

Commissioner's Record No. 26

MADISON COUNTY, NEBRASKA

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 9, 2019

The Board of County Commissioners of Madison County, Nebraska, met in regular session at 9:34 A.M.

Advance notice of the meeting was published in the July 3, 2019, edition of The Norfolk Daily News. Copy of said notice was mailed to each Board member, and affidavit of acknowledgment of receipt of notice of meeting as published was executed.

Chairman Ron Schmidt called the meeting to order and notified the public of the posted copy of the Open Meetings Act, which was followed by a moment of silence and the Pledge of Allegiance to the flag of the United States of America. Present: Commissioners Christian Ohl, Ron Schmidt and Troy Uhlir, County Clerk Anne Pruss, County Highway Superintendent Richard Johnson, Planning & Zoning Administrator Heather McWhorter and Noxious Weed Administrator Don Svitak. Norfolk Daily News reporter Jerry Guenther and WJAG reporter Cody Ronnfeldt were present until 10:55 A.M.

Commissioner Uhlir offered one emergency item. A motion was made by Uhlir and seconded by Ohl to add Mike Sousek from the NRD (Lower Elkhorn Natural Resources District) regarding the Battle Creek dam project added to the regular agenda. There was no discussion. Roll call vote: Ayes: Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Commissioner Ohl read the consent agenda into this record:

- 1) Approval of minutes of June 25, 2019, meeting.
- 2) Acknowledge receipt of Continuation Certificate for the Official Bond of Brian Hinze as Treasurer/Secretary of Battle Creek Rural Fire Protection District.
- 3) Approval of Radenz's Lotsplit in Section 12-23-1, located approximately 2 miles south of the City of Norfolk on 4206 Grandview Road.
- 4) Approval of contract with State of Nebraska Department of Economic Development for receipt of grant funding from the Site and Development Fund for expansion project for King Steel Heat Treat, LLC.
- 5) Authorization for County Highway Superintendent to select Mainelli Wagner & Associates for engineering services for Federal Aid Bridge Project No. BRO-7059(17), Norfolk North on Eisenhower Avenue between 1st Street and Victory Road.

6)

RESOLUTION #2019-35

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BE IT RESOLVED by the Governing Board of Lessee as follows:

- 1) Determination of Need. The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between Madison County (Lessee) and Motorola Solutions, Inc. (Lessor).
- 2) Approval and Authorization. The Governing body of Lessee has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Governing Board hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.
- 3) Adoption of Resolution. The signatures in the Lease from the designated individuals for the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.

7) **RESOLUTION #2019-36**

WHEREAS, Richard C. Johnson, Madison County Highway Superintendent, has submitted a written report to the Madison County Board of Commissioners as directed by Resolution #2019-18 dated April 2, 2019; 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; and

WHEREAS, a public hearing to receive comment regarding abandonment or vacation of the road described below was held on May 29, 2019 and Resolution #2019-30 was adopted on June 25, 2019 abandoning the West 1/4 mile of the subject road, and

WHEREAS, due to certain issues arising after the adoption of Resolution #2019-30, the Madison County Board of Commissioners feels that it would be in the best interest of the public and the county to conduct a second public hearing and re-consider the abandonment that was adopted by Resolution #2019-30,

NOW, THEREFORE BE IT RESOLVED that a public hearing be held on August 6, 2019 at 9:30 A.M. in the Commissioners' room at the Courthouse in Madison, Nebraska to receive input regarding abandonment or vacation of all or part of the following described road:

The road between Sections 27 and 34, Township 22 North, Range 2 West of the 6th P.M., Madison County, Nebraska, said road being 829th Road between 549th Avenue and 550th Avenue

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.

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

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Motion was made by Ohl and seconded by Uhlir to approve the regular agenda with the addition of Mike Sousek of the Lower Elkhorn Natural Resources district. There was no discussion. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Planning & Zoning Administrator Heather McWhorter was present to give a report on the application of Colby and Rebecca Svoboda for a Conditional Use Permit to operate a family manufacturing business under the definition of a Cottage Industry. Property described as Part of the NE 1/4 of the NE 1/4 of Section 21, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Located at 83699 555th Ave, Norfolk, NE. Ms. McWhorter stated that the Svobodas are in the process of purchasing the property which is conditional upon having a conditional use permit. The Svobodas would like to use the building to manufacture parts in contract with Continental, a local business. All work will be done inside the building with none done outside of the building. There will be no semi-trucks used as they will transport everything using a trailer pulled by a pickup. Some changes were made by Planning regarding the conditions, which Ms. McWhorter then read aloud for the commissioners.

Chairman Schmidt asked if the property would allow for a larger building. Ms. McWhorter stated that the property would not allow for any expansion. Ms. McWhorter stated that this did pass unanimously at the Planning and Zoning meeting.

Chairman Schmidt opened a public hearing at 9:40 A.M. to receive comments regarding the application of Colby and Rebecca Svoboda for a Conditional Use Permit.

Mr. Bill Wessel, father of Rebecca Svoboda, spoke in favor of the Conditional Use Permit. He stated that the business does not produce the product. The hoses are brought to their location, cut to Continental's specifications, counted, packaged and then returned to the plant. He stated it is not a noisy or high-traffic business with deliveries happening only two or three times a week. Chairman Schmidt asked if there would be any washing of hoses. Mr. Wessel stated that if any of the hoses have a print problem used to be thrown away, which was hundreds of thousands of dollars in the landfill, so they have reclaimed that by taking the print off and returning it to Continental to be reprinted. Secondary to the area's high water table, Chairman Schmidt asked what happens when the print is washed off. Mr. Wessel stated that they use a scrubbing pad and acetone, with the acetone evaporating, so there is nothing to go down the sewers.

Colby Svoboda then introduced himself and his wife Rebecca to the commissioners. Chairman Schmidt asked if this would be a full-time job for them, and they answered that it would be for Rebecca and part-time for himself as he has full-time employment elsewhere. Commissioner Ohl stated his appreciation of their investment in this business. Mr. Wessel stated that anytime the commissioners wanted to see the operation, they were welcome to stop in to see his operation in Stanton or Colby and Rebecca's operation once it is running. There were none present to testify in opposition to the Conditional Use Permit. The public hearing was closed at 9:44 A.M.

The following resolution was introduced:

RESOLUTION #2019-37

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)

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

WHEREAS, notice of public hearing was published in The Norfolk Daily News, and a public hearing was held by law.

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

Statement of Finding of Facts:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. A Conditional Use Permit is required for Cottage Industry businesses per zoning regulations for the RR district.
3. This is a family operated business assembling products for Continental in a building located on the property. There will be no customers on site.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants Colby & Rebecca Svoboda a Conditional Use Permit to operate a family manufacturing business under the definition of a Cottage Industry on property described as:

Part of the NE ¼ of the NE ¼ of Section 21, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska. (See attached)

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

1. This Conditional Use Permit will be for three years and will be renewed automatically with no verifiable complaints.
2. All setbacks and lot density requirements must be followed per Madison County Zoning Regulations.
3. Must be maintained by members of the family and no more than two additional unrelated person.
4. May be no walk in, retail customers.
5. No activity is allowed that might result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to a residential and /or agricultural area.
6. No activity is allowed which involves the use or manufacture of products or operations that are dangerous in terms of risk of fire or explosion.
7. Nothing business related will be outside of the building other than a dumpster.
8. Conditional Use Permit may not be transferred to another owner.
9. Access to the building will be from the north drive.

