

BOARD OF EQUALIZATION PROCEEDINGS

Madison, Nebraska

May 24, 2011

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

Advance notice of meeting was published in the Thursday, May 19, 2011 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

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

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

Motion was made by Klein and seconded by Uhlir to approve the minutes of the meeting held on April 26, 2011. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Assessor Jeff Hackerott reported that a letter was received from the Tax Equalization and Review Commission regarding the levels of value for the tax year 2011. He explained that the levels of value were confirmed at 72% for agricultural land, 97% for commercial properties, and 94% for residential parcels. No action was taken by the Board.

Pursuant to published legal notice in the Friday, May 13, 2011 edition of the Norfolk Daily News, Chairman McCallum opened a public hearing at 9:03 A.M. regarding the exemption application of Deer Creek Cemetery Association. County Assessor Jeff Hackerott reported that the Deer Creek Cemetery Association submitted an application for exemption for the first time. He explained that the cemetery has been at this location for many years; however, no formal exemption application has ever been filed and no parcel record was ever completed in the County Assessor's office. He confirmed that no taxes have ever been paid on this property. Craig Carstens, groundskeeper for Deer Creek Cemetery Association, appeared at the hearing and testified that the earliest grave site at the Deer Creek Cemetery is 1870. He stated that he assumed that the exemption application was on file at the County. He submitted as listing of the burials at the Deer Creek Cemetery, which would be filed in the County Assessor's Office.

No one appeared at the hearing to offer testimony in opposition to the application. Chairman McCallum closed the hearing at 9:05 A.M.

Motion was made by Klein and seconded by Uhlir to approve the exemption application of Deer Creek Cemetery Association. Roll call vote: Ayes, McCallum, Uhlir and Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the Friday, May 13, 2011 edition of the Norfolk Daily News, Chairman McCallum opened a public hearing at 9:06 A.M. regarding the exemption application of Educational Media Foundation. County Assessor Jeff Hackerott reported that the exemption application is for personal property which consists of an antenna located on a tower owned by Tomark.

No one appeared at the public hearing to speak in support of or in opposition to the exemption application. Chairman McCallum closed the hearing at 9:07 A.M.

Motion was made by Klein and seconded by Uhlir to approve the exemption application of Educational Media Foundation. Roll call vote: Ayes, McCallum, Uhlir and Klein. Nays, none. Motion carried.

Chairman McCallum opened a public hearing at 9:09 A.M. to receive testimony regarding the following motor vehicle exemption applications:

- Behavioral Health Specialists, Inc., 900 West Norfolk Avenue, Norfolk
2010 Dodge Caliber (3)
- Harvest Church and World Outreach Center, 1810 Channel Road, Norfolk
2001 Dodge Extended Van
- Liberty Centre Services, Inc., 900 East Norfolk Avenue, Norfolk
2011 Chevrolet Traverse, 2010 Chevrolet Impala
- Norfolk Baptist Church, P.O. Box 316, Norfolk
1991 International Bus
- St. Leonard Church, P.O. Box 368, Madison
1992 Chevrolet Lumina Van
- Women's Empowering Life Line, Inc., 916 South 4th Street, P.O. Box 1392, Norfolk
2005 Ford 4 Door Sedan, 2010 Ford Bus

No one appeared at the hearing to offer verbal testimony. Chairman McCallum closed the hearing at 9:07 A.M.

After discussion, it was moved by Uhlir and seconded by Klein to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #2681: A Holistic Touch, 1105 South 13th Street, Suite 211, Norfolk
Addition to the tax rolls in the amount of \$29.54 for correction to the 2010 personal property taxes for acceleration of taxes due to the business closing in May, 2011

#2682: Robert W. and Beverly K. Starkel, 2001 Westwood Drive, Norfolk
Addition to the tax rolls in the amount of \$1.18 for correction to the 2010 personal property taxes for acceleration of the taxes due to the sale of the business on January 31, 2011

#2683: Lucas Bennett, 104 West 10th Street, Tilden
Deduction from the tax rolls in the amount of \$257.64 for correction to the 2010 personal property taxes due to agricultural equipment which was double taxed in both Antelope and Madison Counties

#2684: Rick L. Craig, 811 South 14th Place, Norfolk
Addition to the tax rolls in the amount of \$968.60 for correction to the 2010 real estate taxes for acceleration of taxes due to the property being sold

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

The Board of Equalization adjourned at 9:13 A.M.

County Clerk

Chairman

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

May 24, 2011

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

Advance notice of meeting was published in the Thursday, May 19, 2011 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Klein called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, County Clerk Nancy Scheer, and Norfolk Daily News reporter Asha Anchan. County Highway Superintendent Richard Johnson joined the meeting at 9:38 A.M. and County Weed Superintendent Donald Svitak was present from 10:08 A.M. to 10:14 A.M. County Attorney Joe Smith was intermittently present throughout the meeting.

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

- 1) Approval of minutes of May 10, 2011 meeting
- 2) Approval of Interlocal Agreement with Nebraska Supreme Court Office of Probation Administration to facilitate the operation of the Northeast Nebraska Drug Court
- 3) Approval of Interlocal Agreement with Pierce County for sharing of services for Planning and Zoning Administration
- 4) Authorization for County Board Chairman to execute an Interlocal Agreement with the cities of Battle Creek, Tilden, Newman Grove and Madison, and Village of Meadow Grove for administration of Joint Planning Commission
- 5) Approval of Planning Department fee schedule
- 6) Approval of Robert Schroeter's Lot Split located in NE¼ Section 27-23-1
- 7) Approval of agreement with Faith Regional Health Services and Red Beacon Communications, LLC to allow use of county roads for a half marathon run scheduled on June 18, 2011
- 8)

RESOLUTION #2011-24

WHEREAS, Madison County has filed a Notice of Intent to apply for Hazard Mitigation Grant funding with the Nebraska Emergency Management Agency (NEMA) for a proposed storm water detention area on Victory Road; and

WHEREAS, the county is required to designate an individual as an authorized representative to NEMA for implementation of the grant;

NOW, THEREFORE, BE IT RESOLVED that Madison County Highway Superintendent Richard C. Johnson is hereby appointed to serve as the authorized representative for Madison County, Nebraska for matters concerning the proposed grant.

9)

RESOLUTION #2011-25

WHEREAS, Madison County has filed a Notice of Intent to apply for Hazard Mitigation Grant funding with the Nebraska Emergency Management Agency (NEMA) for a proposed storm water detention area on Victory Road; and

WHEREAS, Hazard Mitigation Grant projects are paid with 75% federal funds and 25% local funds;

NOW, THEREFORE, BE IT RESOLVED that Madison County will budget and pay for the local share of any grants awarded from its Federal Aid Secondary Fund using a combination of bond proceeds, property tax receipts, and other monies available in said fund.

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

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

Pursuant to published legal notice in the May 12, 2011 and May 19, 2011 editions of The Norfolk Daily News, sealed bids for application of armor coat surfacing and aggregate sweeping of certain roads in Madison County for the 2011-2012 fiscal year were received. Bids submitted by the following companies were opened and read aloud:

Bader's Highway & Street	Norfolk, Nebraska
Sta-Bilt Construction Company	Harlan, Iowa
The Road Guy Construction Company, Inc.	Yankton, South Dakota

After the bids were opened, County Clerk's office staff member Donna Knapp reported that a representative from Topkote called to advise that he was delayed in delivering the bid for Topkote because of construction work on Highway 81. Chairman Klein stated that the bid of Topkote would not be opened, but would be returned to the bidder unopened, since it was not received prior to the bid submission deadline.

