

BOARD OF EQUALIZATION

Madison, Nebraska

March 16, 2010

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

Advance notice of meeting was published in the Thursday, March 11, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Lee Klein called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum and Lee Klein, County Treasurer Donna Primrose, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer. Absent: Commissioner Rick Uhlir.

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

Motion made by McCallum and seconded by Klein to approve the minutes of the March 2, 2010 meeting. Roll call vote: Ayes, McCallum and Klein. Absent, Uhlir. Nays, none. Motion carried.

Chairman Klein opened a public hearing at 9:01 to receive testimony regarding the following motor vehicle exemption applications:

Countryside Home, 703 North Main Street, Madison	2006 Dodge Caravan
Women's Empowering Life Line, Inc., P.O. Box 1392, Norfolk	1998 Ford Windstar Van

County Treasurer Donna Primrose reported that both applications were renewals. No one appeared during the hearing to offer verbal testimony. Chairman Klein closed the hearing at 9:02 A.M.

After discussion, motion was made by McCallum and seconded by Klein to approve the motor vehicle exemption applications. Roll call vote: Ayes, McCallum and Klein. Absent, Uhlir. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #2587: Todd Mink, 83169 543rd Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$350.90 for correction to the 2009 personal property taxes after review of the 2009 depreciation worksheet
- #2588: Todd Mink, 83169 543rd Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$480.38 for correction to the 2008 personal property taxes after review of the 2009 depreciation worksheet
- #2589: Todd Mink, 83169 543rd Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$641.38 for correction to the 2007 personal property taxes after review of the 2009 depreciation worksheet
- #2590: Building Sprinkler Inc., dba Bullseye Fire Sprinkler Inc., P.O. Box 1750, Sioux Falls, South Dakota
Addition to the tax rolls in the amount of \$3,950.08 for correction to the 2007 personal property taxes after review of the 2009 depreciation worksheet
- #2591: Building Sprinkler Inc., dba Bullseye Fire Sprinkler Inc., P.O. Box 1750, Sioux Falls, South Dakota
Addition to the tax rolls in the amount of \$2,409.04 for correction to the 2008 personal property taxes after review of the 2009 depreciation worksheet
- #2592: Building Sprinkler Inc., dba Bullseye Fire Sprinkler Inc., P.O. Box 1750, Sioux Falls, South Dakota
Addition to the tax rolls in the amount of \$1,768.96 for correction to the 2009 personal property taxes after review of the 2009 depreciation worksheet
- #2593: City of Madison, P.O. Box 527, Madison
Deduction from the tax rolls in the amount of \$157.06 for property that was purchased by the City of Madison on August 28, 2009 and became tax exempt for the 2009 tax year
- #2594: Norman and Fay Paulson, 801 Pasewalk Avenue, Norfolk
Deduction from the tax rolls in the amount of \$318.58 for correction to the 2009 real estate taxes due to notification received from the Nebraska Department of Revenue granting 100% homestead exemption instead of a 70% exemption
- #2595: Kelvin and Sandra Bonner, 54181 829th Road, Lindsay
Addition to the tax rolls in the amount of \$32.22 for correction to the 2007 personal property taxes due to the addition of irrigation equipment to the personal property tax rolls
- #2596: Kelvin and Sandra Bonner, 54181 829th Road, Lindsay
Addition to the tax rolls in the amount of \$1,321.98 for correction to the 2008 personal property taxes due to the addition of irrigation equipment to the personal property tax rolls
- #2597: School District No. 1, P.O. Box 450, Madison
Deduction from the tax rolls in the amount of \$635.96 for property that was purchased by School District No. 1 on March 10, 2008 and became tax exempt for the 2008 tax year
- #2598: School District No. 1, P.O. Box 450, Madison
Deduction from the tax rolls in the amount of \$620.68 for property that was purchased by School District No. 1 on March 10, 2008 and became tax exempt for the 2009 tax year
- #2599: Kelvin and Sandra Bonner, 54181 829th Road, Lindsay
Addition to the tax rolls in the amount of \$1,037.94 for correction to the 2009 personal property taxes due to the addition of irrigation equipment to the personal property tax rolls

After discussion, it was moved by McCallum and seconded by Klein to approve the tax list corrections as submitted. Roll call vote: Ayes, McCallum and Klein. Absent, Uhlir. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:05 A.M.

County Clerk

Chairman

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

March 16, 2010

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, March 11, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Jerry McCallum 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 Jerry McCallum and Lee Klein, and County Clerk Nancy Scheer. Absent: Commissioner Rick Uhlir. Also present was Road District #2 foreman John Hrabanek. Planning and Zoning Administrator John Johnson joined the meeting at 9:50 A.M. and County Highway Superintendent Richard Johnson joined the meeting at 10:07 A.M.

Chairman Jerry McCallum read the following consent agenda items into the record:

- 1) Approval of minutes of the March 2, 2010 meeting
- 2) Authorization to advertise for bids for a mini-excavator for Road District #2 and set the bid date for March 30, 2010
- 3) Authorization to advertise for bids for road gravel, armor coat gravel, culvert pipe, and grader blades for 2010-2011 fiscal year and set the bid date for April 13, 2010
- 4) Authorization to advertise for bids for Project No. C-59-786 (Structure No. C005914810) and set the bid date for April 13, 2010
- 5) Appointment of County Highway Superintendent as Authorized Representative for Disaster No. 1878

6) **RESOLUTION #2010-15**

WHEREAS, the Board of Commissioners of Madison County desires to receive soft match credit for Structure No. C005900935; and

WHEREAS, all requirements for receiving soft match credit have been met;

NOW, THEREFORE BE IT RESOLVED that the Chairman of the Board of Commissioners and the County Highway Superintendent are hereby authorized to sign a Certification of Compliance for Structure No. C005900935 as required to receive soft match credit.

