

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 10, 2007

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, July 5, 2007 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson joined the meeting at 9:57 A.M.

The following consent agenda items were read into the record by Chairman McCallum:

1) Approval of minutes of the June 26, 2007 meeting

2)

### RESOLUTION # 2007-34

WHEREAS, Richard C. Johnson, Madison County Highway Superintendent, has submitted a written report to the Madison County Board of Commissioners as directed by Resolution #2007-30 dated June 12, 2007; 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 August 7, 2007 at 10:30 A.M. in the Commissioners' room at the Courthouse in Madison, Nebraska to receive input regarding vacation of the following described road:

The road between Sections 16 and 21, Township 21 North, Range 3 West of the 6th P.M., Madison County, Nebraska, said road being 825th Road between 542nd and 543rd Avenues.

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.

3) Authorization to advertise for bids for a pneumatic roller for Road District #1, #2, and #3 and set the bid date for August 7, 2007

4) Authorization to advertise for bids for supplying asphaltic oil for the Lindsay Road project

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

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

The following written reports were reviewed:

- 1) County Clerk report of plat book sales for June
- 2) County Treasurer May fund balance report
- 3) Clerk of District Court June fee report
- 4) 2nd Quarter report for CASA of Northeast Nebraska
- 5) Minutes of the June 15, 2007 meeting of the Veterans' Service Committee

County Clerk Nancy Scheer read a letter of thanks from the City of Battle for assistance with the May 30, 2007 flood in Battle Creek. Chairman McCallum stated that the letter expresses the cooperation of agencies working together. He stated that Madison County is always ready to assist other communities when a disaster strikes. Commissioner Klein stated that many employees from the road departments assisted in Battle Creek and it was amazing to see how many volunteers showed up. He stated that the Mayor of Battle Creek stated it very well in his letter of thanks. He stated that this type of cooperation makes Battle Creek a great place to live because neighbors appreciate each other. Commissioner Uhlir stated that the employees from his road district helped out during the flood. He stated that when he previously lived in Battle Creek there were several of these situations with the same results of people coming to help out when there was a need. He stated that it is a great asset for this area to have people taking care of each other.

The Board met with Kathryn Liebers regarding building repairs for the District #2 Probation Office and the proposed budget for the 2007-2008 fiscal year. Chairman McCallum reported that the office space being used by the Probation Office is in bad shape.

Kathryn Liebers explained that the tenant is responsible for building maintenance on the south portion of the building; however, she negotiated with the Day Companies, who own the building, on the recent lease signed for the north portion of the building in which the county would be responsible for the first \$500 in repairs. She stated that she tried to negotiate a change in the original lease for the south portion of the building; however, the owner would not agree to this change. Ms. Liebers reported that the water heater in the south portion of the building failed, so she obtained bids for replacement of the water heater from Midwest Plumbing & Heating & A/C, Inc., Johnson's Inc., and Volkman Plumbing, Heating and Air Conditioning, Inc. She reported that they took over the north portion of the building which has eased the traffic flow.

Ms. Liebers reported that the transfer of the main office from Wayne to Norfolk occurred July 1st. She explained that Section 29-2259 Nebraska Revised Statutes reflects how the expenses for the Probation District are divided. She reported that each county's expense is based upon that county's workload within the Probation District. She reviewed the actual expenses for the 2006-2007 fiscal year and the amount each county will be required to reimburse to Wayne County. In addition, she explained that Madison County will be responsible for reimbursing \$34,503.22 to Wayne County, which includes \$16,800 for rental fees that are the responsibility of Madison County since the Norfolk office was not the main probation office during the 2006-2007 fiscal year. Ms. Liebers reported that the office rent for the 2007-2008 fiscal year will be divided between all the counties in the district since it has become the main office. She explained that since Madison County is now headquarters for the main office, all office expenses must be paid by Madison County instead of Wayne County and Madison County will be reimbursed from the other counties in July 2008 for their proportionate share of the fiscal year expenses. She stated that the largest asset to Madison County is relocation of the main office to Norfolk because this will allow a portion of the office rent to be billed out to all other counties in future fiscal years, and rent is the largest expenditure for the district.