After discussion, it was moved by McCallum and seconded by Uhlir to award a contract to Sta-Bilt Construction Company for the application of armor coat surfacing and aggregate sweeping of county roads for the 2011-2012 fiscal year because Sta-Bilt Construction Company would use a 24 foot distributor and spreader and due to the quality of their previous performance. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice to bidders in the May 12, 2011 and May 19, 2011 editions of The Norfolk Daily News, sealed bids for striping certain roads in Madison County for the 2011-2012 fiscal year was received, opened, and read aloud:

Pogue Construction Inc.	Stromsburg, Nebraska.
T & D Rural Striping	Norfolk, Nebraska

After discussion, it was moved by McCallum and seconded by Uhlir to table bids for striping certain roads in Madison County for the 2011-2012 fiscal year until consulting with the low bidder, T & D Rural Striping. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Weed Superintendent Don Svitak reported that the county weed department has been spraying noxious weeds along the county's roadsides. He explained that he has observed noxious weeds in land owners pastures, meadows, and shelter belts and that he has been in contact with some of these landowners by mail. He reported that he mailed a copy of a notice that was published in the April 2, 2011 edition of the Norfolk Daily News. He stated that the mailing includes two website addresses, including the Madison County website and the Nebraska Department of Agriculture website, which explain methods for controlling noxious weeds. Mr. Svitak explained that a copy of a plat map is also enclosed with the mailing showing the location of the noxious weed sighting. He reported that on May 18, 2011 he was completing noxious weed inspections when he observed a pasture with leafy spurge in it and he also observed a person spraying the leafy spurge. He stated that he was pleased to see the efforts of a land owners controlling noxious weeds located on their property.

No action was taken by the County Board.

Battle Creek City representatives Eric Kraft and Judy Warneke, and Kevin Kruse, engineer with JEO Consulting Group, were present to discuss drainage issues south of Battle Creek. Kevin Kruse explained that, approximately four years ago, JEO Consulting Group developed a master drainage plan for the City of Battle Creek which included eleven projects throughout town. He explained that the City of Battle Creek is working with the Lower Elkhorn Natural Resource District separately on creek issue projects. He explained that of the eleven interior projects, five of them have been completed during the last three years. Mr. Kruse reported that he wants to discuss a major project that they want to move forward. He presented a map reflecting the area that was the topic of the discussion and pointed out the drainage area located south of the City of Battle Creek at the location of 839th Road. He reported that there is a berm that runs parallel to Highway 121 up to the intersection of 839th Road and the berm is on the edge of the state highway right-of-way and it separates the ditch from the farmer's field. He stated that the Department of Roads has researched its records and the berm was built at the same time as the highway. He stated that at the time, the adjacent land owner had some concerns about the ditch overtopping or backing up and getting onto his ground, so this was the compromise at the time.

Mr. Kruse explained that the consequences of this berm are three main drainage areas, one area which makes its way over to the road ditch and up to the intersection and ultimately turns west through a state reinforced twin concrete box culvert which has dimensions of 4 foot by 10 foot. He explained that because of the separation of the berm, another area which he pointed on the map is not allowed to get into the box culvert, but is forced through one of two culverts that actually go north to 839th Avenue and then the water continues north in the Highway 121 ditch and then gets into the City of Battle Creek storm sewer. He stated that this causes a lot of problems because even before the storm sewer starts taking water, the ditch is completely full. Mr. Kruse explained that the storm sewer at that location is 48 inches and is completely swamped. He reported that he completed some quick calculations which showed that this is considerably less than a two year capacity when considering the additional area flowing into it. He stated that the storm sewer improvements are one of the projects that they are working on, it is on the list, and they know it is something they need to work on. He reported that he has been mentioning this project to the state and it is also on the State's list, but the State's list is 15 years long.

Mr. Kruse stated that the main problem is that the project has several blocks of storm sewer and then it turns west and goes to the creek, so it is a \$1 million project by the time everything is done. He explained that the project they are proposing is a less costly alternative and, although it won't be a silver bullet, it would definitely help out the area. He explained that the proposed project would take the water west right away rather than allowing it to cross 839th Avenue, go north, and continue to get into the storm sewer by getting the water to the southwest corner of the intersection and use the existing infrastructure to take the water to the creek right away. He reported that he has been conceptually trying to include an additional culvert, leaving the berm in place, which would allow the water to come down off the field and be collected by a pipe and take it over to the west side of the intersection. Mr. Kruse stated that he has had preliminary discussions with the Department of Roads and they would be satisfied with proposed plans at the intersection, but one of their concerns is what will happen west of the intersection. He reported that he evaluated that situation, with a report enclosed in the drainage study, which reflects that if no changes are made, the existing ditch is deficient even for a 25 year event. He further explained that, technically, the ditch does not meet design standards even if nothing is done. He stated that 1,600 feet west of the intersection of Hwy 121 and 839th Road there is one driveway, which has twin 48" corrugated metal pipes, which are also deficient. He reported that as the water rushes through it has been known to overtop 839th Road and then it continues north and cause all kinds of problems with localized flooding and inundating the storm sewer system. He stated that the City of Battle Creek would like to work with Madison County on developing some kind of solution west of the intersection. He stated that the county road ditch uses all of the available right-of-way, so if the ditch would need to be wider they would need to talk about an addition to the right-of-way and improvements to the driveway culverts.

Commissioner Uhlir stated that, through the years, as the Battle Creek was high, the water would sit because it has no place to go, even to the west. Kevin Kruse agreed and stated that in some years the water may even back up into the ditch. Commissioner Uhlir stated that the ditch is full until the creek goes down and, if the river is high, the Battle Creek takes its time to go down before it empties out. Kevin Kruse said that everybody could agree on this. He explained that they are certainly involved with the project that the NRD is working on with the creek and they are familiar with the rise and fall of the Battle Creek and he has compared that to the actual hydrology of this area. He stated that the peak of Battle Creek in a major event is in the six to seven hour range after the storm starts. He explained that whatever water ponds in the adjacent field would be gone long before six to seven hours, so the impact of the proposed change won't affect how swampy the area to the south is because the water is already there and on its way to Norfolk.

Commissioner McCallum stated that if the water stands, and the proposal is to install a tube under the highway, and the Battle Creek backs up, the water will go east until it starts to recede. Kevin Kruse responded that the water has the potential to go east. He reported that one of things that should be done, since they are proposing to go through the berm, is to install a flat gate at that location because it would be cheap insurance.

Chairman Klein stated that the sad part is that the State of Nebraska did their work years ago and didn't size it correctly. Kevin Kruse responded that the state's box culvert isn't terribly far off. Chairman Klein stated that the box culvert is silted shut even though it has been cleaned a bunch of times. He reported that the problem is that the storm sewer built in Battle Creek should have been twice as big so it would handle the water. He stated that there is a dike around the field on the north side of 839th Road that was put there in the 1950s and that water used to head off and go towards the river. He inquired if there has been any thought given to just putting a culvert through the berm and allowing the rest of the water to go where it is going today. Kevin Kruse responded that he had this plan as an alternate option. Chairman Klein stated that it wouldn't take much to put a culvert through the berm. Kevin Kruse stated that the concern with this plan was from the Department of Roads who advised that the berm was there for a reason so if the berm is breached there are issues. Chairman Klein reiterated that the solution to this problem is a flop gate, which may stop overtopping 839th Road in that area. He reported that he has never seen overtopping at the location at the driveway, but has seen water over the road closer to the bridge, but it was because the creek was high.

Commissioner McCallum stated that there must be a spillway on the road somewhere. Kevin Kruse stated that Chairman Klein's suggestion is by far the easiest and cheapest and he would be completely on board with that idea. He stated that he was trying to alleviate as many concerns as he could. Commissioner McCallum stated that if a gate is installed in the berm, what happens to the water backed up in Battle Creek. He questioned if the water would go through the culverts and into the City of Battle Creek storm sewer.

