4 Lanes 4 Nebraska project, the organization's objective, and the need for public infrastructure projects which would benefit not only the region, but the State of Nebraska. He stated that at the previous meeting there was a full wide ranging discussion of the organizations' objectives, so he doesn't want to belabor the point, but wants to address any questions about what the organization is doing and request for the Board's consideration of funding support for an economic impact study. He explained that the study is one of the first steps in the public education and awareness efforts and the hope that through the study they can show that expanding Highway 275 from two lanes to four lanes east of Norfolk to northwest of Fremont will be a catalyst for economic growth, but also increase public safety and quality of life in the communities across northeast Nebraska.

Commissioner Schmidt questioned what a table of contents would look like when the study is completed since he is not familiar with a feasibility study. Josh Moenning responded that this would purely be an economic impact study so it will study the direct impact of construction projects, but beyond that, the more important part is the indirect benefits and the economic potential that would come from completion of the four lane highway. He stated that this project is part of the expressway system that the State created in 1988 and Highway 275 is one of the last uncompleted links in the expressway system. He reported that the study would focus on the direct economic impacts, but also indirect benefits coming after completion of the project. He explained that when you look at the corridor there is a major steel mill in Norfolk, heavy manufacturing, largest cattle feeding area in the country in Cuming County, and small businesses and farmers all along the corridor that are operating on 1940s infrastructure and the region and State of Nebraska are losing a lot of opportunities because of it. He stated that the study being commissioned by Dr. Ernie Goss of Creighton will try to quantify what the economic impact would be in completing the project. Mr. Moenning stated that there will be proposals for alternative funding for the project. He reported that the Board for 4 Lanes 4 Nebraska has been very interested in public and private partnerships in helping spur and promote large infrastructure projects and some of these things will be examined in the study.

Commissioner Schmidt inquired how soon this project could possibly get started if all the pieces fall into place. He stated that the reason he asks this question is because if an economic impact study is completed now and the project is ten years down the road, will the impact study still be valid. He stated that he is not questioning whether the County should do the project. Josh Moenning responded that it is hard to say because these projects don't happen overnight and Highway 275 is not on any priority list. He explained that the motivation for the project was to create a dedicated focused effort to make the case for moving forward and he believes the timing is right. He stated that there are a lot of moving parts to the project, but the organization's objective is to make the case to the public and policy makers at all levels that the expressway system needs to be finished and Highway 275 is a portion that is left.

Commissioner Prauner stated that he read in the newspaper that the mediation is completed on the Highway 30 project and the expected starting date is in 2017 with a projected completion date of 2019. He stated that it takes a long time to get projects going, so it is a good idea to start moving on this project. Commissioner Schmidt asked how the County Board could take a leadership role in helping 4 lanes 4 Nebraska to achieve its goal. He asked if Mr. Moenning had any ideas how the County Board assist. Mr. Moenning responded that the organization fully realizes that if the project is going to gain momentum, there needs to be a partnership of private and public entities all along the corridor and throughout Northeast Nebraska. He explained that the willingness of the Commissioners as leaders in Madison County to engage with its colleagues in other counties and cities along the corridor would be most valuable and appreciated. He stated that he would be happy to work with the Commissioners to share information with colleagues and he intends to present the same information to other counties along the corridor and to make a similar request for partnership.

Commissioner Schmidt stated that he looks forward to going to other Board meetings and talking to other Boards in Stanton, Cuming, and Dodge counties to form a strong partnership. Chairman Ohl stated that the Board is still waiting for advice from the County Attorney on the funding request.

Josh Moenning stated that he was aware that there was a question two weeks ago about whether the County could provide funding for the project. He stated that the example of the County's support for the Northeast Nursing College came up during the discussion and at that time the same question was asked. He stated that the County sought the opinion of the Attorney General at that time and he submitted a copy of that correspondence. He explained that on pages two and three of the correspondence the question of funding is addressed and the Attorney General cites Supreme Court cases about whether expenditures serve a public purpose with the test being in the end result, not in the means. He said that the letter goes on to say that if appears that it would be entirely possible to characterize an expenditure of county funds for creation of a new nursing school as an expenditure which would promote public health, safety, security, and the general welfare of all the inhabitants of the surrounding area. He explained that he feels that the end goal of the organization in expanding Highway 275 would be a benefit to safety, security, and general welfare of all the inhabitants of the surrounding area; so, in his opinion, a precedent has been set.