Ms. Liebers reported that the proposed budget for the 2007-2008 fiscal year is \$80,813.17 and she reviewed each line item with the Board members. She explained that payment of the utilities is not the responsibility of the county, but building repairs must be paid by the county. She reported that the telephone budget includes a one time expense of \$6,900 for the new telephone system and \$779 to change the telephone and internet from multiple vendors to Qwest. She stated that the salaries for the Probation Office staff are paid by the State and the total for the 2006-2007 fiscal year total was in excess of \$464,000. In addition, she reported that the State of Nebraska also pays mileage and chemical dependency evaluations, treatments and counseling for offenders.

Chairman McCallum stated that the county may need to look at purchasing a building to house the Probation Office in the future. He stated that ten years of rental fees would go a long way towards the purchase of a building. Ms. Liebers reported that the current lease is valid until June 2009. She stated that the building is not handicap accessible and the owner has agreed to install a handicap ramp at the main entrance of the building. She reported that there are several problems with the building, including a wiring issue.

Ms. Liebers thanked the Board for four workstations given to the Probation Office from the Sheriff's department. She explained that everyone has been very supportive of the office during the transition and she expressed her appreciation for this.

After discussion, Chairman McCallum authorized Ms. Liebers to proceed with installing a new water heater and replacing the ballasts in the light fixtures prior to approval of the 2007-2008 fiscal year budget.

No further action was taken.

County Attorney Joseph Smith and former County School Administrator Tom Davis were present to discuss a request by the County Attorney's office for use of the office space formerly used as a County Superintendent's Office. Mr. Davis stated that the Class I schools have an appeal pending before the Federal Court and he expects a decision by the end of July. He stated that he knows that other offices in the courthouse need office space; however, he requested the Board to consider holding the office space until the decision of the Federal Court was rendered.

Chairman McCallum questioned what will occur if the Class I schools receive a favorable decision from the Federal Appeals Court. Mr. Davis responded that he doesn't know the mechanics of re-forming the Class I schools; however, the decision supposedly makes it a lot easier for the Class I schools to reorganize. He stated that if the court decision is not favorable the Class I schools will need to wait for the next Legislative session. Chairman McCallum stated that the County Board can't hold the office space until the Legislature re-convenes and Mr. Davis responded that he is not asking the Board to hold the office space that long. Chairman McCallum questioned what will happen with the school buildings that are already owned by the high school districts. Mr. Davis responded that his understanding is that the school buildings would revert back to the Class I schools. Chairman McCallum stated that he had a State Senator tell him that the Class I school buildings became the property of the high school districts after the dissolution of the Class I schools in June 2006. Mr. Davis stated that there is a lot of misinformation regarding the dissolution of the Class I schools.

County Attorney Joseph Smith reported that he is not in a big hurry but he has a lot of files that he needs some place to store, but he would rather see the School Administrator's Office open if it works out. He questioned what type of court case was filed and Mr. Davis explained that this case is an appeal to the Federal Court on the constitutionality of the state decision. In addition, he reported that Don Stenberg argued the case in a federal court in Kansas City. Mr. Smith stated that the Federal Court may determine that this issue is a matter of state law.

County Attorney Joseph Smith recommended that the Board continue holding the office space for the School Administrator until the decision from the Federal Court is received. Chairman McCallum stated that the Board hasn't decided how they are planning to use the room. In addition, he stated that once the Federal Court decision is made, the County Board should decide if the office space will continue to be used for a School Superintendent's office or if it should be assigned to someone else. Commissioner Klein stated that reconstruction of the Class I schools will take a long time because a number of school boards will be involved and it will probably be impossible to get it done. Mr. Davis responded that Class I individuals are very determined and they don't give up easily.

Motion by Uhlir and second by Klein to hold the County Superintendent's office space until August 1, 2007.

During discussion on the motion, Tom Davis requested the Board to extend the time until August 31, 2007. Commissioner Klein recommended leaving the date as August 1st. Chairman McCallum stated that if the Federal Court decision has not been received in late July, Mr. Davis should inform the Board. Mr. Davis stated that he appreciated the County Board holding the office space until this time.

