

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

February 1, 2011

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 27, 2011 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 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 Rick Uhlir and Lee Klein, County Highway Superintendent Richard Johnson, County Clerk Nancy Scheer, and Norfolk Daily News reporter Jerry Guenther. Absent, Commissioner Jerry McCallum. County Weed Superintendent Cecil J. Rudnick was present from 10:08 to 10:16 A.M. and Planning and Zoning Administrator John Johnson was present from 10:16 A.M. to 10:23 A.M.

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

1) Approval of minutes of the January 19, 2011 meeting

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

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

Pursuant to published legal notice to bidders in the January 20, 2011 and January 27, 2011 editions of The Norfolk Daily News, sealed bids were received for furnishing one new patching machine for Road District #2. Road District #2 foreman John Hrabanek and two sales representatives were present during the bid opening. Bids received by the following companies were opened and read aloud:

Mid-Iowa Solid Waste Equipment Company	Johnston, Iowa
Rose Equipment Inc.	Lincoln, Nebraska

After review of the bids by Commissioner Uhlir and Road District #2 foreman John Hrabanek, Commissioner Uhlir recommended to accept the bid of Rose Equipment Inc. because the patching machine had less moving parts and the service facility is closer than the other company. After discussion, it was moved by Uhlir and seconded by Klein to accept the bid submitted by Rose Equipment, Inc. for the purchase of a Leeboy/Rosco patcher for Road District #2. Roll call vote: Ayes, Uhlir and Klein. Absent, McCallum. Nays, none. Motion carried.

County Weed Superintendent Cecil Rudnick was present to discuss proposals for reorganization of the County Weed Control Program. Due to the winter weather conditions and absence of County Attorney Joseph Smith, Mr. Rudnick requested to delay discussion of the Weed Control Program proposals to the March 15, 2011 meeting.

Chairman Klein approved rescheduling discussion of the proposals for reorganization of the County Weed Control Program to the March 15, 2011 meeting.

County Attorney Joseph Smith reported by speaker telephone on negotiations with Crafts, Inc. for final payment of the contract for the Public Defender's building addition. He explained that he, Chairman Lee Klein, and County Highway Superintendent Richard Johnson met with representatives from Crafts, Inc. on January 31, 2011 regarding the final contract payment for the Public Defender's building addition. He reported that the county could possibly have a lawsuit regarding this issue; therefore, he recommended that the Board recess into executive session so he could advise the County Board on how to proceed.

Motion was made by Uhlir and seconded by Klein to recess into executive session to report on negotiations with Crafts, Inc. for final payment of the contract for the Public Defender's building addition. Roll call vote: Ayes, Uhlir and Klein. Absent, McCallum. Nays, none. Motion carried.

The Board recessed into executive session at 10:23 A.M. with County Highway Superintendent Richard Johnson and County Clerk Nancy Scheer present.

Motion was made by Uhlir and seconded by Klein to recess from executive session. Roll call vote: Ayes, Uhlir and Klein. Absent, McCallum. Nays, none. Motion carried. The Board recessed from executive session at 10:28 A.M.

Chairman Klein reported that he and County Attorney Joseph Smith will continue negotiations with Crafts, Inc. for final payment of the contract for the Public Defender's building addition.

County Attorney Joseph Smith reported on a notice received from Masterfile of Toronto, Canada concerning county website copyright infringement. He stated that the website designer put a running water faucet, which was a copyrighted image, on the county website. He explained that Masterfile sent a notice demanding \$6,030.00 for copyright infringement. He reported that he spoke to a representative from Masterfile and has negotiated the demand to approximately \$2,000. Mr. Smith explained that Masterfile is a stock image library that acquires and distributes license images for commercial use and the images are acquired under exclusive contract from professional photographers and illustrators who are paid a royalty every time the image is licensed. He reported that Masterfile has won cases and under the federal law there are punitive damages. He explained that he researched Masterfile's website and determined that the license fee for the running water faucet image is \$2,000. Mr. Smith recommended that the county pay the \$2,000 license fee to avoid a lawsuit because of the possibility of high court costs and losing a lawsuit. He explained that the law is on the side of Masterfile.

