

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

May 15, 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, May 10, 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, Sign Technician Travis Amen, and Weed Superintendent Don Svitak were present until 11:04 A.M. Norfolk City Public Safety Director Shane Weidner and Norfolk Fire Chief Scott Cordes were present until 9:37 A.M. County Attorney Joseph Smith was intermittently present during the meeting. Norfolk Daily News reporter Jerry Guenther and WJAG reporter Cody Ronnfeldt were present until 10:52 A.M.

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

- 1) Approval of minutes of the May 1, 2018 meeting
- 2) Authorization for County Board Chairman to execute the drawdown document to request funds in the amount of \$77,588.20 for CDBG Project No. 16-ED-001, Weiland, Inc.
- 4) Authorization to advertise for bids for armor coat surfacing and road striping and set the bid date for May 24, 2018
- 5) Authorization to advertise for bids for Project No. C-59-905 located approximately two miles north and 1 mile east of Tilden and set the bid date for June 7, 2018
- 6) Approval of Change Order No. 1 with Gering Construction to provide for extending the South 37th Street paving project approximately 243 feet south at an estimated cost to Madison County of \$40,479.25
- 7) Authorization for County Highway Superintendent to solicit proposals for providing and hauling rip-rap, acquiring right-of-way, and other items necessary for bank stabilization of the Elkhorn River near 536th Avenue located approximately 2 miles east and 1 mile north of the City of Tilden
- 8)

RESOLUTION #2018-28

WHEREAS, the Board of Commissioners of Madison County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Madison County, Nebraska; and

WHEREAS, it has been determined that a Madison County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Madison County, the Cities of Battle Creek, Madison, Newman Grove, Tilden, Norfolk and the Village of Meadow Grove in Madison County; and

WHEREAS, the Board of Commissioners of Madison County, deems it advisable and in the best interest of Madison County to approve said Local Emergency Operations Plan;

WHEREAS, the acceptance of this 2017 Local Emergency Operations Plan supersedes all previous approved Madison County Local Emergency Operations Plans;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Madison County, Nebraska, that the Madison County Local Emergency Operations Plan be, and hereby is, approved.

- 9)

RESOLUTION #2018-29

WHEREAS, Check No. 18040330, dated April 17, 2018, and drawn on the General Fund in the amount of forty four dollars and twenty five cents (\$44.25), was made payable to the Teller County Clerk Magistrate, P.O. Box 997, Cripple Creek, Colorado 80813-0997, 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. 18040330, dated April 17, 2018, and drawn on the General Fund in the amount of forty four dollars and twenty five cents (\$44.25), is hereby cancelled.

- 10)

RESOLUTION #2018-30

WHEREAS, Check No. 18040310, dated April 17, 2018, and drawn on the General Fund in the amount of seventeen dollars and zero cents (\$17.00), was made payable to the Platte County Court, P.O. Box 538, Columbus, Nebraska, 68602-0538, 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. 18040310, dated April 17, 2018, and drawn on the General Fund in the amount of seventeen dollars and zero cents (\$17.00), is hereby cancelled.

- 11)

RESOLUTION #2018-31

WHEREAS, there is a desire to enhance public safety by establishing a signage program to effectively communicate rural addresses to the public and to public safety providers within Madison County; and

WHEREAS, assignments have been made for all rural addresses having previously been adopted by Madison County and the City of Norfolk; and

WHEREAS, road number signs have previously been installed at intersections throughout Madison County; and

WHEREAS, there are existing in the jurisdiction of Madison County the following rural fire protection boards, hereinafter referred to as "rural boards":

Battle Creek rural board,
Meadow Grove rural board,
Tilden rural board,
Newman Grove rural board,
Madison rural board,
Norfolk rural board,
Creston rural board, and
Lindsay rural board; and

WHEREAS, the Madison County Board of Commissioners and the rural boards are desirous of cooperating to install and maintain signs for rural addresses throughout Madison County; and

WHEREAS, there are approximately 2,000 separate rural addresses throughout Madison County; and

WHEREAS, rural boards are committed to buy the signs, brackets, and posts necessary to post each rural address in Madison County; and

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WHEREAS, Madison County is willing to use its employees, or to cooperate with other entities as Madison County's designees, to install the signs; and

WHEREAS, Madison County and the City of Norfolk will continue to assign new addresses when new structures require assignment of a new address in their respective jurisdictions; and

WHEREAS, Madison County is willing to replace damaged signs and install signs at new addresses as new addresses are assigned.

NOW, THEREFORE BE IT RESOLVED, in consideration of the foregoing recitals, that the Board of Commissioners of Madison County, Nebraska, in order to implement a rural signage program, hereby commits to the establishment of a signage program whereby:

1. Madison County, with either its own employees or its designees, will erect the approximately 2,000 rural address signs throughout Madison County that have been supplied or are to be supplied to Madison County by the rural boards at no cost to Madison County; and
2. The address signs will be erected at a uniform height and location as determined by Madison County, Rural Fire Board, and Fire Departments; and
3. Madison County and the City of Norfolk will continue to assign new addresses in their respective jurisdictional areas throughout Madison County as necessary; and
4. Madison County will be responsible for replacement and repair of damaged signs and erecting signs when new addresses are assigned. Costs will be borne by Madison County for any replacement or new sign installations. Should signs deteriorate or become unreasonably unmaintainable in mass, Madison County will negotiate a solution with the parties who originally purchased the signs.