Chairman Klein stated that if the creek is backed up that far, the City of Battle Creek would have serious problems. Commissioner McCallum questioned why there would be concerns about putting a tube through the berm. Chairman Klein stated that a culvert through the berm would take some of the water that goes over the top of 839th Road. He said that the storm sewer from the nursing home north isn't large enough to take the water and then it goes down the highway and part of it goes through the new ditch in the park. He stated that another option to consider for use of mitigation funds would be to make a detention pond and raise 839th Road and meter the water out. He further stated that the water must be metered out so that the amount of water that goes out can be handled without overtopping and flooding.

Kevin Kruse reported that a detention area was one point that was brought up. He explained that land would still need to be purchased, whether it's a flood easement, or an actual purchase, the costs are about the same. He stated that if something could be done by metering the water and still taking the water west rather than north, it would help the storm sewer, but it won't give as much benefit as getting the water to the creek without taking it through town.

Chairman Klein stated that he knows that something needs to be done, but when he looks at the situation, he sees Scott Gray's property and realizes that if Mr. Gray is flooded, he has already promised a lawsuit. He stated that the water needs to turn at a county bridge and if something isn't done to make sure that it doesn't erode cutting dirt away from the bridge, the county would be looking at replacing a structure. He further stated that they need to look at a solution that doesn't do damage somewhere else. He reiterated that, in his opinion, a culvert cut through the berm to allow more of the water to go west would be good option.

Kevin Kruse questioned if Chairman Klein was suggesting using the existing Department of Road culvert and not take anything new through the highway. Chairman Klein responded affirmative and stated that, in his opinion, it would be a favor to the state because it would keep the box culvert clean since the culvert silts shut. Kevin Kruse reported that right now there is probably between 18" and 24" of silt in that box culvert. Commissioner McCallum stated that something is slowing the water down so it is re-directed. Kevin Kruse responded that the water needs to turn a 90 degree corner. Commissioner McCallum stated that anytime you start changing the direction of the natural flow of water there will be damage to someone. Chairman Klein responded that the reality is that the natural flow of the water was changed about the time he was born. He stated that people keep adding to the problem, such as straightening the creek on the north side of town. He explained that the town didn't flood, but it was a cascading water event, so the next year the state came in and put a dike along the back side of the creek which backed the water into Battle Creek. He stated that the state hasn't been real helpful because everything it has done has screwed Battle Creek. He stated that the state may have done one or two things that didn't hurt Battle Creek.

Kevin Kruse reported that one of the alternates he had, rather than putting a pipe through the berm, to actually take the berm out and open up the ditch all the way up. He stated that a pipe would serve the same purpose. Chairman Klein stated that with a pipe and a flop gate, there wouldn't be looking at quite as much of a liability.

Kevin Kruse explained that if the silt is cleaned out of the culvert, and it is opened back up, the culvert would have a capacity of about 430, plus or minus, which is more than what they had for a 25 year flow, but less than what they had for a 50 year flow. He reported that the numbers show that it is getting close to overtopping the highway for a 50 year event. He stated that the county road is actually slightly lower when it gets further to the east, so in reality it will back up around it and go over. He stated that they aren't as concerned about a 50 year event, but they have problems in a one or two year event, so these problems need to get resolved first. He questioned if the County Board of Commissioners could be agreeable to a change, such as an open ditch, or a culvert with a gate on it. Chairman Klein stated that it still won't stop water if a 10 inch rain falls within 12 hours because there would be problems; however, if they can save flooding 75% or 85% of the time, they won't have real problems if they could get rid of part of the water. Kevin Kruse stated that, in his opinion, it would be a lot more than 85% of the time. Chairman Klein stated that so far he has never seen water overtop Scott Gray's driveway. He stated that if they look at that option, it would probably cost about \$60,000. Kevin Kruse stated that they could look at making that driveway culvert the same as it is for the state. Chairman Klein stated that so far that culvert has handled the water. He questioned if Kevin Kruse would look at mitigation funds to assist with project costs. Kevin Kruse responded that right now they need to decide what they want to build. Chairman Klein questioned if the project would qualify for mitigation funds and Kevin Kruse stated that the project should qualify; however, someone needs to complete a benefit cost ratio. Kevin Kruse explained that it depends upon the cost of the project because if they are looking at a \$50,000 project the effort to get the applications all together is not really worth it; however, if they are looking at a \$200,000 project, then it makes sense. He reported that they are looking at benefit cost information for the natural creek project, so they can duplicate some of that effort. Chairman Klein stated that the money is available today.

Commissioner McCallum stated that if the corner is moved, then it could cause more of a potential backup on the adjacent farm. He suggested that, rather than remove the culverts, to put a cap over them and leave them until they can see how the changes affect the area. Kevin Kruse stated that 839th Road has overtopped several times. He explained that if the culverts are plugged and they don't do anything about it, there would still be more water than could be handled. Chairman Klein stated that if they could alleviate part of the water by heading it west through the dike, it would help. Kevin Kruse stated that if the water is directed west, from the County Board's perspective, that wouldn't really address concerns about existing conditions further west.

County Highway Superintendent Richard Johnson stated that he has always been of the understanding that if there is something that has always been in place, the county doesn't have a whole lot of liability; but, if the county goes in and changes something, and in this case the additional runoff coming through it, then the county has the liability and duty downstream to accommodate whatever runoff is coming. He stated that, from the county standpoint, liability is his concern. Commissioner McCallum stated that cost is a concern of his and he questioned who would pay for the cost of the changes. Kevin Kruse responded that the City of Battle Creek would be willing to pay for a portion of the costs, maybe half or more.

Battle Creek City Council member Judy Warneke stated that the City of Battle Creek has a huge liability if it does nothing. Chairman Klein stated that instead of taking all the water west, if part of it was taken west, it would be a manageable solution.

Kevin Kruse stated that they could do something with elevations rather than taking the dike completely out, or putting in a pipe, they could put a pipe in a certain elevation or install different size pipes and direct the water how they want. He stated that he certainly understands the county's concern for wanting to make part of the water go west, but ideally, from the City of Battle Creek's perspective, he would like to see 100% of the water go west. He stated that this was the original idea for working together to offset any kind of liability from taking the water west.

Chairman Klein stated that, in his opinion, the County Board would be willing to cooperate to some extent; however, he doesn't know how many dollars the county could commit. He explained that the liability issue must be covered. He further stated that there would be a lot of expense just to make the ditch wider to handle the extra capacity, plus the cost of the box culvert, and then some protection at the end of the abutment end of the county bridge. He stated that the area flattened out to the west, which scares him, because the Scott Gray property is located there, so if additional water is thrown on him, then there is a liability issue. He stated that there may be a need for a dike along Scott Gray's property.

Chairman Klein asked County Highway Superintendent Richard Johnson if he could get together with Kevin Kruse to determine if they could come up with a solution to use mitigation funding so the county could help the City of Battle Creek. He explained that if 75% of the project costs could be paid with mitigation funds it would make a big difference for both entities. He stated that he doesn't want a liability issue for the county and he doesn't want to take his road budget and spend it all on a project that works for the county today, but doesn't work for him as a resident of Battle Creek.

Kevin Kruse stated that the County Board can see that the City of Battle Creek's position is that this area is completely outside the city limits, so the city is stuck on what it could do. Chairman Klein responded that the two entities could work together and get federal funds. He suggested making a formal application for mitigation funds because if 75% of the project costs are paid, the remaining cost won't be so high if the two entities split the expenses.

Battle Creek City Council member Eric Kraft stated that if water is running to the creek anyway, instead of running it through town to the creek, he would like to see the water diverted to the creek before it gets to town. He stated that this is also the way that the City of Battle Creek looks at this issue.

Chairman Klein stated that if both entities cooperate and they get mitigation funds, this would be a big help to the budget. Chairman Klein stated that in reality, some water never went to the creek, but went to the Elkhorn River. He stated that they need to deal with the reality today and, in his opinion, there is a solution. He requested the engineers to work together on a solution to make an application for mitigation funds.

