

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

June 19, 2012

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, June 14, 2012 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 Lee 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, Martin Griffith, and Lee Klein, Planning and Zoning Administrator John Johnson, County Highway Superintendent Richard Johnson, County Attorney Joseph Smith, County Clerk Nancy Scheer, Norfolk Daily News reporter Jerry Guenther, WJAG news reporter Jim Curry, and US92 news reporter Eric McKay. Also in attendance were Sheriff Deputies Jon Downey, Terry Kotrous, and Jim Vrbsky and approximately 80 citizens.

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

- 1) Approval of minutes of June 5, 2012 meeting
- 2) Acknowledge receipt of the Official Bond of DeAnn J. Phillips as Treasurer of the Village of Meadow Grove
- 3) Approve appointment of Larry Kohl to serve as a member of the Madison County Veterans Service Committee for a term of 5 years from July 1, 2012 to June 30, 2017
- 4) Approval of contract in the amount of \$35,500 with Linsali, Inc. for re-appraisal of real estate in the City of Tilden and Village of Meadow Grove
- 5) Award of contract in the amount of \$14,437.50 to the low bidder, Pogue Construction Inc., for striping county roads for 2012-2013 fiscal year

6) **RESOLUTION #2012-33**

BE IT RESOLVED, that the withdrawal by Bank First, Norfolk, Nebraska of the following securities, held in safekeeping by Union Bank & Trust Company, Lincoln, Nebraska, to secure deposits of the county in said bank, to wit:

FEDERAL HOME LOAN BANK	\$250,000.00	Union Bank & Trust Company
Rate 1.050%	Maturity 09/29/2014	Lincoln, Nebraska
Receipt Date: 06/29/2011	Cusip 313374BC3	Receipt No. 5832

and the substitution of the following securities be and the same hereby are approved:

FANNIE MAE	\$250,000.00	Union Bank & Trust Company
Rate 0.700%	Maturity 03/13/2015	Lincoln, Nebraska
Receipt Date: 04/10/2012	Cusip 3135G0HX4	Receipt No. 5904

7) **RESOLUTION #2012-34**

WHEREAS, Richard C. Johnson, Madison County Highway Superintendent, has submitted a written report to the Madison County Board of Commissioners as directed by Resolution #2012-28 dated May 22, 2012; and

WHEREAS, State Statute requires, that prior to taking action upon vacation or abandonment of a county road, the County Board shall conduct a public hearing on same;

NOW, THEREFORE BE IT RESOLVED that a public hearing be held on July 17, 2012 at 9:30 A.M. in the Commissioners' room at the Courthouse in Madison, Nebraska to receive input regarding abandonment or vacation of the following described road:

The road between Sections 11 and 12, Township 22 North, Range 1 West of the 6th P.M., Madison County, Nebraska, said road being 557th Avenue between 832nd Road and 833rd Road

BE IT FURTHER RESOLVED that this resolution be published once a week for three consecutive weeks in The Norfolk Daily News and, if possible, copies of this resolution be served by certified mail to owners of land abutting on or adjacent to said road.

8) **RESOLUTION #2012-35**

WHEREAS, the Board of Commissioners of Madison County received a report from the County Highway Superintendent recommending that East Nucor Road between Sections 1 and 12, Township 24 North, Range 1 West be vacated or abandoned from the easterly right-of-way of Grandview Drive to the Madison/Stanton County line, and

WHEREAS, adjacent landowners, utilities, and the City of Norfolk were notified by certified mail and a duly advertised public hearing as required by law was held on June 5, 2012, and

WHEREAS, no opposition to vacation or abandonment of the road was expressed at the public hearing, and

WHEREAS, Stanton County, Nebraska is considering vacation or abandonment of a part of East Nucor Road adjoining and continuing east from the road in question, and

WHEREAS, the City Council of Norfolk, having zoning jurisdiction over the subject road, approved vacation or abandonment of said road by City of Norfolk Resolution #2012-23 adopted June 18, 2012;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Madison County, Nebraska that the right-of-way of the following described road be abandoned and that any interest in the right-of-way Madison County has shall revert to the adjoining landowners:

East Nucor Road between Sections 1 and 12, Township 24 North, Range 1 West, from the easterly right-of-way of Grandview Drive to the Madison/Stanton County line being approximately the East 1,244 ft. of that part of East Nucor Road in Madison County

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect at the time of actual closure of the road and that actual closure of the road shall be concurrent with closure of that part of the road in Stanton County.

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

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

The Board discussed award of a contract for armor coat surfacing of County roads for the 2012–2013 fiscal year. County Highway Superintendent Richard Johnson reported that a bid tabulation was compiled reflecting the amount for proposals submitted by three firms. He stated that typically the County asks that the bidders include the width of the distributor on the bid form and the low bidder does not have a 24 foot distributor. Commissioner McCallum questioned if the requirement for a 24 foot distributor was included in the bid specifications and Johnson responded affirmative.

Rick Larsen, general manager of Road Guy Construction, stated that the bid specifications do not require a 24 foot distributor. He explained that the County's bid documents require the bidder to follow the specifications according to the Nebraska State Department of Roads. He explained that the State of Nebraska specifications require that the application width shall coincide with existing traffic line lanes to the maximum extent as possible, which means that the contractor shall apply oil to the width of the lane. He reported that the specifications also require that the armor coat shall be applied to one-half the width of the surface at a time, confining traffic to the portion of the surface not being treated. He explained that what the County specifications ask for according to the Nebraska Department of Roads do not include anything about the 24 foot width distributor.

Commissioner McCallum stated that he thought that the County made the 24 foot boom width a priority several years ago so there wouldn't be a split in the middle of the road. County Highway Superintendent Richard Johnson stated that he also thought the specifications included the requirement for a 24 foot width boom. He stated that the County has asked for a 24 foot with distributor during the past bid openings and historically the County has wanted a 24 foot width. Rick Larsen responded that his distributors are capable of going to a 24 foot width because he is capable of adding onto the width; however, on the bid form he listed the distributor width from 1 foot through 20 feet. He reported that he does not have a 24 foot chip spreader, but he has two chip spreaders to spread the rock.

Commissioner McCallum explained that the reason the County wants a 24 foot distributor is because on previous jobs there were splits where the seams came together that were missed and then water gets into the roadbed, which causes heaving. He stated that with a 24 foot width distributor the product is spread all at one time and the service and quality of work is better with a 24 foot distributor.

Rick Larsen stated that he completed the County's work years ago and there was no contact with his company stating that there was anything wrong with the work. He stated that if there was a problem with the work, the company could have addressed the issue.

After discussion, a motion was made by McCallum and seconded by Griffith to award a contract to Sta-Bilt Construction Company for armor coat surfacing County roads for the 2012–2013 fiscal year because the County is satisfied with the service and quality of work from the contractor and the use of a 24 foot width distributor. Roll call vote: Ayes, McCallum, Griffith, and Klein. Nays none. Motion carried.

County Clerk Nancy Scheer reported that since this is the final meeting of the fiscal year, the budget committee reviewed the funds and office functions to determine if adequate budget authority and funds are available to meet all expenses for this fiscal year and begin with adequate fund balances for the next fiscal year. She stated that all office functions, except County Jail, have adequate budget authority to meet expenses and the budget committee recommends adoption of Resolution #2012-36, which would transfer \$28,329 of budget authority from the County Sheriff's office function to the County Jail office function.

County Clerk Nancy Scheer also reported that the budget committee compared actual fund balances to budgeted fund balances and has determined that all funds appear to have adequate balances for anticipated expenditures prior to adoption of the next fiscal year budget statement in September. She explained that the committee reviewed budgeted interfund transfers, which are historically made at the end of the fiscal year to provide necessary cash reserve in major funds. She stated that the budget committee recommends adoption of Resolution #2012-37, which authorizes interfund transfers from General Fund, Federal Aid Secondary Fund, and Inheritance Tax Fund to provide necessary cash reserve in Road/Bridge Fund.

After discussion, the following resolutions were submitted for consideration:

RESOLUTION #2012-36

WHEREAS, due to unforeseen circumstances, proposed expenditures exceed budget authority allocated for the County Jail office function in the General Fund Budget, and

WHEREAS, budget authority in the County Sheriff budget, also an office function of the General Fund Budget, is adequate to allow for a transfer to meet current fiscal year expenditures,

NOW, THEREFORE, BE IT RESOLVED, that an additional twenty eight thousand three hundred twenty-nine dollars (\$28,329.00) of budget authority is hereby allocated to the County Jail office function from the County Sheriff office function.

RESOLUTION #2012-37

WHEREAS, the 2011-2012 fiscal year budget, adopted by the Board of Commissioners of Madison County, Nebraska, commits up to \$128,560.00 from the General Fund, \$2,985,336.00 from the Federal Aid Secondary Fund, and \$820,000.00 from the Inheritance Tax Fund to pay for expenditures exceeding monies available in the Road/Bridge Fund and to provide for adequate cash reserve in said fund; and

WHEREAS, \$1,500,000.00 has previously been transferred during the current fiscal year from Federal Aid Secondary Fund to the Road/Bridge Fund; and

WHEREAS, it is necessary to provide for cash balances in the Road/Bridge Fund to provide funding until adoption of the 2012-2013 fiscal year budget; and

WHEREAS, unused budget authority in General Fund, Federal Aid Secondary Fund, and Inheritance Tax Fund is adequate to provide for additional interfund transfers to Road/Bridge Fund, as budgeted;

NOW, THEREFORE, BE IT RESOLVED, that one hundred twenty eight thousand five hundred sixty dollars (\$128,560.00) be transferred from General Fund to Road/Bridge Fund, seven hundred thousand dollars (\$700,000.00) be transferred from Federal Aid Secondary Fund to Road/Bridge Fund, and eight hundred twenty thousand dollars (\$820,000.00) be transferred from Inheritance Tax Fund to Road/Bridge Fund to provide adequate cash balance in the Road/Bridge Fund.

