

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

BOARD OF EQUALIZATION

Madison, Nebraska

May 1, 2018

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

Advance notice of meeting was published in the Thursday, April 26, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Ron Schmidt called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, County Clerk Nancy Scheer, and County Assessor Jeff Hackerott.

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

Motion made by Ohl and seconded by Prauner to approve the minutes of the April 3, 2018 meeting. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3350: Kenneth Porter Construction Company, 1806 Square Turn Boulevard, Norfolk
Deduction from the tax rolls in the amount of \$921.44 for correction of 2017 real estate taxes due to improvements on leased land added to the incorrect legal description
- #3351: Porter Pit LLC, 1806 Square Turn Boulevard, Norfolk
Addition to the tax rolls in the amount of \$921.44 for correction to the 2017 real estate taxes due to adding improvements on leased land to the correct legal description
- #3352: Meds & More, 1226 West Pasewalk Avenue, Norfolk
Addition to the tax rolls in the amount of \$514.90 for correction to the 2017 personal property taxes after reviewing the 2018 depreciation worksheet
- #3353: Northeast Machine, Inc., P.O. Box 267, Battle Creek
Addition to the tax rolls in the amount of \$466.04 for correction to the 2017 personal property taxes after reviewing the 2018 depreciation worksheet
- #3354: Richard Degaillez, 801 Skyview Circle, Norfolk
Addition to the tax rolls in the amount of \$55.72 for correction to the 2016 personal property taxes after reviewing the 2018 depreciation worksheet
- #3355: Richard Degaillez, 801 Skyview Circle, Norfolk
Addition to the tax rolls in the amount of \$39.38 for correction to the 2017 personal property taxes after reviewing the 2018 depreciation worksheet
- #3356: B & K Welding & Repair, P.O. Box 334, Battle Creek
Addition to the tax rolls in the amount of \$103.54 for correction to the 2015 personal property taxes after reviewing the 2018 depreciation worksheet
- #3357: B & K Welding & Repair, P.O. Box 334, Battle Creek
Addition to the tax rolls in the amount of \$72.80 for correction to the 2016 personal property taxes after reviewing the 2018 depreciation worksheet
- #3358: B & K Welding & Repair, P.O. Box 334, Battle Creek
Addition to the tax rolls in the amount of \$248.10 for correction to the 2017 personal property taxes after reviewing the 2018 depreciation worksheet
- #3359: Norfolk Hospitality, Inc., P.O. Box 1120, Kearney
Addition to the tax rolls in the amount of \$759.60 for correction to the 2017 personal property taxes due to equipment purchased in 2016 which was not added to the tax rolls
- #3360: Kenneth and Dorla Jacob, 53841 844th Road, Meadow Grove
Deduction from the tax rolls in the amount of \$157.16 for correction to the 2015 personal property taxes due to using the incorrect value for a New Holland windrower
- #3361: Kenneth and Dorla Jacob, 53841 844th Road, Meadow Grove
Deduction from the tax rolls in the amount of \$127.02 for correction to the 2016 personal property due to using the incorrect value for a New Holland windrower
- #3362: Kenneth and Dorla Jacob, 53841 844th Road, Meadow Grove
Deduction from the tax rolls in the amount of \$147.10 for correction to the 2017 personal property due to using the incorrect value for a New Holland windrower
- #3363: Custom Feed Service Coop, P.O. Box 862, Norfolk
Addition to the tax rolls in the amount of \$265.42 for correction to the 2017 personal property taxes after reviewing the 2017 depreciation worksheet
- #3364: Big K Excavating, Shannon Kurpgewei, LLC, 83080 548th Avenue, Madison
Addition to the tax rolls in the amount of \$639.02 for correction to the 2017 personal property taxes after reviewing the 2018 depreciation worksheet
- #3365: Big K Excavating, Shannon Kurpgewei, LLC, 83080 548th Avenue, Madison
Addition to the tax rolls in the amount of \$450.46 for correction to the 2016 personal property taxes after reviewing the 2018 depreciation worksheet
- #3366: Big K Excavating, Shannon Kurpgewei, LLC, 83080 548th Avenue, Madison
Addition to the tax rolls in the amount of \$631.14 for correction to the 2015 personal property taxes after reviewing the 2018 depreciation worksheet
- #3367: Norfolk Ear Nose & Throat, 301 North 27th Street, Suite 4, Norfolk
Addition to the tax rolls in the amount of \$312.08 for correction to the 2017 personal property taxes after reviewing the 2017 depreciation worksheet
- #3368: Bon Ton Stores, Inc., 2801 E. Market Street, Building E, York, PA 17402
Addition to the tax rolls in the amount of \$1,460.44 for acceleration of the 2017 personal property taxes due to sale of the business on April 19, 2018
- #3369: Heartland Beverage, LLC, P.O. Box 96, Norfolk
Addition to the tax rolls in the amount of \$647.50 for correction to the 2017 personal property taxes after reviewing the 2017 depreciation worksheet
- #3370: Eric Sjuts, 54661 830th Road, Madison
Addition to the tax rolls in the amount of \$108.10 for correction to the 2017 personal property taxes since owner failed to report a combine purchased in 2014

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- #3371: Eric Sjuts, 54661 830th Road, Madison
Addition to the tax rolls in the amount of \$143.70 for correction to the 2016 personal property taxes since owner failed to report a combine purchased in 2014
- #3372: Eric Sjuts, 54661 830th Road, Madison
Addition to the tax rolls in the amount of \$183.14 for correction to the 2015 personal property taxes since owner failed to report a combine purchased in 2014

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

Chairman Schmidt adjourned the meeting at 9:11 A.M.