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.

Chairman Prauner announced that the Board would discuss office space for the UNL Extension Department. Extension Educator Lee Sherry and her spouse, Norman Small, were present.

Commissioner Ohl explained that discussion at the last meeting was potential acquisition of a building for relocation of the Extension Department. He reported that he has been working with a realtor on continued discussions and for the sake of protection for the seller and Madison County, he requested recessing into executive session to discuss pricing and negotiations.

County Attorney Joseph Smith said that he understands that the Board members will talk with the realtor about the price of a building. He said that both sides probably have a number in mind so they can negotiate. He said that if negotiations occur in open public session it could jeopardize the sale; so, it would be appropriate to recess into executive session.

Motion was made by Ohl and seconded by Schmidt to recess into executive session for negotiations on the purchase price of a building. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board recessed into session at 9:37 A.M. with realtor Russ Wilcox, County Attorney Joseph Smith, County Highway Superintendent Richard Johnson, and County Clerk Nancy Scheer present.

Motion was made by Ohl and seconded by Schmidt to recess from executive session. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board recessed from executive session at 10:37 A.M.

Motion was made by Ohl and seconded by Schmidt to authorize the County Board Chairman to execute a purchase agreement for acquisition of the former Daycos building located near the intersection of 13th Street and Omaha Avenue upon approval of said agreement by County Attorney Joseph Smith for a purchase price of \$625,000.00, with the seller to finance on a 10 year amortization schedule at a 4% interest rate. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

After further discussion, Commissioner Ohl amended the motion to add a closing date of July 10, 2018 for purchase of the former Daycos building. The motion was seconded by Commissioner Schmidt. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Commissioner Ohl commented that the purchase of the building is a great opportunity for the County. He said that he has been working with a tremendous Norfolk business with community minded owners. He explained that the purchase price is \$62 per square foot; however, when all the storage space is included, the price is close to \$52 per square foot. He stated that compared to what it would cost to build something similar to this building, the cost would probably be closer to \$200 per square foot. He said that he really thinks the building purchase is a great situation and they are seeing a lot of positives with this building. Commissioner explained that based upon the Extension office needs and potentially other offices, they feel that they can find a lot of efficiency and find some really great things coming out of this purchase. He stated that parking will fit the needs of the County, whereas parking at other locations was going to be a challenge. He said that on multiple aspects this building really seems to be the right fit for the needs of the Extension Office and for the County.

Chairman Prauner stated that if space is adequate in the newly purchased building, other offices may be relocated to this location.

Zoning Administrator Heather McWhorter and Sign Technician Travis Amen discussed the fee for placement of rural 911 address signs after the initial placement was completed. Ms. McWhorter stated that the fee schedule would need to be amended. Chairman Prauner asked what the actual cost was for the sign blade and how much other counties were charging. Ms. McWhorter responded that other counties are paying the entire cost for the sign and in Madison County the rural fire districts are paying the costs. Travis Amen stated that the cost of the post and sign is between \$20.00 and \$30.00 which doesn't include the labor costs to install it. Ms. McWhorter stated that they also need to determine if the County should order the sign and require the owner to install it or if the County should install the sign. She said that the sign could possibly be installed when the building permit inspection is done. Mr. Amen reported that it would possibly take about one hour to locate and install the sign depending upon the location.

Chairman Prauner directed Zoning Administrator Heather McWhorter to contact area counties to check on costs charged. No further action was taken.

Under citizens' comments, Brad Wallin and Sheana Banks were present to discuss a zoning issue. Zoning Administrator Heather McWhorter, Weed Superintendent Don Svitak, and Sign Technician Travis Amen were present.

Brad Wallin stated that he has lived in the County his entire life and every time he has done anything the last five years he has problems with the Zoning Department. He said that, no matter what he does, the Zoning Administrator comes up with something different or something is wrong. He reported that he started out with trying to put up grain bins and he asked the Zoning Administrator what he needed to be done because he wanted to do it right. He said that the Zoning Administrator told him that he needed a 10 feet separation, so he measured everything out and put up one grain bin. He reported that when he went to the Zoning Department the next spring to put up two more grain bins, he was told that the County was in the process of changing the 10 feet distance to 6 feet. Mr. Wallin reported that he spoke again to the Zoning Administrator and was told that the distance was still 10 feet for legs and towers and that he needed to stay 10 feet away from the 3 phase power line; but, everyone else gets to put their grain bins as close as they want.

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Chairman Prauner explained that the setback was 6 feet, then was changed to 10 feet, and changed back to 6 feet, and now there is no setback. Mr. Wallin said that Ms. McWhorter told him that grain bins required a 10 foot setback. He stated that he obtained a permit to build his house and started construction and was told by Ms. McWhorter that he couldn't build the house where he wanted because it was located on a parcel less than 40 acres. He explained that he owns the entire 80 acre parcel; but, he had to spend over \$3,000 to get a survey. He questioned why he had to have a parcel surveyed off of the 80 acre piece of property.