Motion was made by McCallum and seconded by Griffith that the foregoing resolutions be adopted. Roll call vote: Ayes, McCallum, Griffith, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the June 9, 2012 edition of the Norfolk Daily News, Chairman Klein opened a public hearing at 9:37 A.M. to receive citizens' comments regarding the conditional use permit application of Roger Freudenburg to allow Landon and Susan Bierman to operate a sandblasting business on property located in the SE¼ of Section 5-23-2, which is located 2 miles east of Highway 121 on 839th Road.

Planning and Zoning Administrator John Johnson read the facts as listed in the resolution proposed for consideration by the Board. He explained that Roger Freudenburg was originally planning to allow Landon's father to operate the sandblasting business; however, he recently became incapacitated. He reported that Mr. Freudenburg's major concern was to keep the sandblasting facility on the acreage and not allow storage of items associated with the business to spread out into the surrounding fields and this issue has been addressed.

Chairman Klein reported that Roger Freudenburg is attending a funeral; therefore, was unable to be present during the hearing.

Richard Grant spoke in support of the conditional use permit application. He stated that the business has been in operation for quite some time and the person operating the business is a young man who may need help to get started. He reported that one stipulation included in the proposed resolution is the requirement for the operator to install a fence around the business, which may be a financial burden for the young businessman and that planting trees may be a better option. Chairman Klein responded that the resolution states that the applicant may build a fence, but it is not a mandatory requirement. He explained that the fence installation is a legitimate concern; however, it has been addressed.

No one spoke during the hearing to express opposition to the proposed conditional use permit. Chairman Klein closed the hearing at 9:40 A.M.

RESOLUTION #2012-38

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

WHEREAS, having given proper notice and holding a public hearing as provided by law and under the authority of and subject to the provision the 2003 Madison County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

Finding of Facts

1. This application is consistent with the Comprehensive Plan.
2. This application is consistent with the Zoning and Subdivision Regulations and the Zoning Map.
3. Roger Freudenburg is the Power of Attorney for his mother who actually owns the property.
4. The Assessor's Office shows ownership as Roger Freudenburg, et al.
5. Landon Bierman is the son of Susan Bierman, Roger's sister.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Roger Freudenburg for Landon and Susan Bierman for Sandblasting per Article 4, Section 404 Permitted Conditional Uses, 2003 Madison County Zoning and Subdivision Resolution as amended, on the following described land:

Part SE¼ of Section 5, Township 23 North, Range 2 West of the 6th P.M., Madison County, Nebraska.

The Conditions of this permit are listed below:

1. This Conditional Use Permit allows Roger Freudenburg via Landon and Susan Bierman to operate a sandblasting business within an approximate 4.25 acres as defined by Roger Freudenburg.
2. This Conditional Use Permit is for five years and may be renewed by the Zoning Administrator at the request of Roger Freudenburg in additional five year increments.
3. All painting must be done in accordance with EPA regulations which could require installation of a paint booth.
4. All new buildings for painting, sandblasting or other uses by the business must be inspected as industrial buildings by the Fire Marshall.
5. Roger Freudenburg may have a survey done, or simply define to the Biermans the area in which the business may operate. Once completed, the area should be physically marked. No operations including sandblasting, painting or storage of any items owned by the Biermans for business or personal use may be stored outside to the defined boundary.
6. An opaque fence of at least eight feet in height may be constructed east of the driveway along the road on the south and from the edge of the right-of-way to the rear of the surveyed area along the east edge of the surveyed area.
7. Items stored on property must be neatly arranged and the grass mowed. Vehicles stored for over 60 days, must have all fluids drained.
8. Nothing except a mail box may be parked, stored or displayed for sale on the county road right-of-way.
9. This permit may be cancelled any time at the request of Roger Freudenburg for any reason.
10. Any Zoning Permits applied for on this property must be signed by Roger Freudenburg.

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

After discussion, it was moved by McCallum and seconded by Griffith that the foregoing resolution be adopted. Roll call vote: Ayes, McCallum, Griffith, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the June 9, 2012 edition of the Norfolk Daily News, Chairman Klein opened a public hearing at 9:41 A.M. to receive citizens' comments regarding a proposed amendment to the Madison County Zoning and Subdivision Regulations to change the setbacks for "Bulk Storage and/or Manufacture of Fertilizer" from 1,320 feet to 300 feet in Table 4 of Article 4, Section 402 "AG1" Intensive Agriculture and Section 403 "AG2" General Agricultural Districts. He thanked everyone for coming to the public hearing and stated that this is an important process in a democratic society. He requested that everyone make our forefathers proud, and maintain civility, avoid all allegations not based on facts, and allow everyone who wishes to speak an opportunity to do so. He stated that everyone needs to be respectful of each other's time and that comments should be directed to the Commissioners. In addition, he stated that in interest of everyone's time, if anyone strays from the topic at hand, which is setbacks for bulk fertilizer storage for all of Madison County, he will have no choice but to interrupt and ask that the person testifying to return to the topic at hand. Chairman Klein stated that many present are aware that Helena Chemical Company has applied for a conditional use permit to operate a bulk storage and retail/service center in Madison County. He stated that this is not the topic of today's hearing and that the conditional use permit application will first be taken up by the Planning Commission and will come before the County Board at a later date. He also explained that today the County Board is taking up only the issue of setbacks for bulk fertilizer storage in Madison County. Chairman Klein stated that while Helena is no doubt a topic of interest, the hearing is not about Helena. He emphasized that the hearing is not specific to any one tract of land, but is about county-wide setbacks for bulk fertilizer storage. He reiterated that he hopes everyone can make our forefathers proud and have a civil discussion about the topic. He stated that he looks forward to hearing remarks from all those who would like to speak.

County Attorney Joseph Smith stated that he understands that there were a lot of people who testified before the Planning Commission. He reported that the hearing was moved to the Courtroom so everyone would have a chance to be present. He stated that there are signs posted and a picture of the sign was taken and the County Clerk will make the picture a part of the record so it is clear that notice was posted properly. Mr. Smith reported that he had the Sheriff's office check at 9:30 A.M. to make sure that no one was waiting for the hearing in the County Commissioners room, so he is satisfied that everyone had notice that the hearing was moved to the Courtroom location. He explained that he is aware that this issue was contested at the Planning Commission hearing and that he sees from the number of lawyers in the room that there may be litigation after the hearing. Mr. Smith stated that the County wants to be fair with everyone and the hearing will be conducted with the proponents speaking first, followed by the opponents, and then an opportunity will be given for rebuttal remarks from both sides. He stated that he was worried about time frame for the hearing and he planned to count the number of the names and divide that by three hours; however, he has spoken to lawyers for both sides of the issue an equal number of times, but he has been assured by everyone that whoever wants to testify will be given an opportunity to do so. He stated that, in his opinion, they don't need to put time limits on the length of testimony because he has been told that the presentations are well organized on behalf of both proponents and opponents. He stated that if anyone has complaints about procedures or recommendations the Board will listen to them. He reiterated that the hearing has to do with zoning setbacks all over the County regarding fertilizer plants. He stated that setbacks are designed to prevent certain types of dangers. He stated that if any of the lawyers have concerns, he doesn't want to put them on the spot; but, if they would sue later, they were asked. Attorney Dave Domina acknowledged notice.

Planning and Zoning Administrator John Johnson explained that the proposed amendment is to change the setbacks from 1,320 feet to 300 feet for all types of fertilizer. He stated that the Board could approve, deny, or refer it back to the Planning Commission. He stated that he conducted research on surrounding counties' setback. He reported that Knox County has a 1,320 foot setback, Madison County has 1,320 foot setback, Pierce County has 300 foot setback, Antelope County's setback varies depending upon tank size and the setbacks are for anhydrous ammonia and not dry fertilizer and the setback can go as low as 300 feet with a written waiver from a resident. In addition, he reported that Boone, Stanton, and Cedar Counties have no setbacks and Platte and Wayne Counties do not have zoning; hence, they have no setback requirements. Mr. Johnson stated that there was a Court of Appeals case of Werner vs. Antelope County Board of Adjustment and since this case, the statutes have been modified that requires the appeal of a conditional use permit to District Court; however, all other administrative decisions involving zoning would be appealed to the Board of Adjustment, not to court. He explained that to file an appeal, it must be submitted to the Planning Office at 1112 Bonita Dr. in Norfolk in the form of a letter requesting an appeal if there is a decision made by the County Board. He further explained that an appeal would be heard before the Board of Adjustment and a hearing date would be set as soon as the appeal is filed. Mr. Johnson reiterated that an appeal must be filed within 15 business days from the date of the decision and the timeframe would start the day after the hearing. He questioned if the County Attorney concurred with this analysis and County Attorney Joseph Smith responded affirmative. In addition, Mr. Smith explained that a record was being made by the County Clerk.

Chairman Klein questioned if there was any correspondence received by the Clerk's Office. County Clerk Nancy Scheer responded that one letter was submitted to the Clerk's office prior to the hearing by Judy Anderson and the letter was marked as Exhibit 1 and is in opposition to the proposed setbacks.

Chairman Klein asked individuals supporting the amendment to change the setbacks to approach the table and testify.