Nancy Scheer
Madison County Clerk

Ron Schmidt, Chairman
County Board of Equalization

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

May 1, 2018

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

Advance notice of meeting was published in the Thursday, April 26, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson, Zoning Administrator Heather McWhorter, and Sign Technician Travis Amen were present until 10:58 A.M. Norfolk Daily News reporter Jerry Guenther and WJAG reporter Cody Ronnfeldt were present until 10:42 A.M.

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

- 1) Approval of minutes of the April 17, 2018 meeting
- 2) Approval of Allen V. Kuchar's Lot Split in Section 7-22-1, which is located approximately 3 miles north of the City of Madison on 552nd Avenue
- 3) Authorization for County Board Chairman to execute a quit claim deed to the City of Madison for 0.47 acres of property located in SW¼ of Section 5-21-1, which is located near the south end of Main Street in Madison adjacent to Horizon View Subdivision
- 4) Approval of Change Order No. 2 on Project No. C-59-897, Battle Creek West, resulting in a net increase of \$22,694.24
- 5)

RESOLUTION #2018-25

WHEREAS, proposed expenditures exceed budget authority allocated for the Road Buyback Program, a budget function of the Road/Bridge Fund, and

WHEREAS, budget authority in the Bridge and Road Maintenance budget, also an office function of the Road/Bridge Fund budget, is adequate to allow for transfers to meet current fiscal year expenditures,

NOW, THEREFORE, BE IT RESOLVED, that additional budget authority is hereby allocated from the Bridge and Road Maintenance office function to the Road Buyback Program office function, both in the Road/Bridge Fund, in the amount of three hundred seven thousand seventy dollars (\$307,070.00).

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

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

Due to the absence of someone to speak on behalf of the conditional use permit application for Jason and David Petersen, a motion was made by Schmidt and seconded by Ohl to table the public hearing. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

At 9:58 A.M., David Petersen was present for a public hearing on the conditional use permit application. Motion was made by Schmidt and seconded by Ohl to remove the public hearing from the table. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, April 21, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:58 A.M. to receive comments regarding the application of Jason and David Petersen for a conditional use permit and lot split to construct a home on less than 49 acres on David A. Petersen's Lot Split in Section 12-22-1, which is located approximately 3 miles east of the City of Madison on 832nd Road.

Zoning Administrator Heather McWhorter reported that David Petersen would like to split 5 acres for his son to build a shouse. She stated that the property is zoning Ag Intensive, meets the density requirements, and the Planning Commission unanimously approved the application.

David Petersen spoke in support of the application. He stated that his son wants to live in the country. He stated that the shouse will have 2,700 square feet of living area.

Chairman Prauner asked if the water is okay in this area and Mr. Petersen responded that the water is good. Commissioner Schmidt asked if the existing driveway will be used and if the culvert needs to be lengthened. Mr. Petersen responded that his son will use the existing driveway and the culvert doesn't need to be extended.

No public comments were received in opposition to the application. Chairman Prauner closed the hearing at 10:00 A.M.

The following resolution was introduced:

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RESOLUTION #2018-26

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

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

WHEREAS, notice of public hearing was published in the April 7, 2018 edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.

2. The property is zoned A-1 Intensive Agriculture and meets the density requirements for the Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Jason & David Petersen to construct a home on less than 40 acres on DAVID A. PETERSEN'S LOTSPLIT, property described as:

A tract of land in the SE¼ of the SW¼ of Section 12, Township 22 North, Range 1 West of the 6th P.M., Madison County, Nebraska (see attached)

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

1. This Conditional Use Permit is permanent and may be transferred between owners.

2. This Conditional Use Permit allows a single family home on less than 40 acres.

3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.

4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.

5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

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

Motion was made by Ohl and seconded by Schmidt that the foregoing resolution be adopted and that David A. Petersen's Lot Split be approved. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, April 21, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:36 A.M. to receive comments regarding the application of Mark and Tom Olmer for a conditional use permit for a Poultry Feeding Operation on property in Section 31-21-1, which is located approximately 5 miles south of the City of Madison along 552nd Avenue. County Attorney Joseph Smith was in attendance during the hearing.

Zoning Administration Heather McWhorter reported that the applicants own 78 acres of property where they are requesting a permit for a poultry feeding operation which consists of eight broiler barns for a total of 380,000 broiler chickens which equates to 3,040 animal units. She explained that the score for this facility was 351 points on the Livestock Feeding Operation Siting Matrix and a minimum of 350 points are required to pass. She reported that the feeding operation setback is 1,920 feet from the nearest dwelling and there aren't any homes within the required setback. Ms. McWhorter stated that the property is zoned AG1 Agricultural Intensive and meets the density requirements for the zoning district. She reported that during the Planning Commission meeting, five members of the public spoke in opposition to the application. She stated that the application meets the zoning regulations and, in her opinion, the location is very good. She reported that the Planning Commission unanimously approved the application and she recommended approval of the conditional use permit application.

