

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

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## BOARD OF EQUALIZATION

Madison, Nebraska

February 9, 2016

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

Advance notice of meeting was published in the Thursday, February 4, 2016 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 Treasurer Donna Primrose, and County Clerk Nancy Scheer.

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 Prauner and seconded by Ohl to approve the minutes of the January 12, 2016 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:

Community Bible Church, 401 East Park Avenue, Norfolk	2011 Chevrolet Van
Countryside Home, 703 North Main Street, Madison	1999 Ford Econoline Van
Improved Living, Inc., 111 South Pine, P.O. Box 116, Norfolk	1988 GMC Truck
Northeast Nebraska Community Action Partnership, P.O. Box 667, Pender	1997 Chevrolet Lumina, 2001 Dodge Van
Our Savior Lutheran Church, 2500 West Norfolk Avenue, Norfolk	2012 Ford Econoline Wagon

County Treasurer Donna Primrose reported that all applications are renewals previously approved by the Board. No public comments were received.

Chairman Prauner closed the hearing at 9:06 A.M.

Motion 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.

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

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County Clerk Nancy Scheer

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Ron Schmidt, Chairman  
County Board of Equalization

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## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

February 9, 2016

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 4, 2016 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, County Clerk Nancy Scheer, and County Highway Superintendent Richard Johnson. Norfolk Daily News reporter Jerry Guenther, US92 reporter Chris Whitney, and WJAG reporter Susan Risinger were present until 10:35 A.M. Road foremen Don Eucker, Jeff Schroeder, and John Hrabanek, and Sign Technician Travis Amen were present until 10:46 A.M.

Chairman Prauner reported that Commissioner Schmidt requested removal of the consent agenda item authorizing the County Board to execute the Certificate of Final Acceptance for the electronic control updates in the County Jail; so, this item was moved to the regular agenda.

Motion was made by Schmidt and seconded by Ohl to approve minutes of the January 26, 2016 meeting. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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

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Pursuant to published legal notice in the Saturday, January 30, 2016 edition of the Norfolk Daily News, Chairman Prauner announced that a public hearing would be held on the application for Jean M. Blank's Minor Subdivision located in Part of the West ½ of NW¼ of Section 15, Township 22 North, Range 1 West, which is located approximately 1 mile East and 2 miles North of the City of Madison.

Zoning Administrator Heather McWhorter reported that Jean Blank plans to split a tract of land consisting of approximately 58 acres into three separate tracts for estate purposes. She stated that the current farmstead will remain on a track measuring 9.17 acres. She explained that the tract located to the East will be split into a 10 acre tract where a new house will be built in the future and the South tract consisting of 39.27 acres will remain as agricultural land. She reported that since the owner is requesting the property to be split into three parcels the zoning regulations require that this must be approved as a Minor Subdivision instead of a standard lot split. Ms. McWhorter explained that in the future a conditional use permit application must be submitted to build a home on the 10 acre tract. She reported that the Minor Subdivision was unanimously approved by the Planning Commission.

Chairman Prauner opened the public hearing at 9:33 AM. The applicant, Jean Blank, explained that she currently owns all the property and she plans to give approximately 10 acres to her son and 10 acres to her daughter. She stated that she wants to keep the land in her family since it has been in the Jansen name for five generations.

No one spoke in opposition to the Minor Subdivision. Chairman Prauner closed the hearing at 9:35 A.M.

After discussion, the following resolution was introduced:

## RESOLUTION #2016-4

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

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission, and WHEREAS, notice of public hearing was published in the January 30, 2016 edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned A1 Agricultural Intensive and has a current farm site. An additional home will be built in the future on one of the split lots.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Lot Split for JEAN M. BLANK'S MINOR SUBDIVISION on the following described land:

Part of the West ½ of NW¼ of Section 15, Township 22, Range 1 West of the 6th P.M., Madison County, Nebraska.

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

1. This Conditional Use Permit shall be permanent and shall transfer with a change in ownership of the property.
2. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

Motion was made by Ohl and seconded by Schmidt that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, January 30, 2016 edition of the Norfolk Daily News, Chairman Prauner announced that a public hearing would be held on the conditional use permit application of Chris Goodwater to operate a home occupation as a licensed firearm dealer on property located in Lot 4 of Pleasant Valley Subdivision in the NE¼ of Section 13, Township 23 North, Range 2 West, which is located approximately 3½ miles West of Hwy. 81 on South Airport Road.