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

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

Pursuant to published legal notice in the March 4, 2010 edition of The Madison Star Mail, Chairman McCallum opened a public hearing at 10:00 A.M. to receive testimony regarding the application of Kevin and Wendy Signor dba Taylor Creek Golf Club for issuance of a Beer, Wine & Distilled Spirits, On Sale Only License, for premises located at 120 Taylor Creek Road in Madison.

County Clerk Nancy Scheer presented the following documents, which were accepted as exhibits for the record:

Exhibit 1: Incident report completed by Madison County Sheriff Investigator Jon Downey

Exhibit 2: Proof of Publication of Notice of Hearing

Planning and Zoning Administrator John Johnson stated that, due to the change of ownership of Taylor Creek Golf Club, it was his opinion that a conditional use permit should be obtained from the City of Madison for the golf course. He explained that the Outdoor Recreation section of the zoning regulations allow a golf course in a residential area. He stated that a conditional use permit would provide more credence to the golf course now and also in the future.

The applicant, Kevin Signor, reported that the Nebraska Liquor Control Commission wanted him and his spouse to complete an Alcohol Server Training Program, which they finished on March 15th in Omaha. Chairman McCallum questioned what the intentions of the applicants were for days of operation and Kevin Signor responded that they have discussed the possibility of a year-round operation with Monday night or Saturday and Sunday football; however, they will begin with operating from March to September. He reported that they will start operating the golf course as it was previously operated, using the same rules. He explained that anyone caught drinking under the age of 21 will be barred until they are 21 years of age. He reported that he learned several regulations from the Alcohol Training Program.

No one appeared at the hearing to express opposition or support of the application. Chairman McCallum closed the hearing at 10:05 A.M. After discussion, the following resolution was introduced:

RESOLUTION #2010-16

WHEREAS, on the 11th day of February, 2010 an application was received by the Madison County Clerk from the Nebraska Liquor Control Commission for Beer, Wine & Distilled Spirits, On Sale Only License for Kevin and Wendy Signor, DBA Taylor Creek Golf Club, located at 120 Taylor Creek Road, Madison, Nebraska, and

WHEREAS, notice of public hearing on said application was published in the Thursday, March 4, 2010 edition of The Norfolk Daily News, with publication costs being thirteen dollars and twenty five cents (\$13.25), and

WHEREAS, public hearing on the application was held on Tuesday, March 16, 2010 in the office of the Madison County Commissioners in the Courthouse at Madison, Nebraska, and

WHEREAS, evidence and exhibits were received regarding the application for said licenses,

NOW, THEREFORE, BE IT RESOLVED that a recommendation of issuance of a Beer, Wine & Distilled Spirits, On Sale Only License to Kevin & Wendy Signor, DBA Taylor Creek Golf Club be forwarded to the Nebraska Liquor Control Commission.

Motion was made by Klein and seconded by McCallum that the foregoing resolution be adopted. Roll call vote: Ayes, McCallum and Klein. Absent, Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in the March 4, 2010 and March 11, 2010 editions of the Norfolk Daily News, Chairman McCallum opened a public hearing at 10:15 A.M. to receive citizens' comments regarding a petition filed on behalf of Gordon Adams to serve as a Trustee for Hospital Authority No. 1. County Clerk Nancy Scheer reported that Faith Regional Health Services' Administrative Assistant Colleen Croghan submitted a petition that was signed by 30 registered voters and that the signatures were verified and met the statutory requirements of a minimum of 25 eligible electors within the Hospital Authority No. 1. She explained that Gordon Adams is seeking to be appointed to serve a six-year term on the Hospital Authority Board and he would be replacing James Volk, who has submitted a letter of resignation. In addition, she reported that the notice of the public hearing was duly advertised as required by state law. No one was present at the hearing to speak in opposition to or in support of the petition.

Chairman McCallum closed the hearing at 10:19 A.M. After discussion, the following resolution was introduced:

RESOLUTION #2010-17

BE IT RESOLVED by the Board of Commissioners of the County of Madison, in the State of Nebraska, as follows:

Section 1. The Board of Commissioners hereby finds and determines that, pursuant to Section 23-3591 Nebraska Revised Statutes, there has been placed on file with the Madison County Clerk, a petition nominating the following person to serve as Trustee for Hospital Authority No. 1 of Madison County, Nebraska:

<u>NAME</u>	<u>RESIDENCE ADDRESS</u>
Gordon Adams	2205 Koenigstein Avenue, Norfolk, Nebraska 68701

Section 2. That said petition is in proper form and has been signed by not less than twenty-five registered electors of Madison County, being also registered electors residing within the boundaries of said Authority;

Section 3. That the Madison County Clerk has set the time for hearing on said petition and has caused notice of such hearing to be published on the same day in each of two successive weeks in a newspaper of general circulation within the territory of Hospital Authority No. 1 of Madison County, Nebraska;

Section 4. That the Board of Commissioners has conducted a hearing upon said nomination and that after hearing comments from the public, the following person is hereby appointed as Trustees of Hospital Authority No. 1 of Madison County, Nebraska for a term of six years:

<u>NAME</u>	<u>RESIDENCE ADDRESS</u>
Gordon Adams	2205 Koenigstein Avenue, Norfolk, Nebraska 68701

Motion was made by Klein and seconded by McCallum that the foregoing resolution be adopted. Roll call vote: Ayes, McCallum and Klein. Absent, Uhlir. Nays, none. Motion carried.