Commissioner Schmidt stated that he understood that Mr. Wallin started building the house on the 80 acre parcel and then came to the County and asked for a lot split. Mr. Wallin responded that the Zoning Administrator made him split a parcel from the 80 acre property. Commissioner Schmidt stated that possibly Mr. Wallin's lender wanted the property split. Mr. Wallin responded no and said that the Zoning Administrator told him that he needed a lot split. Commissioner Schmidt stated that this statement simply isn't true because he remembers that Mr. Wallin had already started building his house and then came to the County asking for a lot split. He stated that the County's policy is that no lot split is required unless the owner requests it.

Ms. McWhorter reported that there is nothing in the zoning regulations that would require a lot split unless the Wallins requested a lot split and then it was less than 40 acres, which would require a conditional use permit. Ms. McWhorter reported that Mr. Wallin applied for a building permit in January, 2015 and it was approved; so, she never said anything about a lot split. She stated that Mr. Svitak inspected the foundation which was poured in April and there wasn't a problem. She stated that someone came and said that Mr. Wallin needed a lot split. She explained that once the property was split, then it required a conditional use permit because it was less than 40 acres. She reiterated that there is nothing in the zoning regulations that would require her to request someone to split their property. Mr. Wallin reported that he never obtained a house loan; so, he never had a lender tell him that he had to split the property.

County Attorney Joseph Smith asked if there is a problem that needs to be resolved now. Mr. Wallin stated that there will be an issue in the future. He reported that he put up a barn for horses and the Zoning Administrator told him that the distance was 25 feet; so, he put the barn more than 25 feet away from all buildings. He stated that the County came out to measure and he was told that a horse barn requires 100 feet setback; but, the barn is only 97 feet away from the property line. He explained that the barn is located on an 80 acre parcel, but, the building is 3-foot too close to the property line. Mr. Smith stated that they all want to help each other, so he questioned what was the easiest way is to resolve the problem. Ms. McWhorter stated that she has never said anything to Mr. Wallin about the horse barn.

Weed Superintendent Don Svitak stated that he re-measured the distance of the barn from the property line last week and verified that it is 96 feet from the property line. Mr. Wallin asked if this would be a problem. Ms. McWhorter asked how many horses are kept in the barn and Mr. Wallin responded that 4 or 5 horses will be kept in the barn. Ms. McWhorter explained that the barn is an ag structure and is not treated the same as a kennel. She clarified that a riding stable would require a conditional use permit; but, if the Wallins only have horses in the barn the building is considered an agricultural structure.

Mr. Smith stated that he is trying to avoid what happened in the City of Newman Grove happen at a Commissioners' meeting. Mr. Wallin stated that the Zoning Administrator requires everything to be done by the book. He said that he has a dog shed that one dog sleeps in which is less than 100 feet away from the property line of the 80 acre parcel. Ms. McWhorter explained that a dog house with one dog in it is not considered a kennel and is not a problem. She stated that she would consider a private kennel three dogs in a run with separate cages; but, a dog house with one personally owned dog is not a kennel.

Ms. McWhorter explained that a riding stable would require a conditional use permit; but, personal horses inside a barn is not considered a riding stable. Commissioner Schmidt explained that if people came for riding lessons bringing their own horses or the owners charge for boarding horses, then the situation is different. Mr. Wallin stated that his daughter may start doing this if he builds an arena; but, he won't house other owners' horses. Commissioner Schmidt explained that if Mr. Wallin makes it a commercial operation, then it becomes a riding stable. Mr. Wallin stated that if he wants to have a commercial operation, then the barn is not in compliance. Ms. McWhorter stated that when the building permit application was completed, the building was going to be an agricultural structure, whether it had horses in it or not. She stated that if the use of the structure is changed after the original permit is issued, then they would have to look at the application again. Mr. Wallin stated that he wanted to put up a barn for 8 horses. He stated that he owns both pieces of property, so he inquired if the 97 foot distance was okay. Ms. McWhorter responded that the lot split could be vacated. Mr. Wallin stated that this would cost him more money. Ms. McWhorter explained that vacating the lot split is a simple document drawn up by an attorney and it would simply be filed at the Register of Deeds office.

Mr. Wallin explained that his banker didn't request a lot split. He said that he told his banker that he was going to do a lot abandonment and the banker asked him why he would do that because if the property is ever sold in the future another lot split would be required. He stated that he wants the horse barn to be right. He said that he doesn't understand the regulations because it says that a private kennel is four or less dogs whether they are used for breeding, showing, or as pets. He explained that he is simply trying to do what the zoning regulations say. He said that the Zoning Administrator has their family so scared that everything needs to be done by the book and he wants to comply. Sheana Banks stated that when they went before the Newman Grove City Council they were told that they can't change the purpose of the building. Mr. Wallin explained that Ms. McWhorter came to the Newman Grove City Council meeting in October and threatened the City Council that if they change the zoning or do anything to help the Wallins that the City could be sued. He said that Ms. McWhorter also told the Newman Grove City Council that Madison County would pull away from the City's zoning.

Mr. Smith stated that both he and Chairman Prauner talked to the Newman Grove City Council several times and told them that this wouldn't happen. Ms. Banks said that they know this won't happen; however, the City Council won't do anything for them. Brad Wallin reported that the City Council moved his daughter's property out of their jurisdiction and into Madison County's jurisdiction because the City Council won't do anything for her because Ms. McWhorter threatened them.

