

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

January 28, 2014

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 23, 2014 edition of The Norfolk Daily News. 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 Lee Klein 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 Lee Klein and Christian Ohl, County Highway Superintendent Richard Johnson, County Clerk Nancy Scheer, Norfolk Daily News reporter Jerry Guenther, and WJAG reporter Paul Hughes. Absent: Commissioner Jerry McCallum.

Chairman Klein read the following consent agenda items into the record:

- 1) Approval of minutes of the January 14, 2014 meeting
- 2) Approval of John D. Rodekohl's Lot Split located in Section 4-23-3
- 3) Approval of Robert L. Freudenburg Lot Split located in Section 3-21-2
- 4)

### RESOLUTION #2014-4

WHEREAS, pursuant to §2-954 and §2-955 Nebraska Revised Statutes, each county weed authority is authorized to serve individual notices to landowners to secure more prompt or definite control of noxious weeds, and

WHEREAS, the Madison County Board of Commissioners serves as the Madison County Noxious Weed Authority, and

WHEREAS, Donald Svitak has been appointed to serve as Madison County Noxious Weed Superintendent for the 2014 calendar year,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, in its role as the Madison County Noxious Weed Authority, hereby authorizes Donald G. Svitak, as the duly appointed Madison County Noxious Weed Superintendent to make the findings described in the statutes and to issue and deliver notices pursuant to the Noxious Weed Control Act.

5)

### RESOLUTION #2014-5

#### PRELIMINARY ENGINEERING SERVICES AGREEMENT – BK1221 SUPPLEMENTAL AGREEMENT NO. 3 MADISON COUNTY

WHEREAS, Madison County and Mainelli Wagner & Associates, have previously executed a preliminary engineering 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 Mainelli Wagner & Associates, wish to enter into a supplemental preliminary engineering 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 Lee Klein, Chair of the Madison County Board of Commissioners is hereby authorized to sign the attached preliminary engineering services Supplemental Agreement No. 3 between Madison County and Mainelli Wagner & Associates.

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

NDOR Project Number: ER-2895(2)

NDOR Control Number: 32180

Project Location: Meadow Grove North

6)

### RESOLUTION #2014-6

#### PRELIMINARY ENGINEERING SERVICES AGREEMENT – BK1220 SUPPLEMENTAL AGREEMENT NO. 4 MADISON COUNTY

WHEREAS, Madison County and Mainelli Wagner & Associates, have previously executed a preliminary engineering 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 Mainelli Wagner & Associates, wish to enter into a supplemental preliminary engineering 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 Lee Klein, Chair of the Madison County Board of Commissioners is hereby authorized to sign the attached preliminary engineering services Supplemental Agreement No. 4 between Madison County and Mainelli Wagner & Associates

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

NDOR Project Number: ER-2915(3)

NDOR Control Number: 32181

Project Description: Battle Creek North

7)

RESOLUTION #2014-7

WHEREAS, Check No. 13110093, dated November 5, 2013, and drawn on the General Fund in the amount of four dollars and eighty-six cents (\$4.86), was made payable to David Prather, 404 South Nebraska, P.O. Box 824, Madison, Nebraska 68748-0824, 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. 13110093, dated November 5, 2013, and drawn on the General Fund in the amount of four dollars and eighty-six (\$4.86), is hereby cancelled.

Motion was made by Ohl and seconded by Klein to approve the consent agenda. Roll call vote: Ayes, Klein and Ohl. Absent, McCallum. Nays, none. Motion carried.

Motion was made by Ohl and seconded by Klein to approve the regular agenda. Roll call vote: Ayes, Klein and Ohl. Absent, McCallum. Nays, none. Motion carried.

Chairman Klein reported that bids were opened on January 23, 2014 for Northeast Industrial Highway, Phase 2. He explained that six companies submitted bids and that the low bidder was Christensen Bros., Inc. of Cherokee, Iowa. John Christensen from Christensen Bros., Inc. was present.

Chairman Klein stated that the ending date of the contract was June 15, 2015 and he was hoping that the contractor could have the project completed prior to that time. He stated that he realizes that weather could be a factor. Mr. Christensen responded that he looked at the special provisions of the bid specifications which said that the working day count would be suspended for 180 days for winter shut down and he guessed at the number of weather events that would occur. He stated that the June 15, 2015 date is the worst case scenario, but he couldn't imagine that the project would take that long. He said that he was in downtown Norfolk and saw pictures showing flooding on main street, which could happen.