Kevin Kruse asked if the County Board wanted him to work on technical aspects. He stated that since this area is located in the county, the City of Battle Creek can't really lead the charge on the grant application. Chairman Klein responded that the county could lead the charge, but it should be a cooperate effort between the city and county. Kevin Kruse inquired if the county would lead the effort in getting the application information together since it sounds like the county has already been through this process on another project. County Highway Superintendent Richard Johnson stated that he didn't care, or he could guide Mr. Kruse through the process. He stated that, in his opinion, Mr. Kruse should look at taking the water west or look at detention. He stated that the county could build up 839th Road. Chairman Klein responded that the water may still overtop Highway 121 eventually if a big rain event occurs.

Chairman Klein stated that the project should be the plan that is the most cost effective and a plan that the county could get funding assistance for. Kevin Kruse stated that, based on the current storm sewer system in the City of Battle Creek, the water flow needs to be necked down so that there is available capacity to handle the remaining water from the area. Chairman Klein stated that some of the water needs to be turned to the west. Kevin Kruse reiterated that he would like to take 100% of the water to the west. Kevin Kruse stated that he would work on defining the project better and work with County Highway Superintendent Richard Johnson. Chairman Klein recommended working on cost estimates so they could discuss the project with FEMA representatives. Kevin Kruse explained that he originally worked on costs just at the intersection, but then they got into the problem of needing more right-of-way, diverting a ditch, and another culvert downstream; so, he was doing a revised cost estimate when some of the other issues started coming up, so he wanted to have a discussion with the County Board to make sure that they were working in the same direction.

Chairman Klein stated that a dam would not affect the area they are discussing. He stated that the water in the area they are discussing is going to come no matter what. Kevin Kruse stated that the dam would be much further southwest of town. Commissioner McCallum stated if the dam was installed, it could control the Battle Creek river from coming in from the west and backing up, so it would make the area at the intersection of Hwy 121 and 839th Road drain a lot easier.

Battle Creek City Council member Eric Kraft stated that the area that runs through the City of Battle Creek is the entire dark blue area outlined on the map. Commissioner McCallum stated that the Battle Creek wouldn't be backing up to the east if there was a dam. Battle Creek City Council member Eric Kraft responded that the water draining from the area gets into the city storm sewer and the storm sewer can't handle it, so then it comes down the highway and starts flooding. Commissioner Uhler stated that if Battle Creek isn't controlled, it will still be a problem. Commissioner McCallum concurred that if Battle Creek is controlled, then all the water could be taken west and dumped into Battle Creek because it wouldn't be full. Chairman Klein stated that the issue is worth pursuing and the county is willing to cooperate. He stated that he isn't going to commit a big chunk of his road budget to this project, but the county is willing to cooperate.

Kevin Kruse stated that he will revise the plan based upon discussions during the meeting and also work with County Highway Superintendent Richard Johnson to get the funding information gathered. He stated that between the two of them, they will decide who will take the lead on getting the application together. He stated that he would help with the application, but the City of Battle Creek couldn't be the sponsor because the project is outside the city limits. Chairman Klein stated that when they get that far, the two entities can enter into an interlocal agreement.

Battle Creek City Council member Eric Kraft stated that the next step is to determine which project would be the best one. County Highway Superintendent Richard Johnson explained that they should take a look at what JEO is proposing now with all the costs and look at whether detention would be viable and what the costs would be. Kevin Kruse stated that the project is a concept because the report is all that is completed since there are no plans put together. He stated that they looked at some of the things going on downstream and before they went any further they wanted to touch base with the county to make sure they were both heading in the same direction.

Chairman Klein stated that the sooner they can get something going, the better they would be. He stated that last year was the first time in his life that there was a flood that the City of Battle Creek was not a part of. He stated that there are funds available for this type of project and this is an opportunity to go after these funds.

County Attorney Joseph Smith, attorney Brad Easland, Jack Verschuur, and Rudy Dittrich were present to discuss access to property located along 844th Road one mile north of Tilden. Jack Verschuur stated that the issue is access to property that was cut off when the road was washed out due to the flooding in June 2010. He stated that County Highway Superintendent Richard Johnson was out with FEMA representatives and discussed the matter with them and FEMA said that they would provide funds to build a road and so far nothing has happened. Chairman Klein clarified that FEMA stated that they would provide some of the funds necessary to make repairs. Jack Verschuur explained that the County Attorney said that their property is isolated. Brad Easland stated that they want to figure out what to do.

County Attorney Joseph Smith stated that he understands that County Highway Superintendent Richard Johnson talked to everyone and FEMA is going to pay for 87% of project costs. County Highway Superintendent Richard Johnson clarified that FEMA pays 75%, the State pays 12.5%, and the remaining 12.5% is paid by the local entity. County Attorney Joseph Smith stated that the issue may not be isolated property. He stated that he has talked to attorney Brad Easland and there is a set of about six statutes that has to do with isolated land and those statutes together are meaningful for landowners who are land locked and it forces the county to build roads. He stated that, if these statutes apply, it helps land owners, not hurt them. He stated that if he assumes that the landlocked statutes apply, it gives them a vehicle to get a road built. He explained that after 1982, the statute says that all the costs of building the road will be the responsibility of the land owner. He stated that the bigger issue is whether the county would replace roads that are destroyed. Mr. Smith stated that he understands that the road that is the subject of discussion is now in the river by about one-quarter mile. County Highway Superintendent Richard Johnson stated that it may not be one-quarter of a mile, but it is far enough that it can't be used. County Attorney Joseph Smith stated that it is not a matter of whether it is repairable because the road doesn't exist anymore by an act of God. He stated that the real issue is whether the county needs to replace a road that is destroyed, or in this case nonexistent, because of an act of God. He explained that if the county did need to replace the road, then the land locked statutes wouldn't apply, but if the answer is no and the county isn't required to repair the road, then the land locked statutes could be used.

Jack Verschuur questioned how they could get a road so they could have reasonable access that doesn't cost a fortune. He stated that filling in a river is probably not a very reasonable solution. County Highway Superintendent Richard Johnson stated that FEMA estimated the project cost at \$600,000 to build a new road. He stated that it looks like FEMA was contemplating a new road along the south edge of what is now the river. He explained that possibly some bank protection along the river would occur so that the bank doesn't wash away again. He stated that the county has the right of eminent domain and there would need to be some right-of-way acquired along the river. He stated that the county has the right to negotiate or acquire or go through the eminent domain process. County Highway Superintendent Richard Johnson explained that part of the reason for the isolated land statutes is that the land owner doesn't have any eminent domain powers against adjoining property owners, so the law provides that the land owner wanting access to his property needs to make a reasonable attempt to acquire the right-of-way and show proof to the county that he couldn't acquire right-of-way for a reasonable price. He stated that the land owner then needs to file a petition with the county, a public hearing process is held, and then the county acquires the right-of-way to build the road. He stated that it is not for him to decide if the isolated land statutes apply.

County Attorney Joseph Smith explained that the county does not need to use the isolated land statutes to acquire land because the county can use the condemnation process. He stated that the last time the county built a road, condemnation powers were used.

Jack Verschuur stated that Rudy Dittrich and Stan Peterson both have farms that are being eaten away by the river. He stated that these two landowners would really be interested in trying to put the road back where it originally was located. He stated that he grew up in Tilden, so he knows that for 50 years the road that washed out was protected by four jetties and these worked for the 1994 flood, but the jetties didn't work for the 2010 flood. Mr. Verschuur stated that if something similar to the jetties was installed to keep the water away from the bank, Stan Petersen would probably be satisfied because it would stop erosion and it would also help Rudy Dittrich because the water wouldn't be backing up into his fields. He stated that installation of new jetties could be accomplished with a lot less money. County Highway Superintendent Richard Johnson stated that the jetties would be protection of the river bank which he talked about earlier. Jack Verschuur stated that it wouldn't take more than an acre of property and he questioned what the distance was around the area. County Highway Superintendent Richard Johnson responded that it was approximately 700 or 800 feet.