Zoning Administrator Heather McWhorter reported that Mr. Goodwater is applying for a permit to operate a home based business to buy and sell firearms. She stated that sales will be internet based and Mr. Goodwater indicated that no sales would take place at the residence, but there may be occasions where a drop off or pick up of an item will occur on the premises. She reported that Mr. Goodwater has applied for a Federal license with the United States Alcohol, Tobacco and Firearms (ATF) as required by the County regulations. Ms. McWhorter read the finding of facts and the recommended conditions of the permit. She reported that several of these permits have been issued in the County and the application was unanimously approved by the Planning Commission.

Commissioner Schmidt noted that the proposed resolution stated that the permit is for a period of five years; however, Ms. McWhorter reported that the permit would be for a ten year period. Ms. McWhorter recommended issuance of the permit for five years with automatic renewal.

Chairman Prauner opened the public hearing at 9:39 A.M.

The applicant, Chris Goodwater, testified that the firearm sales will be internet based and he will be a broker to accept the transfer of items to be picked up by customers. He stated that if someone wants him to order something, he will order it to be picked up. He stated that he won't have any guns at his location.

Commissioner Schmidt asked if the business would be limited to guns or if ammunition sales would also occur. Mr. Goodwater responded that the business would be limited to guns because a license isn't required for ammunition.

Don Goodwater, father of Chris Goodwater, expressed support for the conditional use permit. He stated that there won't be any guns on the property and sales will be internet based.

Jim Kirsch spoke in opposition to the conditional use permit. He reported that he is a next door neighbor to Chad Goodwater and that the subdivision covenant states that no commercial activity shall be permitted on any lot. He stated that he doesn't have any objection to the internet sales; however, they were told that no customers would be coming to the house and everything would be on the internet. He stated that he read the Planning Commission information which is the reason they didn't attend the meeting. He reported that he read in the newspaper that people would be coming to Mr. Goodwater's house to pick up firearms.

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He said that the Planning Board said that internet businesses are allowed and this wouldn't be considered a commercial business. He explained that Mr. Goodwater is putting up a sign and questioned if that would be considered a commercial business.

Ms. McWhorter explained that, based upon the zoning regulation definitions, this business is considered a home based occupation and not considered a commercial business. She stated that the sign will only be installed if ATF requires it. She explained that there was some discussion about whether ATF will require some type of identification, but there won't be any retail sales. She reported that the application follows the zoning regulations for a home based business. In addition, she reported that the Zoning Department doesn't enforce a subdivision covenant.

County Attorney Joseph Smith stated that the definition used by the County for a commercial business may be different than what is defined in the subdivision's protective covenant.

Jim Kirsch stated that the neighborhood doesn't want someone coming several years in the future wanting to start another business such as auto repair. Chairman Prauner responded that this type of business would be different than internet based sales.

Chairman Prauner closed the hearing at 9:43 A.M. He explained that if he orders a weapon online, it can't be shipped directly to him, but it must be shipped to a licensed dealer. He stated that there are other people in the County who already have a similar business.

Zoning Administrator Heather McWhorter explained that the type of license that Mr. Goodwater has applied for from ATF would not allow him to have a retail store front. She stated that if Mr. Goodwater would want to expand his business, he would need to apply for a different type of license. She explained that if someone would go to Sioux City and purchase a firearm from Scheels, the firearm can't be carried across state lines, so Scheels would transfer the firearm to a dealer such as Mr. Goodwater and the customer would be required to pick it up.

Mr. Kirsch asked if Mr. Goodwater would have inventory and Mr. Goodwater responded no.

Commissioner Ohl reiterated that enforcing the subdivision covenant is the responsibility of the neighborhood, not the County. After discussion, the following resolution as introduced:

## RESOLUTION #2016-5

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

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

WHEREAS, notice of public hearing was published in the January 30, 2016 edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned as RR Rural Residential.
3. The U.S. Department of Alcohol, Tobacco and Firearms require local approval prior to issuing a Federal Firearms License. .
4. Mr. Goodwater will have no employees and will conduct all business in his home meeting the Zoning definition of a home occupation.
5. The business will have no customers visit the home, although there may be an occasional drop off or pick up of items.
6. This is a Permitted Conditional Use under Section 4.05 Rural Residential District, Permitted Conditional Uses, part 7, "Home Occupations", Madison County Zoning and Subdivision Regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Chris Goodwater to operate a home occupation as a licensed firearm dealer on the following described land:

Lot 4 of Pleasant Valley Subdivision in the NE ¼ of Section 13, Township 23 North, Range 2 West of the 6th p.m., Madison County, Nebraska

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

1. A Federal Firearms License must be obtained and retained for the duration of the Conditional Use Permit. A copy shall be submitted to the Madison County Zoning Administrator. This Conditional Use Permit will expire in one year if implementation is not displayed by submitting a Federal Firearms Permit to the Madison County Zoning Administrator's Office.
2. A sign limited to six square feet may be erected if required by ATF.
3. No "store front" type public retail sales are to be conducted from the home. Occasional customers are expected. Regular hours should be posted in accordance to directions from U.S. Alcohol, Tobacco and Firearms. Parking for at least one customer should be available.
4. This Conditional Use Permit is for a period of 5 years. It will be automatically renewed at the end of the 5 year period unless there are verified complaints, at which time a review of the Conditional Use Permit would be needed.
5. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by applicant.