County Highway Superintendent Richard Johnson questioned if the county should notify NIRMA of this issue. County Attorney Joseph Smith responded that the county should check with NIRMA since Masterfile is obligated under the law to show good faith in dealing with the county for a period of time on this matter. He recommended that if NIRMA cannot assist with this issue, the County Board pay the negotiated amount before the issue turns into a lawsuit.

After discussion, Chairman Klein directed County Highway Superintendent Richard Johnson to contact NIRMA insurance company regarding the county website copyright infringement issue.

Motion by made was by Uhlir and seconded by Klein to table a claim payable to Cable One in the amount of \$64.20 for payment of internet services at the County Weed Control office. Roll call vote: Ayes, Uhlir and Klein. Absent, McCallum. Nays, none. Motion carried.

Motion was made by Uhlir and seconded by Klein to table a claim payable to C.J. Rudnick in the amount of \$90.00 for renewal of pesticide applicator license. Roll call vote: Ayes, Uhlir and Klein. Absent, McCallum. Nays, none. Motion carried.

The following claims were audited:

GENERAL FUND

Total Net Payroll		114,679.20
Mark Albin	Legal Services, County Court	457.25
Ronald Albin	Legal Services, County Court	417.00
American Family Life Assurance Company	Insurance Premiums	688.86
Ameritas Life Insurance Corporation	Employee Share Retirement	7,329.51
Ameritas Life Insurance Corporation	Employer Share Retirement	10,766.14
Ameritas Life Insurance Corporation	Insurance Premiums	363.74
Carol Andrews	Mileage, County Extension	14.55
Antelope County Sheriff	Service Fees, County Court	6.00
Appeara	Mat Service, Courthouse	178.02
AS Central Finance	Telephone Services, Planning and Zoning	84.61
Beckman's Service Center	Repairs, County Sheriff	32.40
Christopher Bellmore	Filing Fees, Public Defender	70.00
Big Red Printing	Supplies, Reappraisal	33.96
Jennifer Birmingham	Mileage, Public Defender	117.30
Black Hills Energy	Gas Service, Planning and Zoning	31.95
Black Hills Energy	Gas Service, Veterans' Service Office	50.66
Blue Cross Blue Shield of Nebraska	Insurance Premiums	119,915.30
Bessie Bove	Prior Service Benefits	12.00
Brandl Electric	Repairs, County Jail	1,081.73
Brandl Electric	Repairs, District Court	712.58
Brogan & Gray, P.C., L.L.O.	Legal Services, County Court	362.00
Brogan & Stafford, P.C.	Legal Services, County Court	288.50
BTS, Inc.	Repairs, District Court	326.87
Capital One USA	Garnish of Wages	219.80
Carney Law, P.C.	Legal Services, County Court	750.00
Central United Life Insurance Company	Insurance Premiums	37.20
Champs Inc.	Maintenance Agreement, County Jail	2,166.00
Maria Izabel Chavez	Interpreting Services, Law Enforcement	61.25
Elmer Choutka	Building Repairs, District Court	727.74
City Directory, Inc.	Publications, County Sheriff	253.00
City of Madison	Utilities, Courthouse	131.82
City of Madison	Utilities, County Jail	746.94
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Complete Floors, Inc.	Building Repairs, District Court	412.00
Connecting Point	Supplies, Courthouse	29.99
Connecting Point	Equipment, Services, District Court	190.48
Constellation Newenergy Gas Division	Gas Service, Planning and Zoning	140.39
Constellation Newenergy Gas Division	Gas Service, Veterans' Service Office	175.84
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, District Court	692.70
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	5,507.47
Credit Bureau Services	Garnish of Wages	131.41
Culligan	Drinking Water Service, County Jail	117.95
Custom Cage	Equipment, County Sheriff	1,290.00
Don's Auto Repair Inc.	Repairs, County Sheriff	32.78