Courtney Klein-Faust thanked the County Board members for allowing comments on the topic. She stated that she is the Director of Economic Development for the City of Norfolk and works to assist the area in creating and retaining jobs. She stated that she does not claim to be an expert in setbacks for bulk fertilizer storage but she has made a lots of phone calls over the past month to the Zoning Administrator, the Department of Environmental Quality, the Department of Health and Human Services, the Department of Agriculture, and the University of Nebraska Extension Office in order that she might better understand what regulations are currently in place in the State of Nebraska to protect the public health with respect to bulk fertilizer storage. She stated that she believes that there are a number of misperceptions regarding the issues surrounding setbacks which are the matter of discussion at this hearing and which have caused emotions to flare. She stated that she hopes this hearing will be about the facts at hand and that the decision will be made about the facts and not emotions. Ms. Klein-Faust stated that the conversations that she had with the Department of Environmental Quality, the Nebraska Department of Health and Human Services, the Nebraska Department of Agriculture, and also the University of Nebraska Extension Office surprised her. She explained that the question that she had for these departments was what a reasonable setback might be bulk fertilizer storage, in the interest of public health, from a personal well. She reported that the responses that she received and the regulations that she brought copies of to introduce into the record showed that DEQ and the Department of Health and Human Services believe that 100 feet is an adequate setback for bulk fertilizer storage in the State of Nebraska. She explained that when she mentioned to the departments that Madison County's current setbacks are at 1,320 feet from a personal residence, they were surprised and one department indicated that this setback distance was harsh. Ms. Klein-Faust stated that as Mr. Johnson noted, many other counties in the region have setbacks that are for less for bulk fertilizer storage than what is currently set in Madison County. She stated that, except for Knox County, the Madison County setback is 1,000 feet more than any other surrounding County. She stated that when she spoke to the Zoning Administrator, Mr. Johnson, to ask when the current setback of 1,320 feet was put into place for bulk fertilizer storage, he noted that it was late in the year of 2007, nearly

2008. She stated that she inquired why 1,320 feet chosen, wondering if there was in fact some public health reason that she was not aware of, she was told by Mr. Johnson that bulk fertilizer storage was just included with other items such as bulk fuel storage, pesticide storage, and items that are more dangerous. Ms. Klein-Faust stressed that the health of residents could not be put at risk, but she didn't believe that was the case in this instance. She said if 100 feet is good, is 1,320 feet better? She stated that, in her opinion, no one would argue that the EPA, DEQ, or HHS under regulates, or that constituents want more regulations from these departments. She stated that it appears what is being done in this instance is regulating businesses above and beyond these agencies and she had not yet heard a good reason why. She stated that over regulating businesses will not keep people safer and it will simply preclude economic growth in our region. She asked the Board to make a decision today based upon the facts. Ms. Klein-Faust asked the Board to find the appropriate setback to protect public health and not merely add 1,000 feet to the setbacks of other counties, or the DEQ or HHS, in an attempt to make everyone feel safer. She stated that many people have referenced in their statements to the Planning Commission that they would like to have this type of business in Madison County and would welcome it; however, they just don't want it in their backyard. She stated that this setback issue is for the entire County and is not specific to any one application or specific to any piece of property. She stated that if the County maintains a setback that is not supported by the facts, the County is potentially putting itself out of business. Ms. Klein-Faust submitted the Nebraska Department of Environmental Quality Nebraska Administrative Code Title 198 Rules and Regulations Pertaining to Agricultural Chemical Containment, which was accepted into the record and marked as Exhibit 2. She also submitted Nebraska Health and Human Services Regulation and Licensure Title 178, Water Well Standards, which was accepted into the record and marked as Exhibit 3. In addition, she submitted her remarks presented during the hearing, which were accepted into the record and marked as Exhibit 4.

Dennis Houston, President of the Norfolk Area Chamber of Commerce, read the following statement on behalf of the Chamber's Board of Directors and Members: "On behalf of the Norfolk Area Chamber of Commerce and its more than one 650 member firms, the 15,000 area residents and jobs they represent in the Norfolk trade area, we urge your support of the revision of Madison County setbacks. This setback revision will allow for the retention, expansion, and contraction of jobs in Madison County in the coming years. It is apparent that we equalize our setback standards with our neighboring counties and show our citizens, neighbors in Northeast Nebraska, and new business prospects that yes, we are open for business in Madison County. As a County we need to decide if we want to create our own future and grow or if we want to continue to lose population in our rural communities. The former will create a better way of life for each of us. The latter will lead to uncertainty and higher taxes for each of us as we spread the tax burden among a smaller group of people. In rural Nebraska, we have a dire need to make it easier to do business in order to compete with larger metro areas. This will in turn help create economic development opportunities throughout Madison County. The need for setback revisions in Madison County is not just to attract new business and industry. We need revised setbacks to allow current Nebraska businesses to expand, create jobs, and attract more people to our rural area. Setback revisions will provide for a streamlined, less-regulated process whereby a rural business may develop and implement a plan to carefully and safely construct infrastructure and create jobs in rural areas of Madison County. The business community is simply asking for the ability to collaborate with entrepreneurs, investors and Madison County to develop and fund new free enterprise. We are standing up and saying that we do want to take care of our own. Communities throughout Madison County area are willing to step up to the plate and show significant support for such a project if the project creates economic success. When we partner together as one, we all win. A vote for setback revisions is much more than what appears on the surface. A vote for setback revisions is a vote for jobs. It is a vote for people retention and attraction in rural Madison County. It is a vote for the economic vitality of Madison County and its future. Working together as one, we can create economic development success stories across Madison County. Thank you for your time." Mr. Houston's written statement was accepted into the record and marked as Exhibit 5.

Mike Brogan, stated that the Board would be relieved to know that he is not in attendance as an attorney, but is accompanying Dennis Houston on behalf of the Norfolk Area Chamber of Commerce as its Chair. He stated that the organization represents 650 area businesses, which employs a workforce up to 15,000 individuals in the area, which is a sizable constituency. He stated that one thing that he could say with some confidence is that the Chamber is entirely in favor of the general concept of the need for economic growth and development. He stated that on specific issues there will always be some controversy as there is on this issue; however, he stated that we need to be reasonable. Mr. Brogan stated that we read with some interest the letters to the editors and other contrary opinions concerning the length of the setback for this type of zoning requirement; but, we have to be sure that we are not hamstringing our businesses that are considering Madison County as a location. He stated that it is hard enough for businesses to find a good spot, much less an ideal spot. He stated that the best spots are often already taken, or the owner doesn't want to sell, or the owner doesn't want to sell for the right price. In addition, he explained that when a business narrows down a location that may work, you don't want to have them faced with County government regulations that insist the business be 1,320 feet away from certain structures. He stated that there may be no other alternative for the business except to go over to Pierce County because they only have a 300 foot setback, or go over to Antelope County because they have a 300 foot setback. He stated that business may consider Grand Island, or Kearney, or Wichita, Kansas, or Rapid City, South Dakota. He said that we must remember that, even though the Legislature is doing a fair job at improving the tax ranking of the State of Nebraska, we on the local level also have to do our part to ensure that businesses are not being over regulated. Mr. Brogan stated that there are 92 other counties in the State that are vying for these types of jobs and businesses that are considering Madison County. He urged the Board, on behalf of the Chamber membership, to consider rolling back the setback requirement to 300 feet, not to eliminate it all together. He stated that the organization is aware of health and safety concerns, but as Ms. Klein-Faust indicated there are regulations that are imposed by the EPA and DEQ that address that in certain industries. He stated that unless we want to eliminate all risk, we may be over protecting ourselves out of existence and that is something that we don't want to have happen to our local economy.

Ron Schmidt spoke in favor of the setback change. He stated that he is not promoting the Helena site, but is looking at the fertilizer situation of companies wanting to come into Madison County. He stated that fertilizer companies will want to locate close to a railroad. He stated that as crop yields increase the need for a fertilizer is going to get greater. He reported that there is a great railroad coming through Madison County, so for a fertilizer company wanting to locate along a railroad limits the amount of land that is available for a site. Mr. Schmidt stated that we need to remember that there are many communities around locally, including Madison, Humphrey, and Creston, that have fertilizer plants right in the middle or on the edge of town. He stated that that these towns are also building homes around these fertilizer plants in some instances, so the fertilizer plants for the most part have proven to be good neighbors. He stated that if the Board is thinking about Helena, they have multiple places around the country that have proven to be a good neighbor. He explained that he is not promoting Helena, but he is simply saying that they are a good neighbor. Mr. Schmidt stated that a fertilizer company would want to be along a railroad simply because of truck traffic and he stated that everyone knows that the truck traffic going up and down the roads is getting more and more. He stated that the more industries that we could have come into the County and use the railroad the better off we are economically and from a transportation standpoint. He stated that we also need to remember the economic impact when a company like this comes in. He stated that a company may only have five to ten employees, but we need to remember

the supporting industries that we have for a company like this, including the railroad, trucking, and other industries that will support a fertilizer company and there are many jobs that are made because of one industry coming into the County. Mr. Schmidt stated that whether 300 feet is the right distance for every fertilizer plant, he doesn't know; however, it is a place to start. He stated that just because there would be a 300 foot setback doesn't mean that the Zoning Commission is going to approve a 300 foot setback, but it is a starting point for a business to look at to determine if it is feasible to build at a certain spot. He stated that when you have residences close to a business of this type it is also a good idea for any business that would be coming in to landscape their property to minimize the skyline impression that they have, whether it is with trees or ornamental fences. Mr. Schmidt reiterated that if a fertilizer plant comes into the area, they will want to be next to a railroad, so this limits the amount of area or land base to put a plant on and by reducing the setback it opens up more area for a company to find a piece of property.

Richard Grant testified that he is in favor of lowering the setback; however, in his opinion, a good compromise would be something between 500 and 600 feet. He stated that he feels that we could live with this and there has never been a request below that in the time that he has been around. He stated that he doesn't see that as something that we couldn't live with and it would be a good compromise from a safety factor and it would be a good idea.

David Copple appeared on behalf of Helena Chemical Company. He stated that he won't be redundant because Mr. Johnson and Ms. Klein-Faust both referenced zoning rules and regulations of surrounding counties. He brought a notebook that contained the zoning rules and regulations with respect to the surrounding counties of Madison County, which entails Boone, Antelope, Cedar, Pierce, and Stanton. He stated that as the Board well knows, Wayne and Platte Counties do not have any zoning at all. He asked that the notebook be marked and provided to the Commissioners. The notebook was accepted into the record and marked Exhibit 6. Mr. Copple stated that, on behalf of Helena, he appreciates the Commissioners' efforts in holding the public hearing and he appreciates the opportunity for all to be heard. He asked that the Board adopt and approve the proposed amendment.

