

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

## BOARD OF EQUALIZATION

Madison, Nebraska

February 6, 2018

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

Advance notice of meeting was published in the Thursday, February 1, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Ron Schmidt called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, County Clerk Nancy Scheer, and County Assessor Jeff Hackerott. County Treasurer Donna Primrose was present until 9:05 A.M.

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

Motion made by Ohl and seconded by Prauner to approve the minutes of the January 9, 2018 meeting. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Chairman Schmidt opened a public hearing at 9:03 A.M. to receive testimony regarding the following motor vehicle exemption applications:

Christ is King Community Church, 715 West Madison Ave., Norfolk	2001 Oldsmobile 4 Door Sedan
Community Bible Church, 401 East Park Avenue, Norfolk	2011 Chevrolet Van
Community Concern of Norfolk, Inc., 222 North 4th Street, Norfolk	2011 Dodge Sports Van
Countryside Home, 703 North Main Street, Madison	1999 Ford Van
Faith Regional Health Services, 2700 West Norfolk Avenue, Norfolk	2015 Jeep Cherokee, 2017 Nissan Murano, 2017 Nissan Rogue
Missionary Benedictine Sisters, 300 North 18th Street, Norfolk	2015 Chevrolet Impala, 2015 Toyota Camry, 2015 Dodge Grand Caravan, 2015 Nissan Altima, 2012 Ford Fusion, 2010 Ford Fusion, 2008 Chevrolet Malibu, 2008 Ford Escape, 2006 Dodge Caravan, 2005 Chevrolet Silverado, 2002 Chevrolet Impala, 2001 Dodge Caravan, 2000 Ford Taurus, 1989 Chevrolet Pickup
Norfolk Catholic School, 2300 West Madison Avenue, Norfolk	2015 Dodge Caravan, 2013 Dodge Caravan, 2012 Dodge Caravan, 2010 Dodge Caravan, 2008 Chevrolet Pickup, 2002 Chevrolet Bus, 2006 International Bus, 2010 International Bus, 1980 Homemade Trailer, 2014 H & H Trailer
Our Savior Lutheran Church, 2500 West Norfolk Avenue, Norfolk	2012 Ford Van
The Link, Inc., 1001 West Norfolk Avenue, Norfolk	2005 Dodge Van
The Salvation Army, 610 West Norfolk Avenue, Norfolk	2017 GMC Savana Van

County Treasurer Donna Primrose reported that all organizations have previously had vehicles approved for tax exemption. No public comments were received during the hearing. Chairman Schmidt closed the hearing at 9:05 A.M.

A motion was made by Prauner and seconded by Ohl 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:

#3313: Jonathan and Shirley Graham, 4909 West Norfolk Avenue, Norfolk  
Additional to the tax rolls in the amount of \$38.76 for acceleration of 2018 real estate taxes due to dismantling of a mobile home

#3314: Tyson Fischer Construction, Inc., 2006 Alaska Avenue, Norfolk  
Addition to the tax rolls in the amount of \$19.26 for correction to the 2017 personal property taxes due to a clerical error of omitting an item from the 2016 depreciation worksheet

#3315: Jeff and Kayla Henrickson, 805 Nord Street, Norfolk  
Correction to the tax rolls for 2017 personal property taxes due to a clerical error of adding equipment twice which resulted in no change in the tax amount

#3316: JMO Holdings LLC, 1508 Square Turn Boulevard, Norfolk  
Deduction from the tax rolls in the amount of \$15,281.92 for correction to the 2017 real estate taxes due to purchase of the property by a tax exempt entity

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

Chairman Schmidt adjourned the Board of Equalization meeting at 9:13 A.M.

County Clerk Nancy Scheer

Ron Schmidt, Chairman  
County Board of Equalization

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

February 6, 2018

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, February 1, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, and County Clerk Nancy Scheer. Zoning Administrator Heather McWhorter and staff member Ronda Cortner were present until 10:00 A.M. County Highway Superintendent Richard Johnson was present until 11:40 A.M. Norfolk Daily News reporter Jerry Guenther and WJAG reporter Cody Ronfeldt were present until 10:45 A.M.

Motion was made by Schmidt and seconded by Ohl to remove authorization to advertise for bids for a used dump truck for Road District #2 from the consent agenda. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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## MADISON COUNTY, NEBRASKA

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

- 1) Approval of minutes of the January 23, 2018 meeting
- 2) Approve appointment of the following Extension Board members for 2018: Keith Dittrich, Juan Sandoval, Lynn Reynolds, Emily Freudenburg, Deb Lyon, Scott Owen, and Roger Echtenkamp

3)

### RESOLUTION #2018-7

WHEREAS, Check No. 18010250, dated January 23, 2018, and drawn on the General Fund in the amount of one hundred twenty dollars and zero cents (\$120.00), was made payable to Barbara Masilko, P.O. Box 342, Newman Grove, NE 68758, 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. 18010250, dated January 23, 2018, and drawn on the General Fund in the amount of one hundred twenty dollars and zero cents (\$120.00), is hereby cancelled.

4)

### RESOLUTION #2018-8

WHEREAS, Check No. 18010232, dated January 23, 2018, and drawn on the General Fund in the amount of one hundred twenty dollars and zero cents (\$120.00), was made payable to the Megan E. Hoins, 39436 130th Avenue, Leigh, Nebraska 68643, 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. 18010232, dated January 23, 2018, and drawn on the General Fund in the amount of one hundred twenty dollars and zero cents (\$120.00), is hereby cancelled.