dbw, Inc.	Repairs, Courthouse	493.42
Eakes Office Plus	Supplies, County Treasurer	13.69
Eakes Office Plus	Copier Maintenance, Public Defender	102.59
Eakes Office Plus	Supplies, County Jail	364.50
Eakes Office Plus	Supplies, Probation	191.50
Electrical Engineering & Equipment Co.	Supplies, Courthouse	424.41
Elite Office Products	Copier Maintenance, County Court	68.58
Elite Office Products	Repairs, County Extension	30.00
Elkhorn Logan Valley Public Health Department	Administrative Expense, County Relief	7,363.04
Environmaster	Supplies, County Jail	42.00
Ewalt Law Office P.C., L.L.O.	Legal Services, County Court	150.44
Field's Hardware	Supplies, Repairs, Courthouse	107.68
Field's Hardware	Supplies, District Court	42.81
First Concord Benefits Group, L.L.C.	Deductible Buy Down, Administrative Fees, Courthouse	6,377.76
Floor Maintenance and Paper Supply	Supplies, Courthouse	18.50
Floor Maintenance and Paper Supply	Supplies, County Jail	552.21
Francotyp-Postalia, Inc.	Software, County Sheriff	167.45
Frontier	Telephone Services, Public Defender	321.65
Frontier	Telephone Services, Courthouse	1,316.62
Galls, Inc.	Uniforms, County Sheriff	132.97
Gartner & Associates Co. Inc.	Repairs, Courthouse	242.00
Kayla Grone	Services, Probation	100.00
Hartford Life Insurance Company	Deferred Compensation	25.00
Matthew Headley	Postage, Public Defender	44.00
Jeffrey Hrouda	Legal Services, County Court	1,563.55
IHC/Group Link	Insurance Premiums	542.12
Jack's Uniforms & Equipment	Uniforms, County Sheriff	145.94
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	1,673.25
J.W. Jones, M.D.	Autopsy Costs, Law Enforcement	920.00
James Kube	Furniture, District Court	2,500.00
Louderback Drug	Prescriptions, County Jail	2,408.04
Madison County Clerk	Tax Deposit	38,567.05
Madison County Sheriff	Supplies, County Jail	41.76
Madison County Sheriff	Fees, County Court	1,925.86
Madison County Sheriff	Fees, District Court	505.60
Madison County Sheriff	Fees, Mental Health	78.36
Madison National Life	Insurance Premiums	118.45
Christal McDonald	Transcript, Public Defender	1,347.50
Christal McDonald	Transcript, Law Enforcement	522.05
Mid-American Specialties Inc.	Supplies, County Sheriff	629.53
Midwest Health Partners	Prescriptions, County Jail	94.00
Midwest Office Automations	Copier Maintenance, Juvenile Diversion	300.00
Midwest Plumbing & Heating	Repairs, County Jail	3,507.92
MIPS Inc.	Computer Support, Supplies, County Clerk	3,503.93
MIPS Inc.	Computer Support, Reappraisal	1,335.13
Moore Wallace	Supplies, County Sheriff	31.77
Moyer & Moyer	Legal Services, County Court	1,190.50
Evelyn Muegge	Mileage, County Extension	15.55
Nationwide Retirement Solutions	Deferred Compensation	395.00
Nebraska Association of County Officials	Insurance Premiums	395.74
Nebraska Association of County Treasurers	Dues, County Treasurer	75.00
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Criminal Defense Attorney Association	Dues, Registration, Public Defender	225.00
Nebraska Notary Association	Filing Fees, County Attorney	154.23
Nebraska Notary Association	Filing Fees, County Jail	252.48
Nebraska Public Power District	Utilities, Planning and Zoning	222.01
Nebraska Public Power District	Utilities, Veterans' Service Office	39.93
Tracy Neidig	Mileage, County Extension	30.00
Mark Nelson	Mileage, County Extension	6.00
NESCA	Training, County Jail	15.00
NMG LLC	Medical Services, County Jail	692.00
Norfolk Daily News	Publication Costs, County Extension	5.14
Norfolk Daily News	Publication Costs, Courthouse	267.37
Norfolk Winnelson Company	Repairs, Courthouse	17.92
Northeast Community College	Lease, Operating Fees, County Extension	3,751.24
Northeast District Assessor's Association	Dues, County Assessor	25.00
Northeast Nebraska Juvenile Services, Inc.	Board of Juveniles, Annual Assessment	53,042.05
Northeast Research & Extension Center	Telephone Service, Supplies, Postage, County Extension	656.60
OMB Guns	Supplies, County Sheriff	135.98
Sherry Peterson	Mileage, Telephone Service, Juvenile Diversion	315.26
Phillips 66	Fuel, County Sheriff	64.77
Pierce County Leader	Publication Costs, Planning and Zoning	15.30
Sarah Polacek	Mileage, Supplies, County Extension	52.91
Qwest	Telephone Service, District Judge	199.74
Qwest	Telephone Service, Probation	137.46
RAD Inc.	Supplies, County Sheriff	110.57
Terry Radenslaben	Mileage, County Extension	128.55