Commissioner McCallum questioned if there was any guaranteed FEMA money or if FEMA only provided estimates. County Highway Superintendent Richard Johnson stated that this project would be similar to all other projects, with FEMA deciding if the project would be eligible for funding, FEMA providing estimated costs, and then directing the county to make repairs before reimbursement is made.

Brad Easland reported that there is a section in the isolated land statute that states that all the isolated land statutes don't apply if public access has been granted prior July 17, 1982. Jack Verschuur explained that the issue is not isolated land because it is reasonable to take the position that those statutes don't apply. He stated that they take the position that they don't have recourse to force the county to build a road. County Attorney Joseph Smith responded that the first issue is whether the county has the obligation to replace roads that are destroyed or made nonexistence by an act of God. He stated that if the answer is yes, then the land locked statutes make no difference, but if the answer is no, then the land locked statutes could be used.

Jack Verschuur asked if there were any times when the county never replaced a road when it is washed out. County Attorney Joseph Smith responded that he is sure that there are roads that have been washed out, but this road is actually a river now. Commissioner McCallum questioned what the traffic count is on the road because that will make a difference on how much money to invest in the road. Brad Easland responded that the traffic count is high if you count the number of people that drive along the road to dump their junk.

Jack Verschuur reported that he and his wife have retired and they live in the area about three months of the year, so access to their property is a real issue. He stated that at the current time, Stan Peterson has given them permission to drive along the edge of the river. He further reported that when the water was still running through the area, Rudy Dittrich allowed them to drive through his field and take a canoe across the water between their two properties. Mr. Verschuur reported that everyone has been helpful to get access. He said that it wouldn't take much for them to get access.

Brad Easland stated that if it is ever muddy or snowy, they just won't get to their property. Jack Verschuur stated that the current problem is that water ran across part of the old road and washed away all the gravel, so there is a section about 200 yards long where he can barely get through with a four-wheel drive vehicle. He reported that the remainder is fairly sandy, so it is easy to get through. He reiterated that if the bank could be stabilized, so they could get access to the land around the edge, it would be helpful.

Chairman Klein questioned what would be required for a project to qualify to use of FEMA funds. County Highway Superintendent Richard Johnson responded that if FEMA funds are used, the road would need to be built to state standards. Chairman Klein stated that using state standards would require a lot of right-of-way. He stated taking much right-of-way would affect pivots. County Highway Superintendent Richard Johnson stated that 66 foot of right-of-way would probably be adequate since the terrain is flat. County Attorney Joseph Smith inquired if the road could be built up to the edge of the bank and County Highway Superintendent Richard Johnson responded that it is risky because the road could end up in the river someday. County Highway Superintendent Richard Johnson explained that the travel lane would probably need to be six foot away from the bank of the river because of lateral obstacle clearance, which is a clear zone between the traveling lane and the nearest obstacle. He stated that the road may need to be moved further south than the six foot requirement. County Attorney Joseph Smith inquired if there are also requirements to put up barricades or guard rails and County Highway Superintendent Richard Johnson responded that on a low traveled road the requirement for guard rails is probably six feet; however, they don't contemplate that the obstruction would be ending up in the river if someone ran off the road. Jack Verschuur stated that they are currently driving 10 or 12 feet from the river bank. County Highway Superintendent Richard Johnson stated that a project that qualifies for FEMA funds would require plans, specifications, and bidding. He stated that his concern is whether there is a cut-off date for major projects. He explained that if the county has to pay the money up front and wait for FEMA to reimburse the funds, it would put a big dent in the county budget. He stated that there is a mechanism to get FEMA to directly pay for a major project and he thought the minimum project cost was \$100,000, but he would investigate this option. He stated that \$600,000 is a lot of money for one project. Commissioner McCallum questioned if there was a cheaper way to complete the project with FEMA. County Highway Superintendent Richard Johnson explained that FEMA only provides an estimate of what they think the project will cost, then the county must complete the actual work by following all the laws, send the bills from the contractor, and then FEMA would pay back the county what was paid to the contractor. Chairman Klein stated that Rudy Dittrich and Stan Peterson own the ground that Mr. Verschuur is driving over to access his property. He asked if donation of property would count towards part of the local share for the project and County Highway Superintendent Richard Johnson responded that, in his opinion, this could be counted as in-kind donation. Brad Easland stated that Stan Peterson would be required to give up more of his property than Rudy Dittrich. Rudy Dittrich stated that, in his opinion, the road needs to be put back where it was. Chairman Klein reported that Stan Peterson also wants the road to be put back in its original location. He explained that the Corp of Engineers wants to complete a study on the entire basin, but the problem is that the Corp will take a long time to get the study completed. Rudy Dittrich stated that he was told that the Corp of Engineers okayed putting the river back to its original location.

County Highway Superintendent Richard Johnson explained that the county is allowed to restore what was in place, which would be building the road back to the way it was. He explained that the problem in this situation is that something will need to be done on the other side of the bank or the river would literally be cut off. Chairman Klein stated that the dirt from the other side of the river could not be taken and dumped into the river. County Highway Superintendent Richard Johnson stated that \$600,000 would be adequate to build the entire stretch and clean out the other side. Commissioner McCallum stated that it would be a major project to rebuild the road at the exact same location. County Highway Superintendent Richard Johnson stated that the only way to fill in the river bank is to start pushing sand in, but it will be a big operation. County Attorney Joseph Smith inquired if the people on the other side of the river gain ground and County Highway Superintendent Richard Johnson responded that technically they do.

Brad Easland stated that he knows there is no easy answer. Chairman Klein stated that the Commissioners need to be very cautious about what commitments they make because budgets keep getting tighter. Commissioner McCallum stated that getting any federal or state funds now would take a long time because of budget cuts. County Highway Superintendent Richard Johnson stated that if the County Board wants to make a commitment to do something, he would talk to FEMA to determine if a project could be completed without causing a budget problem. He stated that Brad Easland and Jack Verschuur would also need to make a decision. He reported that the county would need to go through the right-of-way acquisition with Stan Peterson and Rudy Dittrich and the permitting process. He stated that he would like to see the least cash flow problems for the county; so, if FEMA pays direct immediately, that will make a difference on the county budget.

Brad Easland reported that he and his brother own 130 acres for hunting and recreation and he doesn't want to spend \$30,000 to get a road for access to his property. Chairman Klein assured Mr. Easland that the taxpayers don't want him to spend his entire road budget on this project. Brad Easland responded that it was a county road and always has been a county road, so the question is, should it still be a county road. County Attorney Joseph Smith stated that the issue is whether the county has any obligation to replace a road that was destroyed and nonexistent. Jack Verschuur responded that he doesn't see how the County Attorney could say that the county doesn't have this obligation. County Attorney Joseph Smith replied that the answer is that the county can repair a road if it is repairable. County Highway Superintendent Richard Johnson suggested that County Attorney Joseph Smith determine the county's obligation and advise Brad Easland and Jack Verschuur. He stated that he would talk to FEMA to determine options.

Rudy Dittrich stated that some of the landowners would possibly give property to ease the county's pain; but, he can't speak for Stan Peterson. Commissioner McCallum stated that the county may not have the equipment and man power to complete this project. Chairman Klein stated that the county would need to contract the project. Rudy Dittrich stated that he knows a contractor who would do the project.