5)

### RESOLUTION #2018-9 PRELIMINARY ENGINEERING SERVICES AGREEMENT – BK1209 SUPPLEMENTAL AGREEMENT NO. 3 MADISON COUNTY

WHEREAS, Madison County and CH2M Hill, Inc., 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; and

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 CH2M Hill, Inc. 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 James Prauner, Chairman 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 CH2M Hill, Inc.

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
NDOR Project Description:	Battle Creek North

6)

### RESOLUTION #2018-10

WHEREAS, Richard C. Johnson, Madison County Highway Superintendent, has submitted a written report to the Madison County Board of Commissioners as directed by Resolution #2018-6 dated January 23, 2018; and

WHEREAS, State Statute requires, that prior to taking action upon vacation or abandonment of a county road, the County Board shall conduct a public hearing on same;

NOW, THEREFORE BE IT RESOLVED that a public hearing be held on March 6, 2018 at 9:30 A.M. in the Commissioners' room at the Courthouse in Madison, Nebraska to receive input regarding the following described platted streets and alley in the unincorporated area of Enola in Madison County:

1. *Janet Avenue, as platted in Enola, from the East Right-of-Way of Main Street to the East Right-of-Way of Miller Street*
2. *Miller Street as platted in Enola*
3. *Lane Street, as platted in Enola, from the East Right-of-Way of Main Street to the East Right-of-Way of Miller Street*
4. *The North/South Alley in Block 2 of Enola*

BE IT FURTHER RESOLVED that this resolution be published once a week for three consecutive weeks in The Norfolk Daily News and, if possible, copies of this resolution be served by certified mail to owners of land abutting on or adjacent to said road.

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

Pursuant to published legal notice in the Saturday, January 27, 2018 edition of the Norfolk Daily News, Chairman Prauner announced that a public hearing would be held to receive comments regarding the application of Paul Terry to consider a zoning change from General Agriculture (AG2) to Rural Residential (RR) in Section 20-23-1, which is located approximately 3½ miles south of the City of Norfolk at the intersection of 837th Road and 554th Avenue.

Zoning Administrator Heather McWhorter announced that the current zoning allows for three homes per quarter section and the zoning change will allow 10 homes, or 15 homes with conditional use permits. She explained that the applicant wants to divide the property into lots for five homes. She reported that the application was originally presented at the November 16, 2017 Planning Commission meeting and some of the Board members had concerns with the availability of water in the area; so, the matter was tabled to allow research on the questions. She explained that the engineer contacted the Natural Resources District and Dietz Well concerning the aquifer. She stated that at the Planning Commission meeting a Board member questioned how much involvement the County should have in determining if a well can be placed. She stated that the request to the Board concerning the rezoning should be based on whether the area is applicable for rural residential zoning, which based upon the surrounding zoning, would meet the requirements. She reported that two members of the Planning Commission voted against approval of the rezoning application.

Chairman Prauner opened the public hearing at 9:37 A.M.

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Engineer Richard Johnson stated that he is representing Paul Terry's children for the rezoning application. He presented a map showing the location of the property. He explained that the railroad going through the property takes about 7 or 8 acres out of the 80 acre parcel. He explained that the goal of the applicants is to have a subdivision with four lots on the east side of the railroad and one large lot on the west side of the railroad. Ms. McWhorter stated that someone stopped in her office to inquire about purchasing the property located on the west side of the railroad.

Mr. Johnson reported that several houses are located south and east of the subject property and most of the area around the property is zoned rural residential. He stated that the comprehensive plan shows rural residential as the land use in this area. Commissioner Ohl asked if a change in zoning would inhibit potential industrial development along the railroad. He said that it appears that there are already residences located north and south of the subject property. Mr. Johnson responded that there have been several attempts the past several years for potential industrial development around the railroad and it was denied. He clarified that the potential industrial development was not specifically by this property; however, Helena requested industrial development along the railroad which was denied. Commissioner Schmidt requested clarification on the number of houses that could be located on the subject property without a zoning change and Ms. McWhorter responded that three houses could be located on the property without a zoning change.

Mr. Johnson reported that he obtained information from the Natural Resources District with results from the fly over to determine ground water levels. He presented a map showing the aquifer and explained that the ground elevation is 1,624; and the water table is at an elevation of 1,598, which is about 26 feet below the ground. He stated that the top of the principal aquifer material is at an elevation of 1,615, which is about 209 feet deep; the bottom of the aquifer is at an elevation of 1,430, which is about 194 feet deep; and shale is at elevation of 1,399, which is about 225 feet below the surface. Mr. Johnson stated that he spoke to Chad at Dietz Well Company who said that wells could be dug on this property; but, the wells would need to be about 200 feet deep which should provide good water that wouldn't be affected by draw down from irrigators in the area. He stated that another issue that was raised was septic tanks. He explained that whoever installs wells and septic tanks must follow the Department of Environmental Quality regulations. He stated that if the ground water is truly 24 feet deep the separation between the bottom of the septic field and the ground water won't be an issue; however, percolation rate may be an issue. He said that the percolation rate must be between 12 and 60 minutes per inch, so if the percolation rate is faster than 12 minutes per inch, different soil that has a slower percolation rate must be brought in so that the rate meets the requirements. Mr. Johnson stated that the soil in the area is sandy.