Jeffrey Rub	Mileage, County Extension	20.55
Marjorie Schaffer	Repairs, Mileage, District Court	35.92
Judy Schroeder	Prior Service Benefits	11.00
Secretary of State	Publications, Law Enforcement	20.00
Secretary of State	Filing Fee, County Attorney	20.00
Security Shredding	Services, Probation	87.50
Shell Fleet Plus	Fuel, Planning and Zoning	260.65
Shell Fleet Plus	Fuel, County Sheriff	531.78
Lee Sherry	Mileage, Meals, County Extension	51.30
Shopko	Supplies, Planning and Zoning	18.48
Sirchie Finger Print Laboratories	Equipment, County Jail	1,923.95
State of Nebraska AS Central Services	Data Processing Costs, County Sheriff	32.00
Stratton, DeLay & Doele, P.C.	Legal Services, District Court	493.50
Stratton, DeLay & Doele, P.C.	Legal Services, County Court	1,850.00
Michelle Sullivan	Mileage, Juvenile Diversion	123.78
Target Bank Business Card Services	Equipment, County Sheriff	97.63
Taser International	Registration, County Sheriff	695.00
Dale Taylor	Interpreting Services, Public Defender	450.00
Trane US Inc.	Maintenance Agreement, Courthouse	435.75
Dave Unkel	Mileage, County Extension	29.75
U.S. Bank Corporate Payment System	Postage, Juvenile Diversion	11.05
U.S. Bank Corporate Payment System	Transportation, Software, Registration, County Sheriff	515.73
Verizon Wireless	Telephone Services, County Extension	90.34
Verizon Wireless	Telephone Services, County Sheriff	1,541.80
Wayne County Clerk	Internet Services, Telephone Services, Probation	1,162.00
West Payment Center	Publications, County Attorney	157.00
Western Office Plus	Supplies, County Clerk	95.97
Western Office Plus	Supplies, County Treasurer	154.17
Western Office Plus	Supplies, Planning and Zoning	168.54
Western Office Plus	Supplies, District Court	54.32
Western Office Plus	Supplies, County Sheriff	122.91
Zee Medical Service	Supplies, County Sheriff	17.95

