

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

April 12, 2011

The Board of County Commissioners of Madison County, Nebraska met in regular session at 9:30 A.M.

Advance notice of meeting was published in the Thursday, April 7, 2011 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Klein called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, County Clerk Nancy Scheer, and Norfolk Daily News reporter Trisha Schulz. County Weed Superintendent/Zoning Inspector Donald Svitak and Planning and Zoning Administrator John Johnson were present from 9:30 A.M. to 9:43 A.M. County Highway Superintendent Richard Johnson joined the meeting at 9:35 A.M. County Attorney Joseph Smith was intermittently present during the meeting.

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

- 1) Approval of minutes of the March 29, 2011 Commissioners' meeting and Joint meeting
- 2) Approval of Donald and Nadine Wacker's Lot Split located in Section 20-24-2
- 3) Approval of Rowland Lot Split located in Section 2-23-2
- 4) Authorization for County Board Chairman to execute a grant application to the Nebraska State Records Board for improvement of electronic access to government information and services
- 5) Authorization to advertise for bids for hot mix asphalt for road patching
- 6) Authorization to advertise for bids for a crack filling machine for Road District #1

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

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

Pursuant to published legal notice to bidders in the March 31, 2011 and April 7, 2011 editions of The Norfolk Daily News, sealed bids for furnishing road gravel and armor coat gravel to Madison County for the 2011-2012 fiscal year were received. Two representatives from gravel suppliers were present during the bid opening. Bids submitted by the following companies were opened and read aloud:

Backus Sand & Gravel (No Bid)	McLean, Nebraska
Central Sand & Gravel	Columbus, Nebraska
Elkhorn Valley Sand & Gravel	Clarkson, Nebraska
Matteo Sand & Gravel	Norfolk, Nebraska
Willow Creek Sand & Gravel	Orchard, Nebraska

After discussion, it was moved by Klein and seconded by Uhlir to award contracts to Central Sand & Gravel, Matteo Sand & Gravel, and Willow Creek Sand & Gravel for furnishing road gravel and armor coat gravel to Madison County for the 2011-2012 fiscal year and authorize the Board Chairman to execute contracts with each company. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Highway Superintendent Richard Johnson reported that bid documents mailed to prospective bidders for furnishing grader blades to Madison County for the 2011-2012 fiscal year did not include a request for a single order for a minimum of 300 blades; therefore, the prospective bidders were notified on Friday, April 8, 2011 that the bid letting was re-scheduled to Tuesday, April 26, 2011.

Pursuant to published legal notice to bidders in the March 31, 2011 and April 7, 2011 editions of The Norfolk Daily News, sealed bids for furnishing culvert pipe to Madison County for the 2011-2012 fiscal year were received. Tim Braithwait, representative from B's Enterprises was present during the bid opening. Bids submitted by the following companies were opened and read aloud:

B's Enterprises, Inc.	Norfolk, Nebraska
Metal Culverts, Inc.	Jefferson City, Missouri
Midwest Service & Sales	Schuyler, Nebraska

Chairman McCallum stated that the bid for delivered culvert pipe from B's Enterprises was low, except for the 18" 16 gauge riveted price. In addition, he stated that Metal Culverts, Inc. has good prices for pipe picked up; however, the distance to travel to Marysville, Missouri would be costly for the county in fuel and wages. After discussion, it was moved by Uhlir and seconded by McCallum to award a contract to B's Enterprises for furnishing culvert pipe to Madison County for the 2011-2012 fiscal year and authorize the Board Chairman to execute a contract with the company. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Attorney Joseph Smith, Convention and Visitors Bureau Director Brook Kreder, and Convention and Visitors Bureau Advisory Board member Denise Trine were present to discuss a new structure for the Convention and Visitors Bureau. County Attorney Joseph Smith explained that he reviewed the statutes with members of the Convention and Visitors Board Advisory Board on April 11th. He stated that the Convention and Visitors Advisory Board is proposing to form a 501c(6) corporation and request Madison County to contract with the corporation, much like the agreement with the Norfolk Area Chamber of Commerce. He explained that the corporation members would be the same members as the Convention and Visitors Advisory Board.

County Attorney Joseph Smith gave a power point presentation regarding the statutory requirements with regard to the Nebraska Visitors Development Act. He explained that Section 81-1245 authorizes the county to appoint a Visitors Committee, impose a lodging tax, and establish a County Visitors Promotion Fund and a County Visitors Improvement Fund. He explained that the lodging funds are received by the county and distributed by the County Board on claims submitted by the Visitors Committee. He stated that Section 81-1255 requires that a visitors committee be established which shall serve as an advisory committee to the County Board and the County Board shall administer the proceeds from the lodging taxes. Mr. Smith explained that the Visitors Bureau is proposing that the corporation members be the same people that are appointed to serve on the Convention and Visitors Advisory Board. He explained that Section 81-1257 states that the county could contract; however, he was unable to find any case law that allows the County Board to contact all responsibilities with regard to the Visitors Development Act. He reported that the County Board is required to set a budget. In addition, he stated that Section 81-1258 states that the County Visitors Improvement Fund shall be administered by the governing body of the county, which is the County Board, with the advice of the visitors committee.

