

## BOARD OF EQUALIZATION

Madison, Nebraska

May 5, 2015

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

Advance notice of meeting was published in the Thursday, April 30, 2015 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 Jim Prauner called the meeting to order and notified the public of the copy of the Open Meeting Act posted in the meeting room.

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

Motion made by Schmidt 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 Schmidt and seconded by Ohl to approve the minutes of the April 7, 2015 meeting. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Assessor Jeff Hackerott reported that the Findings and Orders from the Tax Equalization and Review Commissioner reflect that the level of valuation for residential property, commercial property, and agricultural property meets the statutory requirements. He reported that the level of valuation for residential property is 93%, commercial property is 94%, and agricultural property is 71% and these levels of value are within the acceptable range, so no increase or decrease is required.

No action was taken.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3045: Norfolk Awning Company, 503 North 27th Street, Norfolk  
Addition to the tax rolls in the amount of \$12.26 for acceleration of 2014 personal property taxes due to sale of the business
- #3046: R K Lyon Farms LLC, 53648 822½ Road, Newman Grove  
Addition to the tax rolls in the amount of \$1,025.26 for correction to the 2014 personal property taxes due to equipment that was omitted from the depreciation worksheet
- #3047: Scott, Arvid and Gwendolyn Raasch, 1110 North 9th Street, Norfolk  
Deduction from the tax rolls in the amount of \$1,400.32 for correction to the 2014 real estate taxes due to 100% approval of homestead exemption
- #3048: Rodney and Jennifer Zessin, 54339 830th Road, Madison  
Addition to the tax rolls in the amount of \$744.76 for correction to the 2013 personal property taxes due to equipment that was omitted from the depreciation worksheet
- #3049: Rodney and Jennifer Zessin, 54339 830th Road, Madison  
Addition to the tax rolls in the amount of \$1,506.58 for correction to the 2014 personal property taxes due to equipment that was omitted from the depreciation worksheet
- #3050: Aldag Acres, 3912 West Norfolk Avneue, Norfolk  
Deduction from the tax rolls in the amount of \$378.42 for correction of the 2014 personal property taxes due to double taxation of some equipment
- #3051: Keystone Holding Co., LLC, 104 East Omaha Avenue, Suite 5, Norfolk  
Addition to the tax rolls in the amount of \$51.96 for correction to the 2014 personal property taxes due to adding equipment after reviewing the 2015 depreciation worksheet

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

The Board of Equalization adjourned at 9:09 A.M.

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County Clerk Nancy Scheer

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Jim Prauner, Chairman  
County Board of Equalization

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

May 5, 2015

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 30, 2015 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.

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

Present: Commissioners Christian Ohl, Jim Prauner and Ron Schmidt, County Clerk Nancy Scheer, and Road Foremen Don Eucker and Jeff Schroeder. Planning and Zoning Administrator Heather McWhorter was present until 10:11 A.M. County Weed Superintendent Don Svitak was present until 10:35 A.M. County Highway Superintendent Richard Johnson was present from 9:34 A.M. to 10:40 A.M. County Attorney Joseph Smith was present from 10:19 A.M. to 10:26 A.M. Norfolk Daily News reporter Jerry Guenther and WJAG reporter Susan Risinger were present until 10:30 A.M.

Motion was made by Schmidt and seconded by Prauner to remove the following items from the consent agenda since the estimated value of the purchases exceed \$5,000 and three informal quotes were not obtained for compliance with State Statutes: 1) Approval of a proposal in the amount of \$8,890.69 from Midwest Plumbing Heating and Air Conditioning for replacement of a 7.5 ton heating and cooling roof top unit for County Jail laundry room and 2) Approval of a proposal in the amount of \$8,461.00 from Midwest Plumbing Heating and Air Conditioning for installation of a heating and cooling rooftop unit in County Jail hallway near the control room. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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

- 1) Approval of minutes of the April 21, 2015 meeting
- 2) Authorization for Board members to sign a letter addressed to the Nebraska Crime Commission supporting the Victim Witness program
- 3) Establish the annual limit for Healthcare Flexible Spending Account for the 2015-2016 fiscal year at \$2,550
- 4) Authorization to advertise for bids for Project No. C-59-820, Newman Grove Northeast, which is located 3 miles North and 1¼ miles East of Newman Grove, and set the bid opening date for May 28, 2015
- 5) Authorization to advertise for bids for Project No. C-59-783, Newman Grove East, which is located ½ mile North and 8 miles East of Newman Grove, and set the bid opening date for May 28, 2015
- 6) Authorization to advertise for bids for Project No. C-59-844, Madison Southwest, which is located 4 miles West and 3½ miles south of Madison, and set the bid opening date for May 28, 2015
- 7) Authorization to advertise for bids for Project No. C-59-837, Madison Southeast, which is located 4 miles South and 3½ miles East of Madison, and set the bid opening date for May 28, 2015
- 8) Authorization to advertise for bids for boiler replacement in the County Jail and set the bid opening date for May 28, 2015
- 9) Approval of proposal in the amount of \$4,999.00 from Midwest Plumbing Heating and Air Conditioning for replacement of air handler, cooling system, and thermostat for County Jail dispatch center
- 10) Approval of proposal in the amount of \$4,990.74 from Midwest Plumbing Heating and Air Conditioning for replacement of Reznor heating and cooling roof top unit and curb adapter for County Jail exercise room
- 11) Approval of a contract with Linsali, Inc. in the amount of \$63,430.00 for re-appraisal services in the City of Norfolk
- 12) Approval of Lynn K. Zurchers Lot Split located in Section 8-24-3 located approximately 2 miles North and 1½ miles East of the Village of Meadow Grove
- 13)

### RESOLUTION #2015-15

WHEREAS, Check No. 15040122, dated April 7, 2015, and drawn on the General Fund in the amount thirty eight dollars and 40 cents (\$38.40), was made payable to Laura Stoltz, 1310 North 13th Street, Suite 4, Norfolk, Nebraska 68701, and, WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk, NOW, THEREFORE, BE IT RESOLVED that Check No. 15040122, dated April 7, 2015, and drawn on the General Fund in the amount thirty eight dollars and 40 cents (\$38.40), is hereby cancelled.