Ms. Banks asked if she need to have the get another conditional use permit if she wants to expand her dog kennel business in the future. Ms. McWhorter responded that the setbacks must be met when the public hearing is conducted and she should let the Planning Commission know that she may expand in the future. She explained that all that would be required when expansion occurs is to get a building permit that lists the size and location of the expansion, but the setbacks must be followed. Ms. Banks stated that she shouldn't even need a conditional use permit because she has boarded and bred dogs at this location for 25 years. Ms. McWhorter responded that a conditional use permit is required in the County. Ms. Banks asked if this would be non-conforming. Mr. Wallin said that USDA has been coming out to the dog kennel four to five times each year inspecting the operation for 25 years.

Mr. Smith stated that he wants everyone to get along. He stated that the situation in Newman Grove has caused everyone to point fingers at each other and he wants to avoid that. Ms. Banks stated that the conflict in the City of Newman Grove is currently very tense. Mr. Wallin again asked why they need a conditional use permit when they have operated a kennel at this location for 25 years. Chairman Prauner stated that they could use the old kennels if they want. Ms. Banks responded that she uses the old kennel. Mr. Wallin explained that they had four kennels, tore down two, and added onto one kennel. He said that the regulations stated that as long as they aren't out of conformity they can add on and build higher. He said that after the addition, they were actually two foot further away from the original location. Ms. Banks reported that they are going through all these requirements and she can't operate her kennel until September.

Chairman Prauner asked what the Mr. Wallin and Ms. Banks want at the meeting. Ms. Wallin asked if he needs to move his horse barn, move the dog shed, and how he can get his grain bins closer together because he has an estimate for an elevator leg. Mr. Wallin reported that Ms. McWhorter said that an elevator leg can be as close to a grain bin as wanted and the regulations have always been that way; but, Ms. McWhorter said that the leg had to be 10 feet away. He said that he could move the leg 20 feet closer and the cost estimate on the leg now compared to where it could have been is over \$30,000 that he needs to pay because Ms. McWhorter said that he needed to be 10 feet away. He said that he can't afford the extra \$30,000.

Chairman Prauner asked if Ms. McWhorter remembers telling Mr. Wallin this information. Ms. McWhorter responded that she doesn't know, but they are inspected by Don Svitak. Mr. Svitak stated that he has inspected legs; but, they weren't required to be 10 feet from another structure. Mr. Wallin argued that Ms. McWhorter was on the telephone with Don Svitak when he was at the site and said that the 10 feet distance was required.

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Ms. Banks said that, since her building is in the process, would she need to pay an extra \$1,500 to have the property re-surveyed for an additional 5 feet to meet the 100 feet setback. She asked if she could use her kennel since it is in compliance now and she is following the correct steps. Chairman Prauner stated that the permit needs to be approved before she can use the kennel. Ms. McWhorter stated that a conditional use permit is required. Ms. Banks reiterated that she doesn't think that she needs a conditional use permit for a dog kennel operation that has been operating for 25 years. She explained that once the City of Newman Grove approves that her property is in the County's zoning jurisdiction and she completes the survey for the 100 feet setback, why would she need a conditional use permit since she has been operating a dog kennel in the exact same spot for 25 years. Chairman Prauner said that if she continues to use the old dog kennels they could operate. Mr. Wallin reiterated that they only have one old dog kennel because they tore down two kennels and added onto the other kennel.

Ms. McWhorter explained that the building permit that came through the City of Newman Grove was for a storage shed and that is what she signed and approved. Mr. Wallin said that they put up a storage shed. Ms. McWhorter said that the owners changed the use of the storage shed into a dog kennel which is great for the County; however, the County's Ag Transitional zoning regulations require a conditional use permit. She said that it's no different than having a horse barn and then later turning it into a commercial stable which requires a conditional use permit. She said that a dog kennel in the Newman Grove City zoning jurisdiction is a permitted use in the Ag District because the regulations are different so the kennel only needed to meet the setbacks. She reiterated that the County zoning regulations require a conditional use permit for a dog kennel; so, it must go through the process and have an approved resolution filed at the Register of Deeds office and it must meet the setback requirements. She explained that the old dog kennel wouldn't require anything in either jurisdiction because it was grandfathered.

Mr. Wallin reported that the storage shed that they obtained a building permit for is still a storage unit and they are not changing that into a kennel. He said that the square footage of the kennel that they enlarged is still smaller than the three kennels that they originally had on the property.

Chairman Prauner explained that there will be a new process when the property is removed from the City of Newman Grove zoning jurisdiction. Mr. Wallin argued that it shouldn't matter because the kennel have been operating for 25 years. Chairman Prauner said that he understands that the process is frustrating because they went through the City of Newman Grove and now they are going through the County.

Mr. Smith stated that Mr. Wallin and Ms. Banks need to try to get along with everyone. He said that there are a lot of people on their side. Ms. Banks agreed that there are a lot of people on their side; but, it's not fair that Ms. McWhorter can threaten the City of Newman Grove. Mr. Smith said that when people are in the middle of the situation it's difficult for the people who are trying to help.

Mr. Wallin said that the conditional use permit process costs so much money. He said that letters must be sent out to everyone. Ms. Banks asked if letters need to be sent again and Chairman Prauner responded affirmative because there will be a new hearing process before the Board of Commissioners. Chairman Prauner said that he is sorry to see this situation get to this point, but rules must be followed.