County Attorney Joseph Smith reported that one thing he discussed with the Convention and Visitors Advisory Board was if the open meetings law applies if a corporation is formed or if a corporation is exempt. He stated that, in his opinion, a corporation is not exempt and formation of a corporation can't be used to avoid the open meetings law. He further explained that the open meeting law essentially states that public policy is public business. He reported that public policy is defined in case law to include expenditures of public funds. Mr. Smith reported that public bodies are defined in Section 84-1408 and Section 84-1409. He stated that paragraph (v) of Section 84-1409 certainly applies to the Advisory Committee, which are advising the County Board of Commissioners. He explained that paragraph (vi) of Section 84-1408 refers to instrumentalities, which includes corporations that are exercising public functions. He stated that if the corporation is set up in a way that they are expending or directing the disbursement of public funds, then the corporation should comply with this statute. Commissioner McCallum asked for further clarification on this statement and County Attorney Joseph Smith responded that a corporation can't decide how to spend public funds without having the decision in a public meeting. He stated that it also means that a corporation meeting would be subject to all provisions of the open meeting law. He explained that if there are seven members on the corporation Board of Directors, four members can't meet together. Mr. Smith stated that if the bylaws of the corporation state that decisions can be made informally, that would definitely not comply with the open meeting laws. He stated that when he completed the presentation for the corporation, he also explained the open meeting laws. He reported that business that is normally completed by a corporation wouldn't be done if public money is being spent. He stated that if the county contracts with a corporation, the County Board should look at what is done with the Visitors Bureau and the Advisory Committee. Mr. Smith reported that the membership is defined by statute and the County Board's obligation to administer funds is required by statute. He explained that in the contract and in the bylaws, the terms should require compliance with the open meeting, competitive bidding, ADA, other policies, a termination clause, and hold harmless clause. Mr. Smith reported that another important item is co-mingling of funds. He stated that because a corporation is being formed, money can be received from other sources, such as sale of t-shirts and they can spend that money with a lot less formality than the lodging tax money. He explained that if the corporation has a bank account and half of it is from lodging tax money and the other half is from other sources, and the corporation wants to approve expenditures, who would account for which portion of funds are being spent. He stated that if the funds are co-mingled it will be hard to determine which money came from the lodging tax funds.

Commissioner McCallum questioned how ADA regulations affect the Visitors Advisory Board and County Attorney Joseph Smith responded that several years ago the County Sheriff's Office didn't hire someone who filed a complaint based upon age discrimination. He stated that there are many regulations that control how things are done. He reminded the County Board members how the disability act representatives reviewed the courthouse building for compliance on ADA issues.

Chairman Klein questioned if the Visitors Bureau would be required to follow the same requirements for competitive bidding and County Attorney Joseph Smith responded that, in his opinion, the same statutes would apply. Chairman Klein explained that the statute provides that items under \$5,000 could be purchased on the open market, three quotes must be obtained for items between \$5,000 and \$20,000, and if an item costs more than \$20,000, sealed bids must be solicited. Convention and Visitors Bureau Brook Kreder stated that the only expense that would exceed \$20,000 is a print job for a visitors' guide and they already solicit bids for this publication. She reported that they don't always accept the lowest bid, but consider the quality of the completed product and Chairman Klein stated that this is acceptable under the state law. County Attorney Joseph Smith summarized that the statutes outlines certain functions such as establishment of a Visitors Advisory Committee, administration by the Governing Board, and contracting for services. Convention and Visitors Bureau Brook Kreder stated that the Convention and Visitors Bureau is currently contracting with the Norfolk Chamber of Commerce, which is a nonprofit corporation, to administer to entire use of the visitors funds. County Attorney Joseph Smith stated that there are two contract models that could be looked at, but they are basically the same thing with the corporation responsible for certain functions.

Commissioner McCallum questioned what type of hold harmless clause is required in the contract. County Attorney Joseph Smith responded that Section 81-1258 Nebraska Revised Statutes requires the County Board to administer the lodging tax funds. He stated that if the county contracts with a corporation or anyone else, the County Board is still responsible for administering the funds.

Chairman Klein stated that the County Board names everyone who serves on the corporation, plus a Commissioner will also serve. County Attorney Joseph Smith advised that the Commissioner would be an ex-officio member and that the Advisory Board should have seven members. He reported that he did most of the work to form the corporation. He encouraged the Board members to review the statutes and determine what they want to do, but forming a corporation does not guarantee that litigation will be avoided. Mr. Smith stated that the Board would be going outside the statute using a contract and that has not been tested yet. He stated that whatever the Board decides to do, assuming it's a very big change, he would probably ask the Attorney General's Office for an opinion to protect the individuals in the corporation.

Chairman Klein stated that everyone wants to complete the process correctly. County Attorney Joseph Smith stated that there are issues to resolve, such as who signs the claims. He stated that he will work with the Convention and Visitors Bureau Advisory Board and Director since the Board members can't discuss the issue outside meetings. He reiterated that the County Board has an obligation to administer the lodging tax funds and the obligation can't be contracted away and the Board needs to protect itself.

Convention and Visitors Bureau Director Brook Kreder questioned if the County Board would still have that authority because everything that comes from the corporation would go through the Advisory Committee and be approved, even in the new proposed structure. County Attorney Joseph Smith responded that one suggestion was that the money just be given to the corporation, which is an extreme measure. He stated that the safest thing to do if there is a corporation is to allow the corporation to perform certain functions, then have these decisions reviewed by the Visitors Bureau, and lastly come to the County Board for approval. He stated that he is aware that Brook Kreder doesn't want to do that; however, the statute is very clear on the County Board's responsibilities.