Mark Olmer spoke in support of the conditional use permit. He stated that he graduated from Humphrey St. Francis High School, attended Northeast Community College, and started farming in 1986. He said that he worked at NCP for 5 years, Northwest Electric for 3 years, and has been trucking pigs for the last 17 years covering 12 states and has traveled over 1.2 million miles. He stated that he married his wife, Pam, 21 years ago and has a daughter in college, a daughter who is a junior in high school, and a son who is a freshman in high school. He stated that their farm has been in the family for 132 years and he is the third generation on the farm with a corn and soybean operation. He stated that he really wants to put up the chicken barns to keep another generation on the farm. Mr. Olmer stated that they don't own much ground and he is looking for the opportunity to work with other family members since renting ground is not very feasible. He reported that his community activities include serving on the Parish Council for eight years, being a member of the Board of Directors for the Farmers Co-op for four years, and serving as the Treasurer for the Knights of Columbus. He reported that he was elected to serve on the Platte County FSA Board a year ago and nine years ago he started working on a committee that organizes the Humphrey community fish fry that has served over 35,000 people. He asked the Commissioners to take into consideration the request for the chicken barn.

Chairman Prauner asked how many chickens would be raised in one year. Mr. Olmer responded that eight barns hold 320,000 chickens and the barns are filled six times each year, which is approximately 2 million, birds annually. Chairman Prauner asked if a lot of feed will be used from the area and Mr. Olmer responded that the feed will come from Fremont. Chairman Prauner asked if the property is high in nitrates and Mr. Omer replied that nitrates range from 15 to 25 on this property; but, property further south west of this parcel has nitrates ranging between 50 and 60.

Jessica Kolterman from Lincoln Premium Poultry spoke in support of the application and gave two handouts to the Board members. She explained that the first handout from the University of Georgia has information about siting livestock facilities, specifically poultry. She stated that the second poultry fact sheet provides a lot of information in a written format to address specific questions. She explained that she handles external affairs for Lincoln Premium Poultry and is attending the hearing to support the growers. She stated that the story of the Olmer family is exactly what they want to see; families that want to stay on the farm and bring family members back to the farm. She explained that Lincoln Premium Poultry is a Nebraska based company and was formed in collaboration with Costco specifically for this project. Ms. Kolterman reported that they chose Nebraska because it is an agricultural state that has strong roots in agricultural values. She stated that they are implementing a lot of technology into this project including the processing facility, feed mill, hatchery, and the grower houses. She said that some of the best technology in the country will be used. She explained that their growers are required to receive State operating permits through the Nebraska Department of Environmental Quality which is not required by law; but, a requirement that Lincoln Premium Poultry wants so the growers go above and beyond the State regulations. She reported that the growers will be implementing a nutrient management plan which will be monitored, recorded, and will be a very scientifically driven process. She stated that a typical grower has several hundred acres of row crops and are looking for a way to diversify their income, and bring children back to the farm or keep children on the farm.

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Ms. Kolterman reported that chicken barns are typically built in sets of four and they use approximately 7.5 gallons of water per minute on average for drinking and cooling in the facility year-round, which is much less than used by irrigation systems. She stated that in the winter months the average will go down and during high heat the average will do up. Ms. Kolterman reported that each of the four barn units will have two wells, with one serving the barns and the other one being a backup in case there are problems. She stated that they work with the Natural Resources District and the local department is fantastic to work with. She explained that the growers will compost the litter in each poultry house which breaks down the bacteria and pneumonia after each flock. She stated that the grower will clean out a layer of litter in late fall after the crops have been harvested and it will then be applied on the field according to the nutrient management plan. Ms. Kolterman stated that the contract provides for insect and rodent control by a certified provider. She reported that they will have audits and make sure that everyone is in compliance with animal welfare, nutrient management, and bio security. She stated that most farms are managed by families and not much labor is brought in. She reported that mortality in broilers is typically around 3% and dead birds will be composted in a mortality shed which will be covered and will have a cement bottom with sidewalls where composting will occur with extra litter. Ms. Kolterman explained that truck traffic on a typical four house broiler farm will average about 10 trips per week for the 8 weeks of a production cycle. She stated that in counties where there are no setbacks, they put in their own setbacks. She said that they are very excited about the Olmer family and they have been supportive of this project since the first day.

Commissioner Schmidt stated that one fact sheet states that the research based facts do not support the contention that exhausted air from poultry houses is a source of damage for a neighbor's property or health. He stated that the research was completed by the University of Georgia and he questioned if Nebraska has done any type of research on this subject. Ms. Kolterman responded that Nebraska has not completed research because there aren't poultry houses in Nebraska; but, they are working with the University of Nebraska who is interested in pursuing this research once their project is up and going. She stated that they have established a relationship and met with someone at UNL several days ago to discuss some products that are available through the Nebraska Forest Service to reduce emissions. She reported that the State of Georgia has a very high population of poultry, which is why they have invested a lot into their research. She stated that she was excited to find this article because she thought it was very helpful.

Chairman Prauner asked if there are any problems with nitrates leaching into the soil. Ms. Kolterman replied that the nutrient management plan is prescriptive, so the grower will have the litter and will apply it to the field where it is needed. She explained that the litter can't be applied haphazardly; but, it must be monitored and documented and must go through the permit. She stated that some poultry growers in Nebraska may not have a permit; but, their company requires it. Commissioner Schmidt asked if the litter would be incorporated into the soil and Mr. Kolterman replied that it would not be incorporated because it's not the best management practice.