Orval Stahr, President of Stahr and Associates, stated that Ms. Klein-Faust asked him to attend the hearing. He stated that he has been in the planning and zoning business as a consultant for 45 years. He stated that he has written a lot of zoning regulations for counties and has recently worked with Antelope County on the very same issue that the Board is dealing with today. He stated that people may ask where the quarter mile setback came from and he told the Board that this distance was purely arbitrary. He stated that it wasn't a distance that was selected because it was rural in area and it was a factor that said there was absolutely no possibility of any kind of impact as far as either bulk fuel or anhydrous ammonia. Mr. Stahr explained that, as far as the issue of dry or liquid fertilizer, in most counties there is not a setback requirement if they are really looking at what they want to do as far as economic development is concerned. He stated that he is not testifying pro or con; however, the quarter mile distance is a purely arbitrary distance. He reported that what Antelope County did was look at industry standards and federal standards, particularly with regard to anhydrous because of the poisonous gas issue and at bulk fuel because of the explosive hazard. In addition, he reported that they looked at state code, federal code, and their regulations and now base it on the amount of materials stored on-site and the setbacks vary to some extent. Mr. Stahr stated that in general when you think about a bulk dry fertilizer or liquid fertilizer facility being a block away, 300 feet from the nearest residence or anything else, even if it is County, you have situations in the urban areas where that situation already exists and has existed for a number of years to the detriment of neither party.

Attorney David Domina reported that they organized a presentation for the hearing and there will be six people who will speak on behalf of the group that he is representing and each will have a separate message and each will be brief. He explained that about ten days ago he received a call from a resident of the Warnerville area who asked if he would consider helping a group in that area on the setback issue. He said that the request came to him by e-mail and as is true in his disorganized life a lot of his e-mail gets answered late at night and he answered it late at night. He reported that by the next morning the group said they wanted him to help and by two days later he learned that the group raised several thousand dollars, which he didn't ask for, because the group wanted to be sure that they were heard with their concerns about this issue. Mr. Domina stated that the number of people that contributed to that money would suggest that there are about 350 people in their disorganized group, or maybe well organized group, but not an incorporated group. He stated that this would be about 1% of the population of the County since the County population is 34,580. He stated that the Board heard from the Chamber of Commerce which said that it represents 655 businesses and 15,500 employees. He said that every person in his group who is employed, is employed either directly or indirectly by a member of the Chamber of Commerce or holds membership, so the Chamber of Commerce is not united in its membership on this point and neither are its employees. He stated that he wants to address specifically the history of setbacks, the current status of the law, think with the Board about why it might change the law and why it might not, and comment on the surrounding counties. He explained that these are the topics that he will cover and the other speakers will cover some other topics. Mr. Domina reported that they would start by talking about the history of 1,320 feet. He explained that if one takes a short view of history you might say that is an arbitrary number; but, if you take a complete view of history that number is not even remotely arbitrary and that is true starting with Thomas Jefferson. He explained that when Mr. Jefferson bought the Louisiana Territory at 2 cents an acre, and was realtor of the year in 1803, he was a surveyor and he was sick and tired of surveying from trees and rocks so he laid this area out in sections, townships, and ranges and 1,320 feet is one quarter of a mile. He stated that when the Homestead Act came and you farmed in homestead quarter sections, a quarter of a mile was the distance to the center of your property and it meant that you could be a half-mile from your neighbor. He explained that this distance has a history in being a good neighbor and it did not get plopped accidentally into our discussion and not accidentally into our law. Mr. Domina stated that it has a very long and important history and it's important on this specific issue. He explained that it is important for this reason: The County of Madison made an economic development decision a long time ago and it made that decision when it decided where it was going to allow houses to go in and it put houses in areas where now industry wants to enter by reducing the distance that shelters the house from the business, whether that business is a heavy industry or not, that's a change in philosophy. He stated that it is a change in philosophy that would be balanced on the back of the owner of the house who is already there. He stated that the idea of zoning is to prevent that from happening so that once you have a use that is an effective use, a desirable use, and is progressing other parts of the County to develop in other affected areas and ways so that you promote two good areas for people to be, one to work and one to live, and you don't mix them. Mr. Domina stressed that the 1,320 feet is important and it's an important economic development tool. He stated that it is not meaningful to compare Madison County against Antelope County, Knox County, Pierce County, or Holt County and look at the setback requirement because if you look at the book of Malachi in the Bible and read it and you're all finished with it and you say that you have read the Bible, you would say that nowhere in the Bible does it say "Thou shalt not steal" because you wouldn't have read the whole book. He explained that in those counties an applicant for a conditional use permit can be stopped with one dissenting vote of one neighbor within the setback area. He explained that if you don't have unanimous consent from the people who lived in the setback area, you can't get a conditional use permit. He reported that Madison County does not have this restriction, and wisely so, because you don't want one person to have a veto. In addition, he stated that you also don't want to give one business the absolute right to force

itself into a neighborhood because the setback is not restrictive enough. Mr. Domina stated that the County has an escape valve, which is to allow a business that wants not to conform and has a compelling story to tell, to come to the Board for permission, without changing the County law and waving its protection. He stated that, in his opinion, the other counties are not fair comparisons, except for Platte, because of population. The other counties don't have a city the size of Norfolk, they don't have a regional airport, they don't have the other industries that Madison County has, and they are agricultural counties. He reported that Knox County had a case involving setbacks that went to the State Supreme Court that pitted neighbor against neighbor. He reported that Holt County has had a whole bunch of cases, Boone County has had a whole bunch of cases all involving livestock. He stated that he knows this is true because he was in every one of those cases. He also reported that Pierce County had all of the seeds of these cases, but got them settled. In addition, he reported that Cedar County is his home County and this is the only County that he knows of where it hasn't happened. He said the population of Cedar County has dropped from 11,000 to 6,000 and that is not because of setbacks, but because of the change in farming and a change in almost all of the enterprises. Mr. Domina stated that everyone knows that everything is getting bigger, box stores are bigger, farms are bigger, and all businesses tend to be getting bigger. He stated that there is more space for a bigger business to locate without encroaching on the neighbors as a result of careful planning. He said that you don't need a shorter setback because it is inconsistent with the way the economy is developing and he hasn't heard any suggestion of an argument to the contrary. He asked why you would change the law and explained that you would change the law if it was unfair. He stated that there is really isn't an argument being made to the Board about this law not being fair, but there is an argument made that it is not good for business and there is an argument being made that changing it would not be good for families. He stated that is, at best, a stalemate and is not tipping the scale on unfairness. He questioned if the law is incomplete, because you would change a law if it was not complete and it needed to be fixed. He said that 1,320 feet is a complete number and 300 is a complete number, so there is no hole that needs to be plugged in this law. He questioned if this law is out-of-date, or is it antiquated. Mr. Domina said that if you look at the other counties and say that Madison County is out of step with them, you could say that it is antiquated and you might also say that Madison is not having the problems that other counties have had. He stated that Madison County has not had neighbors suing one another, which breaks the hearts of lawyers, but nobody else in the room. He reported that Madison County hasn't had nuisance suits. He reported that he is not current with all the litigation in the County like he once was; but, the only one that he knows of that commanded any prominent attention involved a shooting range east of Norfolk on the south side of the highway that moved out because of its proximity to neighbors and that happened when a lawsuit was threatened. He reiterated that Madison County hasn't had this problem, so don't invite it. Mr. Domina said that he agrees with the speaker that said the railroad is an advantage because it is an economic development advantage. He stated that he agrees with the speaker who said that the fertilizer industry is highly desirable and beneficial to our farmers and spins off other services and sales. He said that fortunately Madison County has lots of rail by comparison to all the other counties and lots of places for this business, or a fertilizer business to go, other than in an area that has been permitted with building permits of about 200 homes to be built within pretty close proximity to this one. He stated that he thinks the County will hear about some 129 wells that would be within the immediate flow of water that would pass by this site. Mr. Domina stated that he doesn't think this law is antiquated or out-of-date and he didn't think that there is any good evidence that it is antiquated or that it is out-of-date. He stated that in fact there are some physical facts that he could tell the Board that suggest that it is not antiquated or out-of-date. He reported that he knows darn well that since 2007 when 1,320 feet was passed, the law of physics hasn't changed. He stated that he has among his group of people a physics teacher, who reminded him that sound dissipates at 6 decibels per unit of measure as you double distance; from 100 feet to 200 feet, 6 decibels; and from 200 feet to 400 feet, 6 decibels, and so on. He explained that if you reduce the distance from 1,320 feet to 300 feet, you eliminate at least two doublings of decibel reductions that affect sound and there is a reason to say that the law is not antiquated because the law of physics is unchanged. Mr. Domina stated that another reason that he thinks relates to the law of physics and is contrary to what the Board heard about particulate matter. He said that he did a quick look and as nearly as he could tell every state in the United States has particulate matter control standards. He reported that some states call it fugitive dust standards and Nebraska has some of those standards and those standards go way beyond 100 feet for a recommended setback for a dry fertilizer plant. He stated that they go way beyond that by controlling the escape of dust or attempting to and creating environmental concerns that are regulated by the Environmental Protection Agency. He reported that he has a Fact Sheet Number 2-125 from the DEQ that talks about the dangers of particulate matter at 2 1/2 microns in size and a micron is one millionth of a meter and the fact sheet also talks about the dangers to health. He reported that a health speaker will talk about that, so he won't. Mr. Domina stated that he decided that he should take a look at an exemplar fertilizer company, which he will not mention by name, because this hearing is about setbacks. He reported that the exemplar fertilizer company that he checked is one whose name has been mentioned here at the hearing and what he found by looking at a database, which is very easily assessable to lawyers, is that there have been Environmental Protection Agency enforcement actions against that exemplar company in two cities in Nebraska, Scottsbluff and Bridgeport, Guthrie Center., Iowa, one in Missouri that he doesn't remember the name of the city, and those are the ones close by, and also a host of them elsewhere. He reported that in one case in Maysville South Carolina, population 1,001, there was a dispute in Court about the expenditure and the liability for payment for \$8 million in attorney fees over a dispute between neighbors involving that fertilizer company. He stated that for the lawyers in the room that might be a good reason to have one. Mr. Domina stated that there are issues associated with these kinds of industries and generally they come from being too close. He stated that, if there isn't a compelling reason to change the law, don't, and five jobs isn't reason enough. He reported that five jobs is .03%, 30/100 of 1%, of the non-farm employment base of Madison County according to the United States Census Bureau's economic census. He stated that five jobs equals .28 hundredths of 1% to be precise and those five jobs can locate someplace else where a business like this can double and triple in size and become 25, 30, or 50 jobs if it wants, because it can't on 20 acres. He stated that he does not suppose that there are very many things that would bring the diverse group of people he is here for together. He said that a lot of the people are neighbors, but didn't know each other until this issue and that is a good thing because it brought them together. Mr. Domina said that there are lots of things that make their lives go in different directions, including health, religion, school, work, but they are together on this issue. He stated that he thinks there is a mistake being made about where the consensus of opinion is because a few business people want to bring to the Board the Jamie Diamond argument, which is that we don't want as much regulation. He stated that is CitiBank's argument for how to regulate banks and how not to regulate them. He said this isn't the same as regulating banks and it is not going to have national or international consequences; but, the quality of the argument is just as bad here as it is on that stage. He stated that the issue here has to be how did we get here and who relied on how we got here, who invested in how we got here, who built a home because of the rules we have, who depended on those rules when they chose to build that home, and who just wants to live out their lives and be safe in those homes, quiet. He also questioned why we would change the law to accommodate one industry that in the course of the next 100 years is highly unlikely to produce more than one more plant that would use the exception that the Board is talking about now. Mr. Domina stated that to think of this issue as countywide is accurate because the Board is talking about a countywide zoning issue; but, to think about the number of times this industry would use this change that the Board is talking about is so minimal that it makes it