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

Motion was made by Ohl and seconded by Uhlir to approve the application of Colby and Rebecca Svoboda for a Conditional Use Permit to operate a family manufacturing business on Section 21-23-1. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

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Motion was made by Uhlir and seconded by Ohl to remove the 2018 Noxious Weed Program Review with a representative from the Nebraska Department of Agriculture. There was no discussion. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

The emergency item added to the regular agenda was then addressed. Mr. Mike Sousek of the Lower Elkhorn Natural Resources District was present to discuss the flooding issue in Battle Creek, i.e., the Battle Creek dam project. He displayed a map demonstrating the entire watershed in relationship to Battle Creek and the proposed site for building of the dam. He requested from the commissioners a letter of support of the NRD to include with their grant applications. He furnished a draft of the letter for the record. He stated he was present to answer any questions and to give a brief background. He stated that there have been plans for decades for a possible structure at this site. He states this has been discussed numerous times over the years, especially during times of flooding. He stated when he first came to the NRD in 2015, the decision was made at that time to place the responsibility for this on the City of Battle Creek. There were five alternatives given for the project, this current project was one, as well as two diversion channels, widening of the creek, and a smaller flood pool dam. Mr. Sousek stated that the smaller dam has been ruled out due to the size of the watershed. The smaller dam was going to have about a 168-acre pond, and with the amount of drainage, it would be very unlikely to even get a permit to build due to the amount of water, sediment and nutrients flowing there as it would just fill in with sediment and turn into a mosquito pit and be an eyesore. The current option being presented is a 1200-acre lake.

Mr. Sousek stated this is still somewhat conceptual, and no money has yet been invested in designing the structure itself. He stated that once the design is complete, there will be a much better footprint. He stated that at this point in time, it is known that Madison County will have three roads, possibly four, in the area of the lake. He is hoping that with design work, the effect on the fourth road could be minimized, so it would most likely be three roads that would be under water. He stated that the NRD board had left this to Battle Creek four years ago, giving them the choice of which project they wanted to do and what they could contribute to the project. Battle Creek came back after this latest flood and told the board that their City Council made a motion to do this particular project and contribute \$3.1 million towards the project. The NRD board considered this as well as some of the other options.

The NRD board then gave Mr. Sousek the directive to put a financial plan together to be certain this project's completion. Mr. Sousek stated that a letter of support from the commissioners would help him start the process. He stated is submitting applications for federal grants and a State grant, and the show of local support helps in the grant process. In addition to a request to the Madison County Board of Commissioners, the City of Battle Creek has provided a letter of support, and the City of Norfolk and Norfolk Tourism are working on letters, and there is the potential for participation from the Norfolk Chamber of Commerce. He stated that a letter of support is not a promise of assistance in paying for the project. Mr. Sousek stated he is looking at this as a partnership, not looking for a financial commitment, but asking for Madison County to be part of the discussion, especially in relationship to the changes that may need to be made.

Chairman Schmidt asked if the City of Battle Creek had considered a flood control levee system on the west side of the creek. Mr. Sousek stated that a levee was never one of the alternatives. Mr. Sousek stated that at one time there had been nine options, but after

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much discussion and weighing of pros and cons of the options, it was narrowed down to the five options then further to the current project. Chairman Schmidt stated he had heard of a possible levee system at West Point. Mr. Sousek stated that the NRD is paying for half of the \$million West Point project, but it is strictly with the river running parallel to the city, and the levee system would work there. West Point already has a levee in place, and the new project is building on the same foundation and upgrading it. He stated that that project is to get their levee back into compliance with FEMA so it can be certified and allow savings regarding flood insurance. Chairman Schmidt asked if a levee was a possibility for Battle Creek. Mr. Sousek stated that for whatever reason, the option of a levee did not make it through the Board's determinations.

Commissioner Ohl asked what the process and timeline would be for this kind of project and what the possible challenges would be to put this plan in place. Mr. Sousek stated this would be a long process and that this was the first step of many. He stated that at a minimum, the project might be able to be completed in eight years, but he thought 10 years would be a more realistic timeline. Mr. Sousek stated that the first step is to put a financial package together to present to the NRD board to assist them in making the decision whether or not to invest and how much they would need to invest. Once that decision is made, the design is the next step. The design will take time, , but once done, the next step would be the permitting process, which would be the most time-consuming as the project would need to be approved through the Corps of Engineers, which could take years. For example, it took seven years to secure permits for a levee project to protect Offutt Air Force Base.

Mr. Sousek stated that the Keystone XL Pipeline is in the area, and he has met with them. They have some easements that go through where the proposed conservation pool would be. He stated that there appeared to be a fairly simple engineering measure that could be taken to allow the projects to coexist. Mr. Sousek stated he had conferred with two different wind farms and was advised that there are no current plans in that area.

Mr. Sousek stated that if this project does move forward and the financial package can be put together, he wants the commissioners' participation. He stated that the benefit of the project would first and foremost be the flood control for Battle Creek. This project would move most of the town out of the 100-year flood plain, which would allow the residents not to carry flood insurance. Other benefits from an NRD standpoint would be developing more irrigation and the ability to supplement the aquifers, providing recharge especially in times of drought.

Another benefit that would be able to carry the cost/benefit ratio exponentially up would be recreation. It was noted that a byproduct of the recreation would be increased traffic in the area. Commissioner Ohl verified the location of the proposed project. Highway 121 is located to the east and the Oak Valley Wildlife Management Area, which is owned by Nebraska Game and Parks, is also in the area. Mr. Sousek stated he will also be meeting with Nebraska Game and Parks. Mr. Sousek will also start working with engineers to see what can be done to minimize the impact to the county roads, personal property and the Game and Parks ground while still making the project feasible.

Chairman Schmidt asked why the City of Battle Creek is allowed to dictate the project. Mr. Sousek stated that it was the decision of the NRD board, which consists of 15 people, and that the discussions has been going on since flooding in 2011. The NRD board made the decision to have the City of Battle Creek select the project. The City of Battle Creek shelved the decision, but with the most recent flooding, they again reviewed the study and fulfilled the board's request to select a project and determine what they would be contributing financially.

Chairman Schmidt stated he did not like that the plan only comes up when there is a flood and asked why there isn't a plan made ahead of time. He stated he did not think the wisest decisions are made immediately after a catastrophe such as the flooding. He also

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does not like that the NRD has allowed the City of Battle Creek make these decisions. Mr. Sousek stated that the philosophy that is consistent throughout the NRD board, even with the changing of board members over time, is that they are true believers in local control. They do not want to dictate to communities what they have to do. The NRD educates them, lays out their options, and lets the communities make the decisions. The NRD lets the communities tell them what they want, and the NRD tries to make it happen.

Chairman Schmidt and Commissioner Uhlir noted that every project suggested was outside of Battle Creek. Chairman Schmidt stated he was concerned that a bypass wasn't given consideration as both Madison and Norfolk have bypasses that have saved their cities. Chairman Schmidt stated he was not against this project but concerned that decisions are being made prematurely without full comprehension of how the end result would affect other people, i.e., the 10 or 11 families who would be losing their homes. Mr. Sousek stated that this project would also save county roads downstream as well as roads on the Elkhorn, that this is 90 square miles of drainage emptying into the Elkhorn River just north of Battle Creek, and that if that is controlled, it will stop all of the water from slamming into the Elkhorn and causing trouble downstream.

Chairman Schmidt asked about recharging of the aquifer, and Mr. Sousek clarified that it would be recharging the local aquifer in this area, not letting water out of the dam. Chairman Schmidt asked if this would raise the water table downstream. Mr. Sousek said that other dams with similar projects have raised the aquifer, but this would taper further away from the lake, and within one-quarter mile of the lake there might not even be a noticeable difference. When there will be a noticeable change is during times of drought. When everyone is pumping irrigation wells, the stress on the aquifer will be reduced because the lake will be feeding it. He said that is all part of the planning. The predesign and engineering of this will include taking all of the information so they know what the issues would be and addressing them.

Chairman Schmidt asked if there would be any applications for grants for road work around this for infrastructure. Mr. Sousek stated that the only thing he would be able to apply for would be the road work for the access to the lake. He stated he could attempt to include the tail water as part of the project, but otherwise, he would not anticipate being successful in receiving grants. He stated the County could look into the possibility of applying for grants, but roads do not fall under NRD jurisdiction.

Chairman Schmidt stated that lake recreation would be very popular, but there would be a tremendous cost to the County simply to provide the roads for it; however, there are currently many roads that need work. Mr. Sousek stated that came back to the commissioners being part of the planning process. Mr. Sousek stated that if the east side of the lake is developed for recreation, Highway 121 is already there, and anything off of Highway 121 to the recreation area site and boat ramp would be part of the project. He stated what would need to be part of the planning would be access to Highway 121 for those living on the west side of the lake. Commissioner Uhlir stated he did not think the recreation side would be worrisome, but the roads to the north and south would have increased traffic and would need to be hard-surfaced, and if the County would be contributing any money, it would be for the County having to shape-up those roads.