Commissioner Schmidt stated that the Board wants to get this issue solved so the Board doesn't continue to delay a decision. Commissioner Prauner questioned if there was any amount that should be considered or will the amount be the same percentage from each entity. Josh Moenning responded that he would leave the decision to the Board's discretion; but, he reported that the projected cost of the study is about \$20,000. He stated that any consideration of funding support would be left to the Board's discretion. Commissioner Schmidt stated that the Board would like to get a final opinion from the County Attorney, so if the County becomes a financial partner with 4 Lanes 4 Nebraska, a Commissioner could go with Mr. Moenning to Stanton, Cuming, and Dodge counties. Mr. Moenning stated that he is creating a timeline to go to meetings in the other counties because he wants everyone along the corridor to know what the objective is.

No action was taken.

Chairman Ohl reported that a request was received from the Nebraska Department of Motor Vehicles for assistance in securing the Madison County Fairgrounds and making necessary modifications for use to administer CDL skills test. He stated that the Department of Motor Vehicles is requesting gravel to be put on a grassy surface at the Fairgrounds. He stated that the County is having difficulty finding supplies of gravel and someone may need to research what amount of gravel is required.

Commissioner Schmidt reported that he asked Brady Wegener who serves as a member of the Fair Board to attend the meeting because he didn't know how much interaction the Fair Board had with the Department of Motor Vehicles. He reported that there is a piece of ground the approximate size of 300' x 300' on the west side of the Courthouse that may possibly work to administer the CDL skills tests. He stated that he has no opposition to having the tests conducted at the fairgrounds; however, it would make it handier if the parcel of ground next to the Courthouse would be satisfactory. He stated that someone should visit with a representative from the Department of Motor Vehicles to determine if the property west of the Courthouse would be satisfactory.

Motion was made by Schmidt to okay the request of the Nebraska Department of Motor Vehicles to use the Fairgrounds for CDL skills tests.

Commissioner Prauner stated that this would be okay with him; however, he doesn't want the County to put gravel in two different locations. He stated that if the County wants to make a permanent place west of the Courthouse, it would be better for the County to make a decision for a permanent location. Commissioner Schmidt stated that his understanding of the situation is that a location needs to be secured right now and the letter advised that the DMV would no longer be able to conduct CDL skills tests after January 15, 2015. He stated that there is no way that the County could have a site at the Fairgrounds ready and it would be a matter of having enough gravel at the Fairgrounds to set up cones for the test. He stated that the County Board could address the situation again this spring. Commissioner Prauner questioned which location at the Fairgrounds would be used and Brady Wegener responded that the DMV is looking at the north parking lot. He stated that as long as the ground is frozen it will be okay to use; however, when spring arrives it may be a mess. Brady Wegener said that the north parking lot could be used at this time and is clear of snow.

County Clerk Nancy Scheer clarified that the letter received from the Nebraska Department of Motor Vehicles states that the Fair Board has approved the use of the fairgrounds and they are asking the County Board to prepare the area.

Commissioner Schmidt withdrew his motion and made a motion to prepare a place at the fairgrounds for the Department of Motor Vehicles to use as a skills test area. The motion was seconded by Prauner.

Chairman Ohl questioned if there was any concern about gravel supplies to prepare this location. Commissioner Prauner responded that there isn't any gravel available at this time. Chairman Ohl stated that the site may be okay to use now since the ground is frozen. He clarified that he wants to make sure that the County isn't depleting any resources that need to be saved for the County. Commissioner Prauner stated that some of the areas are already graveled and he inquired what is required by the DMV. Brady Wegener responded that he doesn't know what the DMV requires. Commissioner Schmidt stated that he is feeling uncomfortable about the motion that he made and wished that a representative from DMV was present at the meeting so they would know exactly what is required.

County Attorney Joseph Smith entered the meeting during discussion on this topic and Commissioner Prauner questioned if there were any liability issues for the County. County Attorney Joseph Smith responded that he can't see that the County has any liability issues unless the County prepares the surface in a negligent manner. He stated that the County must prepare the surface in a reasonable manner and he assumes this would be an easy process. Commissioner Prauner stated that the area will be frozen now so the DMV can start using the fairgrounds. He stated that by the end of February, the area could start getting tacky. He said that during this time, someone should look around for a permanent place instead of putting large quantities at the fairgrounds and then need to prepare another location.