Allen Kampschnieder spoke in support of the application and explained that he works for Nutrient Advisors in West Point to assist with permitting nutrient management and compliance record-keeping for large operations. He explained that the Olmer operation is an 8 house broiler site with a permitted capacity of 380,000 broilers and the facility has a required County set back of 3/8 mile. He reported that there are no residences, schools, churches, or cemeteries within the setback. He explained that the site is primarily clay which is good for compaction and construction. He reported that the manure will be covered with a roof and will have a compacted clay liner which will be very hard and impossible to move down without water. He stated that the nearest registered well logs show that there are 70 to 80 feet of clay before the actual static water level; so, there is plenty to filter anything out. He stated that runoff from this site will travel approximately 1.5 to 2 miles before it gets to Union Creek, which is the nearest major waterway. Mr. Kampschnieder stated that the operator scored 351 points on the sitting matrix and a passing score is 350 points. He stated that an odor footprint tool was completed and there are no residences within the 96% setback. He reported that the litter will be composted after each turn killing pathogens which dries the product causing less odor and it will be cleaned out in the fall with skid loaders, and either stock piled or hauled straight out to the field to be applied. He stated that poultry litter treatment will also be used and sprayed on the compost which ties up ammonia and reduces smell for the birds' health and odor reduction. Mr. Kampschnieder stated that the barns are exempt from permitting for the Nebraska Department of Environmental Quality (NDEQ) because they are not building waste storage such as a deep pit or holding pond. He explained that Costco is going above and beyond by requiring growers to get a permit from NDEQ. He said that the Olmers need 300 acres to utilize the nitrogen that will be produced and 2,300 acres to utilize the phosphorus that will be produced on a yearly basis and they have 2,600 acres in their nutrient management plan; so, they have plenty of acres. He stated that the litter will be applied more on a phosphorus base than a nitrogen base.

Commissioner Schmidt asked if the litter application will be a maintenance program or a buildup program. Mr. Kampschnieder responded that it depends upon the fertility of the field; but, between 3 to 5 tons is a typical application rate per acre. He stated that 3 tons is sufficient for corn and soybean crop rotation; but, if the field really needs fertility a 5 ton rate would work until it's built up. Commissioner Schmidt asked what percentage of the product will be removed from a barn in the fall. Ms. Kolterman replied that two to three inches of compost will be removed from the barns. Commissioner Schmidt asked how many tons of compost will be removed every year. Mr. Kampschnieder responded that 2,500 tons of compost will be removed annually. He stated that the permit requires the Olmer family to take soil samples before they apply the compost so they know what the nitrogen levels are in the soil. He explained that the permit also requires the grower to take manure samples and prepare facility maintenance records, which must all be kept on site for five years and they are subject to NDEQ inspection periodically.

No public comments were received in opposition to the application. Chairman Prauner closed the hearing at 9:55 A.M.

The following resolution was introduced:

RESOLUTION #2018-27

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

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

WHEREAS, notice of public hearing was published in the April 7, 2018 edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned A-1 Intensive Agriculture and meets the density requirements for the Zoning district.
3. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 351 points, and 350 points are needed to pass.
4. The feeding operation setback is 1,920 ft. from the nearest dwelling. There are no homes within the setback requirement.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Mark & Tom Olmer for a Poultry Feeding Operation as provided under Article 4, Section 402 "AG1" Intensive Agriculture District, Madison County 2003 Zoning and Subdivision Regulations on the following described land:

A tract of land in the W½ of the SW¼ of Section 31, Township 21 North, Range 1 West of the 6th P.M., Madison County, Nebraska

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

1. This is a Large Animal Feeding Operation Conditional Use Permit for an operation of up to 380,000 broiler chickens (3,040 HE).
2. This conditional use permit shall be for an unlimited amount of time subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix, implementing the additional conditions of this permit, and will become effective with the adoption of this resolution.
3. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, the U.S. Government and Nebraska Department of Environmental Quality; the AFO permitted here shall be operated to comply with all of these entities

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4. Any new owner/operator of this operation must give notice to the Madison County Zoning Administrator 30 days prior to the closing date of the sale.
5. A zoning permit must be obtained from the Zoning Office before construction of the barns begins
6. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

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

During discussion on the motion, Commissioner Schmidt stated that there was some opposition expressed at the Planning Commission meeting by one person who testified that he lives south of the proposed site and his wife has asthma, so he was concerned about her health. Commissioner Schmidt stated that according to the University of Georgia study there should be no health concerns. He also stated that there was a concern expressed about a dangerous intersection close to the proposed facility especially when there will be additional traffic. He said that the County will look at the road situation and determine if a sign needs to be installed. He said that in his opinion, the location is a very good site for the facility and he is glad that the Olmer family decided to locate the operation in Madison County. Commissioner Ohl thanked the Olmer family for the investment.

Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Norfolk City Fire Chief Scott Cordes, Zoning Administrator Heather McWhorter, and Sign Technician Travis Amen were present to discuss implementation of rural signage program.

Norfolk City Fire Chief Scott Cordes reported that he met with the county staff to discuss options for installing rural address signs and a resolution was drafted for consideration and adoption by the Board of Commissioners. He explained that they need the approval of the County Board before they can move forward.

Chairman Prauner stated that it's important to get the signs installed for the emergency responders. He reported that he has been a responder for about 30 years and he understands that sometimes it's hard to locate people in the rural areas; so, it's very important to get the signs installed.

Commissioner Schmidt said that he has a problem with the statement in the resolution which states that the address sign will be erected at a uniform height and location as determined by Madison County; but, the County won't be installing the signs. He said that there are a number of rural residences who don't have mailboxes at the end of their driveways and he would like the fire department to be responsible for placement of the signs. Ms. McWhorter replied that she addressed this issue with Emergency Management Director Trent Howard and a request was sent to the Norfolk City Attorney to change the resolution so that Madison County, Norfolk City, and the rural fire department would work collectively to determine on sign placement. She said that this change could be part of the motion if the resolution is adopted.