Mr. Wallin asked why the operation is not grandfathered. He reiterated that they have been boarding and breeding dogs for 25 years before the County even had zoning. He asked why they aren't grandfathered because they simply added onto a building. Chairman Prauner replied that changes were made. Ms. Banks said that the nonconforming regulations say this. Ms. McWhorter explained that there is a whole new structure involved. She said that nonconforming is when a 10 feet by 10 feet building has another 10 feet by 10 feet building added. She said that once the building changes in size it is nonconforming. Mr. Wallin said that the regulations state that any structure described in 303 may be enlarged, maintained, repaired, or remodeled.

Chairman Prauner stated that no decision can be made at this meeting. He asked when the hearing was scheduled. Ms. Banks said that she tried to have the hearing in May; but, it's not scheduled until June. Ms. McWhorter said that the next meeting held in June will have the City of Newman Grove request to change the extra territorial jurisdiction to remove the parcel where the dog kennel is located. Mr. Smith asked if there was a way to streamline the process to make it go faster. Ms. McWhorter responded that the Planning Commission can't consider the request until June. She said that the Newman Grove City Council could consider it if they schedule a special meeting. Ms. Banks asked if Ms. McWhorter could help them even though she isn't willing. Ms. McWhorter replied that she thinks the kennel needs to continue operating; but, she needs to follow the rules. Ms. Banks asked if Ms. McWhorter could talk to the City of Newman Grove to see if they could schedule this request.

Mr. Smith asked what needs to be done at the Newman Grove City Council meeting and Ms. McWhorter responded that the Planning Commission needs to make a recommendation on the request for removal of the property from the extra territorial jurisdiction and then the City of Newman Grove must consider the recommendation, but they don't meet until July. She said that if the Neman Grove City Council holds a special meeting then the conditional use permit application could be considered by the Planning Commission in July and will come to the Commissioners at the next available meeting.

Commissioner Schmidt clarified that the rules must be followed and can't be bent. Mr. Wallin said that he is trying to do that. Ms. Banks said that there is a big barn in Battle Creek that was built in 2007 on the property line and that rules were bent. Mr. Wallin asked why the shed is not considered non-conforming. Ms. McWhorter replied that the old building that is used is non-conforming because it hasn't been altered in any way. She said that any time that a building is added onto, or changes are made, such as adding another structure to it or changing the square footage, it becomes non-conforming. She clarified that the regulations say that the change can't add any additional non-conformity. Mr. Wallin said that the non-conformity is the building being too close to the garage; however, the shed that they added onto is 2 feet further away from the garage than where the original shed was located. Ms. McWhorter explained that if an existing house is 5 feet away from the property line and they want to add onto the house, they wouldn't be allowed to do that because it would make it even more non-conforming to the setback requirement. She said that the house would be grandfathered as long as it stays the same way as when the regulations were approved.

Mr. Smith said that he would talk to attorney Dan Fullner to try to streamline the process. He said that no one at the meeting wants to fight. Ms. Banks said that they wanted everyone to get together to resolve the problem. Mr. Wallin reiterated that they didn't build anything that is closer to the property line. Mr. Smith said that going back and forth is setting everyone back and Ms. Banks has a business that she wants to run and she is losing money while everyone is fighting. He said that the session is finished and he will try to help Ms. Banks and Ms. Wallin.

No action was taken.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) County Clerk April, 2018 fee report
- 3) Clerk of the District Court April, 2018 fee report
- 4) County Sheriff April, 2018 fee report
- 5) Sale of surplus property report
- 6) Northeast Nebraska Economic Development District report on business loans and grants
- 7) Letter from Domina Law Group, P.C. regarding opium crisis
- 8) Letter from Office of the Attorney General regarding opium crisis
- 9) Public hearing notice from the Stanton County Planning Commission regarding the Conditional Use Permit of Sholes Wind, L.L.C.

Motion was made by Ohl and seconded by Schmidt to table a claim payable to Egley, Fullner, Montag and Hockabout for court appointed attorney fees in the amount of \$778.80 for Madison County Court Case No. CR 17-746 since the hourly rate exceeds \$75.00 per hour. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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The following claims were audited:

	GENERAL FUND	
Total Net Payroll		150,490.20
Account Control Technology, Inc.	Garnishment of Wages	179.34
Advance Correctional Health Care	Medical Services, County Jail	23,529.75
Mark D Albin	Legal Services, County Court	2,298.68
American Family Life Assurance Co.	Insurance Premium	951.47
Apex Therapy	Professional Services, County Attorney	695.00
Appeara	Mat Service, Supplies, Public Defenders	32.14
B & K Welding and Repair	Repairs, County Sheriff	155.08
Battle Creek Enterprise	Publication, County Clerk	183.75
BI Incorporated	Monitoring Services, Juvenile Accountability	193.38
Black Hills Energy	Utilities, Zoning Department	21.73
Black Hills Energy	Utilities, Courthouse	211.07
Black Hills Energy	Utilities, County Jail	409.96
Black Hills Energy	Utilities, Noxious Weeds	21.73
Black Hills Energy	Utilities, Veteran Service Office	62.89
Blue Cross Blue Shield of Nebraska	Insurance Premium	4,530.89
Blue360Media	Publication Costs, Public Defender	67.25
Brady & Amy's Inc.	Fuel, Courthouse	57.08
Brady & Amy's Inc.	Fuel, County Sheriff	1,573.71
Brady & Amy's Inc.	Fuel, County Jail	499.80
Brady & Amy's Inc.	Fuel, Noxious Weeds	116.83
Brandl Electric	Repairs, County Courthouse	50.75
Brogan & Stafford	Legal Services, County Court	4,819.49
Brogan Gray PC LLO	Legal Services, County Court	1,178.28
Joanie Brugger	Cell Phone and Mileage Reimbursement, Victim Witness	395.42
Cableone	Internet Service, Probation Office	255.00
Cableone	Internet Services, Courthouse	218.50
CASA of Northeast Nebraska	Payroll, Registration, Rent	9,052.85
CBM Managed Services	Inmate Meals, County Jail	8,073.61
Centec Cast Metal Products	Grave Markers, Veteran Service Office	1,888.54
Century Link	Telephone Services, Probation Office	780.58
City of Crofton	Contract Services, Supplies, Community Based Grant	226.57
City of Madison	Utilities, Public Defender	340.05
City of Madison	Utilities, Courthouse	2,389.90
City of Madison	Utilities, County Jail	5,280.68
Clerk of the Supreme Court	Filing Fees, District Court	126.00
Colonial Life and Accident Insurance	Insurance Premium	285.21
Complete Pest Elimination, Inc.	Pest Control, County Jail	125.00
Connecting Point	Supplies, County Assessor	269.00
Connecting Point	Supplies, Data Processing	79.00
Connecting Point	Equipment, Probation Office	1,623.54
Connecting Point	Internet Services, Veterans Service Office	38.95
Connecting Point	Supplies, Community Based Grant	59.95
Connecting Point	Contract Services, Courthouse	2,636.50
Constellation Newenergy	Utilities, Zoning Department	36.60
Constellation Newenergy	Utilities, County Courthouse	656.64
Constellation Newenergy	Utilities, County Jail	1,338.96
Constellation Newenergy	Utilities, Noxious Weed	36.60
Constellation Newenergy	Utilities, Veterans Service Office	115.80
Cubby's	Fuel, Noxious Weeds	502.63
Culligan of Norfolk	Supplies, Probation Office	70.00
Culligan of Norfolk	Supplies, Community Based Grant	45.25
D & Towing	Transport Fees, County Sheriff	125.00
DAS Accounting - Central Finance	Data Processing, County Clerk	41.60
DAS Accounting - Central Finance	Data Processing, County Treasurer	96.16
DAS Accounting - Central Finance	Data Processing, Zoning Department	30.46
DAS Accounting - Central Finance	Teletype Services, County Sheriff	262.29
DAS Accounting - Central Finance	Telephone Services, County Attorney	9.80
DAS Accounting - Central Finance	Data Processing, County Jail	473.71
DAS Accounting - Central Finance	Data Processing, Noxious Weeds	30.46
DAS Accounting - Central Finance	Telephone Services, Veteran Office	81.86
Ashley Dittberner	Uniforms, County Jail	30.00
Jesse Dunbar	Mileage, Community Based Grant	504.13
Eakes Office Solutions	Supplies, County Assessor	460.84
Eakes Office Solutions	Supplies, County Clerk	7.57
Eakes Office Solutions	Supplies, Zoning Department	34.57
Eakes Office Solutions	Supplies, County Court	518.98
Eakes Office Solutions	Equipment, County Sheriff	712.67
Eakes Office Solutions	Copier Maintenance, Equipment, County Attorney	999.57
Eakes Office Solutions	Supplies, Juvenile Accountability	148.31
Eakes Office Solutions	Supplies, County Jail	208.57
Eakes Office Solutions	Copier Maintenance, Probation Office	1,280.89
Egley Fullner Montag & Hockabout	Legal Services, County Court	2,426.70
Election Systems & Software	Data Processing Costs, County Clerk	21.00
Elite Court Reporting Service Inc	Copies, Law Enforcement	150.10