After discussion, Commissioner Schmidt withdrew his motion and Commissioner Prauner withdrew his second.

Chairman Ohl asked Commissioner Schmidt to look into the area west of the Courthouse as a possible option to administer CDL skills test.

Chairman Ohl stated that Commissioner Schmidt added an agenda item to discuss personal use of county equipment. Commissioner Schmidt stated that he is not aware of what the County policy is regarding personal use of county equipment and he doesn't know if each road district had a different policy, but he would like to see a policy that is countywide. He reported that he would like to see that there would be no use of motorized vehicles by county employees. He said he would be in favor of allowing use of county owned tools, but no use of motorized vehicles.

Commissioner Prauner stated that if a flood occurs, the County has previously used county owned equipment and sandbags to assist other entities. Commissioner Schmidt responded that he would be supportive of assisting another government entity by using county owned equipment; however, he wants a policy strictly related to private use of county owned equipment, such as using a dump truck to haul personal items. Commissioner Prauner suggested that this item could be addressed during update of the County's policies and procedures.

County Highway Superintendent Richard Johnson explained that Madison County has approved an interlocal agreement with other entities for sharing county owned equipment. Commissioner Prauner reported that the County previously had a policy for assisting another entities complete some work and charging a fee for the services and he inquired if the County has been doing this. County Highway Superintendent Richard Johnson responded that the County has an agreement with the City of Newman Grove specifically because of the ADM plant.

Chairman Ohl stated that this topic would be addressed during updates to the county personnel handbook. No further action was taken.

County Attorney Joseph Smith presented an update on the Hemmer Land vs. Madison County Board of Adjustment lawsuit. He explained that there are three causes of action. He stated that the first cause was a request for a new hearing with the Variance Board in which they requested the Court to issue an order saying that they could build something that was already built. He said that the second cause was a request for a court order directing the Variance Board to approve that request. He explained that the lawsuit has been pending for awhile and two or three causes of action have been kicked out by the Court. He stated that he anticipates that the third cause of action will be kicked out when the case goes to Court. Mr. Smith stated that the case is set for March or April and in the interim the applicants have reapplied to the Zoning department. He explained that the applicants must have some evidence for the application instead of saying that the bin was built by mistake at the wrong spot. He reported that it is a bad practice to make guarantees; however, if he would ever guarantee winning a case this would be one he would guarantee. He stated that he anticipates that the court case would be over by April; however, during this time the fines are accruing at \$1,000 per day. He said that at some point he wants some direction with respect to enforcement of the fine since the total accrual is currently about \$350,000.

Commissioner Prauner questioned if the County must wait until after the lawsuit is finished before the County assesses a fine. County Attorney Joseph Smith responded that the County does not need to wait to assess a fine. He explained that the last time he checked it was approximately 320 days at \$1,000 each day, but the County could set the fine at nothing, the maximum amount, or anything in between. Commissioner Prauner stated that the amount of the fine could have paid for the cost to move the bin and he questioned what the County Attorney suggested. Mr. Smith responded that, in his opinion, there should be a fine imposed because there may be other people doing the same thing. He said that the County has incurred some costs for arguing the case in Court, so when the case is completed, he will determine the costs incurred by the County. He explained that, other than his costs, the County has done a lot of briefing in the case.

Chairman Ohl asked County Attorney Joseph Smith to compile the information regarding fees and expenses that the County has incurred so the Board can be aware of the costs. Commissioner Schmidt agreed and stated that zoning is important in Madison County for economic development and also for protection and safety. He said that the County should use all options available to resolve this case.

No action was taken.

County Highway Superintendent Richard Johnson requested an executive session regarding contract and/or potential litigation regarding liquidated damages on Northeast Industrial Highway Phase 3 project. He reported that Matt Manning was the engineer from Mainelli Wagner who oversaw the project and he requested that Mr. Manning be allowed in executive session.

Motion was made by Prauner and seconded by Ohl to recess into executive session. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board recessed into executive session at 10:27 A.M. with County Highway Superintendent Richard Johnson, County Attorney Joseph Smith, engineer Matt Manning from Mainelli Wagner, and County Clerk Nancy Scheer present.