Chairman Klein stated that the County Board would like the project completed as soon as possible. Mr. Christensen responded that they would do their best to complete the project and if everything goes good, they could possibly have the project completed by the end of 2014. He stated that this winter spooked him a little bit, but the June 15th day is the worst case scenario. Chairman Klein stated that this year was a good demonstration of road projects being shut down about one month earlier compared to many other years.

County Highway Superintendent Richard Johnson stated that the County is not very impressed with the bridge builder currently working on another phase of the project and that is part of the reason that the County wants whatever assurance that Christensen Bros. can give that they will work diligently on the project.

After discussion, a motion was made by Ohl and seconded by Klein to award a contract in the amount of \$3,632,628.37 to Christensen Bros., Inc. for Northeast Industrial Highway, Phase 2, Project No. C-59-534 and authorize the Board Chairman to execute said contract. Roll call vote: Ayes, Klein and Ohl. Absent, McCallum. Nays, none. Motion carried.

Byron Brogan, Madison City Economic Development Director, Madison City Treasurer Paula Biehle, and Madison City Clerk Gina Ainsworth were present for discussion on a request for partial funding for Madison Area Industrial Park Engineering study.

Commissioner Ohl reported that he understands that it is important to have this project for the City of Madison. He stated that there will be more projects coming up in the future and sometimes there is a tight timeframe where something needs to be done quickly. He stated that he spoke with Lowell Schroeder of Northeast Nebraska Economic Development District and some other organizations about trying to find a way to fund a program and maybe find some grant dollars. He said that they would like to find some way to develop a program in the future so they can find a way to be better prepared to help out when these opportunities come along.

Chairman Klein explained that they have talked about this type of program so it would be fair to everyone if an impartial board was established instead of the County Board. He stated that the City of Norfolk may even contribute some funding if a revolving fund was established with a five to six year payback period, then every community in the County would be eligible to apply. He stated that the Northeast Nebraska Economic Development District may also seek grant funds. He explained that nothing has been decided, but his thought was that if this fund could be established, a community could be eligible for up to 50% of the funds during one year. He reported that this is a goal of the County that the Board would hope to set up in the next budget year.

Madison City Treasurer Paula Biehle asked if the County was successful in putting together the proposed funding, would the applicant be required to have everything completed before the budget year started or would funds be available for projects that come up during the fiscal year. Chairman Klein responded that a limited amount of funds would be available so maybe the committee would meet once or twice a year to select recipients. He explained that the program concept has been discussed; however, no decisions have been made. He stated that his idea is that one person from the County Board, one person selected by the City of Norfolk, and one or two other people would form a committee that would makes decisions regarding award of funds. He explained that it isn't always the dollars amount, but how important it is to a community to get additional funds to proceed with an economic development project. He stated that a small project in Meadow Grove may only require \$1,000 in funds, but if it could help that community get something spurred, it would be beneficial. He explained that if communities knew there were funds available, a project could be designed with the knowledge that an additional funding opportunity may be available. He stated that the County Board is open to suggestions.

Madison City Treasurer Paula Biehle inquired when the County Board started working on the budget and Chairman Klein responded that some things are being done already. He explained that County Highway Superintendent Richard Johnson and County Clerk Nancy Scheer serve on the budget committee and that there are many budget restrictions. County Highway Superintendent Richard Johnson explained that there are lid limitations, restricted funds, and prior commitments that the County Board must consider. He stated that the County also deals with decisions made by the State Legislature that affect future budgets.

Chairman Klein explained that the Legislature makes decisions reducing funds to the County and also adds functions to be taken on by the County without providing funding. He stated that many other subdivisions are also negatively impacted by Legislative decisions. He explained that there are many aspects of the County budget that the County Board has no control over such as providing defense attorneys and housing prisoners.

Chairman Klein encouraged input from the City of Madison to develop a program. He stated that the County wants to be ready when the next funding request comes before the Board. He said that if the County can establish a fund that would be available for economic development projects, good could come out of it.

No action was taken.