County Highway Superintendent Richard Johnson asked if the signs will be on break-away posts and Mr. Amen responded affirmative. Chairman Prauner said that he doesn't think it would be a good idea to put the signs on the shoulder of roads because there is a potential that the signs will be buried during snow removal. He stated that he would like to see the signs placed close to the right-of-way and on the same side of the driveway. Ms. McWhorter reported that they discussed sign placement at length during meetings trying to come up with wording that could be included in the resolution pertaining to the location of the signs; but, there are situations where mailboxes aren't located by the driveway and that is why the wording in the resolution allows discretion on placement. She said that the intent is to make sign placement as uniform as possible.

Chairman Prauner asked about the size of the sign blade and Mr. Amen responded that the blades are 6" by 16" blue signs with white lettering. Ms. McWhorter reported that they discussed options of horizontal or vertical, the weight, and placement on mailbox posts.

Commissioner Schmidt questioned the portions of the resolution referring to the signs being supplied by the rural fire boards at no cost to the County; but, the County being responsible for replacement and repair of damaged signs and erecting signs when new addresses are assigned. He asked if the County would be responsible for replacement costs or only the labor to replace the damaged signs. He asked who pays for a sign knocked over by a snow plow. Mr. Cordes responded that he was under the belief that the rural boards are paying for original costs of the signs; but, if signs need to be replaced in the future, the County would pay these costs. He said that he wouldn't go back to the rural fire boards asking for additional funds unless there is a need for mass replacement. Ms. McWhorter stated that if a new 911 address is assigned they would like to include the cost of the sign as part of the process for a new lot split. She explained that if a sign is destroyed, the County would be responsible for replacing the sign. He said that each fire district will pay for approximately 5% of blank sign blades for a stockpile of extra blades; but, once this supply is exhausted the County will order some blank blades and numbers. She said that in the future if the signs fade and a mass replacement is required, each entity will need to discuss options at that time. Commissioner Schmidt stated that these details need to be included in the resolution because in the future different individuals will be working for the County and City. Mr. Cordes stated that clarity now saves problems later; so, he understands the request. Commissioner Schmidt stated that he supports the rural signage program; but, he wants to make sure that the resolution is clear.

After discussion, a motion was made by Schmidt and seconded by Ohl to table the resolution for implementation of a rural signage program. Roll call vote: Ayes, Ohl, Prauner, and Schmidt.

The Board discussed health insurance benefits for County employees for the 2018-2019 fiscal year. Chairman Prauner reported that the health insurance rate increase was 3% from the prior fiscal year.

Commissioner Ohl made a recommendation to approve the health insurance benefits without changes from the current fiscal year. He stated that although the rate increase is 3%, it is less than many other health insurance rate increases. He said that NACO Benefit Services, which is owned by Nebraska counties, serves Madison County well and the company representatives work on behalf of counties. He said that, in his opinion, it would be in Madison County's best interest to continue the current plan without making any changes.

Motion was made by Ohl and seconded by Schmidt to renew the NACO Blue Cross Blue Shield health insurance plan for the 2018-2019 fiscal year for the \$2,500.00 deductible Blue Preferred (PPO) plan for County employees with a deductible buy-down of \$1,000.00 by the County; require subscribers with single plans to pay \$20.00 per pay period, 2/4 party plan members to pay \$40.00 per pay period, and family plan members to pay \$50.00 per pay period; and continue offering a cash-in-lieu payment of \$350.00 for single participants and \$500.00 per month for 2/4 party and family participants.

During discussion on the motion, Chairman Prauner reported that he serves on a Board where the health insurance premiums increased over 10%. He said that he hasn't heard of any health insurance premiums decreasing.

Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

The Board discussed protection of 536th Avenue and 841st Road near the intersection of 548th Avenue from loss due to erosion of the Elkhorn River Bank. Chairman Prauner stated that there is a problem with the Elkhorn River eroding riverbanks in several areas and he has been working with County Highway Superintendent Richard Johnson trying to figure out a solution. He said that a common sense solution would be to dig the channel straight across, or dig down just even with the water, but not into the channel, then after the water comes up it would wash through the channel; but, Mr. Johnson said root bulbs would need to be put along the bank and all the water would need to be hauled away. He said that if a lane is installed to haul away the dirt, they would get into wetlands.

County Highway Superintendent Richard Johnson explained that he called Chairman Prauner on April 26th and asked him to contact the two land owners, Dittrich and Kerkman, and get permission to go onto their properties to survey the top of the river bank. He said that Chairman Prauner didn't make contact with Dittrich, but the survey was completed. He reported that Mr. Kerkman wouldn't allow anyone on his property. Chairman Prauner reported that Mr. Kerkman told him during a phone conversation that if the County puts rock on the riverbank to stop water from coming onto the road, he would sue the County for pushing water onto his land. Mr. Johnson said that if the County tries to do something that involves getting into the river or change the riverbank, the County would be fighting the Corp of Engineers for 6 to 12 months and during that time, the road will be damaged. He stated that he discussed options with Mark Mainelli about going about 8 to 10 feet from the top of the riverbank and digging down and filling with rock every so often. He explained that theoretically the river will take some of that out; but, when it hits the rock it will start silting in behind it. He said that it would similar to jetties; but, wouldn't require a Corp permit because it's located in the uplands. He stated that his number one goal is to save the County road and if this plan helps Kerkman that is fine; but, Dittrich has already lost his land to the river. He reported that he and Chairman Prauner met with Dittrich and Kerkman about a month ago and neither one held out much hope. He said that the best thing now is to try to save the road. He said that his preference is to try to get some right-of-way from Dittrich and see if the County can get some rock put in. He estimated that the cost would be between \$225,000 and \$300,000 for this project. He asked the Commissioners how much money they wanted to spend on this project because he could find the money in the budget; however, the Board would need to give up a different project.