Commissioner Uhlir asked what the estimate is for cost of the project. Mr. Sousek stated the initial estimate is \$36 million. He stated that \$17-\$18 million of that would be for land rights. Commissioner Uhlir asked if the \$36 million was taking inflation into account. Mr. Sousek stated there would not be a firm estimate until the project is let out to bid, but inflation is factored in. Mr. Sousek stated that if the financial package is put together, his goal is to have everything done in a year to a year-and-a-half, by December 2020. If one of the federal grants is secured during that time, he could start working on the predesign, with that \$600,000 being covered by that grant. They would then start working on the permit process and the land rights, again noting that the permit process will take a while. Once that is secured, they will let it out for bid. Commissioner Uhlir asked how long the land acquisition process would take, with Mr. Sousek stating

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that would be a minimum of two years and wouldn't begin until the predesign is done as it is too conceptual at this time to know where the exact boundaries would be.

Commissioner Uhlir clarified that Mr. Sousek's goal at this time is to get the grant to do the design work. Commissioner Uhlir asked what the chances were that once the design work is done that the project will go forward? Mr. Sousek stated it would have to go in front of the NRD board again, and the decision would need to be made then. Commissioner Uhlir asked if Battle Creek would have to take the \$3 million to a vote, and Mr. Sousek stated that yes, it would need to be a bond for them. Commissioner Uhlir stated he thought it was fair that the City of Battle Creek have a stake in the project, and the \$3 million would be not quite 10% of the project cost.

Commissioner Uhlir asked who would control what happens on the lake once it is finished. Mr. Sousek stated he would foresee it to be handled as a partnership with Game and Parks. The NRD would likely lease it to Game and Parks who would maintain the park and direct day-to-day operations while the NRD would own and maintain the dam. He stated that the NRD and County would need to determine how to handle road issues. Commissioner Uhlir asked who would control development on the lake. Mr. Sousek stated that the County's Planning and Zoning would set the regulations. Mr. Sousek stated that the NRD would own the footprint of the conservation pool, but the NRD would otherwise be in favor of developing the area. He did advise that there would be a flood pool area, which is an area that would be under water with 100-year storms, and that would not be able to be developed. The NRD would have obtained easements for any of this property not owned by them.

Chairman Schmidt asked if the NRD would have to release water from the lake at the request from another entity. Mr. Sousek stated they would have to release enough water to keep the normal flow into Battle Creek, but as long as the NRD is not receiving money from or have agreements with other entities, decisions regarding release of water would be made by the NRD. Mr. Sousek stated that decisions regarding water storage would be under the NRD. Chairman Schmidt asked if the NRD would consider an offer of a multimillion dollar grant with the stipulation of releasing water. Mr. Sousek stated it would be a decision by the NRD board but that part of what would make this project work from a cost/benefit ratio is the recreation, so the NRD would not want to drain the lake. He stated that the grants they are applying for would be because of the recreation component to the project, so there would already be a commitment to keep enough water in the lake to provide recreation, which would be in direct conflict with draining it to provide water elsewhere.

Commissioner Ohl asked if some of those grants would not be available if the project was going to be a channel or other form of flood control. Mr. Sousek stated that the cost of the diversion channel options would have been \$17 million or \$19 million, but the channels would not provide as much protection to the Battle Creek and would cause more problems for those downstream because it would only be channeling that water past Battle Creek.

Chairman Schmidt discussed previous flooding from the southeast. County Highway Superintendent Richard Johnson stated there had been flooding from the southeast, but the majority of the flooding is from the northwest. Chairman Schmidt noted that even if this project was built, it would not mean Battle Creek was 100% protected from flooding. Mr. Sousek commented that he would never be able to say that Battle Creek would never flood again. Mr. Johnson stated that with this project, a large portion of Battle Creek would no longer be in the 100-year flood plain. Mr. Sousek stated that even if there were water coming from the southeast, the water would have a place to go and would be able to drain more quickly.

Chairman Schmidt stated he had talked with Madison County Attorney Joe Smith, and that he is going to have to abstain from voting because this process would entail applying for grants that he and his brother would eventually be beneficiaries of as they own land in the area. Chairman Schmidt also stated that the County Attorney told him he could participate in the discussion and ask questions.

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Chairman Schmidt stated he was concerned that this was an emergency item added to the agenda and that most of the public was not aware of it being added. Commissioner Uhlir stated that moving forward, as the County is involved, there would be a public hearing at some point. Chairman Schmidt explained to the public that this was allowed on the agenda as an emergency item as the deadlines for some of the grant applications is next week. Discussion was held regarding possibly rescheduling this as a regular agenda item at a future meeting so there is notice to the public. Mr. Sousek reiterated that the only decision being made today was whether or not to provide a letter of support allowing the financial planning and design process to begin. He stated that the NRD did go through a process of public meetings and would continue to have public meetings as more information is available.

Madison County Attorney Joe Smith stated that anything the board of commissioners does is an official action and that any official action requires an official protocol, and that the options would be to reschedule the item, possibly as a special meeting, or the NRD could include with their application that would allow this to be rescheduled. Commissioner Uhlir asked if there is a process in place regarding placing things on the agenda as an emergency item, and if any laws were broken in doing so.

Chairman Schmidt stated that the first sentence of the draft of the support letter concerned him as it stated, "Madison County recognizes the value of a reservoir near Battle Creek." Commissioner Uhlir stated he would not approve the drafted letter, but the commissioners would draft their own letter. Commissioner Ohl stated that going forward with this, it would be the NRDs responsibility to have public meetings, hearings and due processes, and that right now the County is simply providing encouragement for more planning and the seeking of financial support for this planning. Commissioner Uhlir stated that the letter the commissioners would provide would state that the commissioners support that the NRD is going forward seeking financial planning to develop a design. The commissioners will not include any language in support of a reservoir.

Commissioner Ohl stated it would be the commissioners' hope that if this goes through and the project is built, that there is enough benefit for the community and the entire county, but that it is understood that it is challenging and hopes there can be forgiveness from those who own the properties and business that would be impacted.

Chairman Schmidt asked Madison County Attorney Joe Smith to speak on what they had discussed regarding being a landowner who would be paid for his land if the project goes to completion. Mr. Smith stated that although he was not sure there was actual conflict, it is always best to take the more prudent path, which would be to declare any time you think there might be the possibility of a conflict. Chairman Schmidt asked Mr. Joe Smith that as he might have a conflict of interest, if his name should be signed to the letter. Mr. Smith advised using only the signatures of Commissioners Ohl and Uhlir. A letter would be drafted this date, signed by Commissioners Ohl and Uhlir and e-mailed to Mr. Sousek.

Motion was made by Uhlir and seconded by Ohl that the County submit a letter stating the Board of Commissioners support of the Lower Elkhorn NRD's decision to move forward with developing financial plans and continued planning of a reservoir near Battle Creek. Roll call vote: Ayes, Ohl, Uhlir. Nays, none. Abstaining, Schmidt. Motion carried.

Motion was made by Ohl and seconded by Uhlir to remove the County Treasurer 6-month report ending June 30, 2019, from the agenda. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, None. Motion carried.

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The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) District Court June 2019 fee report
- 3) County Sheriff June 2019 fee report
- 4) CASA of Northeast Nebraska 2nd quarter 2019 report
- 5) Card of thanks from Carol Robertson regarding funding for Madison County Museum

The floor was then opened for citizen comments. Mr. Greg Schmidt came forward stating he had been to the last two Battle Creek City Council meetings and asked what the 1-, 5- and 10-year plans were, and nothing was offered. The council was asked again about the 1-, 5- and 10-year plans, and what their process is for their \$3.1 million, and it was stated that the council had not yet started on that.