#### ROAD/BRIDGE FUND

Total Net Payroll		26,909.15
American Family Life Assurance Company	Insurance Premiums	400.43
Ameritas Life Insurance Corporation	Employees Share Retirement	1,646.57
Ameritas Life Insurance Corporation	Employers Share Retirement	2,469.90
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
AC Central Services	Telephone Services, District #2, Noxious Weed	69.20
Battle Creek Farmers Coop	Fuel, District #2, #3	6,923.75
Battle Creek Municipal Light and Power	Utilities, District #3	261.49
Black Hills Energy	Gas Service, District #1, #2, #3	383.46
Blue Cross Blue Shield of Nebraska	Insurance Premiums	31,590.09
Bomgaars Supply Inc.	Shop Supplies, Repairs, District #1, #2, Noxious Weed	363.04
Capital One	Garnish of Wages	248.69
Carhart Lumber Company	Tools, District #3	12.99
Carquest Auto of Norfolk	Parts, District #1, #2	315.07
City of Madison	Utilities, District #1	612.07
Clausen Air Inc.	Repairs, District #2	75.00
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Newenergy Gas Division	Gas Service, District #1, #2, #3	1,558.90
Eastern Nebraska Telephone	Telephone Services, District #3	88.77
Field's Hardware	Shop Supplies, District #1	89.57
First Concord Benefits Group	Administrative Fees, Deductible Buy-Down	731.18
Floor Maintenance and Paper Supply	Supplies, District #2	108.96
Frisch Electric LLC	Repairs, District #1	60.00
Frontier	Telephone Services, District #1, #3	203.38
Green Line Equipment	Parts, District #3	201.31
IHC/Group Link	Insurance Premiums	15.21
J & A Traffic Products	Signs, District #1	392.60
John Deere Credit	Equipment Rental, District #2	1,500.93
Kayton International Inc.	Parts, District #2	8.37
Kelly Supply Company	Parts, District #2, #3	317.39
Kimball Midwest	Parts, District #1	244.06
Madison County Clerk	Tax Deposit	8,905.61
Madison National Life	Insurance Premiums	34.41
Matheson Tri-Gas Inc.	Shop Supplies, District #1, #3	260.09
Menards	Shop Supplies, District #1, #2, #3	91.08
Nebraska Child Support Payment Center	Garnish of Wages	419.70
Nebraska Harvestore Systems Inc.	Repairs, District #3	251.28
Nebraska Public Power District	Utilities, District #3, Noxious Weed	494.49
NMC Exchange LLC	Repairs, District #1, #2, #3	1,175.89
Prime Sanitation	Garbage Service, District #2	53.75
Sonlite Express Inc.	Salt, District #1	1,260.00

Stanley Petroleum Maintenance	Parts, District #2	6.90
Telebeep Wireless	Pager Services, District #2	22.11
The Pit Stop	Fuel, District #3	88.00
Transamerica Life Insurance Company	Insurance Premiums	49.28
US Cellullar	Telephone Services, District #1, #2, #3	252.51

VISITORS PROMOTION FUND

Norfolk Area Chamber of Commerce	Telephone Service, Advertising, Lodging	1,186.32
Norfolk Hot Summer Nites Rod Run	Grant	2,000.00

VISITORS IMPROVEMENT FUND

Norfolk Area Chamber of Commerce	Administrative Expense, Advertising, Mileage, Meals	7,989.69
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DRUG TESTING FUND

Gillette Printing	Supplies	118.00
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911 EMERGENCY FUND

Frontier	Telephone Services	160.41
Qwest	Telephone Services	1,096.54

LAW ENFORCEMENT OPERATING FUND

BTS Custom Floors	Flooring	5,166.64
Madison County Sheriff	Supplies, Postage	2,775.32
Norfolk Daily News	Subscriptions	1,987.50

DRUG COURT FUND

A Small Affair	Supplies	30.00
On Call Employee Health	Drug Testing	70.00
Redwood Toxicology Lab	Drug Testing	63.35
Verizon Wireless	Internet Service	70.42

Motion was made by Uhlir 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, Uhlir and Klein. Absent, McCallum. Nays, none. Motion carried.

The Board adjourned at 10:37 A.M. to Tuesday, February 15, 2011 at 9:30 A.M.

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County Clerk

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Chairman