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

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

Pursuant to published legal notice in the Saturday, April 25, 2015 edition of The Norfolk Daily News, Chairman Ohl opened a public hearing at 9:34 A.M. to receive citizens' comments regarding the conditional use permit application of Curtis Daniel to construct a home on less than 40 acres on property in Section 8-24-3, which is located approximately 2 miles North and 1½ miles East of the Village of Meadow Grove.

Zoning Administrator Heather McWhorter read the facts of the application as outlined in the proposed resolution. She explained that the application is a standard conditional use permit to construct a house on less than 40 acres of property and that the Planning Commission unanimously approved the application.

The applicant, Curtis Daniel, was present during the hearing and requested approval of the application. No one spoke in opposition to the application. Chairman Ohl closed the hearing at 9:36 A.M. After discussion, the following resolution was introduced:

RESOLUTION #2015-16

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, the Madison County Joint Planning Commission and the Madison County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provisions of the 2003 Madison County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned as AG-2 General Agriculture.
3. Mr. Daniels would like to build a home on the tract which consists of 4.27 acres and has access to an improved county road.
4. The property is currently owned by Lynn K. Zurcher who has applied for LYNN K ZURCHER'S LOTSPLIT as part of the Conditional Use Application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Curtis Daniels to construct a house on less than 40 acres as per Section 403: AG2 General Agriculture District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

A tract of land lying wholly in the NE ¼ SE ¼ of Section 8, Township 24 North, Range 3 West of the 6th P.M., Madison County, Nebraska.

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

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. 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, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
3. 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.
4. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

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

Pursuant to published legal notice in the Saturday, April 25, 2015 edition of The Norfolk Daily News, Chairman Ohl opened a public hearing at 9:38 A.M. to receive citizens' comments regarding the conditional use permit application of Virgil Preister to construct a home on less than 40 acres on property in Section 35-21-3, which is located approximately 6 miles East of the City of Newman Grove.

Zoning Administrator Heather McWhorter read the facts of the application as outlined in the proposed resolution. She explained that the application is a standard conditional use permit to construct a house on less than 40 acres of property and that the Planning Commission unanimously approved the application.

Ross Preister was present during the hearing and stated that he would like to build a house next to where he works. The applicant, Virgil Preister, was also present during the hearing, and said he was in favor.

No one spoke in opposition to the application. Chairman Ohl closed the hearing at 9:39 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2015-17

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, the Madison County Joint Planning Commission and the Madison County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provisions of the 2003 Madison County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned as AG-1 Intensive Agriculture.
3. Mr. Preister would like to build a home on the tract which consists of 3.36 acres, would be occupied/purchased by family and has access to an improved county road

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Virgil Preister to construct a house on less than 40 acres as per Section 402: AG1 Intensive Agriculture District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

A tract of land lying wholly in the E ½ SE ¼ of Section 35, Township 21 North, Range 3 West of the 6th P.M., Madison County, Nebraska

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

1. This Conditional Use Permit 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, however, 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.

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

Pursuant to published legal notice in the Saturday, April 25, 2015 edition of The Norfolk Daily News, Chairman Ohl opened a public hearing at 9:46 A.M. to receive citizens' comments regarding the application of Mark Podliska to rezone property from A-1 Agriculture Intensive to RR Rural Residential in Section 2-21-1, which is located approximately 2 miles East of the City of Madison.

Zoning Administrator Heather McWhorter reported that the property is currently zoned AG1, Agricultural Intensive, and in order to meet the guidelines to become a subdivision, the property must be rezoned to RR Rural Residential. She explained that several of the proposed lots are located in a flood plain which does not have any bearing on the rezoning application; however, a flood plain permit will be required if a building permit is issued to construct a house. She stated that there is a bridge located Northwest of the proposed subdivision which may require some expansion in the future if traffic increases. She explained that Mr. Podliska intends to form a Homeowners Association to regulate the size of the buildings, animals allowed, and the number of cars that can be parked on each lot. Ms. McWhorter said that some neighboring landowners expressed concerns about limited hunting on their properties if the rezoning is approved. She reported that a pre-submission meeting was held in December 2014, so the owner has worked on the application process for several months. She stated that the application was heard at the March Planning Commission meeting and it was tabled until April to obtain additional information. She reported that Mr. Podliska answered all questions and brought in all information requested. Ms. McWhorter explained that at the April Planning Commission meeting the application was unanimously denied and the reason was due to the definition of Intensive Agriculture.