Chairman Klein announced that the Board received a letter from the Nebraska Department of Motor Vehicles to use a portion of the Courthouse north parking lot to administer CDL Basic Control Skills tests. He stated that the tests are currently being administered at the Fairgrounds. He reported that the DMV wants to conduct these tests on Tuesday, which is when Court is in session and the parking lot is full of vehicles. He questioned if the DMV would work with Northeast Community College to complete the CDL testing at the college testing site.

Driver's Examiner Rachelle Pospisil stated that her supervisor was unaware that he was scheduled to meet with the County Board and he was inquiring about the possible use of the Courthouse parking lot to give CDL tests. She stated that, in her opinion, the request is ridiculous and she didn't have anything to do with it. Chairman Klein stated that Tuesday is Court day and there are many vehicles in the north parking lot. Ms. Pospisil provided the phone number for the DMV supervisor. Chairman Klein questioned if the DMV had spoken with Northeast Community College about using the truck driving site and Ms. Pospisil responded that the College site was looked at, but she doesn't know the results of that review. Chairman Klein stated that he would speak with the DMV supervisor.

No action was taken.

The following written reports and correspondence were reviewed:

- 1) County Treasurer fund balance report
- 2) Register of Deeds December fee report
- 3) County Sheriff November and December fee reports
- 4) Letter from Elkhorn Rural Public Power District regarding updates to their Hazard Mitigation Plan
- 5) Letter from Nebraska State Historical Society regarding placement of the Stubbs-Ballah House on the National Register of Historic Places
- 6) Letter from NIRMA regarding LB 881

The following claims were audited:

		GENERAL FUND	
Total Net Payroll			124,396.31
Mark Albin	Legal Services, Mental Health		314.70
AS Central Services	Data Processing Costs, Courthouse		190.80
BI Incorporated	Monitoring Services, Juvenile Diversion		2,194.12
Big Red Printing	Supplies, District Court		208.78
Big Red Printing	Supplies, Juvenile Diversion		131.00
Blue Cross Blue Shield of Nebraska	Insurance Premiums		128,570.92
Blueline Security Services, L.L.C.	Guard Services, County Jail		253.00
Bob Barker Company, Inc.	Supplies, County Jail		113.04
Bomgaars Supply Inc.	Tools, Supplies, Courthouse		173.00
Bomgaars Supply Inc.	Supplies, County Sheriff		6.49
Bomgaars Supply Inc.	Repairs, Equipment, Supplies, Noxious Weed		258.06
Brogan & Stafford, P.C.	Legal Services, District Court		4,211.55
Cableone	Internet Services, Public Defender		283.43
Cableone	Internet Services, Probation		169.96
Cableone	Internet Services, Courthouse		116.50
Carney Law, P.C.	Legal Services, District Court		964.47
CBM Food Service	Meals, County Jail		6,738.87
Century Link	Telephone Service, County Jail		17.66
Century Link	Telephone Service, Probation		75.38
Clerk of the Supreme Court	Court Costs, District Court		25.00
Clerk of the Supreme Court	Court Costs, County Court		125.00
Complete Pest Elimination, Inc.	Services, County Jail		125.00
Connecting Point	Software, County Treasurer		108.00
Connecting Point	Services, County Sheriff		150.00
Connecting Point	Repairs, County Jail		69.00
Connecting Point	Supplies, Probation		25.96
Connecting Point	Storage, Courthouse		100.00
Constellation Newenergy Gas Division	Gas Service, Courthouse		1,091.90
Constellation Newenergy Gas Division	Gas Service, County Jail		2,547.77
Cook's Correctional Kitchen	Equipment, County Jail		426.24
Copycraft Printing	Uniform, County Jail		36.94
Credit Management Services, Inc.	Garnish of Wages		405.46
Cuming County Sheriff	Service Fees, District Court		18.50
Jennie Dugan-Hinrichs	Autopsy Costs		525.00