Motion was made by Schmidt and seconded by Prauner to recess from executive session. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried. The Board recessed from executive session at 11:02 A.M.

Chairman Ohl directed County Highway Superintendent Richard Johnson to continue negotiations for liquidated damages with the contractor for Northeast Industrial Highway Phase 3 project.

Chairman Ohl reported that Zoning Administrator Heather McWhorter has requested reimbursement for the business use of her personal cell phone. He stated that the previous Zoning Administrator had a phone provided by the County. He explained that Ms. McWhorter stated that she would prefer to only use one cell phone and not juggle two different phones. He said that Ms. McWhorter has taking a number of phone calls from him and others and has listed her own personal cell phone number on the County website, so she requested to be reimbursed \$30 per month. He explained that several other County employees, including a road foreman, were being reimbursed \$30 per month.

Commissioner Prauner asked if this same offer would be made to other County officials, such as the Clerk and Treasurer, who are in charge of their offices. He also inquired if Chairman Ohl received compensation for business use of his personal cell phone and Chairman Ohl responded no. County Clerk Nancy Scheer reported that there is no uniform policy and only two cell phone reimbursements have been approved by the Commissioners with all other cell phone reimbursement amounts decided by the department heads. She stated that this may be an issue that needs to be addressed for uniformity.

Commissioner Schmidt stated that he asked to discuss this issue to determine if the Board wants to have a uniform reimbursement policy for business use of personal cell phones. He stated that he doesn't want to disallow the request for the Zoning Administrator; however, he wants to address the issue of a uniform phone reimbursement policy. Commissioner Prauner stated that he wants to treat people fair and he has nothing against the Zoning Administrator's request. He said that the Zoning Administrator drives a County owned vehicle that has a two-way radio and he feels she is safe and can contact someone if she has a problem on the road. He inquired if someone is working in the office to receive phone calls and Chairman Ohl responded that a weed department employee has been helping out when Ms. McWhorter is not available. He asked if the Board plans to hire a full-time staff member and Chairman Ohl responded that there are funds in the budget to do that, but in the interim the weed department employee has been doing a great job and learning a lot.

Motion was made by Prauner and seconded by Schmidt to table the request to reimburse the Zoning Administrator Heather McWhorter \$30 per month for business use of a personally owned cell phone until a uniform phone policy can be studied. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following written reports and correspondence were reviewed:

- 1) County Clerk December fee report
- 2) Fund balance report
- 3) County Sheriff December fee report
- 4) Sale of surplus property report
- 5) Letter from Nebraska Jail Standards Division regarding evaluation of the Madison County Jail
- 6) 4th Quarter report of CASA of Northeast Nebraska

Motion was made by Schmidt and seconded by Prauner to deny a claim payable to Christopher Bellmore, in the amount of \$98.00, for reimbursement of 2015 bar dues since Mr. Bellmore's employment with Madison County terminated on January 7, 2015. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following claims were audited:

GENERAL FUND		
Total Net Payroll		131,791.15
Advanced Correctional Healthcare	Medical Services, County Jail	11,773.83
Advanced Fire & Safety Inc.	Inspection, Planning and Zoning	28.50
Advanced Fire & Safety Inc.	Inspection, Noxious Weeds	42.00
Mark Albin	Legal Services, County Court	264.82
Alpha Workforce Health	Medical Services, County Jail	285.00
American Educational Telecom	Telemedicine, County Jail	1,200.00
American Family Life Assurance Co.	Insurance Premiums	641.28
Ameritas Life Insurance Corp	Insurance Premiums	355.68
Anchor House	Rent, County Relief	350.00
Antelope County Court	Supplies, County Court	29.35
Appear	Mat Service, Public Defender	28.18
Appear	Mat Service, Courthouse	194.36
AS Central Services	Data Processing, Planning and Zoning	22.61