The applicant, Mark Podliska, asked Board members if they had an opportunity to thoroughly read all the information provided by the Zoning Administrator and Board members responded affirmative. Mr. Podliska stated that at the last Planning Commission meeting, the Board members who spoke about the application talked positively, but then didn't recommend approval and he doesn't understand that. He reported that the subdivision is a very reasonable proposal and the Commissioners have the power to make this to go forward and direct the progress of urban development in this area. He explained that in regard to the opposition on hunting, these lots could be relocated to the west side of the 80 acre parcel and that would eliminate all the local neighbors' opposition. He reported that if the lots were located on the west side of the property, the lots wouldn't boundary any of the neighbor's property. Mr. Podliska said that the other opposition on wells and chemicals has been covered by state regulations and laws. He stated that he personally doesn't see anything that should reasonably stop this subdivision.

Commissioner Schmidt asked Mr. Podliska to further explain his comment regarding rezoning the lots. Mr. Podliska responded that he could re-align the lots to the west side of the property instead of running the lots from east to west. He further explained that he could develop all the lots along the west road and if there isn't adequate room, he could develop only three or four lots, instead of five lots. He stated that this would be an advantage for power and access and would eliminate the access road along the south side as originally planned. He explained that it would also eliminate the hunting zone buffer that the neighbors are concerned about. He stated that with these changes, there wouldn't be any opposition left.

Commissioner Schmidt asked for clarification on which plot of land Mr. Podliska is currently asking to have approved. Ms. McWhorter responded that the Board must consider the applicant currently submitted and denied by the Planning Commission and if Mr. Podliska would like to re-align the lots, a new survey and application would need to be submitted. Commissioner Schmidt stated that he wants to make sure that Mr. Podliska understood that the only proposal that can be considered is the current application. Mr. Podliska asked if he could get the Board's feelings on re-aligning the lots and Board members responded no. Commissioner Schmidt explained that Mr. Podliska must go through the process again.

Roger Foster spoke in opposition to the rezoning application. He stated that the subdivision borders his land and he wants to be able to hunt up to the fence line of his property. He said that he hasn't seen any need for the subdivision because there are plenty of other places where people can build houses. He reported that Madison is full of lots and no one has explained to him why this subdivision is needed. He stated that the area has already been deemed as Ag Intensive so he doesn't see how moving the lots would make any difference because the area would still be zoned Ag Intensive.

Chairman Ohl questioned what the setback requirements would be that would allow hunting. Ms. McWhorter responded that the Game and Parks regulation is 200 yards for discharge of a rifle and 100 yards for bow or shotgun without the hunter obtaining permission. She explained that she talked to County Attorney Joseph Smith about putting some wording in the protective covenant allowing hunting without the homeowner's permission and Mr. Smith responded that any statement would be a very gray area so he advised against it. Ms. McWhorter explained that there would still be public safety to look at, which would probably negate what the covenant required. Mr. Foster stated that no matter what wording was put into a protective covenant, any waiver would be overridden by State law. He asked where it would stop and how many little subdivisions would be put around the countryside and where they would be located. He reported that there is a bunch of wildlife in the area that would be affected by a housing subdivision.

Kim Foster stated that she is opposed to the rezoning application and that she has the same comments as her husband, Roger Foster. She explained that they have spent a lot of money making their farm a wildlife area and many generations have been hunting on their farm. She stated that they also don't want the urban sprawl.

Ken Wessel stated that he lives south of the subject property and he has irrigation wells that are deeper than Mr. Podliska's well and he doesn't want to have a situation like the area around Old Home Café. He questioned what happens if the water level goes down and wells in the subdivision don't get water. He asked if he would be required to shut down his irrigation well because he would not want to do this. Chairman Ohl responded that the Natural Resources District (NRD) makes the decision. Commissioner Schmidt explained that his understanding is that the NRD requires that domestic wells be dug to shale. He stated that if the subdivision is developed, each lot in the subdivision would need to have its own well and septic system. Ken Wessel asked what happens if the domestic well shale level isn't as deep as his well. Commissioner Schmidt responded that this could be a concern, but the County Board would have no authorization to shut off wells. He said that his understanding is that domestic wells take precedence over irrigation wells. Ken Wessel asked if this ruling applied even if his irrigation well was in place first and Commissioner Schmidt responded that the order of when the wells were dug doesn't matter. Mr. Wessel responded that this ruling doesn't seem very fair to him since his well was installed first. Ms. McWhorter explained that this issue was addressed at the Planning Commission meeting and Mr. Podliska had a response to it. She asked Mr. Podliska if he would like to respond to what Mr. Wessel said about wells. Mark Podliska reported that he spoke to NRD staff several times on the phone and a staff member said that as far as this area is concerned, he was very doubtful that running out of water in this area would ever be an issue.

Chairman Ohl closed the public hearing at 9:58 A.M.

Commissioner Schmidt asked County Highway Superintendent Richard Johnson to respond to the comment made about the bridge. Mr. Johnson stated that the bridge in question is a steel girder bridge that is rated for three tons which means that either the members are too small or too far apart. He said that the bridge would handle car or pickup traffic now, but shouldn't have anything heavier on it. He explained that at some point the County may need to spend a fairly significant amount of money to increase the girder so the capacity of the bridge could be increased. He stated that the big concern with the bridge would be if there is some deterioration and the load rating goes below three ton, then the County would be required to close the bridge.

Commissioner Prauner stated that he could see where it would be better if the applicant would put the lots the opposite direction. He said that he is familiar with the ground and he can understand someone shooting in the area which would be rather dangerous for the lots on the east end. He stated that he is not in favor of the subdivision as proposed. He stated that if someone would get shot out there the way it is set up now, it wouldn't be good.