John Volk, and his grandson, Dean Volk, were present to discuss field drainage 2¼ miles west of Battle Creek. Dean Volk showed pictures of the subject area and explained that the pictures reflect a culvert that appears to be plugged. John Volk explained that the drainage problem is located on 840th Road, which is also known as Old Highway 8. He stated that he needs a drainage ditch cleaned out and the drainage ditch is the county road ditch. He explained that 30 years ago the ditch was cleaned out and it worked well until 15 years ago. He stated that 15 years ago he started trying to get Commissioner Jim Prauner to clean out the ditch. John Volk stated that about 5 years ago, Commissioner Prauner was having the ditches cleaned out along 840th Road and the road crew got to the area where it would benefit him and then the weather got so cold that the dirt would not fall out of the dump truck, so the ditch cleaning stopped. He explained that either he or his tenant has tried each spring or fall to get the ditch cleaned and were always told that it was on the agenda, but it never got cleaned out. John Volk reported that Rod Wilke from the Natural Resources District sent him some information regarding land rental rates. John Volk explained that the type of land in question rents for \$130 per acre and he only gets \$95 per acre rent and the reason that he can't \$130 per acre for this ground is because part of the property is subject to drowning out. He reported that the crop is usually planted every spring, a nice crop is started, and then a rainy time comes along. He stated that this property drains so slowly towards the east that it keeps the small plants under water for two days and then they die. John Volk stated that besides the cost of the seed and fertilizer that is lost on 15 acres, he loses about \$1,824 in rent each year and the tenant loses about \$6,000 in crops. He reiterated that he needs the ditch cleaned out.

County Highway Superintendent Richard Johnson reported that he looked at the property approximately five years ago with Commissioner Prauner. He questioned if the water flows east at the location that Mr. Volk was requesting to be cleaned out and Mr. Volk responded that the water does flow east. County Highway Superintendent Richard Johnson explained that it appears that the natural drainage may be in a different direction. John Volk pointed out the direction of the water flow on a map. He explained that the water flows in different directions when there is a large rainfall such as 5 inches, but when there is a little water it all drains in one direction.

Chairman McCallum questioned if the drainage was doing any damage to the roadway and John Volk responded that it was not damaging the road. Chairman McCallum explained that the document given to John Volk by the Natural Resources District states that the county may provide drainage. Commissioner Klein stated that the Corp of Engineers has advised counties that if the county digs in waterways, the Corp may fine the county between \$5,000 and \$10,000 per day. Commissioner McCallum stated that if the county gets involved in cleaning out ditches, someone must determine where the water is going to run or if someone else would be damaged. John Volk responded that no one else would be damaged.

John Volk stated that in the section to the east of his property, there is a natural drainage that takes the water east through Arkfelds and Biermans. He explained that the water draining from his property runs through the Arkfeld farm to Battle Creek. Commissioner Klein stated that it wasn't a natural drainage until it was dug out by Commissioner Ernest Werner. John Volk explained that Ernest Werner did not dig out the ditch. County Highway Superintendent Richard Johnson questioned who cleaned out the ditch and John Volk responded that Ernest Werner gave him permission to clean the ditch out. He stated that Eric Bierman, Bill Arkfeld, and the county sued him for cleaning out the ditch because there would be water damage from the drainage. He explained that when he went to court he thought he wouldn't have any trouble winning the case because Ernest Werner gave him permission to clean out the ditch. He reported that the morning of the trial Ernest Werner changed his mind and said that he didn't give permission, so he lost the case. John Volk reported that it cost him about \$2,000, which was quite a bit of money. He explained that he took the case to the Nebraska Supreme Court and got the decision reversed and the landowners who had the water coming through their land were forever barred from saying anything about the water coming through their property.

Chairman McCallum stated that Union Creek runs through his road district and when the natural flow of the water is changed, people notice. John Volk responded that the county wouldn't be changing the flow of the water. Commissioner Klein stated that the county must answer to the Corp of Engineers and has the authority to levy fines. County Highway Superintendent Richard Johnson explained that typically the road ditches are in place because the county needed borrow to build the road and the only drainage that would normally occur is what would come off the road.

Dean Volk questioned who is responsible for cleaning out the culvert because there is no water flowing through the culvert. He stated that the information he presented states that in all counties the county board shall have the power to cause all natural water courses to be kept clean and free of obstructions. He stated that he assumes this statement would apply in their situation. Commissioner Klein stated that the county has the power to keep natural water courses clean unless the federal government tells the county they can't. County Highway Superintendent Richard stated that the issue to him is whether the drainage is a natural water course. Chairman McCallum stated that another issue is that when the county starts draining road ditches there has to be proof that the drainage is causing damage to the road. He stated that when the county starts cleaning out ditches then there is a risk of draining everyone's fields. In addition, he stated that it appears to him that the Volks are not at the meeting to discuss a road problem, but they want assistance with draining their private property. He explained that it is not the county's business to drain private properties.

Dean Volk questioned who installed the culvert and Commissioner Klein responded that the culvert has probably been at this location for many years. Commissioner Klein reiterated that it is difficult to put a backhoe in a county road ditch unless approval has been received from the Corp of Engineers. Chairman McCallum pointed out that John Volk got sued the first time that he cleaned out the ditch. Commissioner Klein explained that the Corp of Engineers has the authority to fine entities. He reported that the county was working on a bridge project south of Meadow Grove that had 64 square feet in wetlands and the Corp of Engineers delayed the project. He stated that, if the county would not have involved senators, the project would not have been completed.