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

Motion was made by Schmidt and seconded by Ohl that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, January 30, 2016 edition of the Norfolk Daily News, Chairman Prauner announced that a public hearing would be held on the conditional use permit application of Aaron and Ginger Beckman for recreational rental of property located in the SE¼ of Section 29, Township 24 North, Range 2 West, which is located approximately 1 mile East and 1 mile North of the City of Battle Creek on 841st Road.

Zoning Administrator Heather McWhorter reported that Mr. and Mrs. Beckman purchased land and applied for a building permit for a cabin for recreational use and they would like to rent the property to friends and family members for recreational hunting and fishing use. She stated that Mr. Beckman has indicated that hunting would only be allowed with a bow or muzzle loader, not high power rifles, due to the close proximity to the City of Battle Creek. She stated that the cabin would be rented for day events such as class reunions or graduation parties. She stated that at the Planning Commission level some questions were asked including State Fire Marshall requirements, liability insurance coverage, and rental contracts.

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Ms. McWhorter explained that she spoke to the State Fire Marshall's office and received a letter advising that as long as Mr. Beckman only rents to single families that it wouldn't be necessary to put in a sprinkler system. She reported that Mr. Beckman has agreed that he would not rent to groups as that would be in violation of his conditional use permit. She read the finding of facts and the recommended conditions of the permit. She stated that Mr. Beckman was given of list of items requested by the Planning Commission and he has been very agreeable to meet the requirements.

Commissioner Schmidt stated that Mr. Beckman talked about renting the facility for wedding receptions and graduations, but Ms. McWhorter spoke about renting out to single families, so he requested clarification. Ms. McWhorter responded that originally Mr. Beckman said that he wanted to rent the property to family and friends and then when the application was at the Planning Commission level there was discussion about renting it to hunters, but then Mr. Beckman discovered that if the facility was rented to more than a single family with three non-related family members, a sprinkler system would be required. She stated that Mr. Beckman will rent the facility for day events, such as class reunions and graduations, and people will not stay overnight as a group because then it becomes a lodging facility and would require a sprinkler system.

Chairman Prauner opened the public hearing at 9:52 A.M.

The applicant, Aaron Beckman, testified that they built this cabin and put a lot of money and work into it and they want the opportunity to rent it to people that they know if they want to enjoy it for a weekend. He stated that they are not going to open it up and have people that they don't know stay at the cabin because they don't want to take the risk of having something happen to their property. He stated that they are concerned about the ATV usage for a renter because one of the selling points of this cabin is the access to the river. He explained that the river can't be accessed with a truck, but the only way to get access to the river and beach is with an ATV. He stated that they are not opposed to putting in stipulations to renters that the ATVs aren't to be used after dusk. Mr. Beckman reported that they obtained a liability insurance policy and waivers. He stated that they plan to install a sign marking the location of the cabin.

Commissioner Schmidt asked if Mr. Beckman was opposed to the County requiring that ATVs must stay on designated trails. Mr. Beckman responded that they would recommend that renters stay on the trails that have been developed because he doesn't want renters riding up next to the cabin on the 13 acres that have been converted from row crop to grass. He explained that he has spent too much time trying to get the native grass to grow, so the last thing he wants is for someone to tear up this area with an ATV. He stated that they want ATVs to stay on the trails in the woods and on the sand bars.

Commissioner Schmidt asked if County Attorney Joseph Smith had a problem with changing the conditions of the permit. County Attorney Joseph Smith responded that the County Board has a relationship with the Planning Commission that was built over the years. He suggested that the Commissioners either approve or deny the application submitted and talk to Mr. Beckman about making amendments in the future. Chairman Prauner stated that when the Siecke conditional use permit was considered Mr. Smith recommended making no changes from the Planning Commission recommendations.

Zoning Administrator Heather McWhorter stated that no one is attending the hearing who is opposed to the application; however, there was opposition at the Planning Commission hearing. She stated that one item brought up at the Planning Commission hearing was allowing ATVs to be brought onto the property and Mr. Beckman agreed to only allow ATVs owned by the Beckman's onto the property, so this is why the Planning Commission added this condition.