Commissioner Schmidt stated that everyone would like to be able to use the land they own the way they see fit, so he can understand this. He said that everyone also needs to be careful about using the land in a way that negatively affects neighbors, so he can see that point. He stated that his biggest concern is the fact that the land is being rezoned from Ag Intensive to Rural Residential and it seems like this would be spot zoning. He said that the Board needs to be really careful about spot zoning since this area is not in the comprehensive plan.

Chairman Ohl asked Ms. McWhorter to confirm the recommendation from the Planning Commission and Ms. McWhorter responded that the Planning Commission spent a lot of time considering the application. She stated that there were a lot of questions and she visited with Planning Commission members individually and there were more than a few of the members who were in favor of the rezoning application. She reported that there is somewhere in the comprehensive plan that talks about development in the agricultural areas. She explained that the Ag Intensive definition was the main concern. She stated that the County has some spot zoning of rural residential, but these areas have some type of recreation area near such as a golf course or lake. She reported that the application was unanimously denied, but the Planning Commission struggled with it.

Chairman Ohl stated that the site looks like a beautiful area and he can understand why the owner desired to pursue development. Chairman Ohl asked if County Highway Superintendent Richard Johnson had any comments and Mr. Johnson responded that he hasn't seen the site, but he assumed that the site distance was adequate where the road out of the subdivision would come onto the County road. Commissioner Schmidt explained that from the north intersection to the south intersection the road comes up and then levels off to a gradual slope. Mr. Johnson inquired if someone pulling out of the subdivision would surprise anyone driving on the County road. Commissioner Schmidt responded that the site distance is adequate. Chairman Ohl asked if the lots have road frontage and Ms. McWhorter responded that a private road would be located on the south side of the lots. She explained that Mr. Podliska would maintain the road until all five lots are sold and then maintenance of the road would convert to the Home Owners Association.

Commissioner Schmidt stated that the County Board needs to recognize the work that the Planning Commission did on the application and it apparently was a difficult decision. Ms. McWhorter reiterated that the Planning Commission denied the application even though there were opinions both ways and she wants to make sure that she relays this information. Commissioner Prauner asked Mr. Podliska if he owned the entire half section of ground and Mr. Podliska responded that he owns 80 acres.

Motion was made by Prauner and seconded by Schmidt to deny the application of Mark Podliska to rezone property in Section 2-21-1 from A-1 Agricultural Intensive to RR Rural Residential.

During discussion on the motion, Commissioner Prauner asked if the property is all farm ground or pasture. Mr. Podliska responded that the property has two pastures and row crops. County Highway Superintendent Richard Johnson stated that he it is fairly common that if a piece of property is turned down for a zoning change, the applicant can't re-apply for a zoning change on the property for six months, but he is unaware if the Madison County zoning regulations have this requirement. He stated that the City of Norfolk has this requirement.

Chairman Ohl stated that Mr. Podliska has expressed a potential desire to continue pursuing this subdivision, maybe in another way, and if that is the case would the County have an opportunity to table the application or would the Board need to deny the application so Mr. Podliska could proceed. Commissioner Prauner reiterated that the Board could only vote on the application brought forward at this time. Mr. Johnson stated that the Board wouldn't need to deny the application if Mr. Podliska withdraws his application. Ms. McWhorter stated that if the County Board didn't take any action on the application, then Mr. Podliska could re-submit a different application instead of waiting six months.

Chairman Ohl said that Mr. Johnson would review the zoning regulations and the Board had the option of holding onto the motion or ask for comments from Mr. Podliska to see if he has a desire to withdraw his application.

Mark Podliska stated that if the County Board does not table the application, he would withdraw his rezoning application.

Commissioner Prauner withdrew his motion on the rezoning application.

Chairman Ohl stated that the Board accepts Mark Podliska's withdrawal of his application to rezone property located in Section 2-21-1 from A-1 Agriculture Intensive to RR Rural Residential.

County Highway Superintendent Richard Johnson reported that permission has been received from the State and Federal Governments to proceed with paving 125 foot of the bridge approach for Project No. ER-2895(2), Meadow Grove North. He explained that the County must follow several stipulations including compliance with the NEPA document. He reported that the County must keep the road open to one-way traffic during the project mainly for emergency vehicles and school buses. He stated that he discussed this issue with Commissioner Prauner and they feel that this could be accomplished by paving half of the road at a time. In addition, he stated that the County can't deny access to any landowners along the road; however, this won't be an issue. Mr. Johnson reported that he will send an email confirming that Madison County will comply with the NEPA documents since Commissioner Prauner is anxious to build the project as soon as the planting season is completed. He stated that the entire cost of paving the bridge approach will be paid by the County, but the remainder of the project will still be eligible for federal funds. Chairman Ohl inquired what type of paving would be used and Mr. Johnson responded that concrete paving will be used.

Commissioner Prauner stated that they would like to start about June 1st and that signs required for the project have been ordered. Mr. Johnson estimated that the cost would be between \$20,000 and \$25,000.

No action was taken.

Commissioner Schmidt reported that the County has spent more than budgeted for District Court appointed attorneys, so the Commissioners want to get an explanation from some of the people involved in the process so they have a better understanding. He explained that to date in this fiscal year, \$191,000 has been spent on District Court appointed attorney fees and the yearly total for both County and District Courts is \$439,000. He said that by adding the claims from the current meeting, the total amount spent would be \$460,000, which is about \$14,000 higher than during the last five years and there are still four meetings left in the current fiscal year. He reported that during the last five years, the highest total has been \$446,000. Chairman Ohl reported that the County Court is still within the average on court appointed expenses, but the District Court has exceeded the amount appropriated.