No one spoke in opposition to the zoning change during the public hearing.

Chairman Prauner closed the hearing at 9:47 A.M.

Commissioner Schmidt reported that he obtained information from the Nebraska Department of Natural Resources website regarding wells in the area. He stated that on the west side of Section 20 domestic wells are 180 and 195 feet deep, and on the south side of Section 20 the wells are 185 and 197 feet deep, which are all great wells. He explained that along the east side of Section 20 just south of the subject property, the domestic wells are 58, 90, and 100 feet deep. He reported that other domestic wells in the area are 31, 35, and 30 feet deep. He stated that other wells located at Fairplay Golf Course are 150, 132, and 150 feet deep. Commissioner Schmidt said that the reason he is pointing out the domestic well depths is because he is concerned about water in this area. He stated that it would have been great if the Terry family would have dug a test well on the property because one mile north of the subject property there are some irrigation wells. He said that in 2012 there were domestic wells that were between 180 and 200 feet deep about 1½ miles south of the subject property that ran out of water. He stated that he has concerns about additional wells on the subject property because there are so many shallow wells in this area; so, he wished that the Terry family would have dug a test well to determine the availability of water. He said that a report reflects that when some of the wells were drilled, shale was hit at 31 feet.

Chairman Prauner asked how thick the shale was since better water is usually available under the shale. Commissioner Schmidt explained that he talked to Steve Dickes at Weiland Well Company who said that in the area of the subject property if they drill through shale, the water isn't very good. He said that there may be plenty of water at this location; however, he is concerned about the number of wells that were between 150 and 230 feet deep, but had problems in 2012. He stated that it could be poor planning to put residential domestic wells in an area where problems occurred several years ago.

Chairman Prauner asked if the Natural Resources District opened up this area for additional irrigated acres. Commissioner Schmidt responded that additional acres were not allocated in this area and the irrigation wells are regulated and only allowed to pump about 14 inches per year. He said that if the wells didn't hit shale until 150 or 200 feet it wouldn't be a problem; but, he is concerned that shale may be at 100 feet or less. He said that he is concerned that during a dry year, there are five more houses that may be out of water.

Chairman Prauner stated that his main problem is that this is the first time that the Board is saying that someone should drill a well on their property before a rezoning application would be approved. Commissioner Schmidt stated that he agrees and doesn't like it; however, when the Board looks at the history of the area, it's prudent for the Commissioners to consider. He said that he understands that this is a localized area and it may seem that he is picking on the applicants. He said that if he knew that there would be good wells, he would not be against it; however, since he doesn't know, he can't support the rezoning application.

Commissioner Ohl asked if the County has any requirements regarding the depth of domestic wells and Zoning Administrator Heather McWhorter responded no. Commissioner Ohl asked if the County could require a domestic well of a certain depth for this development and Chairman Prauner responded that he didn't think the County Board could stipulate well depth. Ms. McWhorter stated that this application is a rezoning request, not a special use permit. She explained that if the property is rezoned, no conditional use permit is required because of the density.

Chairman Prauner stated that a significant portion of the surrounding property is zoned Rural Residential. He said that if domestic wells are a problem in this area, the Board should have checked into the issue many years ago before other houses were built. Commissioner Schmidt stated that there hasn't been a drought like 2012 for over 30 years and there weren't many irrigation wells 30 years ago. Chairman Prauner stated that a residential subdivision will build up the tax base. Commissioner Schmidt stated that the county needs housing; but, he's not sure that this is the best location for residential housing. Chairman Prauner asked if an apartment building could be constructed on this property if the rezoning is approved and Ms. McWhorter responded no.

Mr. Johnson asked what use the Commissioners would recommend for this property if it's not a good location for residential housing. Commissioner Schmidt recommended that the property be left in pasture. Mr. Johnson asked if that was the highest and best use of the property, which is the goal of zoning. Commissioner Schmidt said that there are wet areas by this property. Chairman Prauner said that his main concern is the percolation of the septic tanks during a wet year. He said that one way to get around the well issue is to install a cistern. Commissioner Schmidt said that his point is that if the residents run out of water and complain, it could shut down irrigation wells in that area because domestic use comes first.

After discussion, a motion was made by Schmidt and seconded by Ohl to deny the zoning change from General Agriculture (AG2) to Rural Residential (RR) in Section 20-23-1.

During discussion on the motion, Commissioner Schmidt stated that if he knew the wells would be good in this area, and the owners dig a test well with good results, he would approve the request. Chairman Prauner stated that the County didn't make any other residents in the area dig a test well, so he doesn't want to make the Terry family dig a test well. Roll call vote: Ayes, Schmidt. Nays, Ohl and Prauner. Motion failed.

Chairman Prauner introduced the following resolution:

### RESOLUTION #2018-11

A RESOLUTION MAKING A CHANGE OF ZONING CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.02 THROUGH 23-114.05 AND SECTIONS 23-164 THROUGH 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission and WHEREAS, notice of public hearing was published in the Saturday, January 27, 2018 edition of The Norfolk Daily News, and a public hearing was held by law.

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NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Madison County, Nebraska hereby changes the zoning classification as follows:

"AG2" General Agriculture District to "RR" Rural Residential District on the East ½ of the NE ¼ of Section 20, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

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

Motion was made by Prauner and seconded by Ohl that the foregoing resolution be adopted.