Ms. Arlene Zohner stated that she has attended multiple meetings regarding this topic over the years. She stated she had seen a video of the vote in Battle Creek when they decided to do the dam. One council member was not present and of the three present, two voted for the dam. She stated that at the last NRD meeting, engineers stated that a 160-acre dam would protect the citizens of Battle Creek every bit as much as a 1200-acre lake. She stated concern that this would take money from the repair of bridges and roads in Madison County. Ms. Zohner asked not be quoted in the paper. County Clerk Anne Pruss stated that the public comments would be published in the meeting minutes, which are open to the public, and her name would be included.

The following claims were audited:

GENERAL FUND		
Total Net Payroll		157,754.85
Steven Abler	Mileage, Zoning Department	50.68
Advanced Correctional Healthcare	Medical Services, County Jail	14,636.40
American Family Life Assurance Company	Insurance Premiums	1,055.16
Appeara	Rug Service, Supplies, Public Defender	30.65
Arkfeld Lock & Security	Repairs, County Sheriff	359.00
Kathy Baker	Professional Services, Community Based Grant	81.25
Black Hills Energy	Gas Service, Zoning Department	10.96

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Black Hills Energy	Gas Service, Courthouse	60.61
Black Hills Energy	Gas Service, County Jail	91.64
Black Hills Energy	Gas Service, Noxious Weed Department	10.96
Black Hills Energy	Gas Service, Veterans Service Office	23.45
Blue Cross Blue Shield of Nebraska	Insurance Premiums	133,772.06
Bessie Bove	Prior Service Benefits	72.00
Brandl Electric	Repairs, Courthouse	293.44
Brodock LLC	Car Washes, County Sheriff	2,000.00
Buffalo County Sheriff	Civil Process Fees, Mental Health	22.15
Cableone	Internet Service, Extension Office	145.81
CBM Managed Services	Inmate Meals, County Jail	9,201.78
Maria Izabel Chavez	Interpreting Services, Public Defender	308.75
City of Madison	Utilities, Courthouse	3,192.46
Clerk of the Supreme Court	Filing Fees, District Court	126.00
Gail Collins	Mileage, Meals, County Attorney	200.04
Colonial Life and Accident Insurance Company	Insurance Premiums	223.20
Connecting Point	Supplies, County Clerk	19.99
Connecting Point	Supplies, County Sheriff	919.99
Connecting Point	Supplies, Probation Office	19.99
Connecting Point	Internet Service, Community Based Grant	59.95
Connecting Point	Internet Service, Website Hosting, Courthouse	160.00
Consolidated Management Company	Meals, County Sheriff	194.72
Constellation NewEnergy	Gas Service, Zoning Department	1.68
Constellation NewEnergy	Gas Service, Courthouse	271.25
Constellation NewEnergy	Gas Service, County Jail	617.23
Constellation NewEnergy	Gas Service, Noxious Weed Department	1.68
Constellation NewEnergy	Gas Service, Veterans Service Office	6.24
Credit Bureau Services Inc.	Garnish of Wages	107.68
Culligan of Norfolk	Supplies, Probation Office	30.75
Custom Sports	Uniforms, County Jail	20.00
DAS State Accounting	Telephone Service, Zoning Department	26.67
DAS State Accounting	Teletype Service, County Sheriff	262.29
DAS State Accounting	Telephone Service, County Attorney	2.80

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DAS State Accounting	Teletype Service, County Jail	441.71
DAS State Accounting	Telephone Service, Noxious Weed Department	26.67
DAS State Accounting	Telephone Service, Veterans Service Office	61.21
Eakes Office Solutions	Supplies, County Treasurer	30.60
Eakes Office Solutions	Supplies, Copier Contract, Clerk of District Court	126.39
Eakes Office Solutions	Supplies, Extension Office	215.59
Eakes Office Solutions	Supplies, County Jail	103.99
Egley, Fullner, Montag, Morland & Easland PC	Legal Services, County Court	2,888.30
Field's Hardware	Supplies, Courthouse	88.36
Field's Hardware	Supplies, County Jail	1,146.38
First Concord Benefits Group	Administration Fees, Flex Plan	2,088.69
Floor Maintenance and Paper Supply	Supplies, County Jail	326.28
Frontier Bank	Supplies, County Sheriff	71.27
Daniel Fullner	Mileage, Mental Health	20.88
Goodlife Counseling	Professional Services, Community Based Grant	162.50
Richard Grant	Mileage, Zoning Department	135.81
Naomi Hemphill Cleaning	Cleaning Services, Public Defender	70.00
Hilliges and Associates, LLC	Professional Services, Law Enforcement	250.00
Home for Funerals	Cremation Services, General Assistance	2,200.00
Hometown Leasing	Copier Lease, Probation Office	544.02
Horwath Laundry Equipment	Equipment Repairs, County Jail	678.97
Jack's Uniforms & Equipment	Uniforms, County Jail	213.79
Jerry's Service Center	Repairs, Extension Office	74.61
Nancy Jochum-Schramm	Court Reporting Services, District Court	86.25
John's Disposal	Garbage Service, Veterans Service Office	14.00
Doug Ketter	Rent, General Assistance	350.00
Patricia Lacroix	Professional Services, Law Enforcement	685.10
Lakeview Title Company	Title Searches, Noxious Weed Department	150.00
Lancaster County Sheriff	Civil Process Fees, Mental Health	19.22
Madison County Clerk	Tax Deposit, Retirement	83,350.98
Madison County Clerk of District Court	Filing Fees, District Court	1,326.00
Madison County Sheriff	Court Costs, County Court	1,604.82
Madison County Sheriff	Court Costs, District Court	1,328.31

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Madison County Sheriff	Civil Process Fees, Mental Health	244.35
Madison County Sheriff	Fuel, County Sheriff	50.00
Madison County Treasurer	Health Insurance Reimbursement	43.10
Madison County Treasurer	Title Fee, County Sheriff	10.00
Madison National Life Insurance Company	Insurance Premiums	299.18
James Marshall	Tutoring Services, Community Based Grant	410.00
Barbara Masilko	Mileage, Public Defender	18.68
Midtown Health Center	Quarterly Administrative Fees, General Assistance	6,686.14
Midwest Plumbing & Heating	Repairs, County Jail	281.20
MIPS, Inc.	Data Processing Costs, County Clerk	674.08
MIPS, Inc.	Data Processing Costs, County Treasurer	1,382.64
MIPS, Inc.	Equipment Lease, File Conversion, Register of Deeds	540.00
Andrew Mohr	Mileage, Community Based Grant	11.60
Moyer & Moyer Law Firm	Legal Services, County Court	942.40
Jacob Mrsny	Tutoring Services, Community Based Grant	112.58
Nationwide Retirement Solutions	Deferred Comp	2,485.00
Nebraska Association of County Officials	Semi-Annual Membership Dues	3,023.32
Nebraska Child Support Payment Center	Garnish of Wages	526.62
Nebraska Law Enforcement Training Center	Training Fees, County Sheriff	150.00
Nebraska Public Power District	Utilities, Extension Office	624.74
Nebraska Public Power District	Utilities, Veterans Service Office	46.38
Norfolk Area Chamber of Commerce	Membership Dues, Extension Office	325.00
Norfolk Daily News	Subscription, Extension Office	184.00
Norfolk Daily News	Publication Costs	165.85
Norfolk Family Coalition	Contract Services, Community Based Grant	900.00
Norfolk NAPA	Supplies, Courthouse	9.04
Northeast Nebraska Area Agency on Aging	Annual Appropriation	16,703.00
Northeast Nebraska Economic Development Dist.	Annual Membership Dues	895.00
Mike O'Brien	Mileage, Community Based Grant	59.16
Valorie Olson	Court Reporting Services, Mental Health	150.00
Olson's Pest Technicians	Pest Control Services, Extension Office	65.00
One Office Solution	Supplies, County Clerk	1.25
One Office Solution	Copier Maintenance, County Assessor	105.96