County Attorney Joseph Smith joined the meeting at 10:19 A.M. to discuss court appointed attorney fees. He explained that the Courts appoint attorneys and that lawyers send bills for the defense fees which comes to his office first and then is sent to the Judges for approval. He reported that several Courts appoint quite a few lawyers, including District, County, and Juvenile. He explained that he has not seen a lot of abuse and he also hasn't seen any abuses by lawyers. He said that some Courts are getting rather costly and some Courts tend to be more wasteful or slower than others. He stated that District Court usually moves rather fast and the Public Defender handles about 40% of the cases, with the balance using Court appointed attorneys. Mr. Smith said that County Court also moves fairly fast and a lot more people in County Court are not represented by an attorney. He stated that in Juvenile Court it is not uncommon to have two or three lawyers, not counting his deputies, in Court at one time on a single case. He explained that there are guardian ad litem, lawyers, and also guardian ad litem for incapacitated parents and that is where the County may see a great deal of costs. He stated that he doesn't see these costs going down. He reported that there was a bill passed by the Legislature requiring the Nebraska Supreme Court to adopt new guidelines for guardian ad litem. Mr. Smith explained that there are guardian ad litem and lawyers going to relatively meaningless meetings at Social Services to talk to families which should be done by telephone. He stated that he could look into the numbers for the Board, but he doesn't see any particular way of changing the process other than streamlining some of the Courts, which is very difficult to do. He said the criminal and juvenile courts tend to go the opposite direction of streamlining.

Commissioner Schmidt stated that when they look at claims they see District Court and County Court attorney fees, and he questioned where the Juvenile Court costs are listed in the budget. Mr. Smith responded that the Juvenile attorney fees are listed under the County Court attorney fees. Mr. Smith reported that the County recently had a large bill on Mr. Galindo for post conviction costs. He stated that the large bills do not occur on a regular basis. He reported that one issue he knows of in County Court is that sometimes people wait a month or more for preliminary hearings. He stated that a preliminary hearing is simply a detention hearing and it is customary in other places in the State to have preliminary hearings in two to three days. Commissioner Schmidt asked why this is happening in Madison County and Mr. Smith responded that he did not know. Mr. Smith stated that it may take longer in other counties now, but a preliminary hearing typically is held to determine if there is sufficient evidence to bound the person over to District Court. He stated that they have been handling all the requests for preliminary hearings even though they hand out police reports to defense lawyers.

Commissioner Prauner asked if the County Attorney's office has to determine if the person has funds before a Judge appoints an attorney. Mr. Smith stated that when they review an affidavit occasionally they have suspicions that assets are being hidden, but there isn't a lot of abuse.

Commissioner Schmidt asked how old a juvenile must be before the parents aren't responsible for the costs. Mr. Smith responded that the juvenile must be 18 or 19 years old depending upon the circumstances. He said the juvenile court basically goes to age 18. He explained that County Court handles cases such as reckless or careless driving where the person doesn't want a lawyer. He said that everyone in felony court is facing a least a year in jail, so they all have lawyers. Mr. Smith stated that sometimes competency evaluations are completed which are paid by the County. He asked the Commissioners to discuss the matter and he will try to do anything the Board asks for within reason.

Mr. Smith stated that in Juvenile Court there seems to be a lot of waiting going on with two or three lawyers in the hallway. He stated that Juvenile Court is not going to get more streamlined or headed to efficiency. He reported that there are people with pre-trial hearings who have mediators.

Commissioner Prauner asked what the contract rate is for attorneys and Mr. Smith responded that the current rate is \$75 per hour, which is set by the Judges and approved by the Commissioners. Commissioner Schmidt stated that if the County Attorney has curiosity about why the attorney fees are higher, the matter should be researched. Mr. Smith stated that it takes time to do research and he needs to have a secretary or get an intern to do this.

Commissioner Prauner asked if the defense attorney's office is short one attorney and Mr. Smith responded that this depends upon what standard is applied. Chairman Ohl reported that Mr. Headley told him that the Defender's Office is short one attorney.

County Highway Superintendent Richard Johnson asked how long the \$75 per hour rate has been in effect and Mr. Smith responded that this has been the rate for a number of years. He stated that there is an aspect of public service for court appointed attorneys. Commissioner Schmidt stated that this isn't the only area where the County needs to be accountable, but these costs should be examined.

No action was taken.

Tim Baxter, Road Safety and Loss Prevention Specialist for NIRMA, spoke about organizing safety committees in Madison County. He recommended that the County establish a General Safety Committee and a Road Department Safety Committee. He stated that NIRMA has prepared a model NIRMA Safety Committee Handbook.

Mr. Baxter recommended using the following guidelines to organize the Road Department Safety Committee:

- 1) The committee should be assembled using the foreman from each district and one road department employee from each district.
- 2) The committee should elect a Chairman to manage the meetings and a Secretary to take notes.
- 3) The County Board should appoint a Safety Manager for the road department. If a foreman is not appointed as the Safety Manager, then whoever is appointed must serve on the safety committee.
- 4) The Committee should follow NIRMA's Ten Best Safety practices.
- 5) All accidents, incidents, near misses, etc. should be investigated and reviewed to determine how better to reduce said accidents in the future, reduce liability, and improve employee and public safety.
- 6) Quarterly safety committee meetings should be held at least three to four weeks prior to when quarterly road department safety meetings are scheduled. The safety meeting topics would be determined in addition to accident reviews and shop audit findings.
- 7) After safety committee meetings, two safety committee members, preferably from different shops and districts, should perform shop audits, document any deficiencies, and provide a written report to the foreman of the district inspected.
- 8) Road department safety meetings should be held quarterly with topics pertaining to upcoming seasonal work such as winter preparedness at the October meeting and construction safety at the April meeting.
- 9) 15 to 20 minute tailgate meetings should be held monthly or prior to projects such as crack sealing and armor coat surfacing.