County Attorney Joseph Smith said the process to amend the application is not complicated. Zoning Administrator Heath McWhorter explained that Mr. Beckman would be required to go before the Planning Commission to request an amendment. Mr. Beckman responded that he would not be opposed to this process.

Chairman Prauner read a letter received from James Maly of Bennington, Nebraska, who sold the property to the Beckmans, which expressed support for the conditional use permit application.

Chairman Prauner closed the hearing at 10:00 A.M.

After discussion, the following resolution was introduced and read into the record by Commissioner Ohl:

## RESOLUTION #2016-6

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

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission, and WHEREAS, notice of public hearing was published in the January 30, 2016 edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. The Beckman's applied for a permit and were approved to build a cabin on recreational land they purchased.
2. They are requesting permission to rent the property for a fee.
3. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
4. The property is zoned as AT: Agricultural Transition.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Aaron & Ginger Beckman for recreational rental of property on the following described land:

SE¼ of Section 29, Township 24, Range 2 West of the 6th P.M., Madison County Nebraska

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

1. This is a Conditional Use Permit for recreational rental of property.
2. Hunting will be allowed as per Game & Parks regulations. No high powered rifles will be used by renters on the property.
3. A sign identifying the property will be installed at the end of the driveway per Madison County Zoning Regulations.
4. A parking area will be clearly identified and adequate lighting provided.
5. Property lines that are accessible by renters will be clearly identified to prevent trespassing on neighboring property.
6. Overnight rentals will be limited to single families only. If in the future, multifamily rentals are desired, the Conditional Use Permit will need to be revised to allow for additional State Fire Marshall requirements for lodging facilities.
7. Liability insurance must be maintained on the property at all times.
8. Only campers and ATV's owned by the Beckman's are allowed on the property.
9. A copy of the rental agreement must be provided to the Zoning Administrator and kept on file in the Zoning Office.
10. This Conditional Use Permit is permanent. If ownership is transferred, Zoning Administrator must be notified 30 days prior to sale of property.
11. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by applicant.

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

Motion was made by Schmidt and seconded by Ohl that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Thursday, January 28, 2016 edition of the Norfolk Daily News, Chairman Prauner opened at public hearing at 10:09 A.M. to receive citizens' comments regarding the road construction program for 2016 and the six-year road improvement plan.

County Highway Superintendent Richard Johnson reported that the County is required by State law to file a one and six year road improvement plan with the Board of Classifications and Standards prior to March 1st of each year. A map displayed during the hearing reflected the locations of the one year and six year projects.

Mr. Johnson explained that in Road District #1, the one year plan includes 8 road projects and 9 structures with an estimated cost of \$790,000. He reported that the six year plan in District #1 includes 8 road projects and 11 structures with an estimated cost of \$1 million. He stated that in Road District #2, the one year plan includes 5 road projects and 2 small structures for a total of \$1,735,000 and the six year plan includes 17 road projects and 3 structures for a total cost of \$11.5 million. Mr. Johnson reported the Road District #3 has 3 road projects and 8 structures in the one year plan for a total cost of \$1.4 million and 3 road projects and 7 structures in the six year plan for a total cost of \$3.3 million. He explained that there are a total of 16 projects and 19 structures in the one year plan with an estimated cost of \$4 million and 28 road projects and 21 structures in the six year plan with an estimated cost of \$16 million.

Mr. Johnson explained that District #1 has a lot of structures that need to be replaced and District #3 is a close second on structure replacements. He stated that District #2 has a lot of asphalt that needs to be replaced which is very costly.

Mr. Johnson reported that major projects in District #1 are replacing a box culvert and overlay of one mile of road West of the Newman Grove city limits. He explained that there are many bridges that need repairs and some are 20 feet or longer, but many are less than 20 feet.

Mr. Johnson explained that District #2 major projects are Victory Road from Highway 275 to Coolidge Avenue and Benjamin Avenue from Victory Road to Highway 35. He stated that both of these projects may be concrete because they get a significant amount of traffic. He said that he is looking at turning lanes on these projects, not three lanes.

Mr. Johnson reported that District #3 has one mile of overlay by the County line and one mile on the Meadow Grove Road. He said that there are three ER projects in the one year plan which were a result of the 2010 flood. He explained that one project is bank stabilization along the North side of the Elkhorn River going West from the river bridge and another project is bank stabilization along the South bank of the Elkhorn River. He said that the bridge approach project has been completed. He explained that the Department of Roads is running into some more environmental issues. In addition, he reported that another project consists of repairs to the bridge by placing sheet piling behind the North abutment. Mr. Johnson explained that the Department of Roads wanted to grind up the outside three feet of the road on each side and relay it; however, it would make more sense to overlay to entire half mile of road and have the County pay the cost difference. He said that the project North of Meadow Grove should be bid in March or April and the County would pay 20% of the costs.