During discussion on the motion, Commissioner Ohl stated that he understands Commissioner Schmidt's concerns about the effects on the agriculture community and farmers if there is another drought. He said that the Commissioners attended a lot of meetings when the Natural Resources District was discussing this topic and there were valid concerns on both sides of the issue from residents and the agriculture community. He said that there are a number of residences in this area and it's interesting to see the variance in the depths of the wells. He stated that the vote at the Planning Commission level wasn't unanimous.

Commissioner Schmidt stated that there is a nice hard surfaced road along this property and it's a great location for homes; but, he is looking at the rezoning application from an agriculture standpoint and doesn't think it is good planning.

Roll call vote: Ayes, Ohl and Prauner. Nays, Schmidt. Motion carried.

Gil Russell was present for discussion on his application to serve as manager of Norfolk Country Club.

County Clerk Nancy Scheer read an incident narrative from Investigator Michael Bowersox which reflected that a background investigation was conducted and the summary reflects that there appears to be nothing in the examination that would suggest a reason for denying the manager application of Gil Russell as requested.

Gil Russell explained that he took over the position of general manager at Norfolk Country Club on December 11, 2017. He reported that the former manager's finger prints were denied and it was a priority to get his application submitted and approved. He stated that the application process is lengthy and changing his residence delayed the process.

Commissioner Schmidt asked where Mr. Russell grew up and Mr. Russell responded that he grew up in Grant, Nebraska and has been at Arbor Link Golf Course in Nebraska City for the last 7 years. Chairman Prauner asked if any changes would be made at the Norfolk Country Club in the future. Mr. Russell responded that he would like to improve the education process. He explained that he worked at a facility where all servers were required to take a responsible serving class which is something that he will institute. He stated that they want people to have a good time; but, they need to educate employees to do the right thing. He said that he wants to focus on taking care of facility and invest back into the community through junior golf. He stated that there are many quality golfers in the county.

Chairman Prauner asked if the Norfolk Country Club will host the State golf tournament and Mr. Russell responded that the contract is for another year and then they will re-negotiate to host the tournament in future years. Chairman Prauner asked how many people are members at the Norfolk Country Club and Mr. Russell responded that the club has 194 golfing members and 70 social members.

Commissioner Schmidt stated that the facility is very nice and that he attends a noon luncheon at the Norfolk Country Club almost every Friday. He said that it seems like the staff is doing a great job. Mr. Russell stated that the Norfolk Country Club has some really great employees.

After discussion, a motion was made by Schmidt and seconded by Ohl to approve the application of Gil Russell to serve as manager of Norfolk Country Club. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board considered an application for a Special Designated License for Fraternal Order of Eagles #1834 for an event scheduled on June 6-8, 2018 at The Norfolk Lodge and Suites.

Bobbie Lowery, representing Fraternal Order of Eagles #1834, appeared at the meeting. She reported that she represents Doug Wiese from Columbus so he doesn't need to drive the distance to Madison. She explained that this special designated license will allow liquor to be served in a hospitality room in the Norfolk Lodge.

Chairman Prauner asked if the alcohol needs to be purchased from the Norfolk Lodge and Suites and Ms. Lowery responded affirmative. Chairman Prauner asked how many people she estimates will attend the State Eagles Convention and Ms. Lowery replied that she estimates between 250 and 300 people will attend the annual convention. She explained that the attendance has declined in recent years because they are losing some of the older members and it's difficult to get younger people to join a fraternal order because they have so many other activities in their lives. She stated that they are a charitable organization that does great things.

Commissioner Ohl stated that there have been positive reports. Commissioner Schmidt asked how many nights people will stay during the convention. Ms. Lowery responded that people will start arriving on Tuesday because there is a golf tournament on Wednesday at Eldorado Golf Club. She explained that the convention starts on Thursday and continues through installation of officers and a banquet on Saturday with everyone departing on Sunday.

After discussion, a motion was made by Ohl and seconded by Schmidt to approve the Special Designated License for Fraternal Order of Eagles #1834 for an event scheduled on June 6-8, 2018 at the Norfolk Lodge and Suites for the State Eagles Convention. Roll call vote: Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board discussed advertisement of bids for a used dump truck for Road District #2. Foreman Jeff Schroeder was present during discussion on this matter.

Commissioner Ohl reported that Road District #2 has an aging fleet of snow removal equipment and repairs are needed. He said that he wants to make sure that every district is prepared in the case of a snow emergency so they don't run into an issue where equipment needs to be repaired immediately as the employees are trying to complete snow removal. He said that some machines are underpowered or getting older and they are always vigilant to find opportunities to buy a good truck at a fair price. He explained that he is asking the County to authorize soliciting bids for a used dump truck. He said that they are not looking to buy something new, but looking for an opportunity to bid a good used truck at a fair price. He said that the road foremen found some examples of some good prices and one in particular stood out, so they will reach out to the company. Commissioner Ohl said that one point that is concerning for the Board is the budget because the Commissioners are trying to be vigilant about spending.