Mr. Baxter stated that he would be more than happy to meet with the road department safety committee once the members are appointed and assist with the first safety committee meeting. He reported that he completed a sign audit prior to coming to the Commissioners' meeting and the employees responsible for maintaining the signs are doing a great job. He reported that there are about four or five signs that aren't completed and these require an engineering study because they are dangerous intersections.

Commissioner Prauner reported that the District #3 employees have tailgate safety meetings. He said that they recently talked about checking high pressure hoses before washing off equipment and checking hydraulic hoses. He stated that he believes in safety and the employees are keeping the shop picked up so they don't trip over things.

Mr. Baxter reported that during the last two years, the road departments have made phenomenal improvements. He stated that when Dave Heggemeyer was serving as Assistant County Highway Superintendent, the improvements were drastic. He said that the County has everything fixed from the last inspection and he expressed appreciation for that.

No action was taken by the Board.

The following written reports were reviewed:

- 1) Fund balance report
- 2) Sale of surplus property report

The following claims were audited:

		GENERAL FUND	
Total Net Payroll			136,286.77
Mark Albin	Legal Services, District Court		6,928.91
Mark Albin	Legal Services, County Court		811.87
Ronald Albin	Legal Services, District Court		1,419.03
American Family Life Assurance Co.	Insurance Premiums		731.95
Ameritas Life Insurance Corp	Insurance Premiums		356.70
Antelope County Sheriff	Service Fees, District Court		132.65
Appeara	Mat Service, Public Defender		28.18
Appeara	Mat Service, Courthouse		288.54
AS Central Services	Telephone Services, Planning and Zoning		24.67
AS Central Services	Telephone Services, Noxious Weed		24.68

AS Central Services	Telephone Services, County Sheriff	262.29
AS Central Services	Telephone Services, Law Enforcement	16.00
AS Central Services	Telephone Services, County Jail	441.71
AS Central Services	Telephone Services, Veterans' Service Office	70.60
Assembled Products Corporation	Shipping, County Sheriff	17.38
Black Hills Energy	Gas Service, Planning and Zoning	16.40
Black Hills Energy	Gas Service, Noxious Weed	16.40
Black Hills Energy	Gas Service, Veterans' Service Office	42.61
Blue Cross Blue Shield of Nebraska	Insurance Premiums	135,892.22
Blueline Security Services, L.L.C.	Services, County Jail	782.00
Karla Boldt	Supplies, Veterans' Service Office	11.00
Bomgaars Supply	Shop Supplies, Noxious Weed	162.65
Bomgaars Supply	Supplies, Courthouse	34.21
Bessie Bove	Prior Service Benefits	12.00
Brogan & Stafford, P.C.	Legal Services, County Court	1,891.14
Business Telecommunication Systems	Services, Courthouse	146.00
Cableone	Cable Service, County Sheriff	81.65
Carney Law, P.C.	Legal Services, District Court	2,998.20
Carney Law, P.C.	Legal Services, County Court	2,902.65
CBM Managed Service	Meals, County Jail	6,699.29
Champs, Inc.	Maintenance Contract, County Jail	2,166.00
Checker Cab Co.	Transportation Costs, Juvenile Diversion	60.90
Choice Foods	Supplies, Public Defender	9.79
City of Madison	Utilities, Courthouse	153.76
City of Norfolk	Utilities, Probation	50.48
Colonial Life and Accident Insurance	Insurance Premiums	306.34
Connecting Point	Equipment, District Court	79.00
Connecting Point	Supplies, County Attorney	49.00
Connecting Point	Equipment, Juvenile Diversion	2,444.00
Connecting Point	Equipment, Services, Probation	3,508.00
Connecting Point	Equipment, Noxious Weed	3.00
Consolidated Management Company	Meals, County Sheriff	13.75
Constellation Newenergy Gas Division	Gas Service, Planning and Zoning	77.43
Constellation Newenergy Gas Division	Gas Service, Noxious Weed	77.43
Constellation Newenergy Gas Division	Gas Service, Veterans' Service Office	67.42
Constellation Newenergy Gas Division	Gas Service, Courthouse	769.36
Constellation Newenergy Gas Division	Gas Service, County Jail	1,608.28
Deborah Cooley	Transcript, County Court	617.70
Dori Dailey	Witness Fees, County Court	38.40
Dent Specialists, L.L.C.	Repairs, Tires, Reappraisal	782.82
Dent Specialists, L.L.C.	Repairs, County Sheriff	106.23
Digital Ally, Inc.	Equipment, Services, County Sheriff	8,290.00
Ashley Dittberner	Uniforms, County Jail	133.75
Eakes Office Solutions	Supplies, Register of Deeds	125.99
Eakes Office Solutions	Supplies, District Court	19.96
Eakes Office Solutions	Supplies, Courthouse	69.92
Eakes Office Solutions	Supplies, County Extension	128.63
Eakes Office Solutions	Supplies, County Sheriff	45.85
Eakes Office Solutions	Copier Maintenance, County Attorney	148.04
Eakes Office Solutions	Supplies, County Jail	121.88
Eakes Office Solutions	Supplies, Furniture, Probation	618.86
Egan Supply Company	Repairs, Courthouse	171.96
Egley, Fullner, Montag and Hockabout	Legal Services, County Court	1,312.75
Environmental Systems Research Institute, Inc.	Software Maintenance, Noxious Weed	1,150.00
Ewalt Law Office, P.C., L.L.O.	Legal Services, County Court	2,098.39
Farm & Home Publishers LTD	Plat Books, Courthouse	808.00
Helen Finkral	Prior Service Benefits	23.08
First Concord Benefits Group, L.L.C.	Administrative Costs, Deductible Buy Down	5,443.56
Fitzgerald, Vetter & Temple	Legal Services, County Court	777.22
Floor Maintenance & Paper Supply	Supplies, Probation	148.31
Frontier	Telephone Service, Courthouse	1,024.08
Gordy's Towing & Repair	Repairs, County Sheriff	235.43
Gregg Hanson	Meals, Mileage, Veterans' Service Office	380.22
Matthew Headley	Postage, Public Defender	98.00
Crystal Hestekind	Services, Probation	360.00
Zak Hookstra	Mileage, Public Defender	124.20
Jeffrey Hrouda	Legal Services, County Court	187.50
Jack's Uniforms & Equipment	Uniforms, Equipment, County Sheriff	1,903.89
Jerry's Trailers & Campers	Equipment, County Sheriff	1,349.00
K & S Door Company	Equipment, Planning and Zoning	227.20
Leaf	Copier Lease, Veterans' Service Office	87.72
Madison County Clerk	Tax Deposit	53,132.36
Madison County Court	Fees, County Court	67.00
Madison County Sheriff Inmate Fund	Supplies, County Jail	174.99
Madison County Sheriff	Fees, County Court	100.58
Madison County Sheriff	Fees, District Court	1,605.78
Madison County Sheriff	Mileage, Mental Health	122.16