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Engineering Specialists Inc	Consulting Fees, Public Defender	4,400.00
Ewalt Law Office PC, LLO	Legal Services, County Court	4,075.25
Ewalt Law Office PC, LLO	Legal Services, District Court	1,700.00
Field's Hardware	Supplies, County Courthouse	2.07
Field's Hardware	Supplies, County Jail	4.89
Helen Finkral	Prior Service, County Courthouse	23.08
First Concord Benefits Group	Administration Fees, Flex Plan	2,664.74
Fitzgerald, Vetter, Temple & Bartell	Legal Services, County Court	2,397.54
Floor Maintenance & Paper Supply	Supplies, County Jail	211.94
Galls, LLC	Uniforms, County Jail	19.79
Gemplers	Supplies, Noxious Weeds	202.52
Yvonne Gerrard	Cleaning Services, Probation Office	450.00
Goodlife Counseling	Professional Services, Community Based Grant	162.50
Curt Guenther	Tutoring Services, Community Based Grant	255.00
Matthew Headley	Postage, Public Defender	206.50
Naomi Hemphill Cleaning	Cleaning Services, Public Defender	90.00
Charlie Hendrix	Contract Services, Community Based Grant	450.00
Hilliges & Associates LLC	Professional Services, Public Defender	250.00
Megan Hoins	Mileage, Public Defender	540.37
Hometown Leasing	Copier Lease, Probation Office	772.71
Jeffery L. Hrouda	Legal Services, County Court	540.80
Jack's Uniforms & Equipment	Uniforms, County Jail	271.73
John's Disposal	Garbage Services, Zoning Department	25.50
John's Disposal	Garbage Services, Probation Office	68.00
John's Disposal	Garbage Services, Noxious Weeds	25.50
John's Disposal	Garbage Services, Veterans Service Office	24.00
Sharon Joseph Law Office	Legal Services, County Court	1,631.55
Justice Data Solutions Inc	Software, County Sheriff	28,500.00
Justice Data Solutions Inc	Data Processing Costs, County Jail	2,200.00
K & M Reporting	Court Reporting, Public Defender	726.03
K & M Reporting	Transcripts, Law Enforcement	146.68
Tommy King Jr	Insurance Refund	8.36
Elisabeth Krantz	Rent, Utilities, Juvenile Accountability	1,750.00
Madison County Clerk	Federal Deposit	80,323.68
Madison County Clerk of District Court	Filing Fees, District Court	792.00
Madison County Court	Filing Fees, County Court	2,474.00
Madison County Sheriff	Registration, Prescriptions, County Jail	45.19
Madison County Sheriff	Civil Process Fees, County Court	1,173.83
Madison County Sheriff	Civil Process Fees, District Court	975.63
Madison County Sheriff	Civil Process Fees, Mental Health	78.16
Madison National Life Insurance Co. Inc.	Insurance Premium	237.83
Major Refrigeration Co Inc	Repairs, County Jail	253.00
James Marshall	Tutoring Services, Community Based Grant	530.00
Barbara Masilko	Mileage, Public Defender	196.13
Maximus Inc	Consulting Services	613.72
Medtox Laboratories, Inc.	Medical Testing, County Attorney	424.35
Menards	Supplies, Zoning Department	18.46
Menards	Supplies, County Courthouse	22.75
Menards	Supplies, Noxious Weeds	18.47
Microfilm Imaging Systems, Inc.	Equipment Rental, County Court	234.50
Midwest Plumbing & Heating	Repairs, County Jail	146.00
Mimick Motor Company	Repairs, County Sheriff	194.63
MIPS	Data Processing Costs, County Clerk	620.84
MIPS	Data Processing Costs, Equipment Rent, Register of Deeds	524.00
Morland, Easland and Lohrberg	Legal Services, County Court	496.95
National Enterprise Systems Inc.	Garnishment of Wages	214.55
Nationwide Retirement Solutions	Deferred Compensation	3,485.00
Nebraska Association of County Clerk	Registration Fees, County Clerk	125.00
Nebraska Association of County Clerk	Registration Fees, Register Of Deeds	125.00
Nebraska Child Support Payment Center	Garnishment of Wages	726.62
Nebraska Law Enforcement Training Center	Registration, County Sheriff	100.00
Nebraska Public Power District	Utilities, Probation Office	541.65
NESCA	Registration, County Jail	100.00
Newman Grove Reporter	Publication Costs, Election Commissioner	116.25
Maria Nievas-Salavera	Mileage, Community Based Grant	87.20
Norfolk Daily News	Publication Costs, Election Commissioner	3,581.65
Norfolk Daily News	Publication Costs, Reappraisal	155.00
Norfolk Daily News	Publication Costs	526.37
Northeast Ne Juvenile Services	Boarding Juveniles, County Juvenile Detention	3,262.50
Valorie Olson	Court Reporting, Mental Health	100.00
One Office Solution	Copier Maintenance, County Assessor	88.88
One Office Solution	Supplies, District Court	51.96
One Office Solution	Supplies, County Court	431.17
One Office Solution	Supplies, Public Defender	79.87
One Office Solution	Supplies, County Sheriff	75.53
Michael Petersen	Tutoring Services, Community Based Enhancement Grant	120.00
Patricia Peterson	Tutoring Services, Community Based Grant	125.00

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Sherry Peterson	Mileage, Community Based Grant	237.62
Phillips 66 Co/SYNCB	Fuel, County Sheriff	80.33
Pierce County Sheriff's Office	Civil Processing Fees, Public Defender	6.50
Susan K Pohlman	Tutoring Services, Community Based Grant	590.00
Jim Prather	Storage Fees, County Sheriff	600.00
Presto-X	Pest Control, Public Defender	135.00
Printer Parts Exchange	Equipment, County Clerk	399.95
John Rath	Uniform, County Jail	256.14
Reigle Implement Co Inc	Repairs, Courthouse	299.99
Relx Inc. dba Lexis Nexis	Subscription, County Attorney	494.00
Reynoldsons	Fuel, Zoning Department	57.74
Security Shredding	Services, Public Defender	35.00
Short Stop	Fuel, County Sheriff	85.65
Alina Surber	Contract Services, Community Based Grant	315.00
Tax Valuation Inc	Contract Services, Reappraisal	8,000.00
Tilden Citizen/Meadow Grove News	Publication Costs, Election Commissioner	293.00
Tilly's	Fuel, County Sheriff	214.08
Transunion Risk & Alternate	Record Searches, County Sheriff	25.00
United American Election Supply Co	Repairs, Election Commissioner	114.81
US Bank Corporate Payment System	Fuel, Meals, Supplies, County Sheriff	1,987.99
Verizon Wireless	Telephone Services, Community Based Grant	675.22
Verizon Wireless	Telephone Services, Noxious Weeds	59.77
Vision Service Plan	Insurance Premiums	348.16
Derek Volker	Contract Services, Juvenile Accountability	245.00
Wentling Law Office	Legal Services, County Court	1,100.44
Wex Bank	Fuel, County Sheriff	447.65
Zodiac Properties, LLC	Rent, Probation Office	9,634.54