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One Office Solution	Furniture, Supplies, Public Defender	576.36
One Office Solution	Supplies, County Sheriff	59.14
One Office Solution	Supplies, County Jail	13.90
Merlin Oswald	Mileage, Zoning Department	166.92
Pizza Hut	Meals, County Attorney	27.96
Platte County Court	Copies, Law Enforcement	2.00
Jim Prauner	Mileage, Zoning Department	66.40
Presto-X	Pest Control Services, Public Defender	53.00
Presto-X	Pest Control Services, Courthouse	101.00
Donna Primrose	Supplies, County Treasurer	29.77
Priority Communications & Solutions	Telephone Repairs, Courthouse	368.00
Professional Choice Recovery, Inc.	Garnish of Wages	232.93
PT Holdings LLC	Rent, Utilities, Juvenile Accountability	2,150.00
QHA Cleaning LLC	Cleaning Services, Extension Office	400.00
Redfield Direct LLC	Supplies, County Surveyor	972.37
Region IV Inc.	Quarterly Services	9,147.75
Region 4 Behavioral Health System	Quarterly Services	17,075.00
Reigle Implement Co., Inc.	Repairs, Courthouse	12.50
Relx Inc. dba Lexis Nexis	Subscription, County Attorney	543.00
Reynoldsons	Fuel, Zoning Department	33.65
Reynoldsons	Fuel, Extension Office	26.35
Maria Nieves Salavera	Mileage, Community Based Grant	66.12
Schroeder Land Surveying	Surveying Services, Equipment Rent, County Surveyor	1,898.00
Judy Schroeder	Prior Service Benefits	66.00
Stealth Broadband	Internet Service, Courthouse	955.49
Stratton, Delay, Doele, Carlson, Buettner & Stover PC	Legal Services, District Court	2,538.30
Donald Svitak	Postage, Noxious Weed Department	12.15
T & I Enterprises, LLC	Garnish of Wages	47.35
US Bank Corporate Payment System	Fuel, Supplies, Repairs, Uniforms, County Sheriff	1,504.30
US Bank Corporate Payment System	Repairs, Fuel, Juvenile Accountability	81.46
Verizon Wireless	Telephone Service, Reappraisal	40.01
Verizon Wireless	Telephone Service, Community Based Grant	373.13
Verizon Wireless	Failover Router, Courthouse	80.02

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Vision Service Plan	Insurance Premiums	413.83
	Total General Claims with Payroll	505,586.34
	ROAD/BRIDGE FUND	
Total Net Payroll		34,297.76
American Broadband	Telephone Service	53.04
American Family Life Assurance Company	Insurance Premiums	689.53
Appeara	Towel and Uniform Service	459.49
B's Enterprises Inc.	Culverts, Supplies	2,726.65
Battle Creek Light & Power	Utilities	179.55
Bauer Built Tire	Tire Repairs	2,818.90
Black Hills Energy	Gas Service	188.06
Blue Cross Blue Shield of Nebraska	Insurance Premiums	35,435.28
Central Sand & Gravel	Gravel	16,741.48
City of Madison	Utilities	438.74
City of Newman Grove	Utilities	42.00
Colonial Life and Accident Insurance Company	Insurance Premiums	85.03
Connecting Point	Internet Service	15.00
Constellation NewEnergy	Utilities	216.00
Coover Trucking	Gravel	725.44
Cornhusker International Trucks Inc.	Parts	27.81
Dale R. Johnson Ent Inc.	Gravel	33,866.09
Dinkel Implement Company	Equipment Rent	2,622.00
Eastern Nebraska Trailer Repair, Inc.	Parts	15.98
Elite Door LLC	Building Repairs	164.00
Fastenal Company	Shop Supplies	91.82
Filter Care of Nebraska Ltd.	Repairs	88.15
First Concord Benefits Group	Administration Fees, Flex Plan	737.28
Green Line Equipment	Parts	228.27
Hemmer Land LLC	Clay	2,580.00
Island Supply Welding Company	Shop Supplies	33.25
Kimball Midwest	Tools	23.58
Madison County Clerk	Tax Deposit, Retirement	17,766.32
Madison National Life Insurance Company	Insurance Premiums	57.57

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Matheson Tri-Gas Inc.	Shop Supplies	210.64
Matteo Sand & Gravel Co., Inc.	Gravel	7,962.12
Nationwide Retirement Solutions	Deferred Compensation	955.00
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Harvestore Systems	Parts	27.81
Nebraska Public Power District	Utilities	140.77
Norfolk NAPA	Supplies, Parts	743.59
Norfolk Specialties Inc.	Parts	100.00
Pinkelman Truck & Trailer	Repairs, Parts	2,254.55
Pioneer Telephone Company	Telephone Service	55.31
Powerplan	Parts	101.55
Prime Sanitation	Garbage Service	63.25
Reigle Implement Co., Inc.	Oil	45.00
Smutny Repair	Repairs, Parts	985.00
Stanley Petroleum Maintenance, Inc.	Parts	35.40
Sunbelt Rentals LLC	Equipment Rent	41.40
T-Bone North	Fuel	4,731.01
Truck Center Companies	Parts	152.00
Vic's Engine Service, Inc.	Shop Supplies	62.97
Village of Meadow Grove	Utilities	71.00
Vision Service Plan	Insurance Premiums	97.62
	Total Road/Bridge Claims with Payroll	172,343.30
	VISITORS PROMOTION FUND	
Norfolk Area Visitors Bureau	Administration Fees	6,102.06
	Total Visitors Promotion Fund	6,102.06
	VISITORS IMPROVEMENT FUND	
Norfolk Area Visitors Bureau	Administration Fees	7,762.61
	Total Visitors Improvement Fund	7,762.61
	REGISTER OF DEEDS PRESERVATION & MODERNIZATION FUND	
MIPS, Inc.	Data Processing Costs	532.16
	Total Register of Deeds Preservation & Modernization Fund	532.16
	911 EMERGENCY FUND	
American Broadband	Telephone Service	127.88

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Century Link	Telephone Service	784.91
Frontier	Telephone Service	164.10
	Total 911 Emergency Fund	1,076.89

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

The Board adjourned at 11:25 A.M. to Tuesday, July 23, 2019, at 9:00 A.M.

ATTEST:

County Clerk Anne M. Pruss

Ronald Schmidt, Chairman
County Board of Commissioners

BOARD OF EQUALIZATION

Madison, Nebraska

July 9, 2019

The Board of Equalization of Madison County, Nebraska met at 1:00 P.M.

Advance notice of meeting was published in the Wednesday, July 3, 2019, 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 Christian Ohl 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 Ron Schmidt, Christian Ohl, and Troy Uhlir, County Assessor Jeff Hackerott, and County Clerk Anne Pruss. County Treasurer Donna Primrose was present from 1:00 P.M. to 1:05 P.M.

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

Motion was made by Schmidt and seconded by Uhlir to approve the minutes of the June 25, 2019, meeting. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3467: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Deduction from the tax rolls in the amount of 28,262.48 for 2009 centrally assessed personal property value lowered per settlement agreement with Nebraska Department of Revenue.
- #3468: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of 15,006.26 for 2010 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3469: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$37,251.10 for 2011 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3470: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$4,097.28 for 2012 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3471: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$3,442.88 for 2013 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3472: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$3,642.54 for 2014 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3473: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$2,434.74 for 2015 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3474: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$1,900.28 for 2016 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.