Madison National Life Insurance Company	Insurance Premiums	131.56
Marathon	Supplies, County Court	124.75
Jim Marshall	Services, Juvenile Diversion	425.00
Mead Lumber & Rental	Supplies, Courthouse	181.49
Menards	Supplies, Planning and Zoning	28.54
Menards	Supplies, Courthouse	86.82
Menards	Supplies, County Sheriff	7.47
Menards	Supplies, Probation	79.08
Menards	Supplies, Noxious Weed	17.19
Midwest Plumbing & Heating	Repairs, County Jail	444.88
Andrew Mohr	Mileage, Juvenile Diversion	72.68
Morland, Easland & Lohrberg	Legal Services, County Court	425.39
Moyer & Moyer	Legal Services, County Court	865.75
NACEB	Dues, County Extension	100.00
NACO	Registrations, County Officials	245.00
National Enterprise Systems	Garnish of Wages	194.91
Nationwide Retirement Solutions	Deferred Compensation	835.00
Nebraska Child Support Payment Center	Garnish of Wages	369.23
Nebraska Clerks of District Court Association	Registration, District Court	75.00
Nebraska Juvenile Justice Association	Training, Juvenile Diversion	750.00
Nebraska Public Power District	Utilities, Planning and Zoning	99.17
Nebraska Public Power District	Utilities, Noxious Weed	272.87
Nebraska Public Power District	Utilities, Veterans' Service Office	41.11
Nebraska UC Fund	Unemployment Insurance	3,912.00
NESCA	Training, County Jail	75.00
Norfolk Auto Center	Repairs, County Sheriff	217.23
Norfolk Daily News	Publications, County Extension	5.14
Norfolk Daily News	Publications, Courthouse	198.63
Norfolk Winair Company	Supplies, Courthouse	199.31
Northeast Community College	Lease, Operating Costs, County Extension	4,042.34
Northeast Community College	Training, County Jail	3,647.20
Northeast Nebraska Juvenile Services	Vidyo Training, Juvenile Diversion	100.00
Northeast Research & Extension Center	Telephone Service, Supplies, County Extension	766.10
Rita Olberding	Transcript, County Court	30.86
Lonnie Otto Jr.	Repair, Courthouse	95.00
Pell Reporting	Transcripts, County Court	691.15
Stephanie Petersen	Mileage, Juvenile Diversion	117.88
Sherry Peterson	Mileage, Juvenile Diversion	549.13
Platte County Court	Copies, Law Enforcement	2.00
Susan Pohlman	Services, Juvenile Diversion	80.00
Sarah Polacek	Mileage, Postage, County Extension	340.12
Postmaster	Postage, Veterans' Service Office	271.60
Premier Biotech	Supplies, County Jail	265.93
Renner Wraps & Graphics	Supplies, County Sheriff	296.00
Retirement Plans Division of Ameritas	Employee Share Retirement	9,108.27
Retirement Plans Division of Ameritas	Employer Share Retirement	13,297.83
Reynoldsons	Fuel, Planning and Zoning	33.10
Reynoldsons	Fuel, Noxious Weed	316.85
Sanne Repair	Repairs, County Sheriff	4,063.36
Judy Schroeder	Prior Service Benefits	11.00
Lee Sherry	Mileage, County Extension	162.73
Stratton, DeLay, Doele, Carlson, & Buettner, P.C., L.L.O.	Legal Services, County Court	3,011.45
T.O. Haas Tire	Tires, County Sheriff	970.59
Target Bank Business Card Services	Supplies, County Sheriff	26.17
The Change Companies	Supplies, Juvenile Diversion	1,615.19
Thomson Reuters West	Publication, County Sheriff	564.00
Thomson Reuters West	Publication, County Jail	223.00
Thomson Reuters West	Publication, Law Library	223.00
David Uher	Legal Services, County Court	3,504.00
University of Nebraska Lincoln	Administrative Expense, County Extension	11,725.66
US Bank Corporate Payment System	Fuel, Supplies, Lodging, Uniforms, County Sheriff	768.28
US Bank Corporate Payment System	Transportation Costs, Law Enforcement	34.21
US Bank Corporate Payment System	Fuel, Meals, Lodging, Juvenile Diversion	578.13
Verizon Wireless	Telephone Service, Courthouse	33.40
Verizon Wireless	Telephone Service, Reappraisal	40.01
Verizon Wireless	Telephone Service, County Extension	191.30
Verizon Wireless	Telephone Service, County Sheriff	1,852.50
Verizon Wireless	Telephone Service, Law Enforcement	80.47
Verizon Wireless	Router Service, Courthouse	78.80
Walmart Community	Witness Meals, County Attorney	64.99
Western Office Technologies	Equipment, Register of Deeds	475.00
Western Office Technologies	Bookcase, District Court	150.00
Western Office Technologies	Supplies, Public Defender	145.98
Western Office Technologies	Supplies, Juvenile Diversion	101.97
Whitey's Sprinklers	Services, Courthouse	1,775.00
Abbie Widhalm	Witness Fees, County Court	45.41
Wingate by Wyndham	Lodging, Juvenile Diversion	179.90