Commissioner Schmidt asked what time frame is allowed for putting in rock. Mr. Johnson responded that if the rip rap is obtained quickly, the County has three backhoes; so, two backhoes could dig and one backhoe could be placing the rock so the job could be completed rather quickly. He said that the rip rap would probably cost between \$65.00 and \$70.00 per ton delivered to the site. Chairman Prauner asked what size rock would be used and Mr. Johnson replied larger rock would be used. Commissioner Schmidt asked if limestone would be used and Mr. Johnson responded that round rock should be used and the only two places to obtain this rock are Weeping Water or South Dakota. He said that the County could determine that an emergency exists and there is threatened loss of life, health, or property and completes an abbreviated bidding process. Chairman Prauner stated that if there are heavy rains the road will be gone. He said that the water level is currently down, so the problem is curtailed for now. He asked how much a new bridge costs if the road is destroyed and Mr. Johnson said that installing a bridge would cost over \$1 million.

Commissioner Ohl asked if another option would be acquiring right-of-way and going around the river problem. Mr. Johnson replied that the county could re-locate the road; but, somewhere a bridge is required. Chairman Prauner stated that there is a hard surfaced road going north from the intersection off Highway 275. Mr. Johnson said that in 2010, this particular bridge was the only one between the Stanton and Antelope County lines that stayed open during the entire flood. Chairman Prauner stated that the bridge was installed in approximately 2006.

Mr. Johnson reported on potential road damage to 841st Road near the intersection of 548th Avenue. Mr. Johnson suggested that the County bury rock back from the river to protect the road; however, this project is approximately one-half mile long and it would be costly. He stated that the County could relocate the road which would involve obtaining right-of-way to the south. He stated that if the river destroys the road there are two or three residences that would need to find another route to Norfolk. He said that the County Board needs to decide if they want to close the road and build a new road.

Commissioner Schmidt said that if the county does nothing and the river destroys the road, the damage will continue further along the river. Chairman Prauner stated that the simple solution is to dig the river channel back to its original route. Commissioner Schmidt asked if the County could dig down 20 foot and bury panels. Chairman Prauner asked if root balls could be placed along the river instead of rock. He said that there are root balls about 1½ miles from this project and it would be ideal for bank stabilization, He explained that the trees were old cottonwoods and the balls are about 6 foot around and would be close to haul to the riverbank. Mr. Johnson stated that he would check what type of permit is required from the Corp of Engineers to place root balls along the riverbank. He said that the tree balls need to be tied into the riverbank and one advantage is that they are environmentally friendly. He reported that there are a bunch of dead trees along Benjamin Avenue near Northeast Community College. Commissioner Schmidt stated that there is a risk factor to load and place root balls because they could shift when trying to cable them onto a trailer and tie them from the riverbank. He said that county employees aren't experienced working on this type of project so he is concerned with employee safety. He stated that he supports using root balls to stabilize the riverbank; but, he would like to locate a contractor who could complete the project. Chairman Prauner stated that he has some employees who would probably do the work.

After discussion, Chairman Prauner directed County Highway Superintendent to contact the Corp of Engineers to determine if placing root balls along the riverbank is feasible.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) Letter from County Attorney Joseph Smith advising that he will object to appointment of court appointed counsel not supported by a financial affidavit

The following claims were audited:

GENERAL FUND	
Total Net Payroll	152,291.85
Account Control Technology, Inc.	Garnish of Wages 179.34
Mark Albin	Legal Services, District Court 129.25
Albracht Disposal Services	Garbage Services, Public Defender 41.00
American Family Life Assurance Company	Insurance Premiums 951.38
Antelope County Sheriff	Civil Process Fees, County Court 6.00
Appeara	Mat Service, Supplies, Public Defenders 20.12
Big Red Printing	Supplies, County Assessor 642.82
Blue Cross Blue Shield	Insurance Premiums 130,181.89
Bob Barker Company Inc	Supplies, County Jail 65.00
Bomgaars	Supplies, Courthouse 24.99
Bomgaars	Parts, Noxious Weed 70.49
BW Plus Grand Island Inn & Suites	Lodging, Extension Office 93.00
Cable One	Fax Services, Public Defender 64.97
Carney Law PC	Legal Services, County Court 1,924.61
CBM Managed Services	Inmate Meals, County Jail 7,930.87
Century Lumber Center	Building Repairs, Zoning Department 2,460.43