Chairman Klein questioned if there is a method for the Visitors Bureau to give the County Board an itemized sheet every two weeks listing the bills to be paid, instead of going through the claim process. County Attorney Joseph Smith responded that this could be discussed with the Clerk's Office, but there is a spectrum which includes claim with certain details, or a list that doesn't say anything, or a list in the middle that includes a lot of details including vendor names and whether competitive bidding was required. Chairman McCallum stated that the bills would all be presented to the Visitors Advisory Committee and a County Commissioner would be sitting on the Board, so if there is anything that throws up a red flag, the Commissioner sitting on the Board should be saying that it shouldn't be approved. He recommended that the County Attorney set up a situation that would be the best fit for the Visitors Bureau to operate and creates a shield against liability for the County Commissioners. County Attorney Joseph Smith responded that everyone wants to be protected, but the Board members should recall that there was one recent claim situation that was looked at by three different Boards and signed by the Commissioners. He stated that the first two Boards that missed it don't count, because the Commissioners were the last ones to approve the claim. Chairman McCallum stated that this situation was a lesson learned. County Attorney Joseph Smith recommended that the Commissioners look at the statute and remember the lesson. He explained that some of the methods used by Buffalo County are not correct. He explained that the corporation cannot meet informally. He advised the Board members to be careful with the decision and adhere to the statute.

Convention and Visitors Bureau Director Brook Kreder stated that the management agreement between the Visitors Bureau and the Norfolk Chamber of Commerce expires on June 30, 2011 and the Advisory Committee would like to recommend a 90-day transition plan for the Bureau. She explained that the Advisory Board would like to recommend that a 501(c) 6 be set up for a corporation. She stated that there are many reasons for forming a corporation, including financial transparency, raising funds from outside sources, obtaining a federal tax ID number, and establishing bank accounts. She reported that the Committee would like to set up the corporation as the Norfolk Area Visitors Bureau. She explained that the Bureau would be engaged, hired, and retained by the County as an independent contractor so no employee of the corporation would be an employee of the County and the county would not be liable for any insurance or other matters of the corporation. In addition, she stated that all payments made to the Bureau would be made from the Promotion Fund and/or Improvement Fund as collected and remitted to County. Ms. Kreder explained that once incorporated so that they can avoid comingling of funds, the Visitors Bureau will set up two separate bank accounts, one that is funded exclusively by lodging tax collections, and the other account for funds raised by sponsorships, ad sales, or grants. She stated that there needs to be transparency on both sides so there is good reporting for both the funds collected by lodging tax and other funds raised by the corporation.

County Attorney Joseph Smith clarified that right now the tax money is kept in the Treasurer's Office and the funds are distributed through a checking account like all other claims approved by the Board. He stated that there may be an issue if a bulk transfer of funds is made. Convention and Visitors Bureau Director Brook Kreder responded that this is addressed in the plan. She stated that they would like to contract with a professional accounting service in Norfolk to assist with the payroll, pay the bills, and invoicing. She explained that this process is handled now by the Chamber of Commerce and now they would like a third party service to assist with this function. She reported that once a short term budget has been approved for the 90-day period or until review with the County Board for the next fiscal year, they would like to propose that once the budget is approved, one claim be submitted at the beginning of each month based upon a line item budget that has already been approved by the Commissioners. She stated that once the check is issued, the funds will be distributed and go right into the lodging tax account that is established. She explained that they are proposing to go to a claim system on a monthly basis, but it would be based on a budget that already has been approved by the Commissioners. Ms. Kreder stated that they won't pursue tax exempt status at this time, but this may change in the future depending upon capital construction projects. She explained that they would like to model the Norfolk Area Visitors Bureau similar to the Kearney Visitors Bureau. She stated that the Advisory Committee would like a Commissioner to serve on the committee.

Commissioner McCallum questioned if an auditing system would be established and Convention and Visitors Director Brook Kreder responded yes. County Attorney Joseph Smith questioned which funds would be used to hire an accountant and Brook Kreder responded that this could be set up to use lodging tax money. County Attorney Joseph Smith reminded the Board members that they were discussing an accountant for the corporation. Convention and Visitors Director Brook Kreder asked what the County Attorney recommended and County Attorney Joseph Smith responded that he would not advise that one large claim be approved on a monthly basis with the funds going to the corporation because it is risky. He stated that he would get an Attorney General's opinion on it; but, even if the Attorney General says it can be done, the County Board is still responsible. Commissioner McCallum questioned what the risky part would be and County Attorney Joseph Smith responded that some taxpayer may sue the group or individually. Convention and Visitors Director Brook Kreder questioned how this could happen if a budget is approved by line item and County Attorney Joseph Smith responded that, as an example, if the Commissioners have approved a budget of \$10,000 per month and the budget has a line item that says advertising in the amount of \$5,000 and during one month, the Visitors Bureau advertises in Omaha for an event that is held in South Dakota, some taxpayer may say that the money is not used properly and the Board would have already signed that claim that would have allowed payment ahead of time. Convention and Visitors Director Brook Kreder responded that the Advisory Committee could not legally do that because the statutes that govern them would say that an attraction outside Madison County is being promoted. County Attorney Joseph Smith explained that the bylaws governing the corporation should also clarify this issue. He stated that part of the corporate account could also be used for a lot of other things, but the lodging tax funds must comply with the statutory purposes and administration.

Commissioner McCallum questioned if the corporation committee would filter out some of the funding use and County Attorney Joseph Smith responded that the statute says that a non-corporate committee, Advisory Committee, and the County Commissioners are responsible for administration of the funds. Commissioner McCallum questioned if payment of expenses should be handled individually by claims and County Attorney Joseph Smith responded that this method has been used successfully for many years. Mr. Smith stated that he has previously reviewed the process with Board members about signing claims and what issues are caused if the claims aren't read.