all together clear that it is a special interest issue. He stated that the people who are here before the current members on previous commissions thought about this issue. He requested the Board to respect them a little bit before they decide because he knows the Board will. He stated that the people who come after the current Board members are going to have to decide on building permit issues and deal with situations where neighbor rub against one another in abrasive ways. He asked the Board to think about them too because there are other places that work, not far away. Mr. Domina stated that he decided to close with Platte County, which doesn't have these rules and doesn't have zoning. He stated that everyone has driven Highway 30 and knows what it looks like. He stated that they have done a pretty good job in Platte County of choosing where their industries will go and keeping it in one place and it has clearly worked for them. He stated that what clearly does not work is putting one here, putting one there, and putting one over there, and you wind up sounding like the scarecrow in the Wizard of Oz describing what happens after the fight. He stated that they are talking about planning, not accommodating, and with a good plan the future is accommodated. He stated that he hopes the Board will leave it alone. He thanked the Board for letting him talk.

Julie Osborne thanked the Board members for their time and for hearing the citizens. She stated that the 1,320 foot setback obviously has many purposes and what she planned to talk about is the dust and the particulate matter. She said that setbacks are meant to keep dust off the neighbors and setbacks have been put in place to minimize the spread and the impact of dust on its neighbors. She stated that they were put into effect years ago to reduce the odors by providing a distance between the source and its neighboring properties. Ms. Osborne stated that this distance helps to reduce the concentration of odors and increases the likelihood that they would be able to sit outside and enjoy their air and enjoy their property without the risk of nuisance. She said that setbacks make good neighbors and no good neighbor wants to be a nuisance. She explained that they love their neighbors in their neighborhood, they always have, they get along with everybody, and they would help each other out. She explained that they are there for each other; but, being too close doesn't make a good neighbor. She said that the concentration of dust and particulate matter also increases the risk of fire and explosion. She testified that they have had tons of fires up and down the railroad, and with it being so dry, the more the trains go up and down that railroad, the more risk there is of fire. She reported that it takes a long time for the fire trucks to get out there and half the time the neighbors have the fire out before the fire trucks can even get there. Ms. Osborne stated that maintaining the 1,320 foot setback allows for greater dissipation and settling of the airborne matter, which will reduce the risk of fire and explosion. She explained that her last point regarding dust and particulate matter is in regard to health. She stated that exposure to dust and particulate matter is recognized as being a higher risk for lung cancer, leukemia, cardiovascular disease, strokes, and an overall documented higher mortality rate. She explained that by maintaining the existing setbacks, dust and particulate matter will have a greater area to disburse and settle, which reduces the dust and helps reduce the impact of known health hazards. She reported that her kids love to be outside, they love to play outside, and they are outside all the time swimming, in the sprinkler, riding their bikes, on the trampoline, and that is where she wants them. She stated that she doesn't want them in the house in front of the TV, or playing video games; but, she wants them to be safe when they are outside and not have to breathe in bad air, dust, and particulate matter. She questioned why we would change a law that was set in place to protect our children and our grandchildren. She stated that by maintaining the current setbacks, the County is helping its citizens maintain a safe standard of healthy living. She submitted a document with her statements, which was entered into the record and marked as Exhibit 7.

Dave Kathol stated that he and his wife Peg live at 55380 Warnerville Drive, which used to be the old town of Warnerville. He stated that what he wants to talk about is noise pollution and how we need to consider noise when we discuss shortening of a setback. He said that he and Peg live 180 feet from the railroad tracks and Peg has lived there by choice for the last 40 years. He stated that they were married in 2008 and decided to stay living 180 feet from the railroad tracks. He said that at their place the train is annoying, but it passes twice daily and it is gone, so they decided to just put up with it. He stated that if the Board changes that scenario and the train has to stop, move some train cars around during switching operations, and you add some trucks, forklifts, loaders and things like that with the beep, beep, beep of their backup alarms, then you add a few augurs, conveyors, fans, and pumps running, you have industry in motion. He stated that for owners and stockholders that is great and music to their ears and their bank accounts and it is also a good thing for people around who work there because they have a job. Mr. Kathol stated that most of the time owners and stockholders don't live near that industry. He explained that for a home owner who chose to live at a location that was properly zoned when he moved there, or built there, with its industrial noise, it can and will become more of an irritation. He reported that there is medical and legal proof, which proves that noise can cause mental and physical problems. He reported that for the last 40 years he has worked for NPPD and they serve on a lot of Nebraska industries, from Tyson Foods in Dakota City to Nucor in Norfolk, and also the small mom and pop welding and machine shop type places in our small towns. He explained that they all have a noise of industry value. Mr. Kathol stated that one good example is the Tyson Foods pork plant located right in Madison on the southwest corner of town. He reported that the NPPD substation is approximately a quarter mile to 320 feet from the pork plant. He reported that he works down there off and on from time to time doing maintenance and he can spend two or three days there. He stated that one of the things that he notices when he works there a day is that it is always great to get back to Highway 81 because that noise of industry is gone and you don't hear it anymore. He stated that the noise gets to you after a while; but, that noise of industry properly placed is good because it gives jobs, light bills, gas bills, and all the other things that an industry needs in an area. He stated that for him, the 1,320 feet or one-quarter mile setback is a minimum and it was established in the past when industry was not so loud and for sure, it needs to stand today. Mr. Kathol stated that here in Madison County, we need to respect our citizens and our industries that are here and the industries and citizens who want to move here. He said we need to stand solid on our zoning and setback laws because they have stood the test of time. He stated that we also need to work with industry to provide an area with adequate roads, railroads, gas, electrical service, and other things that an industry needs; but, put them in an industrial neighborhood. He explained that this sort of cooperation between citizens and industry will make a place in Madison County where both parties can grow and be successful.

Michaella Fickrel read the following statement which was accepted into the record and marked as Exhibit 8: "I am here to ask you to leave in place, without any change, a basic buffer zone law that makes sure that neighbors respect one another and abide by rules made, and known, in advance. My husband and I live within a half-mile of the site chosen by a chemical mixing plant. Our five children, five boys, live there with us. One of our children, Lane, who is age 7, was born with cancer. He lives with it now, technically his cancer is in remission, but we all know what that means. It doesn't mean cured. My son cannot tolerate dust. He cannot run the risk of cancer-causing agents. That is why we live where we do. We bought this land. We have 21 acres of residential land and we live there with our children and hope that someday they can live there and grow up there and have their own children. I do not think that any husband or wife, farmer, or acreage owner, would build something a short distance from our home without first making certain that he or she would not harm our little boy by doing so. The neighbors would go without, or change plans, or choose a different way, before we would hurt one another, unless money gets in the ways, and then you don't know. Our zoning law is in place to make certain of many things. First, the law lets us know the rules so we can plan. Second, the law lets us enjoy certainty that we can be free from certain activities of others conducted too close for comfort. Third, the law keeps us safe by keeping us free of unreasonable and unwanted impositions by newcomers who are not our neighbors. Finally, the law protects us from short-term mistakes, so often made when money is involved and values can

be brushed aside. The 1,320 foot setback is the law and a very important law, as important to my little boy and my family as the laws against armed robbery, assault, and other terrible crimes. This is because reducing the setbacks to 300 feet from 1,320 feet will harm my little boy and could cost his life, just like relaxing assault laws against other crimes that would hurt someone who is protected by this law. My children love to play outside and go outside. My son was 36 months old before he was able to walk because he spent so much time in the hospital. He needs to be able to go outside and play and enjoy life. So, I am here asking you to make the fertilizer industry do what all must do, obey the law as it is. In this room and in our neighborhood there are hundreds of stories of people who want this 1,320 setback to stay as it is. It protects us. It protects my little boy. It protects those who can't protect themselves. It protects my neighbor up the road that also had cancer. Please do not take the law that protects us away from us, not for strangers, not for anyone. A written copy of my comments will be given to the Zoning Administrator to be included in the record of this meeting. Thank you."