County Highway Superintendent Richard Johnson stated that if the culvert is plugged, the county could clean it out. Commissioner Klein concurred that the county could clean out the culvert; however, cleaning out ditches must be approved on a case-by-case basis. He stated that the rule that the county uses is that the county would only clean out a ditch to protect the county road, but not to drain private ground.

John Volk stated that the County Board members weren't reading the entire statute. Planning and Zoning Administrator John Johnson stated that the county would need to determine if the area was located in a flood plain. County Highway Superintendent Richard Johnson reiterated that the drainage is a water course, but the issue he questioned was whether it was a natural water course. John Volk stated that the statute states that any depression two feet below the surrounding land and having a continuous outlet to a stream or river shall be deemed a water course. County Highway Superintendent Richard Johnson responded that the statute doesn't say natural water course. He explained that if someone goes out and digs a ditch it becomes a water course; however, it is not a natural water course. John Volk stated that water seeks its own level and if water runs out of a field down the ditch, then that is a water course according to the statutes. County Highway Superintendent Richard Johnson stated that he understands this concept, but if the water used to go toward the north and the county came in and dug out the ditch so that the water goes to the east, then the county changed the natural water course. John Volk argued that this is what the statute says and County Highway Superintendent Richard Johnson responded that the big issue is that it doesn't say natural water course. He explained that if there are natural water courses, the county has the duty to provide for those when they build a road and this is why bridges, culverts, and box culverts are installed when roads are built. He explained that the county does not have any business diverting the water from its natural course. He stated that this was allowed many years ago and that is what Mr. Volk probably was involved with, but the problem is that other people are affected that don't deserve the water and also the water eventually returns to where nature wants to take it. County Highway Superintendent Richard Johnson reiterated that the county does not try to divert water from its natural course.

John Volk explained that they are not requesting that the water be diverted from its natural course, they just want it to drain down its natural course and the county ditch is stopping it from going down its natural course. Chairman McCallum questioned who cleaned out the ditch the first time and John Volk responded that he hired a guy from Tilden who had a little hand built backhoe to clean out the ditch. He reiterated that Ernest Werner gave him permission to clean out the ditch. Chairman McCallum stated that Ernest Werner didn't want to take the responsibility and liability. He explained that he didn't know of anyone who wouldn't allow him to clean it out at his own expense if he would also assume all the liability. Commissioner Klein stated that Mr. Volk couldn't clean out the ditch now because the Corp of Engineers would not allow it. Chairman McCallum explained that Mr. Volk would need to check with the Corp of Engineers to determine if everything is legal before he started digging. Commissioner Klein stated that there may be worse problems after the ditch is dug out. County Highway Superintendent Richard Johnson explained that if the county culvert is blocked, the county may assist; but, there is not much more that the county could do. John Volk responded that the culvert is full of water and Dean Volk explained that it would be a big help to simply clean out the culvert.

Chairman McCallum questioned where the water would flow and Dean Volk responded that the water would flow to the east. Commissioner Klein stated that he would look at the culvert issue. Chairman McCallum stated that when the flow of water is changed, there are many liabilities and John Volk found that out when he cleaned the ditch. John Volk stated that the Corp of Engineers has said that they have no right to stop the water coming down this ditch and it is on record. County Highway Superintendent Richard Johnson stated that he would try to locate the case. John Volk explained that the case should be available through the District Court.

The Board directed County Highway Superintendent Richard Johnson to review the John Volk drainage matter. Commissioner Klein stated that he would have District #3 road employees check the culvert east of the Volk property and clean it out, if necessary.

Bob Boeckman met with the Board regarding the need for improvements to Cedar Ridge Road. He submitted three pictures of Cedar Ridge Road. He reported that his neighbor has his house for sale and the original asking price was \$600,000 and the sale price has been reduced to \$300,000. He explained that no one would buy a house located on Cedar Ridge Road because the road is full of potholes. He stated that he would rather drive his car in the ditch than on the road most of the time. He reported that the road is lower than the ditches and is full of water most of the time. Mr. Boeckman stated that he has heard that the county plans to pave the road, but he has also heard a million times that the county would be working on the road. He reported that he has spoken to the Commissioners and the county has advised that Cedar Ridge Road is the first project as soon as the frost goes out. He reported that he has lived on Cedar Ridge Road for 30 years and his taxes have gone from \$700 annually to \$3,600 annually and nothing has ever been done to the road.

Road District #2 foreman John Hrabanek stated that the road is inverted a little bit, with the edges being higher than the actual road. He stated that the county has problems with lawn sprinklers along the edge and the road needs to be pulled up. He stated that if the county would have paved the road, then actually the road would have been the right height because the county would have added another 4 inches on top of the road. He stated that the county tried to work on the road last year, but it was just too wet to do anything. He explained that the county has a blade or drag on the road once a week. He said that the road is usually in pretty decent shape.

Bob Boeckman stated that all the roads are worse now than they ever have been, but Cedar Ridge Road is like a washboard. He stated that they used to have a tractor with a drag to use on the road, but the county comes with the maintainer and when the county goes by it only takes one day before the road is like a washboard all the way along and it shakes vehicles so bad that one can hardly drive on it. Road District #2 foreman John Hrabanek explained that this is what all the country roads look like now. Bob Boeckman explained that every time it rains, the road is just a lake because the road is lower than the sides.

Road District #2 foreman John Hrabanek stated that if the county goes out and cuts off sprinkler heads, then there are more problems. Bob Boeckman reported that he does not have any sprinkler heads in the ditch. Road District #2 foreman John Hrabanek stated that there are sprinkler heads all along the road. He explained that the road does need to be raised and it is included in the plans to complete the project, but the county simply didn't get to the project last year.