Chairman Prauner asked how many trucks Road District #2 currently has with snow plows on them. Foreman Jeff Schroeder responded that they have three trucks and they are trying to remove snow on 120 miles of hard surfaced roads, so each truck is traveling 40 miles of road surface. He said that the trucks include a 2016, a 1979 AM General which is causing problems, and a 1995 Ford 5-yard single axle dump truck which didn't have enough power during the last snow storm to push through some of the snow drifts. He said that Road District #2 is trying to please constituents and it becomes challenging that they don't have the equipment to perform necessary duties. Chairman Prauner asked how many road graders are used in District #2 and Mr. Schroeder responded that they operate five motor graders.

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Commissioner Schmidt stated that the problem with bidding a used dump truck is that only a few bids are received simply because the trucks get sold quicker than the County can get through the process. He asked if there was a way to advertise for a dump truck and if someone contacts the county that would be great; however, if no one inquires the County could make a deal with a vendor instead of waiting six weeks to get through the bid process. He stated that in the past the County has seen some good used trucks; but, companies won't submit a bid because they need to hold the truck for a while and they don't know if their bid will be accepted. He said that he would like to take bids, but it seems that in the past it has been a futile endeavor. Chairman Prauner said that specifications need to be prepared and sometimes trucks don't meet the specifications. County Highway Superintendent Richard Johnson explained that, barring an emergency, the County Purchasing Act has very specific requirements about advertising and preparing specifications, and he doesn't know any way to deviate from this process.

Commissioner Ohl stated that there may be one or two trucks that look attractive and by the time they go through the bidding process, the trucks may not be available, which is a challenge that they often face. He said that they simply need to go through the process understanding that if the truck is available, the County may have an opportunity to purchase it through the bidding process and if they can't get a truck purchased, they will look for another opportunity in the future.

Chairman Prauner asked what funds are available for equipment purchases. Commissioner Schmidt responded that the equipment portion of the budget is almost gone, so they may need to look at other areas of the budget for funds. He said that it may cost between \$50,000 and \$80,000 to get a good used truck. Mr. Schroeder reported that they recently sold equipment at Big Iron auction which resulted in about \$20,000 added to the budget. Mr. Johnson stated that there are adequate funds available in the Road/Bridge Fund if the Board wants to proceed.

Commissioner Ohl reported that one truck they located was priced at \$49,500. He said that the worst case scenario would be authorizing bids and the truck they looked at isn't available and they spent time going through the process; but, if the truck is still available the County could purchase it or another truck that is comparable. Commissioner Schmidt said that the County needs to consider replacing the 1979 truck.

After discussion, a motion was made by Ohl and seconded by Schmidt to authorize advertisement of bids for a used dump truck for Road District #2. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Under citizens' comments, Dennis Kerkman presented a 1918 map showing the Elkhorn River by his house which is located at 84375 536th Avenue, Tilden. He explained that the river winds through the area and has moved due to erosion because no one takes care of it. He asked who is responsible for taking care of the river and Chairman Prauner responded that landowners are responsible. Dennis Kerkman disagreed and stated that he doesn't make it rain. Chairman Prauner explained that permits must be obtained by the landowner. Mr. Kerkman asked why he should worry about the river when the Corp of Engineers ignored his requests for assistance. He said that the situation is ridiculous, but nobody does anything about it. Commissioner Schmidt asked what the County could do. Mr. Kerkman responded that he needs support.

County Highway Superintendent Richard Johnson reported that at Chairman Prauner's request, he spoke to the Natural Resources District (NRD) several months ago to determine if they would assist. He stated that the NRD directed him to get a proposal for the project and a cost estimate and then return to speak to NRD staff. He said that the NRD stated that they would expect the landowner and County to contribute some funding. He stated that if the County gets involved, there needs to be a public purpose. Mr. Kerkman stated that a public purpose would be protecting a \$3 million bridge. Chairman Prauner stated that his main concern is the road because it carries a lot of traffic which is why the bridge was built.

Mr. Johnson stated that the County could point out that eventually the road would wash out and the bridge would be worthless. He reported that he spoke to Mainelli Wagner and Associates and they have completed some preliminary work on putting rebuttments into the river similar to the project on the south side.

Mr. Kerkman asked if Mr. Johnson talked to a hydrologist to know what a jetty does to a river. Mr. Johnson responded that the jetties were designed by a Corp of Engineers hydrologist. Mr. Kerkman again asked if Mr. Johnson talked to a hydrologist about what happens when a jetty is in a river and Mr. Johnson responded no. Mr. Johnson asked if Mr. Kerkman was opposed to jetties and Mr. Kerkman responded no; but, a jetty doesn't save a river and only makes it worse. Mr. Johnson asked if Mr. Kerkman wanted jetties. Mr. Kerkman responded that he doesn't want jetties, but he wants his house saved. He said that it could have been so much easier if somebody would have listened to the landowners in the area. Chairman Prauner stated that if the Corp of Engineers regulations aren't followed, fines are issued.

Mr. Kerkman stated that the Corp of Engineers told him that this is a wandering river. Chairman Prauner stated that the easiest way to fix the problem is to dig the old channel open, but the Corp of Engineers won't allow it. Mr. Kerkman said that he should have dug out the old river channel and paid the fine. Mr. Johnson said that the Corp of Engineers usually makes the violator restore the project. Mr. Kerkman said that he probably would have been in jail, but look at the property it would have saved. He said that the County can't afford to replace the bridge, so the County should take care of the problem. Commissioner Schmidt responded that the County can't take of the problem because of the Corp of Engineers regulations. Mr. Kerkman asked the County to relocate his house. Chairman Prauner said that they can't spend taxpayers' fund to relocate someone. Mr. Kerkman stated that the river has devalued his property and a neighbor has lost 110 acres.