Randy Simpson reported that some of the many reasons for the 1,320 foot setback are to limit the number of domestic wells in the shallow aquifers in the area. He explained that he checked and there are 129 domestic wells in the Warnerville Township. He stated that there is a risk of groundwater and runoff contamination, and possible contamination of underground aquifers running beneath the domestic wells. In addition, he said that we need to avoid the potential for contaminated water seeping into the soil. He questioned why approximately 129 domestic wells should be put at risk of being contaminated in the Warnerville Township in addition to the reduced setbacks becoming a nuisance to the neighbors. He stated that this change would be a 75% adjustment. He requested the Board to keep the County at a higher standard and make our forefathers proud.

Stacy Anderson thanked the Board members for listening to her as well as everyone else who took the effort to get to the hearing. She read the following statement which was accepted into the record and marked as Exhibit 8: "I am here today to ask you to keep the setback at 1,320 feet. The issue has been brought up, is Madison County open for business. Absolutely, but we have standards, which I will bring up in three points: policymakers, keeping what you have, and building on. My first point - policymakers. Economic development refers to the sustained, concerted actions of policymakers and communities that promote the standard of living and economic health of a specific area. Us as the community need to be heard and considered by you as policy makers. If economic development is to promote the standard of living and economic health of a specific area, then we are here presenting to you that this is not what anyone would want for a standard of living. A 1,320 foot setback needs to remain. My second point - keeping what you have. Economic development does not just involve expanding job opportunities, but allowing residents to live in a level of comfort to make them want to stay without nuisance. Keeping who you have is just as an important part of economic development as bringing in someone new. People are for economic development, but not in a residential area. Industry needs to be with industry and people need to be with people. If this was considered, we would not be standing here today. As residents we bought and built our homes abiding by the rules. Any business should be expected to do the same and not be an exception. My final point - building on. So is Madison County open for business? Yes, Madison County is and has always been open for business. Think about our successes, the rules we have to be sure that we are a desirable place to live and a desirable place to do business brought us Nucor Steel and every one of his expansions, huge expansions. Those rules brought us Veyance and its successors. They encouraged Nucor to add Vulcraft. They have resulted in the expansion of Affiliated Foods. They have led to Covidien and they chose us because of our rules. Did anyone of those industries try to locate closer to residences? And ask to shorten distances so they could be closer to families? Absolutely not! Some of them are pretty close; but, they started there and grew where they were, but none of them came here to build new and try to do it by sidling up in closer to families. Our major industries respected our rules. We want and welcome more industries like those. We are not a desperate County. Mr. Klein, you did comment that this is a Democratic government. We are by the people and for the people. I hope that today you listen to the people and make the decision that is in the best interest of the people, what we elected you to do. I hope your decision makes me proud, others in this room, and yourselves proud to say that you live in Madison County where we care about our people and we are open for business. We just have some rules, and if you can abide by them then you are more than welcome to set up shop here, because there is no intelligent economic developmental argument about this. Thank you."

Timothy Miller stated that he has been listening a lot today about the testimony here regarding not changing the setbacks and he agrees with these people. He stated that in a lot of ways he does not understand the controversy. He said that Mr. Domina mentioned that businesses of almost every type are getting bigger and more concentrated, farm operations are getting bigger, factories and industrial areas get bigger, and box stores are bigger and even more prolific. He said that with all the super sizing, why would we want to decrease setbacks. He asked why we would want to move business closer to people when the trend nationally seems to be just the opposite. He said that he does not understand the logic. Mr. Miller stated that with the County comprehensive plan making references to increasing setbacks and specific protection by reducing the vulnerability of rural residents to adjust to changes, it doesn't make sense. He explained that earlier when he was talking to Mr. Johnson about the conditional use permit, he talked about the compliance of the conditional use permit with the consistency of the comprehensive plan. He reported that on page 6 and 31 it would appear that this proposed change of law is inconsistent with that plan. Mr. Miller stated that to change the setbacks defies logic and reason. He said that setback laws are here to protect the property owners and their rights and the setback laws are here to protect citizens who rely upon good governance, including citizens like Michealle's son. He asked the Board members to please don't change the current law because it is a law that protects us, not for strangers, and not for anyone.

Mark Yover thanked the Board for giving him a permit to build a house on the southwest corner of 552 and 837. He explained that he is a partner management at a big manufacturing facility in Norfolk. He stated he also has a chemistry degree and has lived here for five years and prior to that he spent 20 years living in the Houston area. He reported that several of those years were at a chemical plant. He said that one of his favorite fishing spots in the Houston area is the Texas City Dike and 2½ miles from the Texas City Dike they had an explosion about five decades ago with ammonia nitrate fertilizer. Mr. Yover stated that he knows what it is like to work at a chemical company when you have the opportunity to get injured every day; however, it is appreciative that we did provide gasoline additives and also USP pharmaceutical propylene glycol for our medicines and food products. He stated that if the Board messes with the setbacks, he also asked that the Board to consider the tonnage that would be involved in this plant and also keep track of it so that when they expand the County can accommodate the setbacks. He explained that back in the 1970s there was a propylene oxide explosion in one of the reactors and it moved a big piece of metal at the intersection of Choate Road at Bayport in the Pasadena area. He reported that it wasn't expected; but, some of these things should be kept in mind.

Courtney Klein-Faust stated that she wanted to make a couple of comments regarding testimony that was presented. She stated that the zoning regulation that the Board is looking at changing would change zoning in areas zoned as AG1 and AG2. She said that arguments were presented against dust and she reminded everyone that this is agriculture. She reported that there wouldn't be increased dust from a fertilizer operation than there would be from a feedlot, which is currently actually in this area, from harvesting crops, and tilling soil. In addition, she stated that people have argued that there are a lot of other locations for operations like this and she just wanted to share that she has only been in her position for a little over a month; but, she has had numerous industries, not just a fertilizer plant, coming into Madison County and looking for land along the rail.

Ms. Courtney Klein Faust stated that it might seem that land is plentifully available as you drive north and south in Madison County; but, not all that land is suitable for development. She reported that much of the land has issues with water, much of it isn't located anywhere near a suitable road, and much of it isn't for sale. She said that, in her opinion, we can't make decisions based upon some hypothetical better location for any type of industry. She stated that they have also heard people testify that they don't want increased rail traffic; but, it makes it very difficult to accommodate our industries and grow our County if we want to minimize the amount of rail cars that are coming in and out of our communities. She also mentioned that the arbitrariness of the 1320 feet doesn't have anything to do with Thomas Jefferson, or the fact that it's a quarter mile. She stated that the fact this was arbitrary was that bulk fertilizer storage was included with other items, such as bulk storage of fuel and bulk storage of pesticides, without considering whether fertilizer belonged with those other items.

Chairman Klein closed the hearing at 10:55 A.M.

After discussion, a motion was made by Griffith to refer the proposed amendment to the Madison County Zoning and Subdivision Regulations to change the setbacks for "Bulk Storage and/or Manufacture of Fertilizer" from 1,320 feet to 300 feet back to the Planning and Zoning Commission for further study.

Commissioner McCallum seconded the motion and commended those in attendance on educating the Board. He stated that all three Board members were elected to represent the people and he listened very diligently. He stated that this is the first time in his 16 years that he has heard overwhelming evidence telling him what the zoning has done for Madison County. He explained that he helped in 2007 to regulate some of the zoning language and he is glad that the people are happy with the regulations. He explained that the Commissioners will send this proposal back to the Planning Board for further study and see what the proper footage should be and the Commissioners will consider the recommendation.

Roll call vote: Ayes, Griffith, McCallum, and Klein. Nays, none. Motion carried.

Planning and Zoning Administrator John Johnson announced that the July 19th Planning Commission meeting is as soon as a hearing could be scheduled before the Planning Commission. He advised those in attendance to check the newspaper two weeks before that date for the Planning Commission notices published in the Saturday edition. He explained that if people don't subscribe to the paper, the notices are available on the Norfolk Daily News website and he encouraged everyone to watch for the notice. He reported that the 13 people who received interested party letters will also be notified.