Commissioner Klein questioned what needs to be done to get a paving district started. County Highway Superintendent Richard Johnson responded that the plans he is working on must be completed and then a meeting should be held to discuss cost estimates with the residents. He stated that a petition could be started to get the road paved. Chairman McCallum questioned if the costs were shared between the residents and the county and County Highway Superintendent Richard Johnson responded that it could be done several ways. He further explained that previous discussions on this matter included the county completing the grading and the owners participating in paying for the oil to hard surface the road. He explained that if over 50% of the owners in the area want the paving, then the project could proceed. He stated that the procedure would also include taking bids for the work, bonding the project, and assessing the owners after it is completed.

Chairman McCallum questioned if this process was used in another area and then the county didn't assess the land owners for their share of the costs and County Highway Superintendent Richard Johnson responded affirmatively. Bob Boeckman stated that he knows a lot of people on the other road project who got their road paved without any cost to the land owners and now the county is discussing assessing the paving costs for Cedar Ridge Road. He reported that he heard that several people sold their houses and moved before the county assessed the costs to the landowners for the other road project. He stated that he didn't think anyone living on Cedar Ridge Road would be moving before it is fixed because no one would buy a house there.

County Highway Superintendent Richard Johnson reported that he drove on Cedar Ridge Road yesterday and the big mud hole was 50 to 100 feet long and other than the mud hole, the road is not too bad. He stated that the road needs to be raised, but he questioned if a drainage structure would be required. He offered to take a closer look at the situation. Bob Boeckman stated that the road is not too bad right now.

Chairman McCallum stated that the costs must be determined before the people along Cedar Ridge Road could decide if they want to share the costs of improvements to the road. Commissioner Klein stated that improving the road would make it easier for the county to maintain and enhance the value of the homes along the road. He stated that he realizes that the land owners would have to pay for it. Chairman McCallum stated that if 50% of the residents don't approve cost sharing, then the project wouldn't proceed.

County Highway Superintendent Richard Johnson stated that he would finish the plans and then a meeting could be arranged to discuss the cost estimates to determine if the land owners are interested. He explained that there are several other side issues; however, he felt that most of the land owners are interested in making improvements to the road. Bob Boeckman stated that most of the land owners are interested; however, if a price is established and the owners know how much the cost will be, some may back out. He stated that if the costs could be spread out over several years that may help. County Highway Superintendent Richard Johnson explained that the project costs could be assessed over a 10 year period of time. He stated that interest would be assessed if the project costs are assessed over ten years.

Bob Boeckman stated that he has discussed this issue with County Highway Superintendent Richard Johnson many times, but the road was so bad several days ago that he decided something needed to be done. County Highway Superintendent Richard Johnson stated that when the road dries out a little, the county could do some work on the road and try to dry out and fill in the water holes. Chairman McCallum stated that if the county is planning to complete the grading work, there is no reason why an estimate could not be completed for hard surfacing the road. He explained that County Highway Superintendent Richard Johnson could determine how much four or five inches of hard surfacing would cost. He stated that the land owners along Cedar Ridge Road may not want any part of the cost of improvements if it is \$5,000 per frontage. Bob Boeckman responded that if the cost was approximately \$5,000 per property over so many years, he bet that everyone would be interested. Chairman McCallum stated that he was simply throwing out a figure because he has no idea what the cost would be for each land owner. He stated that Bob Boeckman stated that right now all the gravel that was put on that road is eight feet out into the ditches, but that is the way it is going to be with a wing throwing the gravel off the road. Road District #2 foreman John Hrabanek stated that the gravel being thrown off the road has a lot to do with a tractor moving snow off the road. He explained that there is a guy in that area that runs a tractor over the road. Bob Boeckman responded that he has a front wheel assist John Deere and he cleans the road, but his blade does not throw gravel way out into the ditch. He stated that the wing from a maintainer threw the gravel way out into the ditches. Road District #2 foreman John Hrabanek stated that is one thing that will happen on a country road and he reminded Bob Boeckman that he lives on a country road. Bob Boeckman responded that he doesn't know if he wants to call Cedar Ridge Road a road. Road District #2 foreman John Hrabanek suggested that Mr. Boeckman go out and look at some of the other roads.

Commissioner Klein asked County Highway Superintendent Richard Johnson to look at the road to get a permanent solution for the situation. He explained that it would also make things easier for the road department. Bob Boeckman stated that he understands that every road in the county looks like Cedar Ridge Road right now. Road District #2 foreman John Hrabanek stated that he understands that Cedar Ridge Road does need work, but if the county goes onto the area that someone considers their lawn and starts cutting it, there would be people lined up to complain.

County Highway Superintendent Richard Johnson explained that one of the issues that would be discussed at the neighborhood meeting is the fact that the county has 66 feet of right-of-way and the county is not responsible for any damage within the right-of-way. He stated that the county wouldn't go out and try to destroy everything in the right-of-way just because it was there, but the county would take dirt out of the ditch and remove mail boxes. He explained that the county would try to work around everything it can, but in order to properly build the road, there will be issues to resolve. He explained that when the county builds a road there are many times when the utilities are in the way and must be moved. He stated that it would be no different with underground sprinklers, mail boxes, or utilities in this area. Chairman McCallum stated that the only costs that would be charged to the landowners would be the hard surfacing.

Bob Boeckman stated that he has been in Richard Johnson's office many times. Chairman McCallum stated that Mr. Boeckman must find out if the land owners want a paved road. Bob Boeckman stated that several home owners in the area have already discussed the matter a few times. County Highway Superintendent Richard Johnson stated that the county would pursue the matter of paving the road. He explained that the road would get raised up in the soft spot even if the owners don't want paving. Bob Boeckman stated that, in his opinion, the best option would be if everyone agreed to have the road asphalted and have everyone pay their share because it would make the area a lot nicer. He stated that when people see a For Sale sign sitting in a mud hole they are going to say that they don't want to live on a road like that.