Chairman Prauner reported that he sent letters to Senator Fischer and President Trump. Mr. Kerkman asked how many people would watch a river located 100 feet from their house and accept that the river is getting closer. Commissioner Schmidt said that he would talk to his Senator and Congressman. Mr. Kerkman said that he hasn't contacted them for a while. Mr. Kerkman stated that he is puzzled with the situation and will lose a \$250,000 house because nobody will take initiative or responsibility to do anything. He stated that the last time there was a warming spell and he was outside, he heard the river bank collapsing.

Chairman Prauner asked how soon a plan could be completed and submitted to the NRD. Mr. Johnson responded that a plan could possibly be completed within 60 to 90 days. He stated that there isn't much that the County can do about the problem because the County can't do anything in the river without permission from the Corp of Engineers. Mr. Kerkman stated that the Rural Public Power District moved the poles once, but now the water is only 30 feet from the closest pole and he questioned if the poles will be moved again.

Chairman Prauner stated that he understands the problem. Commissioner Schmidt reiterated that the County can't do anything. He asked if the County should write to Senator Fischer and Congressman Fortenberry. Mr. Kerkman stated yes explaining that the County would have more clout than he does. He stated that he is anxious for the County to do something because the bridge washing out is the County's problem. He said that he is only trying to keep a place to live. Chairman Prauner explained that if Mr. Kerkman's house is destroyed by a tornado, he can't expect the County to relocate him. Mr. Kerkman responded that when a hurricane destroys property, the government fixes it. Commissioner Ohl explained that the federal government steps in, not the County.

Commissioner Ohl explained that he would reach out to Senators and Congressman, but he also asked Mr. Kerkman to reach out to them. He encouraged Mr. Kerkman to reach out to Tiffany Settles, the local contact person for Senator Fischer, and to Lee Klein, the local contact person for Congressman Jeff Fortenberry. He explained that if Mr. Kerkman has a difficult time contacting the Senators or Congressman directly, the aides are very responsive.

Chairman Prauner stated that the County would work on a project plan to submit to the Natural Resources District.

No action was taken.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) County Clerk's January, 2018 fee report
- 3) County Sheriff January, 2018 fee report
- 4) Sale of surplus property report
- 5) Public hearing notice from the City of Madison for a proposed redevelopment plan amendment

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

The following claims were audited:

	GENERAL FUND	
Total Net Payroll		147,468.91
Abes Detailing & Car Wash	Services, County Sheriff	219.99
Account Control Technology, Inc.	Garnishment of Wages	179.34
Advanced Correctional Healthcare	Professional Services, County Jail	119.25
AG Spray Equipment	Repairs, Noxious Weed	69.00
Mark Albin	Legal Services, County Court	1,280.27
Albracht Disposal Services	Garbage Services, County Jail	155.00
American Family Life Assurance Co.	Insurance Premium	951.38
Appeara	Mat Service, Supplies, Public Defenders	32.14
Battle Creek Enterprise	Publication Costs, County Clerk	18.36
Bear Graphics	Supplies, Register of Deeds	220.48
Big Red Printing	Supplies, County Assessor	336.28
Black Hills Energy	Utilities, Zoning Department	30.27
Black Hills Energy	Utilities, Weed Department	30.27
Black Hills Energy	Utilities, Veteran Service Office	85.97
Blue Cross Blue Shield	Insurance Premium	132,504.40
Bomgaars	Supplies, Courthouse	5.97
Bomgaars	Supplies, County Jail	119.98
Bomgaars	Repairs, Noxious Weed	138.98
Brogan , Gray, PC, LLO	Legal Services, County Court	742.50
John Buck	Contract Services, Meals, Mileage, Community Based Grant	498.62
Cable One	Cable TV, County Sheriff	159.39
Carney Law, PC	Legal Services, County Court	1,418.88
Carney Law, PC	Legal Services, District Court	143.55
CBM Managed Services	Inmate Meals, County Jail	8,179.24
Maria Isabel Chavez	Interpreting Services, Public Defender	1,403.75
City of Crofton	Contract Services, Utilities, Community Based Grant	349.40
City of Madison	Utilities, Courthouse	2,245.65
City of Norfolk	Utilities, Probation Office	47.62
City of Norfolk	Utilities, Veteran Service Office	37.53
Cobblestone Hotel and Suites	Lodging, Community Based Grant	355.96
Colonial Life and Accident Insurance	Insurance Premium	285.20
Comfort Inn	Lodging, County Jail	119.95
Connecting Point	Equipment, Supplies, County Sheriff	725.00
Connecting Point	Equipment, County Jail	141.00
Connecting Point	Supplies, Noxious Weeds	341.00
Connecting Point	Contract & Internet Services, Courthouse	650.68
Constellation Newenergy	Utilities, Courthouse	778.62
Constellation Newenergy	Utilities, County Jail	1,473.78
Copple, Rockey, McKeever & Schlecht, PC, LLO	Legal Services, County Court	2,619.51
Copy Craft	Supplies, County Assessor	239.83
Rhonda Cortner	Mileage, Zoning Department	17.86
DAS Accounting -Central Finance	Telephone Services, Zoning Department	28.87
DAS Accounting -Central Finance	Teletype Service, County Sheriff	262.29
DAS Accounting -Central Finance	Telephone Services, Law Enforcement	30.10
DAS Accounting -Central Finance	Teletype Services, County Jail	441.71
DAS Accounting -Central Finance	Telephone Services, Noxious Weed	28.86
DAS Accounting -Central Finance	Telephone Services, Veteran Service Office	62.31
DataSpec Inc.	Annual Fee, Veterans Services Office	898.00
Doerr & Klein, PC	Legal Services, County Court	675.47
Eakes Office Solutions	Equipment, Supplies, Zoning Department	163.18
Eakes Office Solutions	Maintenance Contract, Supplies, Clerk of District Court	129.33
Eakes Office Solutions	Supplies, County Sheriff	30.99
Eakes Office Solutions	Maintenance Contract, County Attorney	255.87
Eakes Office Solutions	Supplies, Juvenile Accountability	254.62
Eakes Office Solutions	Supplies, County Jail	228.59
Eakes Office Solutions	Maintenance Contract, Supplies, Probation Office	1,355.04
Elite Office Products	Supplies, Extension Office	43.72
Ewalt Law Office PC LLO	Legal Services, County Court	2,349.80
Faith Regional Health Services	Medical Services, County Jail	489.00
First Concord Benefits Group	Administration Fees, Flex-Plan, Deductible Buy-Down	8,469.90
Floor Maintenance and Paper Supply	Supplies, Courthouse	418.65
Floor Maintenance and Paper Supply	Supplies, County Jail	636.34
Jan Fullner	Mileage, County Treasurer	31.78
Gall/Quartermaster	Uniforms, County Jail	52.21
Gall/Quartermaster	Uniforms, County Sheriff	31.07
Bonnie Gerrard	Cleaning Services, Probation Office	450.00
Leo Gonzalez	Mileage, Extension Office	97.74
Goodlife Counseling	Professional Services, Community Based Grant	243.75
Gordy's Towing & Repair	Repairs, County Sheriff	1,580.15
Curt Guenther	Tutoring Services, Community Based Enhancement Grant	145.00
Jeffrey L. Hrouda	Legal Services, County Court	747.85
Khu Htoo	Interpreting Services, Public Defender	35.00
Jack's Uniforms & Equipment	Repairs, County Jail	788.61
Johnson's Plumbing & Heating, Inc.	Repairs, Veterans Service Office	181.29