AS Central Services	Data Processing, Noxious Weed	22.60
AS Central Services	Data Processing, Veterans' Service Office	62.46
Auto Zone	Fuel, County Sheriff	5.39
Automated Systems, Inc.	Computer Support, County Assessor	1,488.00
Black Hills Energy	Gas Service, Courthouse	376.99
Black Hills Energy	Gas Service, County Jail	666.24
Blue Cross Blue Shield of Nebraska	Insurance Premiums	2,017.92
Bessie Bove	Prior Service Benefits	12.00
Brady & Amy's	Fuel, County Sheriff	1,666.05
Brogan & Gray, P.C., L.L.O.	Legal Services, County Court	761.37
Cableone	Internet Services, County Sheriff	204.53
CBM Managed Service	Meals, County Jail	7,164.64
Champs, Inc.	Maintenance Contract, County Jail	2,166.00
Maria Chavez	Interpreting Services, Law Enforcement	225.00
City of Madison	Utilities, Public Defender	430.01
City of Madison	Utilities, Courthouse	2,405.35
City of Madison	Utilities, County Jail	224.50
Clerk of the Supreme Court	Filing Fee, Public Defender	3.00
Coast to Coast Solutions	Supplies, County Sheriff	513.97
Colonial Life and Accident Insurance	Insurance Premiums	306.36
Connecting Point	Equipment, Probation	68.99
Connecting Point	Internet Services, Veterans' Service Office	38.95
Connecting Point	Internet Services, Planning and Zoning	15.00
Connecting Point	Storage, Website, Service Contract, Courthouse	2,907.45
Consolidated Management Company	Meals, County Jail	18.00
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	3,003.15
Dataspec, Inc.	Subscription, Veterans' Service Office	798.00
Eakes Office Plus	Supplies, District Court	30.45
Eakes Office Plus	Supplies, County Court	1,402.36
Eakes Office Plus	Supplies, County Sheriff	164.13
Eakes Office Plus	Supplies, County Jail	28.99
Egley, Fullner, Montag and Hockabout	Legal Services, County Court	1,411.50
Electronic Contracting Company	Inspection, County Jail	953.50
Enviromaster, Inc.	Supplies, County Jail	60.00
ETS Development Group, L.L.C.	Computer Support, County Sheriff	2,891.75
Ewalt Law Office, P.C., L.L.O.	Legal Services, District Court	2,865.23
Ewalt Law Office, P.C., L.L.O.	Legal Services, County Court	563.50
FBINAA Nebraska Chapter	Dues, County Sheriff	200.00
Field's Hardware	Supplies, Tools, Courthouse	291.44
Field's Hardware	Supplies, County Jail	33.87
First Concord Benefits Group, L.L.C.	Administrative Costs, Deductible Buy Down	4,964.87
Frontier	Telephone Service, Courthouse	1,066.74
Gordy's Towing & Repair	Repairs, County Sheriff	17.00
Great America Financial Services	Copier Maintenance, Public Defender	145.26
Chelsey Hartner	Mileage, Training, Supplies, Public Defender	132.06
Headley Law Office, P.C., L.L.O.	Legal Services, County Court	5,355.50
Naomi Hemphill	Services, Public Defender	120.00
Crystal Hestekind	Services, Probation	360.00
Hilliges and Associates, L.L.C.	Services, Law Enforcement	500.00
Hometown Leasing	Copier Maintenance, Probation	772.71
Jack's Uniforms & Equipment	Equipment, County Sheriff	281.55
Jerry's Service Center	Repairs, Juvenile Diversion	99.90
John's Disposal, Inc.	Garbage Service, Planning and Zoning	36.00
John's Disposal, Inc.	Garbage Service, Veterans' Service Office	21.00
Sharon Joseph	Legal Services, County Court	367.50
Lancaster County Court	Copies, Law Enforcement	3.25
Latimer Reporting	Copies, Law Enforcement	53.20
Liberty Mutual Insurance	Insurance Premiums, Probation	195.00
Madison County Clerk	Federal Tax Deposit	50,298.96
Madison County Clerk of District Court	Fees, District Court	1,999.00
Madison County Court	Transcript, County Court	1,275.50
Madison County Sheriff Inmate Fund	Supplies, County Jail	199.57
Madison County Sheriff	Fees, County Court	611.64
Madison County Sheriff	Fees, Mental Health	51.31
Madison County Sheriff	Dues, County Sheriff	180.00
Madison County 7th Judicial District Bar Association	Dues, Public Defender	120.00
Madison National Life Insurance Company	Insurance Premiums	126.16
Maximus Inc.	Cost Allocation Plan	1,760.27
Kyle Melia	Dues, Public Defender	98.00
Menards	Equipment, Planning and Zoning	99.00
Menards	Supplies, Equipment, Courthouse	151.00
Menards	Supplies, Noxious Weed	70.94
Microfilm Imaging Systems, Inc.	Equipment Rental, County Court	218.00
Microfilm Imaging Systems, Inc.	Equipment Rental, Law Enforcement	70.00
Midtown Health Center	Prescriptions, County Relief	40.00
MIPS Inc.	Computer Support, County Clerk	592.07