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- #3475: Black Hills Nebraska Gas #390, Paula Brinker Property Tax Manager, P. O. Box 20, Rapid City, South Dakota
Addition to the tax rolls in the amount of \$1,591.10 for 2017 centrally assessed personal property value raised per settlement agreement with Nebraska Department of Revenue.
- #3476: Amen Dairy, LLC, c/o Michael Amen, 54681 Half-Mile Road, Norfolk
Deduction from the tax rolls in the amount of \$1,556.52 for 2018 personal property tax correction due to leased equipment added to return in error.
- #3477: Dr. C. Robert Adams, 109 North 15th Street, Suite 14, Norfolk
Addition to the tax rolls in the amount of \$913.98 for 2018 personal property taxes added after seeing 2018 depreciation sheet Listing plane motor overhaul in 2017.
- #3478: Bill Ross Construction, 83705 535th Avenue, Tilden
Addition to the tax rolls in the amount of \$459.24 for 2016 personal property taxes added after seeing 2018 depreciation worksheet adding equipment listed.
- #3479: Bill Ross Construction, 83705 535th Avenue, Tilden
Addition to the tax rolls in the amount of \$364.00 for 2017 personal property taxes added after seeing 2018 depreciation worksheet adding equipment listed.
- #3480: Bill Ross Construction, 83705 535th Avenue, Tilden
Addition to the tax rolls in the amount of \$682.86 for 2018 personal property taxes added after seeing 2018 depreciation worksheet adding equipment listed.
- #3481: Kip Austin, 83553 552nd Avenue, Norfolk
Addition to the tax rolls in the amount of \$65.88 for 2017 personal property taxes added after seeing 2018 depreciation worksheet.
- #3482: Kip Austin, 83553 552nd Avenue, Norfolk
Addition to the tax rolls in the amount of \$551.00 for 2018 personal property taxes added after seeing 2018 depreciation worksheet.
- #3483: Lucas M. Winkelbauer, 55060 844th Road, Norfolk
Addition to the tax rolls in the amount of \$850.80 for acceleration of the 2019 real estate taxes for the 1998 Champion mobile home (16 x 76) due to mobile home being traded for a different mobile home.
- #3484: Mark and Beatriz Etling, 82267 538th Avenue, Newman Grove
Deduction from the tax rolls in the amount of \$61.08 due to correction in 2016 real estate taxes due to removal of a pole building that was replaced but never removed from the 2016 tax rolls.
- #3485: Mark and Beatriz Etling, 82267 538th Avenue, Newman Grove
Deduction from the tax rolls in the amount of \$64.86 due to correction in 2017 real estate taxes due to removal of a pole building that was replaced but never removed from the 2017 tax rolls.

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#3486: Mark and Beatriz Etling, 82267 538th Avenue, Newman Grove
Deduction from the tax rolls in the amount of \$70.34 due to correction in 2018 real estate taxes due to removal of a pole building that was replaced but never removed from the 2018 tax rolls.

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

Chairman Ohl opened a public hearing at 1:10 P.M. to receive testimony regarding the following tax exemption on real and/or personal property applications:

Wesley Center, 500 West Phillip Avenue, Norfolk
Orphan Grain Train, Inc., 601 W. Philip Avenue, Norfolk

1999 Dodge van
2006 Toyota Sienna, 1996 Ford F-30, 1993 Ford F35,
1998 International truck T-15, 1993 ASVE truck, 2011
homemade flatbed trailer, 1997 United 19'6" trailer, 2009,
Haulmark trailer, 2007 INMI trailer, 2000 SPER trailer,
1993 Great Dane trailer, 2006 homemade kitchen trailer,
2006 S&W car trailer, 2006 Haulmark office trailer, 2007
S&W 2-wheel trailer, 2007 S&W 2-wheel trailer, 2007
S&W 2-wheel trailer, 2007 S&W 2-wheel trailer, 2002
Cargo Mate enclosed trailer, 2014 homemade 14'x60'
trailer, 2011 homemade trailer, 2005 H&H trailer, 2001
Cargo Mate utility trailer, 2014 Cargo Mate utility trailer
2014 Ford E350 van
2007 Dodge CSX van, 2006 Ford 4DS van, 2001
Chevrolet SKT pickup

Northern Heights Baptist Church, P. O. Box 1311, Norfolk
Mid-Nebraska Lutheran Home, 109 N. 2nd St., Newman Grove

County Treasurer Donna Primrose reported that all of the applications were for renewals. She stated that the Orphan Grain Train, Inc., application is large because they have a June option so all of their vehicles are renewed at the same time. No public comments were received during the hearing. Chairman Ohl closed the hearing at 1:10 P.M.

Motion was made by Schmidt and seconded by Uhlir to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, Schmidt, Ohl and Uhlir. Nays, none. Motion carried.

At 1:12 P.M., County Assessor Jeff Hackerott then submitted the County Assessor's Three-Year Plan of Assessment into the

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record.

Motion was made by Uhlir and seconded by Schmidt to accept the County Assessor's Three-Year Plan of Assessment. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Hearings were conducted on property valuation protests as follows:

Protest #2019-19: Kirk Friedrich, 3014 Golf View Drive, Norfolk
Glenwood Addition S 20 Ft Lot 6 & All Lot 7, Blk 8

Chairman Ohl opened a hearing at 1:42 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott stated that his office tried to schedule an appointment with the property owner to no avail. The owner is out of town and cannot make it to this area. County Assessor Jeff Hackerott stated it is a rental house, and he doesn't have any other information as he was not able to assess the property. It does have an attached single-car garage on a cement slab. County Assessor Jeff Hackerott stated the house was built in 1965 and had 1,072 square feet. There are houses in the area from 656 to 780 square feet selling for \$80,000. In August 2016, a house 864-square foot home sold for \$78,500. All of these are homes were built in the late 1950s and early 1960s. An 864-square foot home sold for \$99,000. This equates to about \$100-\$110 per square foot. The current valuation is set at \$107,970 for 1,072 square feet, which is \$100.71 per square foot. County Assessor Jeff Hackerott stated that there is a basement, but it does not have a concrete floor. Chairman Ohl closed the hearing at 1:48 P.M. Motion was made by Schmidt and seconded by Uhlir to make no change to the 2019 property valuations for the subject property. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-20: Mardelle Tech, 4101 West Nucor Road, Norfolk
PT W1/2 SE1/4 23-24-2 35.02 AC - MH (1969 Marlette 12X57)

Chairman Ohl opened a hearing at 1:18 P.M. Mardelle and Kenneth Tech appeared at the hearing and provided testimony on the property. Chairman Ohl read the protest form. Mrs. Tech stated there are there are three pieces of property, with a garage, a mobile home and an old shed. She asked how these were separated with regard to value. Ms. Tech stated she called the manufacturer of these mobile homes, and as far as he is concerned, it would have zero value. She stated it is still livable, but she doesn't want to make the repairs that would improve it as the gentleman it is rented to be satisfied with it as is. Mr. Tech stated that Stahla Homes quoted them as \$1,000 or less. Stahla Homes said that at the age it is, they would not suggest replacing the windows even though they needed replacing long ago as no one would be able to get a loan to buy it the way it is. It was clarified that this is a rental property that is on the backside of their land. Ms. Tech stated the valuation of the property (buildings) in 2018 was \$13,259 and it is now \$14,850. County Assessor Jeff Hackerott stated that the garage and shed valuations are \$4,134 and \$130, respectively. The garage has been on the property for 30-plus years. The shed is a tin shed with double doors built with 2 x 4s and has no insulation. Mrs. Tech stated that the rent on the mobile home is \$400, but she pays for all of the utilities, and she clears approximately \$250. Mrs. Tech stated that the County has the property as being 35.2 acres. Chairman Ohl closed the hearing at 1:32 P.M. Motion was made by Schmidt and seconded by Uhlir to set the 2019 valuation of the property at \$150,784. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

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Protest #2019-21: Douglas Sunderman, 55549 834th Road, Norfolk
ILL – SW¼ 28-23-2 MH–1966 Champion 16X76

Chairman Ohl opened a hearing at 1:34 P.M. Doug Sunderman appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. Mr. Sunderman stated they had taken some pictures of the property when the assessor was at the property, and it was in worse shape than he had believed it to be previously. He stated the trailer house is starting to rot, and the porch is falling off. He is renting the land from Mr. Holland, and he stated he overpaid. Mr. Sunderman stated he does have a hired man living there. County Assessor Jeff Hackerott stated that this had been reviewed with Mr. Sunderman on July 5, 2019, and that it is in pretty rough shape. The soffits and fascia are rotting due to water, and the porch is falling off, but the vinyl siding isn't too bad. The skirting is off in places. Mr. Sunderman stated that the person from the assessor's office who met him at the property did a good job. Mr. Sunderman stated he thought trailer houses would depreciated down to zero. It was clarified that the trailer house is the only building present. The trailer house would be an improvement on leased land, and everything else is owned by Hollands. Chairman Ohl closed the hearing at 1:39 P.M. Motion was made by Schmidt and seconded by Ohl to set the 2019 building valuation at \$18,000. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-22: Jesse & Jessica Keiser, 103 Bridge Road, Norfolk
Western Town Lot Companys First Addition Lot 3, Blk 8