The following reports were reviewed:

- 1) County Clerk May Fee report
- 2) County Treasurer fund balance report
- 3) Register of Deeds May fee report
- 4) Clerk of District Court May fee report
- 5) Minutes of the June 8, 2012 meeting of the Madison County Veterans Service Committee
- 6) Public notice from Tim Campbell dated June 13, 2012

The following claims were audited:

		GENERAL FUND	
Total Net Payroll			120,438.02
Mark Albin	Legal Services, County Court		903.40
Mark Albin	Legal Services, District Court		1,696.70
Albracht Disposal Service	Garbage Service, Public Defender		41.00
Albracht Disposal Service	Garbage Service, Courthouse		94.00
Albracht Disposal Service	Garbage Service, County Jail		155.00
American Family Life Assurance Company	Insurance Premiums		672.45
Ameritas Life Insurance Corporation	Employee Share Retirement		7,816.05
Ameritas Life Insurance Corporation	Employer Share Retirement		11,457.64
Ameritas Life Insurance Corporation	Insurance Premiums		356.40
Carol Andrews	Mileage, County Extension		3.33
Appeara	Mat Service, Public Defender		50.00
Aramark Correctional Services	Meals, Supplies, County Jail		16,653.78
A1 Storage	Rent, County Sheriff		600.00
Charles Balsiger	Legal Services, District Court		5,036.10
BI Incorporated	Monitoring Services, Juvenile Diversion		1,644.80
Kenneth Bierman	Meals, Mileage, Veterans' Service Office		37.43
Big Red Printing	Supplies, County Clerk		323.36
Big Red Printing	Supplies, County Treasurer		2,620.00
Big Red Printing	Supplies, County Assessor		424.10
Big Red Printing	Supplies, District Court		716.21
Big Red Printing	Supplies, County Extension		81.96
Big Red Printing	Supplies, Juvenile Diversion		196.50
Big Red Printing	Supplies, Victim Witness		594.98
Big Red Printing	Supplies, District Court		569.62
Binswanger Glass	Services, Courthouse		450.52
Jennifer Birmingham	Supplies, Public Defender		8.99
Black Hills Energy	Gas Service, Courthouse		109.57
Black Hills Energy	Gas Service, County Jail		189.99
Blue Cross Blue Shield of Nebraska	Insurance Premiums		926.55
Bob Barker Company Inc.	Supplies, County Jail		559.32
Brady & Amy's Inc.	Fuel, Election Commissioner		53.58
Brady & Amy's Inc.	Fuel, Courthouse		154.22
Brady & Amy's Inc.	Fuel, County Sheriff		900.88
Brevis Corporation	Training, County Extension		173.89
Brogan & Stafford, P.C.	Legal Services, District Court		1,144.65

Joanie Brugger	Mileage, Victim Witness	38.30
BTS Inc.	Equipment, Software, Courthouse	2,958.00
Cableone	Internet Services, Public Defender	125.95
Carney Law	Legal Services, District Court	9,588.87
Cartridge World	Supplies, County Assessor	159.99
Cash-Wa Distributing	Supplies, Courthouse	606.92
Centec Cast Metal Products	Supplies, Veterans' Service Office	282.09
Century Link	Telephone Services, County Jail	17.66
Century Link	Telephone Services, Probation	310.67
CFMC	Services, Probation	158.00
Checker Cab Company	Transportation Costs, Juvenile Diversion	84.00
Choice Foods	Supplies, Public Defender	65.00
Choice Foods	Supplies, Courthouse	5.00
City of Madison	Utilities, Public Defender	162.89
City of Madison	Utilities, Courthouse	2,651.29
City of Madison	Utilities, County Jail	3,591.75
Cleveland Bike & Sport	Equipment, Probation	400.99
CMRS-FP	Postage, County Sheriff	2,000.00
Gail Collins	Mileage, County Attorney	268.31
Colonial Life and Accident Insurance	Insurance Premiums	189.92
Complete Pest Elimination, Inc.	Services, County Jail	125.00
Connecting Point	Equipment, Election Commissioner	312.00
Connecting Point	Services, Public Defender	67.50
Connecting Point	Supplies, Services, Equipment, County Sheriff	3,164.25
Connecting Point	Equipment, Probation	1,618.00
Connecting Point	Internet Services, Veterans' Service Office	38.95
Connecting Point	Internet Services, Planning and Zoning	16.00
Connecting Point	Data Storage, Courthouse	150.00
Connecting Point	Contract Services, Website Costs, Courthouse	1,872.85
Consolidated Management Company	Meals, County Sheriff	371.00
Constellation Newenergy Gas Division, L.L.C.	Gas Service, Courthouse	292.08
Constellation Newenergy Gas Division, L.L.C.	Gas Service, County Jail	681.51
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	634.43
Copycraft Printing	Services, County Sheriff	41.88
County Assessor's Association of Nebraska	Dues, County Assessor	50.00
Credit Bureau Services	Garnish of Wages	229.90
Credit Management Services	Garnish of Wages	16.63
Dick Day	Equipment, Data Processing	513.60
Larry Dittberner	Meals, Mileage, Veterans' Service Office	30.49
Dugan Business Forms	Supplies, County Treasurer	716.40
Eakes Office Plus	Supplies, County Clerk	341.89
Eakes Office Plus	Supplies, Equipment, County Treasurer	942.09
Eakes Office Plus	Supplies, Register of Deeds	116.85
Eakes Office Plus	Supplies, County Court	6,025.28
Eakes Office Plus	Copies, Public Defender	71.12
Eakes Office Plus	Supplies, County Sheriff	168.02
Eakes Office Plus	Supplies, County Attorney	1,584.05
Eakes Office Plus	Supplies, Juvenile Diversion	619.88
Eakes Office Plus	Supplies, County Jail	239.20
Eakes Office Plus	Supplies, Probation	623.67
ECMC	Garnish of Wages	142.34
Ecolab	Repairs, County Jail	142.06
Educational Science	Training, County Extension	134.00
Egley, Fullner, Montag & Hockabout	Legal Services, District Court	1,140.82
Election Systems & Software	Supplies, Election Commissioner	506.41
Elite Office Products	Supplies, Planning and Zoning	1,483.92
Environmaster	Supplies, County Jail	42.00
Environmental Systems Research Institute, Inc.	Data Processing, Reappraisal	1,500.00
Ewalt Law Office, P.C.,L.L.O.	Legal Services, County Court	234.50
Fairfield Inn & Suites Grand Island	Lodging, County Sheriff	693.00
First Concord Benefits Group	Deductible Buy Down, Flexible Benefit Plan	9,965.39
Fitzgerald, Vetter & Temple	Legal Services, County Court	714.67
Floor Maintenance	Supplies, County Jail	170.44
Floor Maintenance	Supplies, Probation	131.85
Christopher Fowler	Witness Fees, County Court	36.32
Frontier	Telephone Services, Public Defender	312.52
Futureware Distributing, Inc.	Equipment, County Treasurer	317.00
Futureware Distributing, Inc.	Equipment, County Assessor	513.97
Futureware Distributing, Inc.	Equipment, Data Processing	513.97
Futureware Distributing, Inc.	Equipment, Mental Health	2,526.00
G.Q.F. Manufacturing Co.	Supplies, County Extension	815.54
Gall's Inc.	Equipment, County Sheriff	149.95
GIS Workshop, Inc.	Computer Support, Reappraisal	8,200.00
Gordy's Towing & Repair	Repairs, County Sheriff	69.27
Kristin Grant	Mileage, County Extension	19.98
Great Plains Appraisal	Services, Reappraisal	14,350.00
Great American Leasing Corp.	Copier Lease, Public Defender	214.76

Nancy Gross	Mileage, Register of Deeds	166.50
William Hatterman	Meals, Mileage, Veterans' Service Office	46.59
Holiday Inn	Lodging, County Clerk	74.95
Holiday Inn	Lodging, Register of Deeds	149.90
Joseph Hurd	Meals, County Attorney	24.45
HyVee East Pharmacy	Prescriptions, County Jail	21.59
HyVee West Pharmacy	Prescriptions, County Jail	4.00
iCopy Technologies, Inc.	Supplies, Public Defender	926.57
Interstate All Battery Center	Supplies, County Sheriff	319.43
Jack's Uniforms	Uniforms, Supplies, Equipment, County Sheriff	1,488.60
Jack's Uniforms	Uniforms, County Jail	13.50
Jerry's Sinclair	Fuel, Repairs, County Sheriff	90.99
John's Disposal	Garbage Service, Probation	55.00
Johnson Hardware Company	Equipment, County Sheriff	786.50
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	1,894.05
Johnson's Inc.	Repairs, Veterans' Service Office	85.63
Keenan Law, P.C., L.L.O.	Legal Services, District Court	13,492.30
Pam Kesting	Mileage, County Extension	87.14
Larry Kohl	Meals, Mileage, Veterans' Service Office	44.64
Lancaster County Court	Copies, Law Enforcement	9.00
Linsali, Inc.	Contract Services, Reappraisal	2,750.00
Louderback Drug	Prescriptions, County Jail	1,626.38
Louderback Drug	Prescriptions, Juvenile Detention	107.64
Lutz Embroidery, L.L.C.	Services, Courthouse	65.00
Madison County Clerk	Tax Deposit	40,843.57
Madison County District Court	Fees, District Court	1,238.00
Madison County Court	Court Costs, County Court	1,612.00
Madison County Sheriff Inmate Fund	Supplies, County Jail	66.42
Madison County Sheriff	Fees, County Court	1,089.10
Madison County Sheriff	Fees, District Court	653.92
Madison County Sheriff	Fees, Mental Health	27.94
Madison National Life	Insurance Premiums	118.42
Madison Star Mail	Supplies, Register of Deeds	141.65
Marathon Press	Supplies, County Treasurer	1,288.00
Marathon Press	Supplies, County Court	651.50
Kyle Melia	Mileage, Public Defender	122.10
Menards	Supplies, Equipment, Probation	169.33
Microfilm Imaging Systems, Inc.	Equipment Rental, County Clerk	45.00
Microfilm Imaging Systems, Inc.	Supplies, Register of Deeds	43.20
Microfilm Imaging Systems, Inc.	Equipment Rental, County Court	218.00
Microfilm Imaging Systems, Inc.	Software, Services, Equipment Rental, County Attorney	4,202.00
Microfilm Imaging Systems, Inc.	Equipment Rental, Law Enforcement	660.00
Microfilm Imaging Systems, Inc.	Equipment Rental, County Surveyor	45.00
Midwest Health Partners	Medical Services, County Jail	414.00
Midwest Plumbing & Heating	Repairs, County Jail	699.39
MIPS Inc.	Computer Support, Equipment, County Treasurer	1,807.32
Modern Drapery & Sewing Center	Equipment, County Extension	640.00
Modern Drapery & Sewing Center	Repairs, Veterans' Service Office	150.00
Morrissey Motor Company	Repairs, County Sheriff	74.00
Evelyn Muegge	Mileage, County Extension	11.10
NACO	Registration, County Assessor	125.00
Nationwide Retirement Solutions	Deferred Compensation	805.00
Nebraska Department of Health and Human Services	State Institution Services	4,534.50
Nebraska Appliance Center	Equipment, Courthouse	199.99
Nebraska Association of County Officials	Dues, County Officials	2,126.98
Nebraska Child Support Payment Center	Garnish of Wages	276.92
Nebraska County Attorney's Association	Dues, Training, County Attorney	2,080.00
Nebraska Crime Commission	Publication, County Jail	7.50
Nebraska Health and Human Services	State Institution Services	744.00
Nebraska Law Enforcement Training Center	Fees, County Sheriff	100.00
Mark Nelson	Mileage, County Extension	4.44
NIRMA	Insurance Premiums	288,446.00
Norfolk Auto Center	Repairs, County Sheriff	26.86
Norfolk Daily News	Publication Costs, Election Commissioner	2,119.05
Norfolk Daily News	Publication Costs, County Extension	559.38
Norfolk Daily News	Publication Costs, Noxious Weed	127.38
Norfolk Daily News	Publication Costs, Courthouse	284.25
Northeast Community College	Lease, Operating Costs, County Extension	3,791.75
Northeast Medical Imaging, P.C.	Medical Services, County Jail	364.00
Northeast Nebraska Juvenile Services Inc.	Board of Juveniles, Juvenile Detention	11,050.00
Northeast Research & Extension Center	Equipment, Supplies, Postage, County Extension	6,116.41
Norm Nykodym	Lawn Service, Public Defender	141.00
Mike O'Brien	Mileage, Juvenile Diversion	66.60
Valorie Olson	Court Reporting, District Court	3,794.50
Pathology Medical Services, P.C.	Medical Services, County Jail	105.10
Pioneer Telephone	Telephone Service, Courthouse	306.42
Pitney Bowes	Equipment Rental, Courthouse	930.00