Eakes Office Plus	Supplies, District Court	5.97
Eakes Office Plus	Supplies, Courthouse	33.40
Eakes Office Plus	Supplies, County Jail	1,277.43
Eakes Office Plus	Supplies, Equipment, Probation	256.44
Eastern Auto Service Inc.	Repairs, County Sheriff	84.37
Egley, Fullner, Montag and Hockabout	Legal Services, District Court	1,751.16
Eisenmann Supplies, Inc.	Equipment, Noxious Weed	342.04
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	5,811.86
Floor Maintenance	Supplies, County Jail	68.29
Furnas County Court	Copies, Law Enforcement	2.25
Galls/Quartermaster	Equipment, Supplies, County Sheriff	2,938.58
Galls/Quartermaster	Uniform, County Jail	2.00
Harlan County Court	Copies, Law Enforcement	10.25
Brittni Hart	Mileage, Juvenile Diversion	258.16
Angie Hausmann	Witness Fees, County Court	37.92
Carey Hopkins	Mileage, Juvenile Diversion	100.97
Jeffrey Hrouda	Legal Services, County Court	3,970.67
Jack's Uniforms & Equipment	Uniforms, Equipment, County Sheriff	1,083.27
Nancy Jochum-Schramm	Transcripts, District Court	252.00
Knock-Out Specialties, Inc.	Supplies, County Sheriff	308.09
Lancaster County Court	Copies, Law Enforcement	4.75
Linsali, Inc.	Reappraisal Services, Reappraisal	11,850.00
Louderback Drug	Prescriptions, County Jail	933.52
Love Signs Inc.	Building Repairs, Courthouse	5,994.22
Madison County Clerk	Tax Deposit	47,858.03
Madison County Sheriff Inmate Fund	Supplies, County Jail	59.93
Madison County Sheriff	Fees, County Court	1,320.00
Madison County Sheriff	Fees, District Court	817.98
Madison County Sheriff	Service Fees, Mental Health	96.30
Madison County Sheriff	Registration, County Sheriff	110.00
Marco, Inc.	Copier Maintenance, Probation	870.72
Audrey Marks	Mileage, Planning and Zoning	12.32
Matthew Bender & Co., Inc.	Publication, Public Defender	283.31
Matthew Bender & Co., Inc.	Publications, County Sheriff	332.71
Matthew Bender & Co., Inc.	Publications, County Attorney	283.31
Kyle Melia	Supplies, Postage, Public Defender	150.49
Menards	Supplies, Noxious Weed	21.80
Midwest Health Partners	Prescriptions, County Jail	124.00
Midwest Plumbing & Heating	Repairs, County Jail	1,390.06
Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	1,590.15
National Board of Trial Advocacy	Dues, County Attorney	265.00
Nationwide Retirement Solutions	Deferred Compensation	1,005.00
Nebraska Association of County Treasurers	Dues, County Treasurer	75.00
Nebraska Child Support Payment Center	Garnish of Wages	276.92
Nebraska Health and Human Services	State Institution Costs	651.00
Nebraska Planning and Zoning Association	Dues, Planning and Zoning	90.00
Nebraska Public Power District	Utilities, Probation	1,021.57
Nebraska Public Power District	Utilities, Noxious Weed	147.50
Nebraska Public Power District	Utilities, Veterans' Service Office	51.91
Nebraska State Bar Association	Publication, District Court	35.00
Nebraska U.C. Fund	Unemployment	987.00
Nebraska Weed Control Association	Registration, Noxious Weed	280.00
NESCA	Dues, County Jail	45.00
Norfolk Area Home Builders Association	Registration, Noxious Weeds	395.00
Norfolk Community Health Care Clinic	Funding	45,000.00
Norfolk Daily News	Publication Costs, Courthouse	487.48
Northeast Nebraska Juvenile Services	Board of Juveniles, Juvenile Detention	7,113.75
Valorie Olson	Court Reporting, Mental Health	150.00
Our Savior Lutheran Church	Polling Place Rent, Election Commissioner	300.00
Phillips 66	Fuel, County Sheriff	524.57
Redwood Toxicology Lab	Testing, Juvenile Diversion	246.00
Redwood Toxicology Lab	Testing, Probation	63.35
Retirement Plans Division of Ameritas	Employee Share Retirement	8,343.64
Retirement Plans Division of Ameritas	Employer Share Retirement	12,225.16
Brisa Sanchez	Repairs, County Sheriff	368.87
Schaben Industries	Repairs, Noxious Weed	327.66
Schroeder Land Surveying	Services, County Surveyor	1,520.00
Security Shredding	Services, Probation	192.50
Shell Fleet Plus	Fuel, Reappraisal	70.54
Shell Fleet Plus	Fuel, Planning and Zoning	314.66
Shell Fleet Plus	Fuel, County Sheriff	3,550.70
State of Nebraska-NDOC	Board of Prisoners, County Jail	2,649.26
Stratton, DeLay, Doele, Carlson & Buettner, P.C., L.L.O.	Legal Services, County Court	3,690.34
Donald Svitak	Registration, Garbage Service, Noxious Weed	122.70
Thomson Reuters	Subscription, Public Defender	3,186.00
Thomson Reuters	Publication, Subscription, County Attorney	1,382.45
Thomson Reuters	Subscription, Law Library	85.00
Toshiba	Copier Maintenance	475.00