ROAD/BRIDGE FUND

Total Net Payroll		31,404.43
Advance Auto Parts	Parts	172.54
American Family Life Assurance Co.	Insurance Premium	601.67
Appeara	Towel, Uniforms	226.91
Battle Creek Farmers Coop.	Fuel	8,164.98
Beller and Backes Inc	Parts	37.00
Black Hill Energy	Utilities	248.32
Blue Cross Blue Shield of Nebraska	Insurance Premium	1,097.19
Brady & Amy's Inc.	Fuel	609.62
Carhart Lumber Company	Supplies	1,233.80
City of Newman Grove	Utilities	61.00
Colonial Life and Accident Insurance	Insurance Premium	115.53
Connecting Point	Internet Services	15.00
Constellation Newenergy	Utilities	1,699.80
Cornhusker Cleaning Supply	Supplies	20.52
Cornhusker International Trucks Inc.	Parts	428.37
Dale R. Johnson Ent. Inc.	Gravel	6,106.10
David Thomas LLC	Parts	175.00
Dinkel Implement Co	Equipment Lease	2,556.00
Eakes Office Solutions	Supplies	14.40
Eastern Nebraska Telephone Co	Telephone Service	52.30
Emme Sand & Gravel	Gravel	12,959.64
Fields' Hardware	Supplies	80.22
Filter Care of Nebraska, LTD	Repairs	90.55
First Concord Benefits Group	Administration Fees, Flex Plan	599.65
Island Supply Welding Co.	Supplies	26.88
Jebro Inc	Asphaltic Materials	6,983.07
Kelly Supply Company	Parts	14.10
Kimball Midwest	Supplies	310.55
Klein Survey System Inc	Repairs	387.21
M & M Farm Supply	Parts	9.00
Madison County Clerk	Tax Deposit, Retirement	15,868.06
Madison National Life Insurance Co. Inc.	Insurance Premium	50.32
Matheson Tri-Gas Inc.	Supplies	179.94
Matteo Sand & Gravel Co Inc	Gravel	346.08
Meisinger Oil Co.	Fuel	5,266.86
Menards	Supplies	40.61
Nationwide Retirement Solutions	Deferred Compensation	505.00
Nebraska Child Support Payment Center	Garnish of Wages	243.24
Nebraska Harvestore Systems	Parts	291.34
Nebraska Public Power District	Repairs, Utilities	579.04
NMC Exchange, LLC	Parts	589.66
Norfolk Auto Center	Repairs	359.14
Norfolk NAPA	Repairs	910.23
Pavers Inc	Asphaltic Materials	1,212.12
Pinkelman Truck & Trailer Repair	Parts, Repairs	1,819.46
Pioneer Telephone Company	Telephone Service	47.52
RDO Truck Center	Parts	295.00

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MADISON COUNTY, NEBRASKA

Red Bud Hardware Inc.	Supplies	57.53
Road Builders Machinery & Supply	Equipment Lease, Parts	8,291.94
Sapp Brothers Norfolk	Supplies	100.00
Sioux City Tarp Inc	Parts	268.24
Steffen Truck Equipment Inc	Parts	156.87
T-Bone North	Fuel	9,146.43
TMS International LLC	Contract Service	320.00
Verizon Wireless	Telephone Service	211.22
Vision Service Plan	Insurance Premium	63.98
Wakefield & Associates Inc	Garnishment	170.24
Weldon Parts Inc.	Parts	227.65
White Star Oil Co.	Fuel	185.97
Zoubek Oil Company Inc	Fuel	8,964.92
VISITORS PROMOTION FUND		
Norfolk Area Visitor Bureau	Administration Fees	6,063.91
VISITORS IMPROVEMENT FUND		
Norfolk Area Visitor Bureau	Administration Fees	1,919.47
REGISTER OF DEEDS PRESERVATION & MODERNIZATION FUND		
Connecting Point	Repairs	198.99
MIPS	Data Processing	507.36
INHERITANCE TAX FUND		
Battle Creek Public Library	Subscription	1,190.00
Marcella M Reinhart Estate	Inheritance Tax Refund	144.89
911 EMERGENCY FUND		
Eastern Nebraska Telephone	Phone Service	127.88
LAW ENFORCEMENT OPERATING FUND		
Encartele Inc	Phone Cards	3,000.00
Madison County Sheriff	Cable TV	146.34

Motion was made by Schmidt and seconded by Ohl 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 11:55 P.M. to Wednesday, May 30, 2018 at 9:30 A.M.

Nancy Scheer
Madison County Clerk

James Prauner
Chairman County Board of Commissioners