Chairman Klein explained that the Board meets every two weeks and the Visitors Bureau knows what bills would be submitted, so he questioned if a printout listing the claims could be submitted and signed by the Commissioners, and then that much money be given to the Visitors Bureau. He stated that there would also be money given to them to pay for administration costs, which would be a blanket item each time. County Attorney Joseph Smith responded that this matter is a policy decision because there is a safe way and an unsafe way. Commissioner McCallum stated that he doesn't want to have any part of the unsafe method. County Attorney Joseph Smith stated that an unsafe method is not even looking at the claim and the other end of the spectrum is to spend an hour on each claim. He explained that somewhere in the middle is more safe than the bottom end, but not as extreme as the top. He stated that this is a risk situation that must be decided on a policy basis.

County Highway Superintendent Richard Johnson stated that he could think of three examples of line items in the county budget where money is given to some entity without approving each individual claim such as Elkhorn Valley Economic Development and Region 11 Emergency Management. County Attorney Joseph Smith reported that the county libraries are a good example. Commissioner Uhler reported that Area Agency on Aging is an example and Commissioner McCallum stated that Region 4 is another example. County Attorney Joseph Smith responded that Region 4 is a governing body by state statute, but the discussion is to pay one monthly claim to a corporation. He explained that the Visitors Committee is set up by statute and has responsibilities to advise the County Board, but the County Board administers the funds. Chairman Klein stated that it wouldn't be difficult to take the budget items that are overhead, which is a bulk amount, and take the other items that need to be paid, which could be listed on a computer printout, and the Commissioners could approve the amount as a lump sum and the corporation could make out the checks. County Attorney Joseph Smith questioned what happens if there are ten items on the list and only nine items should be approved, or one should only be partially approved. Convention and Visitors Director Brook Kreder responded that the budget has line items like administration, staff, rent, and utilities. She stated that there are two funds that the Board probably has the most questions about, including tourism and promotion, which are the grants that the Advisory Committee brings to the Board to approve and the second may be advertising. Commissioner McCallum questioned if general expenses would be detailed on one claim and Convention and Visitors Director Brook Kreder stated that after the Board initially approved the budget, the Commissioners would be able to look at the May budget and see the available funds in each account and if the Board members approved it, a claim would be issued. She stated that she was hearing that a happier medium needs to be found, so she questioned if the overhead could be line itemed and then the grants could be submitted on individual claims. Chairman Klein stated that, in his opinion, separate claims wouldn't be required if a report is given every two weeks itemizing the needs. Commissioner McCallum stated that a line item of expenditures could be submitted to the Clerk and specifically if the expense is from promotional funds or tax dollars being used.

County Attorney Joseph Smith stated that there should be something to avoid funds being given to some corporation when it is not apparent what it is being spent for. Chairman Klein responded that he is not going to know that when it comes through on a claim under the current process. County Attorney Joseph Smith reiterated that the Board members should know what they are approving on claims. Chairman Klein responded that if the County Board is not following the statute regarding this matter, Senator Flood should be contacted so that statutes could be adjusted in the next session to make the process easier. County Attorney Joseph Smith stated that his job is to advise the Board on legal matters and how to keep from being sued. He further stated that the Board makes policy decisions, and he won't tell the Board to make policies, but where the mine fields are at. Chairman Klein stated that the transition plan is very doable and there may be some middle ground on the payment issue.

Visitors Bureau Advisory Committee member Denise Trine inquired if there was a way to start the account off with a sum of money that the corporation could operate with going forward and then start the claim process. She stated that funds must be available to start paying rent, so the corporation isn't backed up with bills. Chairman Klein responded that he didn't think a separate claim was necessary for administrative expenses and that a budget for each month could be submitted. Chairman McCallum stated that there will be money to start with on July 1st. County Attorney Joseph Smith stated that they are probably worried that if they move into a building now and it cost \$1,000 per month to rent, the Visitors Bureau could submit a claim to the corporation for administration fees, but that would be risky and may be unnecessary since the Commissioners meet every two weeks. He stated that if the corporation wanted to enter into a lease for a building, the lease could be negotiated, and then the Visitors Bureau could submit a claim to be paid. Chairman McCallum explained that if emergency funds are required before the beginning of the fiscal year, the Board would need to determine how to do that. Convention and Visitors Director Brook Kreder stated that plenty of lodging tax funds are available in the Treasurer's Office.

County Attorney Joseph Smith reported that he will get the Articles of Incorporation completed to start the corporation. He stated that once the corporation is formed and the first meeting of the Directors' is held, then there would be someone to negotiate with; however, right now the corporation doesn't exist.

Convention and Visitors Director Brook Kreder stated that financially, it is urgent to get some transparency to the books. Chairman Klein stated that if County Attorney Joseph Smith completes the corporation documents, a special meeting could be held for the corporation and the corporation could submit a claim for rent.

After discussion, Chairman Klein appointed Commissioner McCallum to serve as the liaison for completing a transition plan for the Convention and Visitors' Bureau to operate independently of the Norfolk Area Chamber of Commerce and he agreed to serve as the alternate.