Chairman Ohl opened a hearing at 2:53 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott was unable to conduct interior review. He had no comment. Chairman Ohl closed the hearing at 2:54 P.M. Motion was made by Uhlir and seconded by Schmidt to set the 2019 valuation at \$72,299. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-23: Jesse & Jessica Keiser, 103 Bridge Road, Norfolk
Braaschs Suburban Lots E 70 Ft S 110 Ft N 143 Ft W 213 Ft Lot 10

Chairman Ohl opened a hearing at 2:54 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott stated he had no appointment with the owner. He was unable to conduct interior review. Chairman Ohl closed the hearing at 2:55 P.M. Motion was made by Schmidt and seconded by Ohl to set the 2019 valuation at \$131,258. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-24: Gene & Rose Wissenburg, 1101 County Line Road, Newman Grove
Tax Lots SW1/4 SW1/4 34-21-4 Pt E 484.06 Ft Tax Lot 11 .81 AC

Chairman Ohl opened a hearing at 1:54 P.M. Gene Wissenburg appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. Mr. Wissenburg stated this was not a money issue, but strictly a matter of fairness and principle. It is a tiny parcel of land that borders the city of Newman Grove and is a Newman Grove taxed lot. Mr. Wissenburg stated that a few years ago, Newman Grove reevaluated everything and tripled the value of the little piece of property. Mr. Wissenburg stated that his contention is that since it borders and abuts the Co-Op anhydrous plant, it is not suitable as a building lot. He stated it is a little piece of pasture and should be valued as a

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little piece of pasture. Commissioner Schmidt asked if there was a building on the property. Mr. Wissenburg stated that the building on the property is valued at approximately \$7,000, which he thinks is fair. County Assessor Jeff Hackerott stated he was at the property on July 5, 2019. No one was there or at the house that sits south of there, so he took pictures of the building, which is a pole shed measuring 26'x62' that has sliding doors on the east end and a couple of overhead doors on the south side facing the house. County Assessor Jeff Hackerott stated that for all intents and purposes, it is a part of the farm with the only delineation being the county line. He concurred that it is inside the city limits. Chairman Ohl closed the hearing at 2:00 P.M. Motion was made by Uhlir and seconded by Schmidt to make no change to the 2019 valuation. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-25: John Flanagan, Flanagan/Bilton, 1 N LaSelle Street, Ste. 2100, Chicago IL
Westside Plaza Addition E 405 Ft Lot 1

Chairman Ohl opened a hearing at 2:06 P.M. John Flanagan tele-conference called at the hearing to offer verbal testimony. Chairman Ohl read the protest form. Mr. Flanagan stated that the property was built in 1976. It has 66 units. Current rent for the apartments is \$550. Documentation was submitted. County Assessor Jeff Hackerott stated that the Avon Apartment complex is low, income-based housing. No physical inspection was performed. Chairman Ohl closed the hearing at 2:27 P.M. Motion was made by Uhlir and seconded by Schmidt to make no change to the 2019 valuation. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-26: Yanela Nemer Gonzalez, 1612 West Norfolk Avenue, Norfolk
Beacon Hill Replat S1/2 LOT 5 & SE1/4 Lot 6, Blk 1

Chairman Ohl opened a hearing at 3:56 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl stated she had provided documents for her testimony with no written statement included. County Assessor Jeff Hackerott stated that the property had been reviewed with the owners on July 8, 2019. He stated the house is a raised ranch built in 1957 that is mostly original on the interior. The home does have four bathrooms. The storage shed is gone. There has been some settling causing some of the stones to crack. There is also a fireplace and a false dormer. County Assessor Jeff Hackerott stated that the basement is not a full basement and is about three-fourths finished. Chairman Ohl closed the hearing at 4:00 P.M. Motion was made by Ohl and seconded by Uhlir set the 2019 valuation at \$189,439. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-27: Brian Herrick, P.O. Box 374, Battle Creek
Original Town Lots 7 & 8, Blk 25

Chairman Ohl opened a hearing at 4:00 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott stated that the property had been evaluated with Mr. Herrick on July 5, 2019. He stated the house had 3300 square feet and has a partial basement. The four bedrooms are all on the second floor. He stated there are two bathrooms in the house and that one of the bathrooms is newer with double vanity, jetted tub and shower. County Assessor Jeff Hackerott stated the owner is in the process of doing some work to the house, which appears to be an ongoing project. The owners have run HVAC ductwork up to the second floor but have not yet put them in the chase. Chairman Ohl closed the hearing at 4:06 P.M. Motion was made by Schmidt and seconded by Ohl set the 2019 valuation at \$211,503. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-28: Sarah Wantoch, 309 South 9th Street, Norfolk

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Davis Subdivision Lots 4 & 5

Chairman Ohl opened a hearing at 2:32 P.M. Aaron Wantoch appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott viewed the property on July 5, 2019. The windows are original. The roof was replaced three or four years ago, but the soffits are original. The exterior is brick over block, built in 1950. The house is 1600 square feet. It is mostly modern compared to the neighborhood. There is a fireplace and a two-car garage. The garage door has been replaced. The air conditioner is original to the house, but the hot water heater is new. There is also new flooring in the basement. Chairman Ohl closed the hearing at 2:44 P.M. Motion was made by Schmidt and seconded by Ohl set the 2019 valuation at \$150,246. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-29: Deanna Schulz, 404 South 3rd Street, Battle Creek Herman Hogrefes Addition S 85 Ft E 134 Ft Blk 6

Chairman Ohl opened a hearing at 4:07 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott stated this is a house in Battle Creek that had been reviewed on July 5, 2019. The house is a ranch-style house built in 1964 with a 24'x56' garage that was added in 2008. It had previously had a single-car garage attached with a breezeway. County Assessor Jeff Hackerott said on April 24, 2019, parent to child, from Kevin and Julie Schulz to Aaron and Deanna Schulz. The transfer statement indicates that they paid \$144,000 for the home. He stated that they did pay revenue on \$144,000 as noted on the transfer statement. County Assessor Jeff Hackerott states this is listed as a "no sale/don't use sale." Chairman Ohl closed the hearing at 4:10 P.M. Motion was made by Schmidt and seconded by Uhlir set the 2019 valuation at no change. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-30: Gordon Eymann, P.O. Box 91, Tilden Tax Lots SW1/4 NW1/4 19-24-4 N 80 Ft S 170.8 Ft W 140 Ft Tax Lot 15

Chairman Ohl opened a hearing at 4:11 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott reviewed the property on July 5, 2019, and Mr. Eymann lives next door to the south from this property. County Assessor Jeff Hackerott attempted to contact someone there, but no one was available. The lot was purchased in 2014 and had a small bungalow house on it that has since been demolished. County Assessor Jeff Hackerott took pictures of the building. He did not go in, but he could see through the window and it appeared just as the pictures Mr. Eymann had furnished. There were open rafters and open stud walls with no interior finished. It does sit on a concrete slab. There is an overhead door on the east side and a walk-in door with a covered porch on the south side. Chairman Ohl closed the hearing at 4:13 P.M. Motion was made by Schmidt and seconded by Uhlir set the 2019 valuation at no change. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-31: Larry Hofmann, 3006 South 49th Street, Norfolk PT NW1/4 24-23-2 155 AC

Chairman Ohl opened a hearing at 3:03 P.M. Larry Hofmann appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott reviewed the property on July 5, 2019. It is a bungalow-style house with one bedroom on the main floor and one bedroom upstairs. The basement is unfinished. The outbuildings are no longer used except for shed and grain bins. Mr. Hofmann got out of the hog business in 1998. The garage has been torn down. The milk barn is a concrete block building that is not

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usable. Chairman Ohl closed the hearing at 3:08 P.M. Motion was made by Schmidt and seconded by Uhlir set the 2019 valuation at \$403,475. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-32: Larry Hofmann, 3006 South 49th Street, Norfolk
PT SE1/4 SE1/4 1-23-2 8 AC