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Champs Inc.	Maintenance Contract, County Jail	2,166.00
City of Crofton	Contract Services, Utilities, Community Based Grant	247.58
City of Madison	Utilities, Courthouse	180.01
Colonial Life and Accident Insurance	Insurance Premiums	285.20
Connecting Point	Equipment, Data Processing	63.22
Connecting Point	Equipment, Supplies, County Sheriff	301.00
Jacob Cox	Mileage, Witness Fees, County Court	35.81
Culligan	Supplies, Community Based Grant	7.25
Custom Sports	Uniforms, County Sheriff	100.00
Josh Dinesen	Mileage, Witness Fees, County Court	35.81
Eakes Office Solutions	Supplies, Register of Deeds	419.98
Eakes Office Solutions	Service Contract, Clerk of District Court	66.65
Eakes Office Solutions	Supplies, Extension Office	31.04
Eakes Office Solutions	Supplies, County Sheriff	133.97
Eakes Office Solutions	Supplies, County Jail	228.09
Eakes Office Solutions	Supplies, Probation Office	738.22
Egley, Fullner, Montag and Hockabout	Legal Services, District Court	2,692.83
Election Systems & Software	Programming Fees, County Clerk	6,619.26
Electronic Contracting Company	Maintenance Contract, Courthouse	1,618.00
Electronic Contracting Company	Maintenance Contract, County Jail	809.00
Elite Office Products	Supplies, Extension Office	147.65
Engineer Supply	Supplies, County Assessor	296.21
Ewalt Law Office PC LLO	Legal Services, District Court	424.50
Fairfield Inn & Suites	Lodging, Community Based Grant	436.00
FedEx	Postage, County Sheriff	195.48
First Concord Benefits Group	Administration Fees, Flex-Plan, Deductible Buy-Down	7,251.37
Fitzgerald, Vetter, Temple & Bartell	Legal Services, District Court	20,441.21
Fitzgerald, Vetter, Temple & Bartell	Legal Services, County Court	3,145.35
Raymond Flood	Mileage, Zoning Department	140.61
Floor Maintenance and Paper Supply	Supplies, County Jail	510.41
Frontier Telephone Company	Telephone Service, Courthouse	1,104.22
Adam Gates	Insurance Premiums Refund	91.71
Leo Gonzalez	Mileage, Extension Office	98.10
Goodlife Counseling	Professional Services, Community Based Grant	243.75
Chelsey Hartner	Mileage, Public Defender	16.35
Matthew Headley	Mileage, Public Defender	250.16
Hilliges and Associates LLC	Polygraph, County Attorney	250.00
Hilliges and Associates LLC	Polygraph, County Jail	500.00
Marci Hjorth	Mileage, Juvenile Accountability	14.72
Patrick Hoffman	Mileage, Witness Fees, County Court	35.81
Intab LLC	Supplies, Election Commissioner	54.17
Jack's Uniforms & Equipment	Uniforms, County Sheriff	193.79
Jack's Uniforms & Equipment	Uniforms, County Jail	1,060.23
Johnson's Inc	Repairs, County Courthouse	2,453.00
K & M Reporting	Transcripts, Law Enforcement	120.15
Lancaster County Sheriff	Civil Process Fees, District Court	19.15
Jonie Lebers	Mileage, Witness Fees, County Court	35.81
Deb Lyon	Mileage, Extension Office	41.73
Madison County Clerk	Tax Deposit, Retirement	80,937.39
Madison County Sheriff Inmate Fund	Uniforms, Supplies, County Jail	639.67
Madison County Sheriff	Civil Process Fees, County Court	1,214.19
Madison County Sheriff	Civil Process Fees, District Court	663.75
Madison County Sheriff	Civil Process Fees, Mental Health	117.68
Madison County Sheriff	Civil Process Fees, Public Defender	27.78
Madison County Sheriff	Supplies, Uniforms, County Jail	254.98
Madison National Life Insurance Co. Inc.	Insurance Premiums	244.56
Marathon	Supplies, Clerk of District Court	1,090.70
Heather McWhorter	Phone Reimbursement, Zoning Department	90.00
Menards	Supplies, County Courthouse	35.52
Menards	Supplies, Noxious Weeds	59.67
Mid America First Call Inc	Supplies, County Attorney	200.00
Midwest Plumbing & Heating	Repairs, County Jail	990.99
Morland, Easland & Lohrberg PC	Legal Services, District Court	913.35
Moyer & Moyer	Legal Services, County Court	188.25
MS Data Services	Data Processing Fees, District Court	270.00
NACEB	Dues, Extension Office	100.00
National Enterprise Systems Inc.	Garnish of Wages	214.55
Nationwide Retirement Solutions	Deferred Compensation	3,485.00
Nebraska Child Support Payment Center	Garnish of Wages	726.62
Nebraska County Attorney's Assn	Dues, Registration, County Attorney	2,480.00
Nebraska Juvenile Justice Assn	Registration, Community Based Grant	375.00
Nebraska Law Enforcement Training Center	Training, County Jail	270.00
Nebraska Public Power District	Utilities, Zoning Department	67.48
Nebraska Public Power District	Utilities, Noxious Weeds	268.57
Nebraska Public Power District	Utilities, Veteran Service Office	41.72
Jordan Nelson	Mileage, Community Based Grant	141.15
Norfolk Daily News	Publication Costs	387.07