Planning and Zoning Administrator John Johnson introduced Noxious Weed Superintendent/Zoning Inspector Donald Svitak. Board members welcomed Mr. Svitak to county employment. Chairman Klein questioned when Mr. Svitak would receive Responsible Charge training and Planning and Zoning Administrator John Johnson responded that they are trying to arrange training in May. Mr. Johnson also reported that they plan to start spraying the county road district yards soon. He explained that the county website has been updated to add a computerized complaint form for noxious weeds. He stated that if any road employees locate a noxious weed, they can call the Weed Department to report the location or complete the form on the county website. He stated that a new cell phone, which has GEO coding, was purchased for Mr. Svitak so it takes pictures and the GEO will determine the location. Mr. Johnson reported that in the future, they plan to put a laptop computer in the pickup so Mr. Svitak can determine his location and property ownership. He stated that they plan to complete more weed inspections this year than in the past. He reported that some equipment had to be replaced and some repaired. He stated that during the three weeks that Mr. Svitak has been employed by the county, he has forged ahead, and is doing a good job.

No action was taken.

Planning and Zoning Administrator John Johnson and Antelope County Zoning Administrator Charlayne Carpenter presented Commissioner Jerry McCallum with an Elected Officials Award from the Nebraska Planning and Zoning Association in recognition and appreciation of outstanding dedication for supporting community planning in Nebraska. Ms. Carpenter presented a plaque to Commissioner McCallum.

Commissioner McCallum expressed appreciation for the award and stated that he would help Nebraska planning and zoning in the future in any way he could. He stated that the entire Board was instrumental in his receipt of the award because he can't win awards by himself, but it takes an entire county team effort. He thanked those in attendance for their support.

Chairman Klein appointed Commissioner Jerry McCallum, Planning and Zoning Administrator John Johnson, County Highway Superintendent Richard Johnson, and County Clerk Nancy Scheer to serve on a committee to work with Pierce County representatives to negotiate an interlocal agreement with Pierce County for zoning administration, zoning inspector, and responsible charge person for federal aid road projects. Planning and Zoning Administrator John Johnson explained that Pierce County Commissioner Jim Maas and Pierce County Clerk Shannon Wragge will also serve on the committee.

County Clerk Nancy Scheer presented two proposals for financing the purchase of a patching machine for Road District #2. She explained that the patching machine was purchased from Rose Equipment and this company uses Union Bank & Trust Company for equipment leases. She reported that another proposal was submitted by Ameritas Investment Corporation, a firm endorsed by NACO. She explained that the proposals are based on the amount of \$191,000 being financed over a five year lease term, with lease payments made on a semi-annual basis.

After discussion, it was moved by Uhlir and seconded by McCallum to accept the proposal submitted by Ameritas Investment Corporation for financing the purchase of a patching machine for Road District #2. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Clerk of the District Court Marjorie Schaffer reported that she contacted Maximus to discuss contract terms for the cost allocation plan and they offered to reduce the contract by approximately by \$2,800. She explained that Maximus submitted new contracts which eliminated contract wording regarding liability. Commissioner McCallum questioned what liability Maximus would incur with the contract and Clerk of the District Court Marjorie Schaffer responded that Maximus should be responsible if they would miss a deduction that should be included for reimbursement. She stated that she will continue to negotiate with Maximus to submit an amended contract and she requested that the Board delay a decision.

No action was taken.

County Attorney Joseph Smith reported that Jeff Hrouda, attorney for Crafts, Inc., has prepared a lawsuit against the county regarding the failure by the county to make full payment for the Public Defender's building addition. He stated that the case has not been served yet because they are waiting for a voluntary appearance. He reported that Crafts Inc. has hired a different attorney from Lincoln. He explained that he will verify that the county's insurance carrier, NIRMA, will not pay. Mr. Smith stated that he plans to complete paperwork for a voluntary appearance so he can get the issue through the court process quickly. He explained that he spoke to Crafts' new attorney and advised that he didn't want to delay the issue to build up the cost of the case. In addition, he reported that he spoke to Crafts' attorney about potential settlement and he requested to discuss this matter with the Board members in executive session.

Motion was made by McCallum and seconded by Uhlir to recess into executive session to discuss litigation. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried. The Board recessed into executive session at 9:56 A.M. with County Attorney Joseph Smith, County Highway Superintendent Richard Johnson, and County Clerk Nancy Scheer present.

Motion was made by McCallum and seconded by Uhlir to recess from executive session. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried. The Board recessed from executive session at 9:58 A.M.

No action was taken by the Board.

The following reports and correspondence were reviewed:

- 1) County Clerk March fee report
- 2) Fund balance report
- 3) Register of Deeds March fee report
- 4) Clerk of the District Court March fee report
- 5) County Sheriff March fee report

The following claims were audited:

GENERAL FUND

Total Net Payroll		112,648.07
Mark Albin	Legal Services, County Court	212.25
American Broadband	Internet Service, Telephone Service, Probation	116.37
American Family Life Assurance Company	Insurance Premiums	688.89
Ameritas Life Insurance Corporation	Employee Share Retirement	7,201.19