Chairman Ohl opened a hearing at 3:08 P.M. Larry Hofmann appeared at the hearing to offer verbal testimony. The written statement is as follows: Dry land valuation (no irrigation). Why raised so much (double). No improvements. He stated that the lots were split off before lot splits were required. Chairman Ohl closed the hearing at 3:15 P.M. Motion was made by Schmidt and seconded by Uhlir to table property. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-33: JAZ, LLC, 20023 State Hwy. 91, Creston
Pasewalks Addition W 93 Ft SE1/4 Lot 9, Blk 3

Chairman Ohl opened a hearing at 4:21 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott stated the property was reviewed on July 5, 2019, with the tenant. He stated he had reviewed all of the properties owned by JAZ, LLC, on July 5, 2019. This property is a rental house. Vinyl siding has been added in 2017. The house has hardwood floors. It also has the original fireplace, which is not used. There is a front room two to three steps down from the main living room where there is a wood stove. This room was likely originally an enclosed porch. There is an attic that is 12 feet wide with 3-foot sidewalls. There are two rooms in the attic. The stairs come up from one end of the attic, and you would need to walk through one room to get to the other. County Assessor Jeff Hackerott stated that the basement is partially finished with a kitchen sink and a three-quarter bath. There is central air unit for the main floor and window AC on the upper level as there is no ductwork to that floor. Chairman Ohl closed the hearing at 4:24 P.M. Motion was made by Schmidt and seconded by Uhlir to set the 2019 valuation at no change. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-34: JAZ, LLC, 20023 State Hwy. 91, Creston
Bear & Mathewsons Addition Lot 4, Blk 1

Chairman Ohl opened a hearing at 4:27 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott stated this property is at 307 S. 11th Street, Norfolk, and was reviewed with Mr. Zane Abner, the property owner, on July 5, 2019. He stated that the tenant was supposed to have left the door unlocked but failed to do so, but the doors were all locked, so he did not review the interior of the home. The house was built in 1919. It does have a newer roof and vinyl siding. There are three bedrooms and one full bath on the main floor, and the basement has a full bath. There is an egress window, but the room corresponding to the window is not yet finished. The only thing finished in the basement is the bathroom. The basement is of concrete block. The attic is not finished and is all insulation and open studs. The house has a newer central air unit. There is an attached garage on the back measuring 26'x32', which County Assessor Jeff Hackerott believes is newer to the house. There are 1288 square feet on the main floor. Rent for the home is \$925/month. Chairman Ohl closed the hearing at 4:31 P.M. Motion was made by Schmidt and seconded by Uhlir set the 2019 valuation at no change. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-35: JAZ, LLC, 20023 State Hwy. 91, Creston

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Durlands First Addition Lots 8 & 9, Blk 3

Chairman Ohl opened a hearing at 4:32 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott reviewed the property on July 5, 2019, with Mr. Abner, the property owner. This is a rental house at the corner of Seventh and Pasewalk. There are no bedrooms and one full bath on the main floor and four bedrooms and a three-quarter bath on the second floor. It has narrow oak flooring laid in a square pattern although worn. The house has hot-water heat with the original cast iron registers. There is no central air. There is a fireplace on the main floor that is not used. The basement is 6-1/2 foot deep unfinished partial basement, 24'x24' with a concrete floor. The rear portion and front portion of the house are over crawlspaces. There is a 20'x20' detached garage and a utility shed. The house does have vinyl siding. Chairman Ohl closed the hearing at 4:35 P.M. Motion was made by Uhlir and seconded by Schmidt set the 2019 valuation at no change. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-36: JAZ, LLC, 20023 State Hwy. 91, Creston
Pasewalks Sub 01Lots S 45 Ft Lot 16 of Lot 11

Chairman Ohl opened a hearing at 4:37 P.M. No one appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. County Assessor Jeff Hackerott reviewed this property on July 5, 2019. On June 27, 2019, there was a fire. When Mr. Abner called County Assessor Jeff Hackerott, he was told that nothing could be done about the fire because it happened after the first of the year and would not be considered a natural disaster. County Assessor Jeff Hackerott did take pictures. The house has a newer concrete slab porch with a concrete block foundation. The windows were open when he was there. A second floor window at the back of the house is boarded up. From the sidewalk, County Assessor Jeff Hackerott stated he could smell smoke. Mr. Abner told County Assessor Jeff Hackerott that he does not plan on demolishing the house and that the house has not been condemned. The property owner is waiting on insurance to determine what would be paid before deciding what to do next. County Assessor Jeff Hackerott was not sure if it was occupied. Chairman Ohl closed the hearing at 4:39 P.M. Motion was made by Schmidt and seconded by Uhlir set the 2019 valuation at no change. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-37: Neil Johnson, 307 North 8th Street, Newman Grove
Thompsons Addition Pt Lot 1, Blk 4 .43 AC More or Less

Chairman Ohl opened a hearing at 3:38 P.M. Neil Johnson appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. Mr. Johnson stated the house has now been gutted. He stated there were no rats before March. County Assessor Jeff Hackerott asked Mr. Johnson if he had gotten the Form 425 that had been mailed to him. He was told that it needed to be turned in. County Assessor Jeff Hackerott told Mr. Johnson that the board would not be able to do anything with the value this day as it was damaged due to the flood. This will be taken care of by using the Form 425, which is a totally separate process from the property valuation protests. Chairman Ohl closed the hearing at 3:42 P.M. Motion was made by Schmidt and seconded by Uhlir to table the decision. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-38: Robert & Melinda Lowe, 119 Morningside Drive, Norfolk
Sunrise Subdivision N 110 Ft S 220 Ft LOT 23 (24-24-1)

Chairman Ohl opened the hearing at 3:43 P.M. Robert and Melinda Lowe were present to offer verbal testimony. Chairman Ohl read the

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protest form. Chairman Ohl asked if there was anything they would like to add. Mr. Lowe asked how property is assessed as their valuation has increased by 25% since 2016. The Lowes did present photos to the commissioners demonstrating the deteriorating condition of the driveway. Commissioner Schmidt asked if they had protested the valuation at the time they bought the house, and Mr. Lowe stated they had not. County Assessor Jeff Hackerott stated he had been to the property on July 5, 2019. County Assessor Jeff Hackerott stated that almost all of the rural properties in the area increased this year, so the increase of their valuation was not based on anything they had done with their property. Mr. Lowe stated they had compared their neighborhood with other neighborhoods, and their area, and those areas went up an average of 16%. Commissioner Schmidt asked County Assessor Jeff Hackerott what the blanket increase was, and he stated it was between 7% and 8%. County Assessor Jeff Hackerott stated that land is adjusted at a different rate than improvements. Mrs. Lowe stated that the land valuation went up \$1,000, and the rest of the \$18,000 increase was on the house. Commissioner Schmidt asked if there were any other buildings on the property. Mr. Lowe stated there were not. Mrs. Lowe stated that the bathrooms were listed as 3 full bathrooms but are actually 2-3/4 baths. Chairman Ohl closed the meeting at 3:50 P.M. Motion was made by Schmidt and seconded by Uhlir to table property. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Protest #2019-39: Johann Fry, 110 South 12th Street, Norfolk
Haases Suburban Lots N 60 Ft S 128 Ft Lot 1, Blk 7

Chairman Ohl opened the hearing at 3:24 P.M. Jeanne Fry appeared at the hearing to offer verbal testimony. Chairman Ohl read the protest form. Ms. Fry stated that there hasn't been much work done for the last 35 years and provided pictures. She stated that carpet needs to be replaced, wallpaper needs to be replaced and half of the windows won't open. Mrs. Fry stated she has redone the drive, straightened a wall, and did a \$13,000 renovation to the porch. She also put in a small patio and a fence. She stated that if she sold today, she would be lucky to get what she paid for it. She stated her value went up \$20,000 last year and now has gone up another \$20,000. She demonstrated photos that showed rot in the attic. Chairman Ohl closed the hearing at 3:33 P.M. Motion was made by Uhlir and seconded by Ohl set the 2019 valuation at \$175,502. Roll call vote: Ayes, Schmidt, Ohl, Uhlir. Nays, none. Motion carried.

Chairman Ohl recessed the meeting at 4:43 P.M. to July 12, 2019, at 9:00.

ATTEST:

County Clerk Anne M. Pruss

Christian Ohl, Chairman
County Board of Commissioners