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MADISON COUNTY, NEBRASKA

Norfolk GM Auto Center	Repairs, County Sheriff	778.05
Northeast Community College	Operation Fees, Extension Office	10,860.68
Shelly Norton	Mileage, Witness Fees, County Court	35.81
Wayne Ohnesorg	Mileage, Extension Office	19.62
Valorie Olson	Court Reporting, Mental Health	150.00
One Office Solution	Supplies, County Clerk	261.69
One Office Solution	Maintenance Contract, County Court	214.63
One Office Solution	Supplies, Public Defender	175.26
One Office Solution	Supplies, County Sheriff	40.22
One Office Solution	Supplies, County Jail	60.10
Physicians Laboratory	Autopsy, Law Enforcement	200.00
Pierce County Sheriff Office	Civil Process , Public Defender	6.50
Pitney Bowes	Supplies, County Courthouse	76.49
Platte County Court	Copies, County Attorney	2.75
Sarah Polasek	Mileage, Supplies, Extension Office	428.93
Postmaster	Postage, County Attorney	100.00
Presto-X	Pest Control, Courthouse	97.00
Ramada Inn-Kearney	Lodging, County Jail	809.00
Sanne Repair	Repairs, County Sheriff	1,814.15
Scheer's Ace Hardware	Supplies, Courthouse	4.99
Lee Sherry	Meals, Mileage, Extension Office	239.03
Kristen Sindelar	Mileage, Registration, Extension Office	219.62
Joseph Smith	Mileage, Law Enforcement	209.28
Stanton County Court	Copies, Law Enforcement	2.75
Stratton, Delay, Doele, Carlson & Buettner, PC, LLO	Legal Services, District Court	1,421.90
Stratton, Delay, Doele, Carlson & Buettner, PC, LLO	Legal Services, County Court	1,338.12
Track Group	Electronic Monitoring, Juvenile Accountability	340.00
Trane	Repairs, Courthouse	240.00
University of Nebraska Haskell Ag Laboratory	Postage, Extension Office	118.29
University of Nebraska - Lincoln	Quarterly Salaries, Extension Office	13,395.36
US Bank Corporate Payment System	Fuel, Lodging Supplies, Uniforms, County Sheriff	1,137.55
US Bank Corporate Payment System	Lodging, County Attorney	335.70
Verizon Wireless	Telephone Services, Reappraisal	40.01
Verizon Wireless	Telephone Services, Extension Office	518.12
Verizon Wireless	Telephone Services, County Sheriff	1,645.28
Verizon Wireless	Telephone Services, Law Enforcement	58.95
Verizon Wireless	Router Services, Courthouse	78.04
Vision Service Plan	Insurance Premiums	356.40
Wal-Mart	Supplies, Juvenile Accountability	92.45

ROAD/BRIDGE FUND

Total Net Payroll		33,340.57
A & R Construction	Bridge Project	82,525.45
American Family Life Assurance Company	Insurance Premiums	601.60
B's Enterprises Inc.	Culverts, Signs	6,617.48
Battle Creek Light & Power	Utilities	239.43
Bauer Built Inc.	Repairs	46.50
Black Hill Energy	Utilities	355.26
Blue Cross Blue Shield of Nebraska	Insurance Premiums	33,119.87
Bomgaars Supply	Supplies	589.22
City of Madison	Utilities	553.61
Colonial Life and Accident Insurance	Insurance Premiums	115.52
DAS Accounting - Central Finance	Telephone Services	24.24
Dinkel Implement Company	Equipment Rental	1,909.80
Eastern Nebraska Trailer Repair Inc	Parts	38.00
Fastenal Company	Parts	44.74
First Concord Benefits Group	Administration Fees, Flex Plan	518.65
Frontier	Telephone Services	196.80
Jorgensen's	Repairs	421.65
Lawson Products	Parts, Supplies	60.19
Loup Power District	Utilities	135.96
Madison County Clerk	Tax Deposit, Retirement	17,388.72
Madison National Life Insurance Company Inc.	Insurance Premiums	50.22
Mainelli Wagner & Associates Inc	Engineering Services	27,772.06
Matheson Tri-Gas Inc	Supplies	175.49
Menards	Supplies	158.64
Nationwide Retirement Solutions	Deferred Compensation	505.00
Nebraska Child Support Payment Center	Garnish of Wages	243.24
Nebraska Public Power District	Utilities	127.19
NMG LLC Dba Norfolk Works	Drug Screens	95.00
Prime Sanitation	Garbage Service	53.75
Radio.Comm	Repairs	130.50
RDO Truck Centers	Parts	284.36
Rise Broadband	Telephone Services	127.53
Rose Equipment Inc.	Equipment Rental, Parts	3,874.04
Schaeffer Mfg Co	Oil	434.88
SouthernCarlson Inc	Tools	715.38

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

T-Bone North	Fuel	395.69
Village of Meadow Grove	Utilities	70.00
Vision Service Plan	Insurance Premiums	63.93
Mainelli Wagner & Associates	FEDERAL AID SECONDARY FUND Consulting Services	11,481.00
Norfolk Area Visitor Bureau	VISITORS PROMOTION FUND Administrative Fees	14,433.00
Norfolk Area Visitor Bureau	VISITORS IMPROVEMENT FUND Administrative Fees	7,691.70
Jack's Uniforms & Equipment	DRUG TESTING FUND Supplies	291.55
Naoma Miller Trust Tilden Public Library	INHERITANCE TAX FUND Refund Inheritance Tax Books	2,180.19 8,199.90
Century Link Frontier Telephone Company	911 EMERGENCY FUND Telephone Services Telephone Services	782.59 164.10
Champs Union Supply Company	LAW ENFORCMENT FUND Repairs Supplies	4,109.60 1,004.28
Frontier Bank	ROAD/BRIDGE BOND FUND Bond & Interest Payment	155,655.00

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

The Board adjourned at 12:10 P.M. to Tuesday, May 15, 2018 at 9:30 A.M.

Nancy Scheer
Madison County Clerk

James Prauner
Chairman County Board of Commissioners