Gene Trine	Services, Register of Deeds	25.00
David Uher	Legal Services, County Court	1,390.93
US Bank Corporate Payment System	Postage, Fuel, Supplies, Juvenile Diversion	530.17
US Bank Corporate Payment System	Dues, Fuel, Supplies, Repairs, Uniform, County Sheriff	1,092.42
Verizon Wireless	Telephone Services, Courthouse	33.24
Verizon Wireless	Telephone Services, County Sheriff	1,693.22
Verizon Wireless	Telephone Services, Law Enforcement	85.82
Walmart Community	Supplies, County Attorney	173.15
Western Office Technologies	Supplies, Repairs, County Clerk	149.27
Western Office Technologies	Supplies, County Treasurer	157.98
Western Office Technologies	Supplies, County Sheriff	29.99
Western Office Technologies	Supplies, Veterans' Service Office	36.99
Wex Bank	Fuel, County Sheriff	1,291.57
Zippy Lube	Repairs, County Sheriff	35.79

#### ROAD/BRIDGE FUND

Total Net Payroll		29,404.00
Advance Auto Parts	Parts	58.99
B's Enterprises	Supplies	217.50
Battle Creek Farmers Coop	Fuel	1,763.00
Bauer Built Tire	Repairs, Tires	960.00
Black Hills Energy	Gas Service	492.92
Blue Cross Blue Shield of Nebraska	Insurance Premiums	33,002.11
Bomgaars Supply Inc.	Shop Supplies	265.94
Carquest Auto of Norfolk	Parts	41.73
Constellation Newenergy Gas Division	Gas Service	1,790.34
Electrical Engineering & Equipment Co.	Lighting	182.45
First Concord Benefits Group	Flexible Benefit Plan	476.14
Island Supply Welding Co.	Shop Supplies	68.53
Loup Power District	Utilities	244.58
Madison County Clerk	Tax Deposit	10,748.20
Mainelli Wagner & Associates, Inc.	Engineering Services	2,515.60
Medical Enterprises, Inc.	Testing	604.00
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Harvestore Systems	Parts	129.25
NMC Exchange, L.L.C.	Parts	279.32
NMG LLC	Testing	322.00
Pioneer Telephone	Telephone Services	47.41
Retirement Plans Division of Ameritas	Employee Share Retirement	1,816.44
Retirement Plans Division of Ameritas	Employer Share Retirement	2,724.58
Road Builders Machinery & Supply	Parts	1,136.72
Seals and Service, Inc.	Repairs	739.82
Verizon Wireless	Telephone Service	189.59
Weldon Parts Inc.	Parts	701.99
Zee Medical	Shop Supplies	60.35

#### FEDERAL AID SECONDARY FUND

D.P. Sawyer Inc.	Signs	589.00
Mainelli Wagner & Associates, Inc.	Engineering Services	66,459.88

#### VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administrative Expense, Advertising	2,356.36
------------------------------	-------------------------------------	----------

#### VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administrative Expense, Advertising	2,817.13
------------------------------	-------------------------------------	----------

#### DRUG TESTING FUND

Faith Regional Health Services	Testing	35.00
--------------------------------	---------	-------

#### 911 EMERGENCY FUND

Centurylink	Telephone Services	977.64
-------------	--------------------	--------

#### LAW ENFORCEMENT OPERATING FUND

Eakes Office Plus	Supplies	135.54
Madison County Sheriff Inmate Fund	Supplies	120.80

DRUG COURT FUND

Connecting Point	Equipment, Software	1,170.00
On Call Employee Health	Testing	70.00
Redwood Toxicology Lab	Testing	119.70

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

The Board adjourned at 9:58 A.M. to Tuesday, February 11, 2014 at 9:30 A.M.

---

County Clerk Nancy Scheer

---

Board of Commissioners Chairman Lee Klein