MIPS Inc.	Computer Support, County Treasurer	3,554.30
MIPS Inc.	Computer Support, County Assessor	1,514.07
MIPS Inc.	Equipment Lease, Register of Deeds	518.00
Andrew Mohr	Mileage, Juvenile Diversion	118.16
Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	791.40
Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	758.93
Moyer & Moyer	Legal Services, County Court	1,038.75
National Enterprise Systems	Garnish of Wages	194.91
Nationwide Retirement Solutions	Deferred Compensation	935.00
Nebraska Child Support Payment Center	Garnish of Wages	369.23
Nebraska Department of Revenue	Annual Sales Tax	561.78
Nebraska Weed Control Association	Registration, Noxious Weed	85.00
Norfolk Auto Center	Repairs, Noxious Weed	108.36
Norfolk Daily News	Publication Costs, Planning and Zoning	18.00
Norfolk Daily News	Publication Costs, Courthouse	117.77
Valorie Olson	Court Reporting, Mental Health	50.00
Marvin Pfeifer	Snow Removal, Public Defender	200.00
Pitney Bowes	Equipment Rental, Courthouse	804.75
Redfield & Company	Supplies, County Clerk	266.15
Redwood Toxicology Lab	Testing, Probation	375.00
Region IV Inc.	Third Quarter Services	9,147.75
Region 4 Behavioral Health System	Third Quarter Services	13,193.25
Retirement Plans Division of Ameritas	Employee Share Retirement	8,832.65
Retirement Plans Division of Ameritas	Employer Share Retirement	12,933.69
Judy Schroeder	Prior Service Benefits	11.00
Short Stop	Fuel, County Sheriff	23.67
Joseph Smith	Mileage, Law Enforcement	1,129.52
Square Tire Norfolk	Tires, Noxious Weed	577.96
Stratton, DeLay, Doele, Carlson, & Buettner, P.C., L.L.O.	Legal Services, District Court	3,404.60
Stratton, DeLay, Doele, Carlson, & Buettner, P.C., L.L.O.	Legal Services, County Court	1,579.60
Michelle Sullivan	Mileage, Juvenile Diversion	94.08
T.O. Haas Tire	Repairs, County Sheriff	17.74
Trane	Maintenance, Courthouse	8,797.34
Transunion Risk & Alternative Data Solutions, Inc.	Services, County Sheriff	11.00
US Bank Corporate Payment System	Fuel, Supplies, Meals, County Sheriff	219.68
US Bank Corporate Payment System	Dues, County Attorney	392.00
Verizon Wireless	Telephone Service, District Judge	40.01
Verizon Wireless	Telephone Service, Reappraisal	40.01
Verizon Wireless	Telephone Service, Juvenile Diversion	307.27
Verizon Wireless	Telephone Service, Courthouse	78.04
Wayne County Sheriff	Service Fees, Mental Health	18.50
Western Office Technologies	Supplies, Register of Deeds	41.36
Western Office Technologies	Supplies, Planning and Zoning	33.22
Western Office Technologies	Supplies, Noxious Weed	33.23
Western Office Technologies	Supplies, Copier Maintenance, County Court	188.66
Western Office Technologies	Supplies, Public Defender	204.36
Western Office Technologies	Supplies, Copier Maintenance, Reappraisal	738.75
Western Office Technologies	Supplies, County Attorney	200.88
Western Office Technologies	Supplies, Juvenile Diversion	142.95
Western Office Technologies	Repairs, Veterans' Service Office	39.00
Western Office Technologies	Supplies, Veterans' Service Office	59.88
Xubex	Prescriptions, County Relief	86.25
Zippy Lube	Repairs, County Sheriff	41.99
Zodiac Properties, L.L.C.	Rent, Probation	10,255.84