Woods & Aitken, L.L.P.	Services, Courthouse	774.00
Zippy Lube	Repairs, County Sheriff	38.41

ROAD/BRIDGE FUND

Total Net Payroll		32,611.17
American Family Life Assurance Company	Insurance Premiums	411.48
Ameritas Life Insurance Corporation	Insurance Premiums	123.52
AS Central Services	Data Processing Costs	24.72
B's Enterprises Inc.	Signs	5,339.25
Battle Creek Farmers Coop	Fuel	5,893.75
Battle Creek Municipal Light & Power	Utilities	185.03
Battle Creek State Bank	Lease Purchase Agreement	20,599.18
Bauer Built Tire	Repairs	3,484.26
Binswanger Glass	Repairs	24.75
Black Hills Energy	Gas Service	227.75
Blue Cross Blue Shield of Nebraska	Insurance Premiums	30,502.34
Bomgaars Supply	Shop Supplies	309.87
City of Madison	Utilities	607.84
Colonial Life and Accident Insurance	Insurance Premiums	153.37
Connecting Point	Internet Service	15.00
Constellation Newenergy Gas Division	Gas Service	883.11
Credit Management Services	Garnish of Wages	156.88
Dale Johnson Enterprises, Inc.	Gravel	5,462.16
Eastern Nebraska Telephone Company	Telephone Service	52.19
Fastenal Company	Parts	30.63
First Concord Benefits Group	Administrative Fees, Deductible Buy Down	2,208.31
Fischer Oil Sales	Oil	211.14
Frontier	Telephone Service	164.14
Island Supply Welding Company	Shop Supplies	203.95
K & S Door Company	Repairs	157.45
Kelly Supply Company	Parts	185.15
Kimball Midwest	Shop Supplies	114.25
Loup Power District	Utilities	126.56
Madison County Clerk	Tax Deposit	12,354.55
Madison National Life Insurance Company Inc.	Insurance Premiums	34.30
Matheson Tri-Gas Inc.	Shop Supplies	118.63
Matteo Sand & Gravel Company Inc.	Gravel	23,384.64
Menards	Shop Supplies	93.81
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Department of Roads	Engineering Services	10,302.49
Nebraska Public Power District	Utilities	134.52
NMC Exchange L.L.C.	Testing	100.00
Poltt Brothers Equipment L.L.C.	Equipment	15,350.00
Powerplan	Parts	703.14
Prime Sanitation	Garbage Service	53.75
Retirement Plans Division of Ameritas	Employee Share Retirement	1,925.47
Retirement Plans Division of Ameritas	Employer Share Retirement	2,888.28
Rose Equipment	Asphaltic Materials	15,350.51
Ron Schmidt	Tools	386.97
Sioux City Truck Sales Inc.	Repairs	2,395.99
Smutny Repair	Repairs	405.94
Telebeep Wireless	Pager Services, Internet Services	190.11
Willow Creek Sand & Gravel	Sand, Gravel	1,485.64
Wilson Tool Service L.L.C.	Tools	275.00
Zee Medical	Shop Supplies	17.95

FEDERAL AID SECONDARY FUND

Mainelli, Wagner & Associates Inc.	Engineering Services	35,514.66
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VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administrative Expense	18,038.66
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VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administrative Expense	15,967.49
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DRUG TESTING FUND

Nebraska Public Health Environment Lab	Testing	105.00
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911 EMERGENCY FUND

Century Link	Telephone Service	978.68
Eastern Nebraska Telephone Company	Telephone Service	127.86
Frontier	Telephone Service	164.10

LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff Inmate Fund	Supplies	119.80
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ROAD BRIDGE BOND FUND

Frontier Bank	Highway Allocation Bonds	374,951.50
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Motion was made by Prauner and seconded by Schmidt to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board adjourned at 11:23 A.M. to Tuesday, May 19, 2015 at 9:30 A.M.

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County Clerk Nancy Scheer

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Christian Ohl, Chairman  
County Board of Commissioners