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

Joseph Law Office	Legal Services, County Court	1,452.75
K & M Reporting	Depositions, Law Enforcement	115.05
Elisabeth Krantz	Rent, Utilities, Juvenile Accountability	1,750.00
Kristin Lynch	Autopsy, Law Enforcement	225.00
Madison County Clerk	Tax Deposit, Retirement	78,285.87
Madison County Sheriff	Civil Process Fees, County Court	339.51
Madison County Sheriff	Civil Process Fees, District Court	403.12
Madison County Sheriff	Civil Process Fees, Mental Health	27.78
Madison National Life Insurance Co. Inc.	Insurance Premium	311.19
James Marshall	Tutoring, Community Based Enhancement Grant	260.00
Dustin Martin	Contract Services, Meals, Community Based Grant	456.03
Menards	Supplies, County Sheriff	29.99
Menards	Supplies, County Jail	129.00
Menards	Supplies, Weed Department	44.68
Midwest Plumbing & Heating	Repairs, County Jail	146.00
MIPS	Supplies, County Treasurer	97.06
Morland, Easland & Lohrberg	Legal Services, District Court	3,126.15
Morland, Easland & Lohrberg	Legal Services, County Court	3,015.75
Moyer & Moyer	Legal Services, District Court	1,078.00
Moyer & Moyer	Legal Services, County Court	483.25
Nance County Court	Certified Copies, Law Enforcement	12.50
Nance County District Court	Certified Copies, Law Enforcement	7.25
National Enterprise Systems Inc.	Garnishment of Wages	214.55
Nationwide Retirement Solutions	Deferred Compensation	3,020.00
Nebraska Child Support Payment Center	Garnishment of Wages	726.62
Nebraska Public Power District	Utilities, Veteran Service Office	43.18
Maria Nievas Salavera	Mileage, Community Based Grant	34.88
Norfolk Auto Center	Repairs, County Sheriff	52.20
Norfolk Daily News	Publication Costs	637.31
Norfolk Implement	Parts, Noxious Weed	23.72
Wayne Ohnesorg	Mileage, Law Enforcement	81.15
One Office Solution	Maintenance Fee, County Clerk	465.00
One Office Solution	Supplies, County Treasurer	4.89
One Office Solution	Supplies, Register of Deeds	128.75
One Office Solution	Maintenance Fee, County Assessor	57.87
One Office Solution	Supplies, Public Defender	161.75
One Office Solution	Supplies, County Sheriff	70.68
One Office Solution	Supplies, Probation Office	1,854.00
Michael Petersen	Tutoring, Community Based Enhancement Grant	105.00
Patricia Peterson	Tutoring, Community Based Enhancement Grant	90.00
Physicians Laboratory PC	Autopsy, Law Enforcement	2,910.00
Pitney Bowes Inc.	Equipment Lease, Zoning Department	56.52
Platte County Sheriff	Civil Service Fees, County Court	7.50
Susan Pohlman	Tutoring, Juvenile Accountability	290.00
Premier Biotech	Medical Testing, Probation Office	917.18
Donna Primrose	Mileage, County Treasurer	415.51
Racom Corp	Supplies, County Sheriff	71.65
Reserve Account	Postage, Courthouse	20,000.00
Reynoldsons	Fuel, Zoning Department	27.58
Sanne Repair	Parts, Repairs, County Sheriff	2,063.86
Nancy Scheer	Postage, Election Commissioner	251.33
Secretary of State	Supplies, County Clerk	30.00
Stratton, DeLay, Doele, Carlson & Buettner, PC, LLO	Legal Services, County Court	543.70
Debbie Toelle	Mileage, Witness Fees, County Court	209.98
Track Group	Monitoring Services, Community Based Grant	435.00
United States Postal Service	Supplies, Probation Office	2,101.60
University of Nebraska Haskell Ag Laboratory	Telephone, Postage, Extension Service	998.78
University of Nebraska	Contract Services, Extension Service	13,293.62
US Bank Corporate Payment System	Dues, Fuel, Registration, Supplies, Uniforms, County Sheriff	704.02
US Bank Corporate Payment System	Fuel, Juvenile Accountability	30.20
US Bank Corporate Payment System	Dues, Meals, County Attorney	412.66
Verizon Wireless	Telephone Services, Extension Office	193.40
Verizon Wireless	Telephone Services, County Sheriff	1,595.44
Verizon Wireless	Telephone Services, Law Enforcement	59.04
Verizon Wireless	Telephone Services, Juvenile Accountability	390.09
Verizon Wireless	Telephone Services, Community Based Grant	381.08
Verizon Wireless	Telephone Services, Courthouse	78.04
Vision Service Plan	Insurance Premium	373.70
Wal-Mart	Supplies, Juvenile Accountability	9.39
Irma Watt	Interpreting Services, Public Defender	327.51
Wayne County Court	Certified Copies, Law Enforcement	5.00
Wentling Law Office	Legal Services, County Court	1,022.10