After discussion, the Board directed County Highway Superintendent Richard Johnson to finalize a cost estimate for hard surfacing Cedar Ridge Road.

The Board reviewed the following reports and correspondence:

- County Clerk February fee report
- County Treasurer fund balance report
- Register of Deeds February fee report
- Clerk of District Court February fee report
- County Sheriff February fee report
- Minutes of the February 16, 2010 meeting of PrairieLand RC&D and March newsletter
- March 8, 2010 Public Notice from Tim Campbell

The following claims were audited:

GENERAL FUND

Total Net Payroll		111,829.65
American Family Life Assurance Company	Insurance Premiums	559.31
Ameritas Life Insurance Corporation	Employee Share Retirement	7,179.57
Ameritas Life Insurance Corporation	Employer Share Retirement	10,548.80
Ameritas Life Insurance Corporation	Insurance Premiums	361.96
Aramark Correctional Services	Meals, Supplies, County Jail	13,348.28
Alex Arreola	Witness Fees, County Court	37.60
AS Central Services	Telephone Services, Planning and Zoning	47.20
AS Central Services	Telephone Services, Veterans' Service Office	56.49
AS Central Services	Telephone Services, County Sheriff	32.00
Auto Zone	Supplies, County Sheriff	51.18
Barnes Mini Mart	Supplies, County Sheriff	32.67
BI Inc.	Monitoring Services, Juvenile Diversion	869.91
Black Hills Energy	Gas Service, Planning and Zoning	46.99
Black Hills Energy	Gas Service, Courthouse	720.68
Black Hills Energy	Gas Service, County Jail	676.87
Brady & Amy's Inc.	Fuel, Courthouse	83.35
Brady & Amy's Inc.	Fuel, County Sheriff	48.27
Buffalo County Community Partners	Training, Juvenile Diversion	50.00
Cableone	Internet Services, Planning and Zoning	59.00
Cass County Sheriff	Service Fees, District Court	18.00
Central United Life Insurance Company	Insurance Premiums	37.21
City of Madison	Utilities, Courthouse	1,607.13
City of Madison	Utilities, County Jail	3,033.73
City of Norfolk	Parking, Veterans' Service Office	45.00
Gail Collins	Telephone Service, Law Enforcement	9.82
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Complete Pest Elimination Inc.	Services, County Jail	125.00
Connecting Point	Equipment, Data Processing	713.00
Connecting Point	Equipment, Supplies, Repairs, County Sheriff	4,243.25
Connecting Point	Supplies, County Attorney	12.00
Connecting Point	Equipment, Internet Services, Probation	3,538.95
Connecting Point	Internet Services, Veterans' Service Office	35.95
Connecting Point	Contract Services, Internet Services, Courthouse	1,322.85
Constellation Energy	Gas Service, Courthouse	1,407.75
Constellation Energy	Gas Service, County Jail	3,284.74
Continental Fire Sprinkler Company	Inspection, County Jail	270.00
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	4,471.15
Correctional Counseling Inc.	Supplies, Probation	1,000.00
Credit Management Services Inc.	Garnish of Wages	126.09
CVSOAN Treasurer	Dues, Veterans' Service Office	50.00
Dakota Business Systems	Copier Maintenance, Probation	72.00
Dent Specialists, LLC	Repairs, Courthouse	33.68
Dent Specialists, LLC	Repairs, County Sheriff	40.62
Douglas County Treasurer	Morgue Room Fees, Law Enforcement	250.00
Eakes Office Plus	Supplies, Equipment, County Court	169.78
Eakes Office Plus	Supplies, County Sheriff	33.99
Eakes Office Plus	Supplies, County Attorney	82.07
Eakes Office Plus	Supplies, County Jail	202.62
Eakes Office Plus	Supplies, Probation	425.87
Earl May Seed & Nursery	Supplies, Courthouse	57.41