Mr. Johnson reported that another project on the six year plan is the bridge located on Eisenhower Avenue which has an estimated cost of \$2.5 million. He stated that he is not advocating completion of this project immediately; however, if the bridge needs to be closed then the County must deal with the issue. He explained that another project is making improvements to the road coming off Highway 24 down the County line and over to Highway 81 for a truck route. Commissioner Schmidt asked if Mr. Johnson had a proposed route for the truck bypass. Mr. Johnson responded that the project would start at 836th Avenue and go East to the County line, then North along the County line up to Victory Road to get to the industries. He explained that the proposed route is divided into four different projects since the entire project couldn't be completed in one year and it's listed on the six year plan as Project Nos. 882, 883, 884, and 885.

Commissioner Schmidt asked if the Victory Road project included replacement of a bridge and Mr. Johnson responded no. Mr. Johnson explained that Gerhold will open a gravel pit and the current road won't stand up to the trucks hauling gravel. Commissioner Schmidt explained that he would like to explore the possibility of vacating the bridge and building a road along the South side of the river over to the County line so the County wouldn't need to build a bridge. He stated that he doesn't know if it's feasible, but he would like to explore the possibilities.

Commissioner Schmidt asked Mr. Johnson where the funds would come from to pay for all these projects. Mr. Johnson stated that there are two legislative bills that the County needs to watch. He stated that L.B. 958 excludes capital improvements being used as lid exceptions and the unused restricted funds authority would be further controlled. He stated that if L.B. 958 is passed the only way that Madison County would be able to complete any big road projects would be through bonding. He reported that on Northeast Industrial Highway the County bonded \$2 million, but also increased property taxes for several years and last year the property taxes were reduced since the project is finished. He reported that L.B. 960 proposes removing the gas tax that was recently implemented and eliminate the federal fund buyback program with a proposal that the counties would provide a 50% match with the Department of Roads providing a 50% match. He said that if the County gets into a position where the State NEPA and right-of-way processes must be followed to get the money, it will be difficult to get projects finished.

No one expressed opposition to the proposed one and six year road plan.

Chairman Prauner closed the hearing at 10:28 A.M.

After discussion, the following resolution was introduced:

## RESOLUTION #2016-7

WHEREAS, pursuant to published legal notice, public hearing on the one year and six year Road Improvement Programs for Madison County was held, and

WHEREAS, Richard C. Johnson, Madison County Highway Superintendent has presented the one year and six year Road Programs, and

WHEREAS, said Road Programs, as presented, have been given due consideration,

NOW, THEREFORE, BE IT RESOLVED, that the one year Road Program and the six year Road Program, as presented, are hereby accepted.

Motion was made by Ohl and seconded by Schmidt that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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Commissioner Schmidt reported that he walked through the jail to look at the electronic control update project completed by Stanley Convergent Security Solutions. He stated that there are only a few minor problems that need to be worked out, but it is working well. He reported that he talked to staff who are using the new system and they stated that it may not be as fast as the previous locks; however, it is more user friendly, more secure, it's harder to make a mistake, and that the upgrades are a good addition to the jail.

After discussion, a motion was made by Schmidt and seconded by Ohl to authorize the County Board Chairman to execute the Certificate of Final Acceptance for the electronic control updates in the County Jail. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) County Sheriff January, 2016 fee report
- 3) Clerk of the District Court January, 2016 fee report
- 4) Sale of Surplus property report
- 5) Letter from Visit Nebraska

The following claims were audited:

<b>GENERAL FUND</b>		
Total Net Payroll		137,679.75
Advanced Correctional Healthcare	Medical Services Contract, County Jail	9,959.08
Advanced Fire & Safety	Inspection, Zoning Department	14.25
Advanced Fire & Safety	Inspection, Noxious Weed	200.40
Mark D. Albin	Legal Services, County Court	2,833.01
Mark D. Albin	Legal Services, District Court	165.50
Ronald J. Albin	Legal Services, County Court	3,629.36
American Family Life Assurance Co.	Insurance Premiums	833.16
Ameritas Life Insurance Corp	Insurance Premiums	372.88
Apex Therapy Services, LLC	Evaluations, Juvenile Accountability	300.00
Appeara	Mat Service, Public Defenders	29.08
Appeara	Mat Service, Courthouse	20.00
AS Central Services	Teletype Service, County Sheriff	262.29
AS Central Services	Teletype Service, County Jail	441.71
AS Central Services	Telephone Service, Veterans Service	60.60
B & B Cycle Inc.	Repairs, Noxious Weed	251.45
Barnhill Enterprises LLC	Equipment, County Court	309.00
Black Hills Energy	Utilities, Zoning Department	31.11
Black Hills Energy	Utilities, Courthouse	397.16
Black Hills Energy	Utilities, County Jail	739.03
Black Hills Energy	Utilities, Noxious Weed	31.11
Black Hills Energy	Utilities, Veterans Service	72.30
Blue Cross Blue Shield of Nebraska	Insurance Premiums	130,814.45
Bob Barker Company Inc.	Supplies, County Jail	281.70
Bomgaars Supply	Supplies, Noxious Weed	21.98
Bessie Bove	Prior Services, Courthouse	12.00
Brandl Electric	Repairs, Courthouse	876.83
John Buck	Mileage, Juvenile Accountability	42.12
Business Telecomm Systems	Telephone Repairs, Public Defender	220.00
Business Telecomm Systems	Telephone Repairs, Courthouse	142.75
Kay Cantrell	Tutoring Services, Juvenile Accountability	245.00
Carney Law, P.C.	Legal Services, County Court	1,408.80
CBM Managed Services	Meals, County Jail	6,937.46
Certified Court Reports & Video, LLC	Transcript, Law Enforcement	514.00
Champs, Inc.	Repairs, Maintenance Contract, County Jail	4,361.37
Maria Izabel Chavez	Interpreter Services, Public Defender	416.70
City of Madison	Utilities Service, Courthouse	2,103.49
City of Madison	Utilities Service, County Jail	736.25
City of Norfolk	Annual Emergency Services	21,614.00
Colonial Life and Accident Insurance	Insurance Premiums	400.08
Connecting Point	Services, County Clerk	10.95
Connecting Point	Supplies, District Court	97.00
Connecting Point	Equipment, Public Defender	4,641.00
Connecting Point	Equipment, County Sheriff	579.00
Connecting Point	Supplies, County Attorney	64.00
Connecting Point	Internet Service, Juvenile Accountability	59.95
Connecting Point	Equipment, Probation Office	226.00
Connecting Point	Data Processing Services, Courthouse	2,041.75
Consolidated Management Company	Meals, County Jail	180.75
Constellation Newenergy	Utilities, Courthouse	896.72
Constellation Newenergy	Utilities, County Jail	1,755.93
Copycraft Printing	Supplies, Reappraisal	230.00
Copycraft Printing	Supplies, County Jail	38.10