Ameritas Life Insurance Corporation	Employer Share Retirement	10,581.79
Ameritas Life Insurance Corporation	Insurance Premiums	363.74
Brian Anderson	Jury Fees, District Court	59.00
Appeara	Mat Service, Public Defender	60.00
Aramark Correctional Services	Meals, County Jail	18,834.83
AS Central Services	Telephone Services, Planning and Zoning	43.86
AS Central Services	Telephone Services, County Sheriff	262.29
AS Central Services	Telephone Services, County Jail	441.71
AS Central Services	Telephone Services, Veterans' Service Office	55.71
Charles Balsiger	Legal Services, County Court	320.10
Beckman's Service Center	Repairs, County Sheriff	32.15
Malvern Beech	Jury Fees, District Court	59.00
Jennifer Birmingham	Postage, Mileage, Lodging, Meals, Public Defender	229.96
Black Hills Energy	Gas Service, Planning and Zoning	47.06
Black Hills Energy	Gas Service, Courthouse	440.57
Black Hills Energy	Gas Service, County Jail	553.29
Black Hills Energy	Gas Service, Veterans' Service Office	57.90
Blank Agency Inc.	Equipment, Courthouse	50.00
John Blaylock	Jury Fees, District Court	51.00
Gerald Bohn	Jury Fees, District Court	51.00
Brady & Amy's Inc.	Fuel, Courthouse	141.53
Brady & Amy's Inc.	Fuel, County Sheriff	714.73
Brandl Electric	Services, Courthouse	355.84
Thomas Brenneman	Jury Fees, District Court	51.00
Brogan & Stafford, P.C.	Legal Services, County Court	642.00
Vicki Brown	Witness Fees, County Court	36.00
Buck's Specialty Printers	Uniforms, County Jail	702.59
Mark Buckingham	Jury Fees, District Court	51.00
Capital One USA	Garnish of Wages	219.75
Amy Carr	Jury Fees, District Court	51.00
Central United Life Insurance Company	Insurance Premiums	37.21
Champs Inc.	Maintenance Agreement, Parts, County Jail	2,785.02
Maria Izabel Chavez	Interpreting Services, Public Defender	52.00
Checker Cab Company	Transportation Costs, Juvenile Diversion	5.00
City of Madison	Utilities, Public Defender	273.49
City of Madison	Utilities, Courthouse	2,612.96
City of Madison	Utilities, County Jail	3,391.97
City of Norfolk	Utilities, Parking, Veterans' Service Office	76.27
Colfax County Sheriff	Service Fees, District Court	86.04
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Connecting Point	Supplies, Election Commissioner	63.75
Connecting Point	Supplies, District Judge	63.00
Connecting Point	Equipment, Repairs, County Sheriff	163.00
Connecting Point	Internet Services, Veterans' Service Office	35.95
Connecting Point	Service Contract, Website Costs, Courthouse	1,322.85
Constellation Newenergy Gas Division	Gas Service, Planning and Zoning	114.68
Constellation Newenergy Gas Division	Gas Service, Veterans' Service Office	130.66
Cornerstone Bank	Services, County Sheriff	30.00
Credit Bureau Services	Garnish of Wages	135.26
Dick Day	Mileage, Data Processing	110.16
Dental Distributors, Inc.	Supplies, County Jail	1,153.90
Discount Two-Way Radio	Equipment, County Jail	64.24
Domestic Violence Coordinating Council	Expert Witness Fees, Law Enforcement	800.00
Richard Drummond	Uniforms, County Sheriff	149.73
Jennie Dugan-Hinrichs	Autopsy Costs, Law Enforcement	75.00
Eakes Office Plus	Supplies, County Court	4,179.41
Eakes Office Plus	Supplies, County Attorney	587.57
Eakes Office Plus	Supplies, Copier Maintenance, County Jail	458.90
Eakes Office Plus	Supplies, Furniture, Probation	3,175.71
Christina Elsberry	Witness Fees, Law Enforcement	36.00
Environmaster	Supplies, County Jail	42.00
Farm & Home Publishers LTD	Plat Books, Courthouse	616.00
Fastenal Company	Supplies, County Jail	58.05
Field's Hardware	Supplies, Courthouse	24.33
Field's Hardware	Supplies, County Jail	105.51
First Concord Benefits Group, L.L.C.	Deductible Buy Down, Administrative Fees, Courthouse	4,684.84
Fleet Services	Fuel, County Sheriff	1,712.06
Floor Maintenance and Paper Supply	Supplies, County Jail	218.75
Frontier	Telephone Services, Public Defender	367.67
Galls, Inc.	Uniforms, County Jail	87.48
Leon Gebhardt	Witness Fees, County Court	36.00
Vickie Green	Meals, Planning and Zoning	20.00
Hamilton County Court	Copies, Law Enforcement	2.75
Herbert Hammond	Jury Fees, District Court	51.00
Hartford Life Insurance Company	Deferred Compensation	25.00
Matthew Headley	Postage, Public Defender	44.17
Jim Hill	Jury Fees, District Court	51.00