Egley, Fullner, Montag and Hockabout	Legal Services, County Court	324.90
Enviromaster, Inc.	Supplies, County Jail	42.00
Miguel Felix	Supplies, County Jail	26.73
Field's Hardware	Supplies, County Court	13.95
Field's Hardware	Supplies, Courthouse	9.77
Field's Hardware	Supplies, County Jail	389.20
First Concord Benefits Group	Flex Plan, Deduct. Buy Down, Admin Fees, Courthouse	5,334.58
Floor Maintenance and Paper Supply	Supplies, Courthouse	269.73
Floor Maintenance and Paper Supply	Supplies, Probation	73.25
Frontier Bank	Supplies, County Sheriff	195.98
Gall's Inc.	Supplies, Equipment, County Sheriff	1,739.33
Gall's Inc.	Equipment, County Jail	308.98
Gasrite Inc.	Fuel, County Sheriff	2,548.47
Vickie Green	Postage, Meals, Planning and Zoning	20.60
Kayla Grone	Services, Probation	100.00
Melissa Hammer	Witness Fees, County Court	89.30
Hartford Life Insurance Company	Deferred Compensation	175.00
Jeffrey Hrouda	Legal Services, County Court	3,157.25
IHC/Group Link	Insurance Premiums	304.50
JCD & Company	Repairs, County Jail	126.98
John's Disposal	Garbage Services, Probation	38.00
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	1,659.50
John Johnson	Meals, Planning and Zoning	126.75
Mary Kohl	Services, County Jail	20.00
Dona Kratochvil	Services, County Jail	277.91
Louderback Drug	Prescriptions, County Jail	3,668.09
Madison County Clerk	Tax Deposit	38,999.27
Madison County Clerk of District Court	Fees, District Court	1,263.00
Madison County Sheriff	Fees, Mental Health	60.02
Madison County Sheriff	Fees, District Court	849.85
Madison County Sheriff	Fees, County Court	519.63
Madison County Sheriff	Dues, Registration, County Sheriff	265.00
Madison County Treasurer	Insurance Reimbursement	25.00
Madison County Veterans' Service Office	Veterans' Aid	2,000.00
Madison National Life	Insurance Premiums	127.39
Maintenance Engineering LTD	Repairs, Courthouse	611.06
Veronica Martinez	Interpreting Services, Juvenile Diversion	90.00
Christal McDonald	Transcripts, Law Enforcement	102.00
Christal McDonald	Court Reporting, Mental Health	50.00
Menards	Supplies, Probation	170.25
Microfilm Imaging Systems	Equipment Rental, County Clerk	45.00
Microfilm Imaging Systems	Supplies, Register of Deeds	31.50
Microfilm Imaging Systems	Equipment Rental, County Court	227.00
Microfilm Imaging Systems	Equipment Rental, County Surveyor	45.00
Midtown Holiday Inn	Lodging, Planning and Zoning	980.00
Midwest Plumbing & Heating	Repairs, County Jail	558.71
MIPS Inc.	Software Support, County Clerk	511.97
Morrissey Motor Company	Repairs, County Sheriff	403.47
National Board of Legal Speciality	Dues, County Attorney	265.00
Nebraska Association of County Officials	Registration, County Assessor	250.00
Nebraska Child Support Payment Center	Garnish of Wages	759.69
Nebraska Health & Human Services	State Institution Costs	678.00
Nebraska Medical Center	Medical Services, County Jail	220.76
Nebraska Public Power District	Utilities, Probation	638.43
Norfolk Cleaning Service	Services, Probation	140.00
Norfolk Community Health Care Clinic	Quarterly Funding	22,500.00
Norfolk Daily News	Publication Costs, Courthouse	125.86
Oasis Counseling International	Services, Juvenile Diversion	143.04
Valorie Olson	Court Reporting, Mental Health	50.00
Pioneer Telephone	Telephone Services, Courthouse	264.87
Platte County Court	Copies, Law Enforcement	2.25
Quill Corporation	Supplies, County Court	446.61
Qwest	Telephone Services, County Jail	17.66
Qwest	Telephone Services, Probation	317.82
Reigle Implement Company Inc.	Repairs, Courthouse	5.05
Renner Auto Body	Repairs, County Sheriff	250.00
Reynoldson's Inc.	Fuel, County Sheriff	43.46
Schroeder Land Surveying	Services, County Surveyor	1,664.00
Share Corporation	Supplies, Courthouse	827.60
Short Stop	Fuel, County Sheriff	52.56
Stanton County Sheriff	Service Fees, County Court	27.00
Stratton Law, P.C.	Legal Services, District Court	513.56
Michelle Sullivan	Mileage, Juvenile Diversion	155.50
Trane US Inc.	Maintenance Agreement, Courthouse	2,464.76
U.S. Cellular	Telephone Services, Law Enforcement	131.97
United Bank of Iowa	Copier Maintenance, Probation	422.40
U.S. Bank Corporate Payment System	Supplies, Fuel, Repairs, County Sheriff	314.74
Verizon Wireless	Telephone Services, Planning and Zoning	57.01

WalMart Community	Supplies, Reappraisal	25.68
David Werner	Witness Fees, County Court	46.40
West Payment Center	Subscription, County Attorney	115.00
Western Office Plus	Supplies, County Assessor	456.08
Western Office Plus	Supplies, Data Processing	45.99
Western Office Plus	Supplies, Repairs, County Court	385.20
Western Office Plus	Supplies, County Sheriff	21.07
Western Office Plus	Supplies, Copier Maintenance, County Attorney	915.90
Jim Widhalm	Snow Removal, Veterans' Service Office	26.00
Zippy Lube	Repairs, County Sheriff	40.25
Zodiac Properties, L.L.C.	Rent, Probation	7,876.67