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Crawford County Sheriff's Office	Civil Service Fees, County Court	59.80
Cuming County Clerk	Reimbursement of Services, Juvenile Accountability	1,016.67
Douglas County Treasurer	Autopsy, Law Enforcement	250.00
Eakes Office Solutions	Supplies, County Sheriff	52.49
Eakes Office Solutions	Supplies, Probation Office	570.32
Eakes Office Solutions	Supplies, County Jail	234.87
Enviromaster Inc.	Supplies, Courthouse	49.95
Ewalt Law Office, P. C., LLO	Legal Services, County Court	656.50
Field's Hardware	Supplies, Courthouse	18.87
Field's Hardware	Supplies, County Sheriff	1.69
Field's Hardware	Supplies, County Jail	128.32
First Concord Benefits Group	Administration Fees, Flex Plan, Deductible Buy-Down	3,085.39
Floor Maintenance & Paper Supply	Supplies, Zoning Department	18.00
Floor Maintenance & Paper Supply	Supplies, Courthouse	514.84
Floor Maintenance & Paper Supply	Supplies, County Jail	727.44
Floor Maintenance & Paper Supply	Supplies, Noxious Weed	18.00
Frontier	Telephone Service, Courthouse	1,037.58
Galls/Quartermaster	Uniforms, County Sheriff	266.50
GCR Tire Center	Repairs, County Sheriff	31.50
Gempler's	Supplies, Noxious Weed	48.95
Gordy's Towing & Repair	Repairs, County Sheriff	233.90
GreatAmerica Financial Service	Copier Lease, Public Defender	145.26
Matthew Headley	Reimbursement of Postage, Public Defender	6.45
Crystal Hestekind	Cleaning Service, Probation Office	360.00
Hilliges and Associates, LLC	Polygraph Services, Law Enforcement	250.00
Marci Hjorth	Mileage, County Attorney	16.20
Hometown Leasing	Copier Lease, Probation Office	772.71
Husker Auto Group, Inc.	Vehicles, County Sheriff	30,797.70
Jack's Uniforms & Equipment	Uniforms, County Jail	449.54
Todd Jochum	Mileage, Juvenile Accountability	335.80
Laura Jones	Witness Fees, County Court	37.28
Sharon E. Joseph, Joseph Law Office	Legal Services, County Court	3,174.75
John Krantz	Rental Fees, Juvenile Accountability	250.00
Madison County Clerk	Tax Deposit	52,327.82
Madison County Clerk of District Court	Filing Fees, District Court	764.00
Madison County Sheriff Inmate Fund	Supplies, County Sheriff	480.53
Madison County Sheriff	Civil Process Fees, County Court	615.45
Madison County Sheriff	Civil Process Fees, District Court	1,143.24
Madison County Sheriff	Civil Process Fees, Mental Health	178.90
Madison County Treasurer	Title, Tire Tax, County Sheriff	15.00
Madison National Life Insurance Co Inc	Insurance Premiums	137.60
Marathon	Supplies, County Court	125.58
James Marshall	Tutoring Services, Juvenile Accountability	295.00
Barbara Masilko	Mileage, Public Defender	18.90
Menards	Supplies, Zoning Department	22.94
Menards	Supplies, County Sheriff	31.08
Menards	Supplies, Noxious Weed	85.07
Microfilm Imaging Systems, Inc.	Equipment Rental, County Court	218.00
Midtown Health Center	Quarterly Funding	29,362.10
MIPS Inc.	Data Processing Services, County Clerk	778.14
MIPS Inc.	Data Processing Services, Register of Deeds	518.00
Andrew Mohr	Mileage, Juvenile Accountability	69.66
National Enterprise Systems	Garnishment of Wages	207.06
Nationwide Retirement Solutions	Deferred Comp	1,980.00
Nebraska Child Support Payment Center	Garnishment of Wages	369.23
NMG LLC	Deposition, Public Defender	350.00
Norfolk Auto Center	Repairs, County Sheriff	102.10
Norfolk Daily News	Publication Costs	272.94
Norfolk Vacuum Sales & Service	Supplies, Probation Office	85.55
Northeast Nebraska Economic	Develop District, Administration Fees	1,845.00
Northeast Nebraska Juvenile Service	Video Conferencing, Juvenile Accountability	100.00
Northeast Nebraska Juvenile Service	Boarding, Juvenile Detention	362.47
Mike O'Brien	Mileage, Juvenile Accountability	165.24
Oasis Counseling International	Counseling Services, Juvenile Accountability	80.00
Valorie Olson	Court Reporting, District Court	191.75
One Office Solution	Supplies, County Clerk	702.97
One Office Solution	Supplies, Register of Deeds	144.24
One Office Solution	Supplies, District Court	211.10
One Office Solution	Supplies, Public Defender	214.64
One Office Solution	Supplies, County Sheriff	147.55
One Office Solution	Supplies, County Jail	16.96
One Office Solution	Supplies, Veterans Service	16.98
Susan K. Pohlman	Tutoring Services, Juvenile Accountability	170.00
Premier Biotech	Medical Supplies, Juvenile Accountability	1,222.39
Racom Corp.	Equipment, County Sheriff	140.00
Redwood Toxicology Lab	Medical Test Kits, Probation Office	402.75
Reigle Implement Co. Inc.	Repairs, Courthouse	30.90

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MADISON COUNTY, NEBRASKA

Reserve Account	Postage	15,000.00
Retirement Plans Division of Ameritas	Employee Retirement	9,347.14
Retirement Plans Division of Ameritas	Employer Retirement	13,681.42
Reynoldsons	Fuel, Zoning Department	27.72
Reynoldsons	Fuel, Noxious Weed	91.90
Monica J. Rotherham	Mileage, District Court	43.20
Nancy Scheer	Postage, Mileage, County Clerk	232.50
Judy Schroeder	Prior Service Benefits, Courthouse	11.00
Seger Funeral Home Inc.	Cremation Services, General	1,200.00
Kurt Sock	Supplies, Courthouse	26.87
Stratton, DeLay, Doele, Carlson & Buettner, PC, LLO	Legal Services, County Court	1,464.00
Michelle Sullivan	Mileage, Juvenile Accountability	149.22
Linda Swenson	Computer Consultant Services, Courthouse	1,280.00
The Glass Edge Inc.	Repairs, Courthouse	455.00
The Zone	Supplies, Reimbursement of Wages, Juvenile Acct.	3,323.30
US Bank Corporate Payment System	Fuel, Supplies, County Sheriff	87.08
US Bank Corporate Payment System	Supplies, Public Defender	98.00
US Bank Corporate Payment System	Furniture, Juvenile Accountability	2,997.20
Verizon Wireless	Telephone Services, Reappraisal	40.01
Verizon Wireless	Telephone Services, County Sheriff	1,615.57
Verizon Wireless	Telephone Services, Juvenile Accountability	330.03
Verizon Wireless	Data Processing Fees, Courthouse	78.04
Wayne County Sheriff	Civil Service Fees, County Court	18.50
Zee Medical Service	Medical Supplies, County Sheriff	52.60
Zee Medical Service	Medical Supplies, County Sheriff	93.55
Zodiac Properties, LLC	Lease, Probation Office	10,210.84