Chairman Klein summarized that County Attorney Joseph Smith would render an opinion regarding the county's obligation for replacing the county road, County Highway Superintendent Richard Johnson would discuss the project with FEMA representatives, and the county would discuss options with Rudy Dittrich and Stan Peterson to determine what their participation level would be for the project. He reiterated that the county would not commit a sum of money to a project that may take five years for FEMA to reimburse the county. He explained that the county would also need to deal with the Corp of Engineers, Nebraska Game and Parks, and Nebraska State Historical Society.

Commissioner McCallum questioned if FEMA needs information regarding traffic count to determine if the road is worth putting money into it. County Highway Superintendent Richard Johnson responded that FEMA's position is that the county had a road and it is gone.

Jack Verschuur stated that if the county could stabilize the bank by adding additional gravel and smoothing it out, then going around it is fairly simple. Chairman Klein responded that stabilizing the bank would be fairly simple if it wasn't for the federal government. He stated that the federal government won't let the county put rock down.

County Attorney Joseph Smith stated that the other simple remedy would be private easements.

No further action was taken by the Board.

Jill Brodersen was present to discuss ADA and security improvement plans for the courthouse. She explained that she reviewed the plans with County Highway Superintendent Richard Johnson and that there are several changes that will be made to the plans. She reported that the Register of Deeds Office wants a mail drop for her office. She explained that there are two drinking fountains in the main hallway and that the one located at the north end will be replaced with a two level fountain. She discussed signage in the hallway and presented several images provided by Love Signs and the Board members chose which signage would be used. In addition, she stated that the County Treasurer wanted a sign at each window to explain what main function would be handled at each counter, so there would be a total of 20 signs. She stated that she would coordinate the signs in the directory with the signs placed by each office. She reported that the directory does not have a number 5, so some of the numbers may need to be changed.

Commissioner McCallum asked if the issue of the shades over the glass windows was resolved and Ms. Brodersen responded that she suggested that the window roller doors be kept in place and pushed all the way up. She reported that they would be difficult to access because they would be on the outside of the glass. She recommended installing blinds on the inside of the glass similar to the County Court office. County Highway Superintendent Richard Johnson inquired if blinds should be added to the plans and Board members responded in the affirmative. County Highway Superintendent Richard Johnson stated that there would be uniformity between the offices if blinds were installed. Commissioner McCallum stated that offices have the option to not use the blinds.

Chairman Klein questioned when the project would be ready to proceed with bidding. County Highway Superintendent Richard Johnson responded that they should be able to get the notice to the Clerk's Office next week. He stated that County Sheriff Vern Hjorth was unable to attend the meeting and he wanted to comment that the judges vetoed the security improvements in the hallway, which amounted to several crash doors and other small items.

Motion was made by Uhlir and seconded by McCallum to approve the ADA and security improvement plans for the courthouse and authorize advertisement of bids. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Blue Cross Blue Shield representative Sue Warner was present to discuss the health insurance rates for the 2011-2012 fiscal year and also the changes going into effect on July 1, 2011 due to the Health Care Reform Act.

She reported that the overall health insurance rate increase is 7% from the prior contract year and a 0% increase on the dental insurance. Chairman Klein asked why Madison County couldn't have the Blue Cross Blue Shield dental insurance. He stated that many county employees are paying for dental coverage through another carrier. Sue Warner responded that the county could elect dental coverage. Chairman Klein stated that the county would require the employee to pay the entire premium, so there would be no cost to the county if employees want the coverage. Sue Warner responded that the employer is suppose to pay 50% of the premium for a single policy, but depending upon how much the county pays on the medical insurance it sometimes equals out to be at least 50% of the dental coverage, so NACO Blue Cross Blue Shield has never looked at this as a problem. She inquired what amount of the county was paying for single health insurance coverage and County Clerk Nancy Scheer responded that the county pays 100% of the premiums for a single health insurance policy.

Sue Warner replied that the county could offer the dental insurance and require employees to pay 100% of the premium. Chairman Klein inquired what participation level is required to offer the dental coverage. Sue Warner stated that the requirement is 50% participation; however, NACO is aware that there are counties who aren't following these requirements, but there is no penalty at this point. She explained that the difference between the plans is that the PPO plan requires subscribers to use a provider in the PPO group to get the in-network benefits and if a provider outside the PPO network is used, there is a higher deductible and BCBS pays a lesser coinsurance. She reviewed the coverage available under both dental plans and reported that the PPO provider list is available on the Blue Cross Blue Shield website.

Sue Warner reported that the utilization of the insurance during the current contract year required a 2.5% to 3% increase and the remainder of the increase was due to health care reform. She stated that Patient Protection and Affordable Care Act (PPACA), or health care reform, was passed March 23, 2010 and went into effect on September 23, 2010. She stated that all the regulations under PPACA are subject to change and the bill is currently being appealed in the Florida courts and it was upheld that the mandatory requirement of coverage is unconstitutional, so it is being appealed through the Supreme Court. Sue Warner reported that when the bill was written, they did not attach a severance clause to the bill, so this means if that section of the bill is found unconstitutional, the whole bill would be eliminated. She explained that if the severance clause had been attached, then just one section of the health care reform bill could be thrown out, but the severance clause was not attached, so everyone is scrambling to update plans. Sue Warner stated that the Supreme Court will rule on this issue by the end of 2012. She explained that, even if it is determined as unconstitutional and the bill is removed, in her opinion, what Blue Cross Blue Shield is adding to the policy effective July 1, 2011, will probably stay since they are good changes.

Sue Warner stated that NACO and Blue Cross Blue Shield have determined that NACO will lose grandfathering under Health Care Reform. She stated that, effective July 1, 2011, under PPACA health care reform children will be allowed to stay on their parents' plan until they turn age 26 under all circumstances. She explained that the children do not need to be full-time students, they don't need to live in the State of Nebraska, and they can even be married. She stated that the county cannot charge a separate single premium for the children like under LB 551, which is the state continuation law. She stated that the only way additional changes could be made is if when the children came off the plan, it dropped the subscriber to a single or employee/spouse coverage from a family plan, and the children are being added back on to the plan and it requires that the plan be updated from an single to employee/children or from employee/spouse back to full family coverage, that difference in the premium caused by switching tiers of coverage could be billed. She stated that under the state law, a separate full single premium could be billed, but not under the health care reform act. Sue Warner explained that the Health and Human Services suggested that all carriers implement this change prior to renewal on July 1, 2011 and after analyzing the issue BCBS implemented this change in June, 2010.

Chairman Klein asked if the county could have a provision that if a child under age 26 comes back onto their parents' plan due to the PPACA change, it would be at the employees' expense, so there would be no additional cost to the county. Sue Warner replied that having this provision would not be allowed by the federal government. County Clerk Nancy Scheer stated that effective September 1, 2010, the county only pays for single health insurance coverage and she questioned how this change would affect the group. Sue Warner responded that in the case of employees hired after that date and who have a single plan and they want to bring a dependent back onto the plan effective July 1, 2011, they can do this and BCBS would bill for an employee/spouse and the employee would need to pay the difference in premium amount. Chairman Klein stated that after September 1, 2010, any new hire is only offered single coverage. Sue Warner stated that the county must determine if the additional cost applies only to new hires or if existing employees are grandfathered. She provided an example of an employee who was health insurance coverage prior to September 1, 2010, whose dependent was off the plan and will now be eligible on July 1, 2011 to go back onto the plan. Commissioner McCallum replied that the county grandfathered all employees who were on the plan prior to September 1, 2010. She stated that there was concern that adding dependent children to the plan up to age 26 would increase utilization; however, the older population is generally what will cause an increase in utilization.

Sue Warner also reported the following additional changes under PPACA: 1) Lifetime limits were removed; 2) Pre-existing conditions would not be applied to anyone 19 years or younger; 3) Family practice doctors would not be considered specialists; 4) Out-of-state emergency medical services would be paid at in-network rates; and 5) Preventative care services would be paid at 100% if services are rendered by a PPO provider. She explained the handout regarding preventative care services that are provided based upon age and frequency.