ROAD/BRIDGE FUND

Total Net Payroll		31,329.56
Advanced Fire & Safety Inc.	Equipment	752.55
American Family Life Assurance Company	Insurance Premiums	411.50
Ameritas Life Insurance Corporation	Insurance Premiums	123.52
Appeara	Shop Supplies	203.11
Battle Creek Farmers Coop	Fuel	912.96
Battle Creek Municipal Light & Power	Utilities	192.80
Bauer Built Tire	Repairs	84.00
Black Hills Energy	Gas Service	263.69
Blue Cross Blue Shield of Nebraska	Insurance Premiums	105.43
Brady & Amy's Inc.	Fuel	1,162.40
Carhart Lumber Company	Shop Supplies	12.49
City of Madison	Utilities	601.06
City of Newman Grove	Utilities	54.00
City of Norfolk Transfer Station	Garbage Service	30.80
Colonial Life and Accident Insurance	Insurance Premiums	153.38
Connecting Point	Internet Service	15.00
Constellation Newenergy Gas Division	Gas Service	158.20
Courtesy Ford Lincoln Mercury	Repairs	245.63

D & M Machinery	Supplies	13.40
Eastern Nebraska Telephone Company	Telephone Service	52.12
Eisenmann Supplies, Inc.	Parts	36.48
Fastenal Company	Parts	36.68
Field's Hardware	Shop Supplies	68.91
Filter Care of Nebraska LTD	Repairs	208.65
First Concord Benefits Group	Administrative Fees, Deductible Buy Down	1,654.32
Frontier	Telephone Service	163.12
Gene's Motor & Sharpening Service	Services	60.00
Green Line Equipment	Parts	26.58
Hegemann Sunflower Sales & Service	Parts	96.17
Hradec Diesel Inc.	Parts	74.42
K & C Grain Inc.	Salt	1,607.75
Kelly Supply Company	Parts	139.86
Ken's Trailer Sales & Repair	Parts	24.00
M & M Farm Supply	Shop Supplies	159.15
Madison County Clerk	Tax Deposit	11,833.68
Madison National Life Insurance Company Inc.	Insurance Premiums	34.37
Matheson Tri-Gas Inc.	Shop Supplies	202.10
Meisinger Oil Company	Fuel	6,190.44
Menards	Supplies	11.59
Midwest Plumbing and Heating	Supplies	22.92
Mimick Motor Company	Parts	486.39
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Harvestore Systems	Parts	122.08
Nebraska Public Power District	Utilities	128.96
NMC Exchange L.L.C.	Parts	835.45
Norfolk Auto Supply	Parts	104.08
Norfolk NAPA	Parts	350.00
Northeast Machine & Manufacturing	Parts	14.49
Pioneer Telephone	Telephone Services	41.08
Prime Sanitation	Garbage Service	53.75
Quick Serve Oil Company Inc.	Fuel	815.67
Reigle Implement Company Inc.	Repairs	188.25
Retirement Plans Division of Ameritas	Employee Share Retirement	1,944.78
Retirement Plans Division of Ameritas	Employer Share Retirement	2,917.23
Rutjens Construction Inc.	Culverts	4,704.00
Scheer's Ace Hardware	Supplies	44.93
Seals and Service	Parts	291.52
Steffen Inc.	Repairs	143.77
Telebeep Wireless	Pager Services, Internet Services	141.96
Truck Center Companies	Parts	23.07
West Lumber Company	Shop Supplies	6.99
White Star Oil Company	Fuel	208.67

VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administrative Expense	10,151.85
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REGISTER OF DEEDS PRESERVATION & MODERNIZATION FUND

MIPS Inc.	Services	277.45
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911 EMERGENCY FUND

Century Link	Telephone Service	978.48
Eastern Nebraska Telephone	Telephone Service	127.86
Frontier	Telephone Service	164.10
Police Legal Sciences, Inc.	Subscription	840.00

LAW ENFORCEMENT OPERATING FUND

Charm-Tex	Supplies	64.40
Food Express	Supplies	313.56
Madison County Sheriff Inmate Fund	Supplies	305.62

Motion was made by Prauner 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, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board adjourned at 12:22 A.M. to Tuesday, January 27, 2015 at 9:30 A.M.

County Clerk Nancy Scheer

Christian Ohl, Chairman
County Board of Commissioners