Jeffrey Hrouda	Legal Services, District Court	3,738.45
Hy-Vee East Pharmacy	Prescriptions, County Jail	8.00
IHC/Group Link	Insurance Premiums	490.87
Jack's Uniforms & Equipment	Uniforms, County Sheriff	104.89
John's Disposal	Garbage Service, Probation	42.00
Janice Johnson	Jury Fees, District Court	51.00
John Johnson	Meals, Planning and Zoning	36.70
James Kirsch	Jury Fees, District Court	51.00
Linda Kudrna	Jury Fees, District Court	51.00
Kustom Signals Inc.	Equipment, County Sheriff	9,448.00
Lawsoft, Inc.	Software, District Judge	70.00
Louderback Drug	Prescriptions, County Jail	1,433.70
Louderback Drug	Prescriptions, Juvenile Detention	134.28
Madison County Bar Association	Registration, Meals, Public Defender	60.00
Madison County Clerk	Tax Deposit	38,086.32
Madison County Clerk of District Court	Fees, District Court	1,601.00
Madison County Court	Fees, County Court	2,106.25
Madison County Sheriff	Supplies, Uniforms, Furniture, County Jail	234.23
Madison County Sheriff	Fees, County Court	704.33
Madison County Sheriff	Fees, District Court	540.56
Madison County Sheriff	Fees, Mental Health	18.00
Madison National Life	Insurance Premiums	114.02
Marathon Press	Supplies, Public Defender	165.00
Veronica Martinez	Interpreting Services, Law Enforcement	30.00
Veronica Martinez	Interpreting Services, Juvenile Diversion	45.00
Jerry McCallum	Mileage, County Board	102.00
Stacie McCarville	Jury Fees, District Court	51.00
Mitchell McCormick	Jury Fees, District Court	51.00
Christal McDonald	Transcripts, Law Enforcement	126.90
Mead Lumber & Rental	Repairs, Courthouse	68.83
Susan Michalski	Mileage, Law Enforcement	67.32
Microfilm Imaging Systems, Inc.	Equipment Rental, County Clerk	45.00
Microfilm Imaging Systems, Inc.	Equipment Rental, County Court	218.00
Microfilm Imaging Systems, Inc.	Equipment Rental, County Surveyor	45.00
Midtown Holiday Inn	Meals, Lodging, Planning and Zoning	1,221.52
Amanda Milander	Witness Fees, County Court	36.00
Jill Miller	Jury Fees, District Court	51.00
Steven Miller	Jury Fees, District Court	51.00
MIPS Inc.	Computer Support, County Clerk	535.81
Julie Mizner	Witness Fees, Law Enforcement	36.00
Scott Moore, M.D.	Expert Witness Fees, Law Enforcement	1,750.00
Heath Morrison	Jury Fees, District Court	74.50
Morrissey Motor Company	Repairs, Reappraisal	45.58
Nationwide Retirement Solutions	Deferred Compensation	545.00
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Juvenile Justice Association	Registration, Juvenile Diversion	75.00
Nebraska Workforce Development	Unemployment Insurance	1,578.00
Newman Grove Reporter	Publication Costs, Planning and Zoning	8.64
Norfolk Cleaning Service	Services, Probation	140.00
Norfolk Daily News	Publication Costs, Courthouse	190.41
Valorie Olson	Court Reporting, Mental Health	100.00
Mark Peterson	Jury Fees, District Court	51.00
Marvin Pfeifer	Snow Removal, Public Defender	145.00
Julee Pfeil	Jury Fees, District Court	51.00
Pioneer Telephone	Telephone Service, Courthouse	217.18
Pizza Hut	Witness Meal, Law Enforcement	13.00
Pizza Hut	Jury Meals, District Court	55.86
Peg Putnam	Witness Fees, County Court	36.00
Quality Food Center	Supplies, Probation	32.50
Qwest	Telephone Service, Probation	612.68
Region 4 Behavioral Health System	Quarterly Contribution	13,809.75
Region IV Inc.	Services	9,147.75
Reserve Account	Postage, Courthouse	25,000.00
Carmen Sage	Mileage, Law Enforcement	110.80
Travis Schaefer	Jury Fees, District Court	51.00
Schroeder Land Surveying	Services, County Surveyor	1,394.00
Clinton Schukei	Jury Fees, District Court	51.00
William Seifert	Jury Fees, District Court	59.00
Denise Serres	Jury Fees, District Court	51.00
Sherwin-Williams	Repairs, County Jail	229.44
Ok-Choo Shon	Jury Fees, District Court	51.00
Short Stop	Fuel, County Sheriff	218.69
Patti Spray	Prescription, County Jail	2.00
Stratton, DeLay & Doele, P.C.	Legal Services, District Court	364.34
Stratton, DeLay & Doele, P.C.	Legal Services, County Court	2,281.50
Michelle Sullivan	Mileage, Juvenile Diversion	142.29
Jill Svoboda	Witness Fees, County Court	36.00

T.O. Haas Tire	Repairs, Planning and Zoning	14.45
Darlene Tannehill	Jury Fees, District Court	51.00
Terrascan	Data Processing Costs, County Assessor	6,325.60
Frederick Tiedgen	Jury Fees, District Court	58.00
Tilden Citizen/Meadow Grove News	Publication Costs, Planning and Zoning	17.00
Top Hat Services	Repairs, Courthouse	315.00
Trane US Inc.	Service Agreement, Courthouse	435.75
US Cellular	Telephone Services, Law Enforcement	113.79
U.S. Bank Corporate Payment System	Fuel, Supplies, Juvenile Diversion	350.95
Troy Vatanasombat	Jury Fees, District Court	51.00
Cathy Warnemunde	Jury Fees, District Court	36.00
Deann Wecker	Witness Fees, County Court	36.00
Chris Wentling	Jury Fees, District Court	51.00
West Payment Center	Publication, Law Library	191.00
Western Office Plus	Supplies, County Clerk	16.29
Western Office Plus	Equipment, Register of Deeds	89.90
Western Office Plus	Supplies, Copier Maintenance, County Assessor	105.11
Western Office Plus	Supplies, District Court	17.87
Western Office Plus	Supplies, County Court	464.58
Western Office Plus	Furniture, District Judge	469.97
Western Office Plus	Supplies, Public Defender	118.61
Western Office Plus	Supplies, Copier Maintenance, County Attorney	516.34
Corey Windedahl	Jury Fees, District Court	51.00
Donna Wolff	Jury Fees, District Court	51.00
James Wordekemper	Jury Fees, District Court	51.00
Zippy Lube	Repairs, County Sheriff	76.09