## ROAD/BRIDGE FUND

Total Net Payroll		30,404.35
Advanced Fire & Safety Inc.	Repairs	1,559.25
AG Spray Equipment	Equipment	6,779.00
American Family Life Assurance Company	Insurance Premiums	519.82
Ameritas Life Insurance Corp.	Insurance Premiums	98.64
Appeara	Towel Service	227.81
AS Central Services	Telephone Service	24.92
B's Enterprises Inc	Blades & Signs	13,112.25
Barco Municipal Products Inc.	Parts	211.42
Battle Creek Farmers Coop	Fuel, Supplies	6,014.26
Battle Creek Municipal Light & Power	Electrical Service	205.74
Bauer Built Tire	Tire Repairs	168.30
Black Hills Energy	Gas Service	539.03
Blue Cross Blue Shield of Nebraska	Insurance Premiums	28,871.34
City of Madison	Utilities	551.19
City of Newman Grove	Utilities	54.00
Colonial Life and Accident Insurance	Insurance Premiums	153.37
Connecting Point	Internet Service	15.00
Constellation Newenergy Gas Division, LLC	Gas Service	2,535.17
Dale R. Johnson Ent. Inc.	Gravel	430.09
DMT Trucking	Equipment	12,100.00
Eakes Office Solutions	Supplies	27.63
Eastern Nebraska Telephone	Telephone Service	52.29
Eastern Nebraska Trailer Repair Inc.	Parts	8.10
Fastenal Company	Parts	63.74
Field's Hardware	Supplies	43.93
Filter Care of Nebraska LTD	Repairs	93.55
First Concord Benefits Group	Flex Plan, Administration Fees, Deductible Buy Down	475.34
Frontier	Telephone Service	172.51
Green Line Equipment	Equipment Rental, Parts	11,111.93
Kelly Supply Company	Parts	162.70
Ken's Trailer Sales & Repairs	Parts	6.40
Madison County Clerk	Tax Deposit	11,383.95
Madison National Life Insurance Co Inc	Insurance Premiums	33.04
Matheson Tri-Gas Inc	Supplies	116.89
Matteo Sand & Gravel Co	Gravel	3,130.68
Menards	Supplies	430.45
Morrissey Motor Company	Parts	72.71
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Public Power District	Electrical Services	149.01
NMC Exchange L.L.C.	Parts, Repairs	1,831.83
Norfolk Auto Center	Parts	187.90
Norfolk NAPA	Parts	1,448.39
Northeast Machine & Manufacturing	Parts	272.52
One Office Solution	Supplies	65.40
Pioneer Telephone	Telephone Services	57.48
Powerplan	Parts	51.72
Prime Sanitation	Garbage Services	53.75

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

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RDO Trucking	Parts	137.65
Reigle Implement Co. Inc.	Parts	65.95
Retirement Plans Division of Ameritas	Employee Share Retirement	1,883.24
Retirement Plans Division of Ameritas	Employer Share Retirement	2,825.02
Reynoldsons Inc	Fuel	38.21
Scheer's Ace Hardware	Supplies	15.98
Telebeep Wireless	Telephone Service	22.11
Truck Center Companies	Parts	134.21
Rex Volk	Registration Fee	60.00
Zoubek Oil Company Inc	Fuel	2,270.15

## VISITORS PROMOTION FUND

Norfolk Area Visitor Bureau	Administration Fees	378.54
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## VISITORS IMPROVEMENT FUND

Norfolk Area Visitor Bureau	Administration Fees	3,300.33
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## REGISTER OF DEEDS PRESERVATION AND MODERNIZATION FUND

MIPS Inc.	Data Processing	514.70
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## DRUG TESTING FUND

Nebraska Public Health Environment Lab	Medical Services	105.00
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## 911 EMERGENCY FUND

CenturyLink	Telephone Services	779.93
Eastern Nebraska Telephone	Telephone Services	127.86
Frontier	Telephone Services	164.10

## LAW ENFORCEMENT OPERATING FUND

Scranton Flooring & Supply	Flooring	2,740.72
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Motion was made by Ohl and seconded by Schmidt to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board adjourned at 11:18 A.M. to Tuesday, February 23, 2016 at 9:30 A.M.

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County Clerk Nancy Scheer

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Jim Prauner, Chairman  
County Board of Commissioners