Sarah Polacek	Mileage, County Extension	78.81
Postmaster	Postage, County Attorney	245.00
Postmaster	Box Rent, County Offices	756.00
Postmaster	Postage, Planning and Zoning	160.00
Postmaster	Postage, Noxious Weed	130.00
Donna Primrose	Registration, County Treasurer	100.00
Quill	Supplies, County Extension	1,937.05
Redwood Toxicology Lab	Testing, Probation	279.30
Reigle Implement Company Inc.	Supplies, Courthouse	90.61
Reigle Implement Company Inc.	Supplies, County Sheriff	19.98
Reynoldson's Inc.	Fuel, Noxious Weed	635.00
Schaben Industries	Repairs, Noxious Weed	7.99
Marjorie Schaffer	Mileage, District Court	16.65
Nancy Scheer	Mileage, Postage, County Clerk	189.39
Schroeder Land Surveying	Services, County Surveyor	1,898.00
Sector Training & Consulting Group	Training, County Sheriff	1,125.00
Security Shredding Services	Services, District Court	175.00
Marlin SeEVERS	Computer Support, District Court	344.00
Shell Fleet Plus	Fuel, Reappraisal	222.54
Lee Sherry	Mileage, Postage, County Extension	169.35
Shopko	Supplies, Planning and Zoning	18.96
Short Stop	Fuel, County Sheriff	179.13
L.M. Mike Smith	Meals, Veterans' Service Office	21.90
State of Nebraska AS Central Services	Data Processing Costs, County Sheriff	32.00
Stratton, DeLay & Doele, P.C.	Legal Services, County Court	477.18
Don Svitak	Equipment, Noxious Weed	29.95
Dale Taylor	Interpreting Services, Public Defender	416.25
Telebeep	Radio Service, County Sheriff	480.00
The UPS Store	Postage, Noxious Weed	37.02
Thomas and Thomas Court Reporters	Court Reporting, Public Defender	392.96
Tilden Citizen/Meadow Grove News	Publication Costs, Election Commissioner	231.00
Toshiba	Equipment Lease, Probation	475.00
Trane US Inc.	Maintenance Agreement, Courthouse	441.67
Dave Unkel	Mileage, County Extension	9.99
UPS	Shipping, Data Processing	15.81
US Bank Corporate Payment System	Fuel, Telephone Service, Registration, County Sheriff	462.05
US Bank Corporate Payment System	Fuel, Supplies, Juvenile Diversion	455.62
US Bank Corporate Payment System	Supplies, Victim Witness	66.45
Verizon Wireless	Telephone Services, Planning and Zoning	87.49
Verizon Wireless	Telephone Services, Noxious Weed	63.26
Verizon Wireless	Telephone Services, County Extension	97.87
Walgreens	Prescriptions, County Jail	5.50
Walmart	Supplies, County Treasurer	140.92
Wayne County Court	Copies, Law Enforcement	5.00
Western Office Technologies	Supplies, County Clerk	1,218.60
Western Office Technologies	Supplies, Equipment, County Treasurer	8,681.20
Western Office Technologies	Supplies, Equipment, Register of Deeds	623.15
Western Office Technologies	Copier Maintenance, Supplies, County Assessor	1,874.66
Western Office Technologies	Supplies, Equipment, District Court	1,735.98
Western Office Technologies	Supplies, Copier Maintenance, County Court	485.32
Western Office Technologies	Supplies, District Judge	105.57
Western Office Technologies	Supplies, Public Defender	604.99
Western Office Technologies	Supplies, County Extension	1,128.11
Western Office Technologies	Supplies, County Sheriff	21.59
Western Office Technologies	Supplies, County Attorney	440.98
Western Office Technologies	Supplies, Probation	3,527.26
Western Office Technologies	Supplies, Noxious Weed	45.48
Western Office Technologies	Supplies, Mental Health	101.70
Western Office Technologies	Supplies, Veterans' Service Office	146.82
Wright Express FSC	Fuel, County Sheriff	1,653.47
Veronica Zepeda	Interpreting Services, Victim Witness	15.00
Zippy Lube	Repairs, County Sheriff	37.79
Zodiac Properties, L.L.C.	Rent, Probation	7,876.67
2012 NAE4-HA Conference	Registration	425.00

ROAD/BRIDGE FUND

Total Net Payroll		28,208.67
Advance Auto Parts	Parts	229.00
Albracht Disposal Service	Garbage Service	40.00
American Family Life Assurance Company	Insurance Premiums	251.81
Ameritas Life Insurance Corporation	Employee Share Retirement	1,681.48
Ameritas Life Insurance Corporation	Employer Share Retirement	2,522.20
Ameritas Life Insurance Corporation	Insurance Premiums	127.70
Appeara	Shop Supplies	255.63
Asphalt and Concrete Materials Co.	Asphaltic Materials	15,114.80
B's Enterprises, Inc.	Signs, Culverts	51,281.50
Bankfirst	Parts	42.47

Battle Creek Farmers Coop	Shop Supplies, Fuel	11,082.70
Bauer Built Tire	Repairs	997.00
Black Hills Energy	Gas Service	44.03
Blue Cross Blue Shield of Nebraska	Insurance Premiums	67.09
Gary Borgelt	Commercial Drivers License	57.50
Brady & Amy's	Fuel	1,178.05
Carquest Auto of Norfolk	Parts	355.49
Central Sand & Gravel	Gravel	101.91
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Newenergy Gas Division	Gas Service	22.08
D.W. Kohlhof Truck Repair	Repairs	7,007.74
Elkhorn Valley Sand and Gravel	Gravel	194.56
Filter Care of Nebraska	Repairs	252.35
First Concord Benefits Group	Deductible Buy Down, Flexible Benefit Plan	907.08
Hi-Lo Equipment Inc.	Parts	92.50
Highway Signing Inc.	Road Striping	2,358.75
Husker Steel Inc.	Bridge Materials	2,970.00
J's Auto Repair & Storage L.L.C.	Repairs	179.40
Johnson Engineering Company	Engineering Services, Bookkeeping Services	2,185.00
K & S Door Company	Repairs	50.70
Kayton International Inc.	Repairs	3,158.12
M & M Farm Supply	Shop Supplies	203.28
Madison County Clerk	Tax Deposit	9,055.78
Madison National Life	Insurance Premiums	31.19
Matteo Sand & Gravel Company Inc.	Gravel	12,251.90
Meisinger Oil Company	Fuel	13,754.14
Nebraska Child Support Payment Center	Garnish of Wages	218.24
Nebraska Harvestore	Parts	188.42
NMC Exchange LLC	Repairs	9,895.60
Norfolk Auto Supply	Parts	245.01
Performance Transmissions	Repairs	40.00
Pioneer Telephone	Telephone Services	51.82
Powerplan	Parts	526.80
Quick Serve Oil Co. Inc.	Fuel	102.70
Radio.comm	Equipment	54.90
Red Bud Hardware Inc.	Shop Supplies	38.95
Reigle Implement Company Inc.	Parts	119.05
Scheer's Ace Hardware	Parts	11.58
State of Nebraska Department of Correctional Services	Supplies	350.00
Swarco-Reflex Inc.	Paint	3,303.30
The Pit Stop	Fuel	312.29
Truck Center of Norfolk	Parts	120.92
Verizon Wireless	Telephone Service	308.18
Weldon Parts Inc.	Parts	150.92
West Lumber Company	Supplies	38.57
White Star Oil Company	Fuel	241.40

FEDERAL AID SECONDARY FUND

Elkhorn Paving Construction Company, Inc.	Contract Services	114,314.97
Johnson Engineering Company	Engineering Services	4,690.00
Mainelli Wagner & Associates, Inc.	Engineering Services	75,418.39
Paulsen, Inc.	Contract Services	303,170.48

VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Telephone Services, Administrative Expense	34,226.64
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VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Supplies, Insurance, Telephone Services	2,893.20
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DRUG COURT FUND

Janessa Finley	Meals, Travel Expense, Lodging, Mileage	2,450.21
Norfolk Community Dental Clinic	Dental Services	800.00
United States Postal Service	Postage	60.00

Motion was made by Griffith 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, Griffith, and Klein. Nays, none. Motion carried.

The Board adjourned at 11:39 A.M. to Tuesday, July 3, 2012 at 9:30 A.M.

County Clerk

Chairman