Sue Warner stated that subgroup applications are due June 1, 2011. She presented the premium rates for the Blue Cross Blue Shield dental insurance coverage.

After discussion, a motion was made by McCallum and seconded by Uhlir to renew the health insurance contract with NACO Blue Cross Blue Shield for the 2011-2012 fiscal year for the Blue Preferred (PPO) \$1,500 deductible plan, with the county to pay 100% of the premiums for full time employees hired prior to September 1, 2010 for the single, 2/4 party plan, or family plan, with the county to buy-down the deductible from \$1,500 to \$750, and the county to pay 100% of the premiums for full-time employees hired on or after September 1, 2010, and also offer Option 4 PPO dental insurance to employees enrolled in the health insurance plan with 100% of the premiums to be paid by the employee. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Attorney Joseph Smith updated the Board on a lawsuit filed by Crafts Inc. on the final contract payment for the Public Defender's building addition. He stated that he wanted to discuss settlement options with the County Board; therefore, he recommended recessing into executive session.

Motion was made by Uhlir and seconded by McCallum to recess into executive session to discuss the Crafts Inc. lawsuit. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried. The Board recessed into executive session at 11:55 A.M. with Architect Jill Brodersen, County Highway Superintendent Richard Johnson, and County Clerk Nancy Scheer present.

Motion was made by McCallum and seconded by Uhlir to recess from executive session. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried. The Board recessed from executive session at 12:03 P.M.

Motion was made by McCallum and seconded by Uhlir to authorize County Attorney Joseph Smith to proceed with settlement negotiations with Crafts Inc. based upon the terms discussed in executive session. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The following reports and correspondence were reviewed:

- 18) County Clerk April fee report
- 19) County Treasurer fund balance report
- 20) PrairieLand RC&D May newsletter
- 21) Report of surplus property sale held on May 7, 2011

The following claims were audited:

GENERAL FUND

Total Net Payroll		113,992.30
Advantage Laser Products	Supplies, County Clerk	109.00
Afternooners	Meals, County Sheriff	43.27
Ronald Albin	Legal Services, District Court	182.55
American Family Life Assurance Company	Insurance Premiums	688.89
Ameritas Life Insurance Corporation	Employee Share Retirement	7,354.94
Ameritas Life Insurance Corporation	Employer Share Retirement	10,795.57
Ameritas Life Insurance Corporation	Insurance Premiums	352.22
Appeara	Mat Service, Courthouse	182.54
Ross Bartlett	Mileage, Juvenile Diversion	41.31
BI Incorporated	Monitoring Services, Juvenile Diversion	820.14
Big Red Printing	Supplies, County Court	429.52
Big Red Printing	Supplies, County Sheriff	442.49
Jennifer Birmingham	Postage, Public Defender	44.00
Black Hills Energy	Gas Service, Courthouse	278.48
Black Hills Energy	Gas Service, County Jail	383.56
Blue Cross Blue Shield of Nebraska	Insurance Premiums	114,781.51
Bomgaars Supply Inc.	Supplies, Courthouse	210.03
Brogan & Gray, P.C., L.L.O.	Legal Services, County Court	1,112.25
Brogan & Stafford, P.C.	Legal Services, County Court	926.55
Vicki Brown	Witness Fees, County Court	36.00
Cableone	Internet Services, Public Defender	125.95
Cableone	Cable Services, County Sheriff	576.00
Cableone	Internet Services, Probation	159.96
Capital One USA	Garnish of Wages	219.75
Carney Law, P.C.	Legal Services, District Court	218.78
Cedar County Court	Copies, Law Enforcement	2.75
Central United Life Insurance Company	Insurance Premiums	37.21
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Columbus Telegram	Publication Costs, County Sheriff	836.03
Complete Pest Elimination, Inc.	Services, County Jail	125.00
Connecting Point	Equipment, County Sheriff	208.00
Connecting Point	Supplies, Repairs, County Jail	435.50
Connecting Point	Internet Services, Veterans' Service Office	35.95
Connecting Point	Internet Services, Planning and Zoning	16.00
Constellation Newenergy Gas Division	Gas Services, Courthouse	620.71
Constellation Newenergy Gas Division	Gas Services, County Jail	1,448.31
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	3,765.52
Copycraft Printing	Supplies, Reappraisal	13.50
Copycraft Printing	Supplies, County Jail	264.00
Credit Bureau Services	Garnish of Wages	135.26
Culligan	Drinking Water Service, County Jail	198.45
Dallas Children's Advocacy Center	Registration, Juvenile Diversion	450.00
Dent Specialists	Repairs, County Sheriff	461.40
Department of Motor Vehicles	Copies, Law Enforcement	8.00
Department of Revenue	Registration, County Assessor	130.00
Drivers License Guide Company	Supplies, County Jail	61.85
Eakes Office Plus	Supplies, County Treasurer	35.06
Eakes Office Plus	Supplies, County Sheriff	4.00
Eakes Office Plus	Supplies, County Jail	575.98
Electrical Engineering & Equipment Company	Supplies, Courthouse	258.07
Christina Elsberry	Witness Fees, County Court	36.00
Enviromaster Inc.	Supplies, County Jail	42.00
Ewalt Law Office, P.C., L.L.O.	Legal Services, County Court	341.58
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	8,647.11
Fitzgerald, Vetter & Temple	Legal Services, District Court	1,632.25
Fleet Services	Fuel, County Sheriff	1,984.68
Floor Maintenance & Paper Supply	Supplies, County Jail	627.17
Galls Inc.	Uniforms, County Sheriff	162.63
Galls Inc.	Uniforms, County Jail	81.37
GIS Workshop	Computer Support, County Assessor	2,000.00
GIS Workshop	Computer Support, Reappraisal	8,300.00
Great Plains Appraisal	Services, Reappraisal	3,795.00
Kayla Grone	Services, Probation	100.00
Jeff Hackerott	Equipment, Reappraisal	79.99
Hampton Inn Kearney	Lodging, Juvenile Diversion	218.85