ROAD/BRIDGE FUND

Total Net Payroll		27,115.71
Ace Industrial Supply	Tools, Supplies, District #1	439.00
Ag Specialties Welding & Repair	Repairs, District #2	507.05
American Family Life Assurance Company	Insurance Premiums	400.46
Ameritas Life Insurance Corporation	Employees Share Retirement	1,626.32
Ameritas Life Insurance Corporation	Employers Share Retirement	2,439.50
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
Appera	Shop Supplies, District #1, #2	261.67
AS Central Finance	Telephone Services, Noxious Weed	41.60
Asphalt and Concrete Materials Company	Asphaltic Materials, District #1, #2	2,986.37
B's Enterprises Inc.	Signs, District #3	680.00
Battle Creek Farmers Coop	Fuel, District #1, #3	6,081.63
Battle Creek Municipal Light and Power	Utilities, District #3	239.91
Bauer Built Inc.	Repairs, District #2, #3	2,066.14
Beller and Backes Inc.	Parts, District #1	43.96
Black Hills Energy	Gas Service, District #1, #2, #3	251.45
Blank Agency Inc.	Equipment, District #1	70.00
Brady & Amy's Inc.	Fuel, District #1	1,031.01
Bullseye Windshield Repair	Repairs, District #2	50.00
City of Madison	Utilities, District #1	535.00
City of Newman Grove	Utilities, District #1	33.00
City of Norfolk	Garbage Service, District #2	206.52
Colonial Life and Accident Insurance	Insurance Premiums	63.30
Constellation Newenergy Gas Division	Gas Service, District #2, #3	116.07
Cornhusker Auto Center	Repairs, District #1	46.05
Creston LP Gas Service	Fuel, District #1	47.55
D & M Machinery	Parts, District #3	35.88
D.W. Kohlhoff Truck Repair	Repairs, District #1, #2	6,053.14
Dinkel Implement Company	Equipment Rental, Parts, District #1	1,049.94
Eastern Nebraska Telephone	Telephone Services, District #3	88.65
Electrical Engineering & Equipment Company	Parts, District #1	91.49
Field's Hardware	Shop Supplies, District #1	45.10
Filter Care of Nebraska	Services, District #1, #2	94.15
First Concord Benefits Group	Administrative Fees, Deductible Buy-Down	2,088.79
Henkel Oil Company	Fuel, District #2	70.00
IHC/Group Link	Insurance Premiums	15.22
Jim Hawk Truck Trailers Inc.	Parts, District #1	104.11
Kelly Supply Company	Parts, District #2, #3	21.12
Kimball Midwest	Shop Supplies, District #1, #3	524.67
Luedeke Oil Company Inc.	Repairs, District #1	600.00
M & M Farm Supply	Shop Supplies, District #1	78.24
Madison County Clerk	Tax Deposit	8,747.64
Madison National Life	Insurance Premiums	31.17
Madison Star Mail	Publication Costs, Noxious Weed	19.00
Matheson Tri-Gas Inc.	Shop Supplies, District #1, #3	271.98
Matteo Sand & Gravel Company Inc.	Gravel, District #1, #2, #3	29,024.17
Meisinger Oil Company Inc.	Fuel, District #1	13,717.98
Menards	Shop Supplies, District #1, #3	159.30

Morrissey Motor Company	Repairs, District #1	159.81
Nebraska Child Support Payment Center	Garnish of Wages	299.00
Nebraska Truck & Equipment Company Inc.	Parts, District #3	41.85
Nebraska Workforce Development	Unemployment Insurance, Noxious Weed	696.00
NMC Exchange LLC	Parts, District #1	926.28
Norfolk Auto Supply Inc.	Parts, District #3	64.54
Norfolk Awning Company	Tools, District #2	61.75
Norfolk Daily News	Publication Costs, Noxious Weed	72.68
Norfolk NAPA	Parts, District #1, #2	357.77
Northeast Machine & Manufacturing Inc.	Parts, District #3	124.00
Pioneer Telephone	Telephone Services, District #1, #3	62.91
Prime Sanitation	Garbage Service, District #2	53.75
Quick Serve Oil Company Inc.	Repairs, Fuel, District #3	220.80
Red Bud Hardware Inc.	Shop Supplies, District #3	113.44
Reigle Implement Company Inc.	Repairs, District #1	381.77
Schaeffer Manufacturing Company	Oil, District #3	946.55
Scheer's Ace Hardware	Shop Supplies, District #2	163.31
Telebeep Wireless	Internet Services, District #2, #3	141.96
The Pit Stop	Fuel, District #3	338.71
Tractor Supply Credit Plan	Parts, District #2	45.56
Transamerica Life Insurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Parts, District #1, #3	128.57
Weldon Parts Inc.	Parts, District #3	2,486.12
White Star Oil Company	Fuel, District #1	367.42
Zoubek Oil Company Inc.	Fuel, District #2	6,652.44

FEDERAL AID SECONDARY FUND

Johnson Engineering Company	Engineering Services	11,720.00
K Porter Construction Inc.	Services	5,540.00

VISITORS PROMOTION FUND

Divots Concert Series	Grant	10,000.00
Norfolk Area Chamber of Commerce	Advertising	84.00
Norfolk Area Rod and Custom	Grant	200.00

911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Services	127.86
Frontier	Telephone Services	160.41
Racom Corporation	Telephone Repairs, Software Maintenance	1,800.00

LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff	Supplies, Subscription	435.01
T-Netix/Securus	Telephone Services	5,260.00

DRUG COURT FUND

Eakes Office Plus	Supplies	185.53
Redwood Toxicology Lab	Drug Testing	558.00
Verizon Wireless	Internet Services	59.93

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

The Board adjourned at 11:10 A.M. to Tuesday, April 26, 2011 at 9:30 A.M.

County Clerk

Chairman