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

ROAD/BRIDGE FUND		
Total Net Payroll		32,594.19
A & R Construction	Contract Services	242,378.38
American Family Life Assurance Co.	Insurance Premium	608.05
B's Enterprises Inc.	Blades, Signs	815.00
BARCO Municipal Products Inc.	Signs	427.18
Battle Creek Light & Power	Utilities	265.69
Bauer Built Inc.	Repairs	2,998.25
Binswanger Glass	Supplies	90.00
Black Hill Energy	Utilities	467.07
Blue Cross Blue Shield of Nebraska	Insurance Premium	33,119.87
Bomgaars Supply	Supplies	587.20
Carhart Lumber Company	Supplies	19.79
City of Madison	Utilities	552.28
City of Newman Grove	Utilities	61.00
City of Norfolk	Utilities	25.11
Colonial Life and Accident Insurance	Insurance Premium	153.37
Connecting Point	Equipment, Internet Service, Supplies	751.00
Constellation Newenergy Gas Division	Utilities	2,351.40
Cornhusker International Trucks Inc.	Parts	86.21
Dale R. Johnson Ent Inc.	Gravel	10,872.56
DAS Accounting -Central Finance	Telephone Services	24.24
Dinkel Implement Co.	Equipment Rental, Parts	6,247.20
Eastern Nebraska Telephone Co.	Telephone Service	52.44
First Concord Benefits Group	Administration Fees, Deductible Buy-Down, Flex Plan	2,298.17
Good Water Heating & A/C	Repairs	137.82
Greenline Equipment	Parts	378.43
Island Supply Welding Co.	Supplies	69.30
Jorgensen's	Repairs	120.00
Kelly Supply Co.	Parts	426.59
Ken's Trailer Sales & Repair	Parts	329.00
Lawson Products	Supplies	72.64
Madison County Clerk	Tax Deposit, Retirement	16,517.71
Madison National Life Insurance Co. Inc.	Insurance Premium	54.25
Matheson Tri-Gas Inc.	Supplies	432.69
Menards	Supplies	19.16
Nationwide Retirement Solutions	Deferred Compensation	325.00
Nebraska Child Support Payment Center	Garnish of Wages	243.24
Nebraska Harvestore Systems	Parts	191.26
Nebraska Public Power District	Utilities	265.95
NMC Exchange LLC	Parts	709.72
Northern Materials LLC	Gravel	23,736.00
Powerplan	Parts	481.85
Prime Sanitation	Garbage Service	53.75
Road Builders Machinery & Supply	Parts, Repairs	1,902.92
Sonlite Express Inc.	Road Salt	3,031.80
Stanley Petroleum Maintenance Inc.	Parts	49.50
T-Bone North	Fuel	8,691.31
Tighton Tools & Fasteners Inc.	Tools	408.18
Village of Meadow Grove	Utilities	70.00
Vision Service Plan	Insurance Premium	68.10
VISITORS IMPROVEMENT FUND		
Norfolk Area Visitor Bureau	Administration Fees	6,717.94
911 EMERGENCY FUND		
Century Link	Telephone	782.79
Frontier	Telephone	164.10
DRUG COURT FUND		
A Small Affair	Supplies	50.00

Motion was made by Schmidt and seconded by Ohl 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 12:10 P.M. to Wednesday, February 21, 2018 at 9:30 A.M.

County Clerk Nancy Scheer

Jim Prauner, Chairman  
County Board of Commissioners