Hartford Life Insurance Company	Deferred Compensation	25.00
Marci Hjorth	Fees, Law Enforcement	32.00
IHC/Group Link	Insurance Premiums	460.44
Nancy Jochum-Schramm	Transcript, District Court	26.75
Johnson Engineering Company	Services	350.00
Johnson Hardware Company	Door Locks, Courthouse	29,523.00
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	2,176.20
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	540.60
Jola Publications	Publication, County Jail	30.00
Dona Kratochvil	Repairs, County Jail	48.50
Michael Long	Mileage, Travel Expense, County Attorney	205.80
Louderback Drug	Prescriptions, County Jail	9.39
Madison County Clerk	Tax Deposit	38,830.06
Madison County Court	Transcript, Public Defender	61.75
Madison County Court	Fees, County Court	4.00
Madison County Sheriff	Supplies, County Jail	104.22
Madison County Sheriff	Fees, County Court	929.82
Madison County Sheriff	Fees, District Court	400.81
Madison County Sheriff	Fees, Mental Health	87.54
Madison County Sheriff	Registration, Supplies, County Sheriff	201.60
Madison County Veterans Service Office	Veterans Aid	2,000.00
Madison County Veterinary Clinic	Impound Fees, County Sheriff	70.00
Madison National Life	Insurance Premiums	109.49
Marshall & Swift	Publication, Reappraisal	247.95
MHS Community Support Fund	Benches, Courthouse	375.00
Microfilm Imaging Systems, Inc.	Supplies, District Court	68.85
Midwest Health Partners	Medical Services, County Jail	417.00
Midwest Office Automations	Copier Lease, Probation	151.77
Midwest Plumbing & Heating	Supplies, Repairs, County Jail	1,996.01
Amanda Milander-Mace	Witness Fees, County Court	36.00
MIPS Inc.	Computer Support, County Treasurer	1,986.00
Nationwide Retirement Solutions	Deferred Compensation	545.00
Nebraska Child Support Payment Center	Garnish of Wages	276.92
Nebraska Health and Human Services	State Institution Costs	1,341.00
Nebraska Public Power District	Utilities, Planning and Zoning	106.73
Nebraska Public Power District	Utilities, Probation	487.34
Nebraska Public Power District	Utilities, Veterans' Service Office	33.98
Norfolk Daily News	Publication Costs, Reappraisal	97.78
Norfolk Daily News	Publication Costs, County Sheriff	905.50
Norfolk Daily News	Publication Costs, Courthouse	2,460.94
Norfolk Daily News	Publication Costs, District Court	42.12
Northeast Nebraska Juvenile Services	Board of Juveniles, Juvenile Detention	25,036.25
Rita Olberding	Transcript, Law Enforcement	13.00
Valorie Olson	Court Reporting, Mental Health	100.00
Omaha World Herald	Publication Costs, County Sheriff	1,731.92
Pell Reporting	Transcript, Law Enforcement	307.45
Sherry Peterson	Telephone Service, Juvenile Diversion	69.99
Phillips 66	Fuel, County Sheriff	541.62
Pioneer Telephone	Telephone Service, Courthouse	264.78
David Prather	Meals, County Sheriff	24.03
Puppy Love	Impound Fees, County Sheriff	100.00
Qwest	Telephone Services, County Jail	17.66
Qwest	Telephone Services, Probation	221.57
Regency Family Dental Care, P.C.	Dental Services, County Jail	374.00
Robinson Textiles	Uniforms, County Jail	384.75
Nancy Scheer	Mileage, County Clerk	39.27
Security Shredding	Services, Probation	70.00
Security Shredding	Services, District Court	105.00
Shell Fleet Plus	Fuel, Reappraisal	53.08
Shell Fleet Plus	Fuel, County Sheriff	3,840.05
Sherwin Williams	Paint, County Jail	78.58
Sleuth Software	Software, County Sheriff	2,008.16
Joseph Smith	Mileage, Law Enforcement	136.68
State of Nebraska AS Central Services	Data Processing Costs, County Sheriff	32.00
Michelle Sullivan	Mileage, Juvenile Diversion	102.51
Jill Svoboda	Witness Fees, County Court	36.00
Dale Taylor	Interpreting Services, Public Defender	247.50
Text & Data Technologies Inc.	Software Support, County Jail	2,100.00
David Uher	Legal Services, County Court	3,556.71
United Bank of Iowa	Equipment Rental, Probation	422.40
U.S. Bank Corporate Payment System	Fuel, Meals, Lodging, Supplies, Repairs, County Sheriff	699.72
U.S. Bank Corporate Payment System	Lodging, Meals, Travel Expense, County Attorney	1,338.06
U.S. Bank Corporate Payment System	Fuel, Meals, Juvenile Diversion	306.97
Verizon Wireless	Telephone Services, Planning and Zoning	128.89
Wayne County Court	Copies, Law Enforcement	8.75
West Payment Center	Publication, County Attorney	453.50
Western Office	Services, District Judge	40.00

Western Office	Supplies, County Sheriff	44.46
Western Office	Supplies, Veterans' Service Office	89.17
Western Office	Supplies, District Court	17.18
Zodiac Properties	Rent, Probation	7,876.67

ROAD/BRIDGE FUND

Total Net Payroll		28,024.80
Advance Auto Parts	Parts, District #2	6.98
American Family Life Assurance Company	Insurance Premiums	297.25
Ameritas Life Insurance Corporation	Employee Share Retirement	1,682.24
Ameritas Life Insurance Corporation	Employer Share Retirement	2,523.39
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
B's Enterprises, Inc.	Signs, Blades, District #1, #2	8,982.80
Black Hills Energy	Gas Service, District #1, #3	136.68
Blue Cross Blue Shield of Nebraska	Insurance Premiums	30,219.20
Bomgaars Supply Inc.	Shop Supplies, District #1, #2, Noxious Weed	612.94
Colonial Life and Accident Insurance	Insurance Premiums	180.30
Constellation Newenergy Gas Division LLC	Gas Service, District #1	270.36
Eastern Nebraska Trailer Repair	Repairs, District #2	1,305.86
First Concord Benefits Group, L.L.C.	Flexible Benefit Plan, Deductible Buy Down	1,066.80
Gempler's	Uniforms, Chemicals, Noxious Weed	225.95
Graham Tire	Repairs, Noxious Weed	15.90
Arland Gross	Equipment, District #1	267.49
IHC/Group Link	Insurance Premiums	15.22
John's Disposal Inc.	Garbage Service, Noxious Weed	15.00
Johnson Engineering Company	Engineering Services, District #1, #2, #3	3,860.00
K & C Grain Inc.	Gravel, District #2	1,726.80
K & S Door Company	Repairs, District #1	193.50
M & M Farm Supply	Shop Supplies, District #1	26.26
Madison County Clerk	Tax Deposit	9,097.61
Madison County Register of Deeds	Filing Fees, District #3	10.50
Madison National Life	Insurance Premiums	37.80
Matteo Sand & Gravel Company Inc.	Gravel, District #1, #2, #3	16,984.84
Meisinger Oil Company Inc.	Fuel, District #1	8,822.73
Nebraska Child Support Payment Center	Garnish of Wages	299.00
Nebraska Harvestore Systems Inc.	Parts, District #3	330.51
Nebraska Public Power District	Utilities, District #2, Noxious Weed	155.54
New Victorian Inn Suites	Lodging, Noxious Weed	295.00
NMC Exchange LLC	Repairs, District #1, #2, #3	3,671.34
Norfolk Auto Center	Parts, District #2, #3	222.15
Norfolk Iron & Metal Company	Parts, District #1, #3	6,815.78
Pioneer Telephone	Telephone Services, District #1, #3	59.79
Donald Svitak	Meals, Mileage, Noxious Weed	172.78
Telebeep Wireless	Internet Service, District #1	119.85
The Pit Stop	Fuel, District #3	325.36
Transamerica Life Insurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Repairs, District #3	691.01
Verizon Wireless	Telephone Services, District #2, Noxious Weed	446.40
Zoubek Oil Company Inc.	Fuel, District #2	13,275.59

FEDERAL AID SECONDARY FUND

Mainelli Wagner & Associates, Inc.	Engineering Services	12,760.00
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VISITORS PROMOTION FUND

Downtown Norfolk Association	Advertising	1,000.00
Brook Kreder	Supplies, Meals, Equipment, Telephone Service	1,441.40
Mail Prep ETC	Postage	634.26
Norfolk Area Chamber of Commerce	Administrative Expense	4,365.72
Norfolk Area Visitors Bureau	Rent, Supplies	7,200.00
Norfolk Daily News	Subscriptions	124.80
Snitily Carr	Website Costs	3,745.02

VISITORS IMPROVEMENT FUND

Connecting Point	Website Costs, Equipment	1,028.37
Marathon Press	Website Costs, Supplies	551.64
Norfolk Area Chamber of Commerce	Administrative Expense	6,432.71
Norfolk Area Visitors Bureau	Administrative Expense	4,230.00
Norfolk Daily News	Publication Costs	4.11

CDBG #2 FUND

Northeast Nebraska Economic Development District	Funding	39,950.00
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LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff	Supplies	409.99
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DRUG COURT FUND

Janessa Finley	Supplies	82.18
HyVee Gas	Supplies	400.00
Putters Jewelry	Supplies	22.00
Redwood Toxicology Lab	Drug Testing	154.75

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

The Board adjourned at 12:04 P.M. to Tuesday, June 7, 2011 at 9:30 A.M.

County Clerk

Chairman