ROAD/BRIDGE FUND

Total Net Payroll		26,256.18
Advance Auto Parts	Parts, District #2	21.78
American Family Life Assurance Company	Insurance Premiums	282.25
Ameritas Life Insurance Corporation	Employee Share Retirement	1,565.06
Ameritas Life Insurance Corporation	Employer Share Retirement	2,347.34
Ameritas Life Insurance Corporation	Insurance Premiums	99.68
Appeara	Towel Service, District #1, #2	160.25
Auto Glass Solutions LLC	Repairs, District #2	360.00
B's Enterprises Inc.	Parts, District #2	2,232.00
Bankfirst	Parts, District #1	17.76
Battle Creek Farmers Coop	Fuel, District #1, #3	3,871.17
Bauer Built	Repairs, District #1, #2, #3	434.80
Black Hills Energy	Gas Service, District #1, #2	398.20
Brady & Amy's Inc.	Fuel, District #1	724.44
Carquest Auto of Norfolk	Parts, District #3	13.80
Central Parts and Machine	Parts, District #1	23.04
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Connecting Point	Supplies, District #1	124.96
Constellation NewEnergy	Gas Service, District #1	1,340.71
Cornhusker Auto Center	Repairs, District #2	50.60
Cornhusker International Trucks	Equipment, District #1	105.95
D.W. Kohlhof Truck Repair	Repairs, District #1	68.90
Dinkel Implement Company	Equipment Rental, Parts, District #2, #3	1,671.77
Eakes Office Plus	Supplies, District #1	83.75
Donovan Eucker	Commercial Drivers License	57.50
Shannon Falk	Repairs, District #2	200.00
Fastenal Company	Parts, District #2, #3	79.71
Ferrellgas	Supplies, District #2	12.00
Field's Hardware	Shop Supplies, District #1	23.28
Filter Care of Nebraska	Services, District #1, #2	276.80
First Concord Benefits Group, L.L.C.	Administrative Fees, Flex Plan, District #1, #2, #3	1,331.14
Freudenburg Tools Inc.	Tools, District #1	499.95
Green Line Equipment	Parts, District #3	150.24
Dave Heggemeyer	Supplies, District #3	20.03
Henkel Oil Company	Supplies, District #2	63.70
IHC Group Link	Insurance Premiums	12.42
John Deere Credit	Equipment Rental, District #2	5,354.15
Kelly Supply Company	Parts, District #2	189.04
Kimball Midwest	Supplies, District #1, #3	222.23
Linweld Inc.	Supplies, District #1, #2, #3	493.76
Luedeke Oil Company Inc.	Tires, District #3	3,120.00
M & M Farm Supply	Supplies, District #1	12.90
Madison County Clerk	Tax Deposit	8,448.89
Madison National Life	Insurance Premiums	33.78
Matteo Sand & Gravel Company Inc.	Gravel, District #1	6,989.39
Meisinger Oil Company Inc.	Fuel, Supplies, District #1, #3	9,806.86
Menards	Supplies, District #3	4.48
Myers Tire	Parts, District #1	420.20
NAPA Auto Parts of Norfolk	Parts, District #1, #2, #3	689.58
Nebraska Public Power District	Utilities, District #2	322.19
NMC Exchange LLC	Repairs, District #1, #2, #3	2,110.85
Norfolk Auto Supply	Parts, District #3	140.11
Norfolk Iron and Metal Company	Parts, District #1	70.00
Northeast Glass	Repairs, District #1	1,030.60
Northeast Machine L.L.C.	Parts, District #3	962.76
Pioneer Telephone	Telephone Services, District #1, #3	50.51
Prime Sanitation	Garbage Service, District #2	53.75
Quick Serve Oil Company Inc.	Fuel, District #3	333.02
Red Bud Hardware Inc.	Shop Supplies, District #3	84.13
Reigle Implement Company Inc.	Parts, District #1	4.50
RS Electric	Repairs, District #1	456.95
Scheer's Ace Hardware	Tools, District #2, #3	644.46
Telebeep Wireless	Internet Services, District #1, #2	141.96
Transamerica Life Insurance Company	Insurance Premiums	49.28

Truck Center of Norfolk	Parts, District #2	707.23
Valk Manufacturing Company	Blades, District #1	3,587.50
Verizon Wireless	Telephone Services, District #2	55.31
Weldon Industries Inc.	Parts, District #3	5.32
White Star Oil Company	Fuel, District #1	126.28
Zee Medical	Supplies, District #2	25.95

VISITORS PROMOTION FUND

Madison County Agricultural Society	Grant	1,200.00
Mid-American Working Terrier Association	Grant	1,000.00
Norfolk Area Chamber of Commerce	Administrative Expense, Advertising, Mileage	10,886.18

VISITORS IMPROVEMENT FUND

Christian Cross Festival	Grant	1,000.00
Divots Concert Series	Grant	2,000.00
Norfolk Area Chamber of Commerce	Administrative Expense, Lodging, Postage	10,602.19

DRUG TESTING FUND

Faith Regional Health Services	Drug Test	21.00
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LAW ENFORCEMENT OPERATING FUND

AET LLC	Equipment	10,717.50
Madison County Sheriff	Supplies, Postage	1,591.00
T-Netix	Telephone Service	5,260.00

DRUG COURT FUND

A Small Affair	Supplies	40.00
Norfolk Community Health Care Clinic	Medical Services	50.00
On-Call Employee Health	Drug Testing	70.00
Redwood Toxicology Laboratory	Drug Testing	3.50

NOXIOUS WEED FUND

Total Net Payroll		2,675.50
American Family Life Assurance Company	Insurance Premiums	36.65
Ameritas Life Insurance Corporation	Employee Share Retirement	168.02
Ameritas Life Insurance Corporation	Employer Share Retirement	252.01
Ameritas Life Insurance Corporation	Insurance Premiums	14.64
AS Central Services	Telephone Services	46.12
Battle Creek Shirt Company	Uniforms	15.00
Bomgaars	Supplies	167.98
Cableone	Internet Services	49.00
Central Community College	Registration	105.00
Eudell Feldmann	Mileage, Meals	87.77
First Concord Benefits Group	Administrative Fees, Flexible Benefit Plan	91.46
John's Disposal	Garbage Service	26.00
August Klug	Mileage, Registration	66.00
Madison County Clerk	Tax Deposit	842.05
Madison National Life	Insurance Premiums	3.25
Mead Lumber	Supplies	2.29
Nebraska Child Support Payment Center	Garnish of Wages	245.70
Nebraska Public Power District	Utilities	103.00
Myron Nelson	Mileage	39.00
Norfolk Daily News	Publication Costs	14.40
Northeast Nebraska Association of County Officials	Registration	100.00
Earl Reeves	Mileage	25.00
Orin Rinkel	Mileage	10.00

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

The Board adjourned at 10:53 A.M. to Tuesday, March 30, 2010 at 9:30 A.M.

County Clerk

Chairman