Chairman McCallum called for the vote on the question. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board reviewed a report submitted by dwb, Inc. regarding courthouse ADA compliance issues. Chairman McCallum stated that no price quotes were submitted with the report. County Highway Superintendent Richard Johnson stated that he is concerned with the note on the report that states that modifications made to the building may result in a plan review and site inspection that will require compliance with current life safety codes for existing buildings. Commissioner Klein expressed concerns that if the county starts making ADA compliance changes it may become very expensive to meet all current ADA compliance standards. In addition, he stated that he wants further clarification on the compliance requirements. Commissioner Uhlir stated that he wants information on the costs associated with the ADA compliance requirements.

No action was taken by the Board.

The Board reviewed the draft regulations for Quarantine, Isolation and Decontamination procedures as submitted by the Elkhorn Logan Valley Public Health Department. No action was taken by the Board.

The following claims were audited:

GENERAL FUND

Total Net Payroll		88,687.05
Mark Albin	Legal Services, County Court	959.01
Alltel	Telephone Services, Planning and Zoning	74.50
Alltel	Telephone Services, County Extension	92.18
American Family Life Assurance Co.	Insurance Premiums	638.51
Ameritas Life Insurance Corporation	Employee Share Retirement	5,743.84
Ameritas Life Insurance Corporation	Employer Share Retirement	8,439.41
Ameritas Life Insurance Corporation	Insurance Premiums	281.13
Aquila	Gas Service, Planning and Zoning	20.14
Aquila	Gas Service, Veterans' Service Office	24.62
Aquila	Utilities, County Relief	608.00
Aramark Correctional Services	Meals, County Jail	18,305.78
B & A's Welding, Inc.	Repairs, County Sheriff	39.25
Bankers United Life Assurance Company	Insurance Premiums	9.00
Battle Creek Farmers Coop	Fuel, Supplies, County Sheriff	199.66
Blue Cross Blue Shield of Nebraska	Insurance Premiums	98,475.75
Bessie Bove	Prior Service Benefits	12.00
Sandra Brahmer	Rent, County Relief	250.00
Broadwing Communications	Telephone Service, Courthouse	267.77
Brogan and Stafford, P.C.	Legal Services, County Court	2,155.80
Cableone	Internet Services, Courthouse	6.00
Cableone	Internet Services, Planning and Zoning	55.95
Carney Law, P.C.	Legal Services, County Court	2,121.47
Tim Carter	Rent, County Relief	250.00
Central United Life Insurance Company	Insurance Premiums	49.06
Champs Inc.	Maintenance Agreement, County Jail	2,166.00
Charles Balsiger	Legal Services, County Court	127.05
City of Madison	Utilities, Courthouse	2,459.68
City of Madison	Utilities, County Jail	337.02
Colonial Life and Accident Insurance	Insurance Premiums	92.79
Connecting Point	Services, Equipment, County Sheriff	412.50
Connecting Point	Internet Services, Courthouse	17.90
Continental Alarm & Detection	Inspection, County Jail	450.00
Credit Management Services Inc.	Garnish of Wages	52.60
Culligan	Drinking Water Service, County Jail	59.00
Cummins Central Power, L.L.C.	Repairs, County Jail	438.00
DAS Communications	Telephone Service, Planning and Zoning	44.15
DAS Communications	Telephone Service, County Sheriff	262.29
DAS Communications	Telephone Service, County Jail	441.71
DAS Communications	Telephone Service, Veterans' Service Office	70.60
DDSS Inc.	Equipment, County Attorney	188.00
Douglas County Court	Copies, Law Enforcement	6.00
Douglas County Treasurer	Autopsy Costs, Law Enforcement	31.67
Eakes Office Plus	Supplies, County Jail	1.98
Elkhorn Valley Economic Development	Dues	70,452.00
Enviromaster Inc.	Supplies, County Jail	42.00
Eye Physicians	Services, County Jail	21.00
Field's Hardware	Supplies, Courthouse	35.54
Field's Hardware	Supplies, County Sheriff	7.67
Field's Hardware	Supplies, County Jail	448.99
First Concord Benefits Group	Flexible Benefit Plan	2,140.97
Fitzgerald, Vetter & Temple	Legal Services, County Court	949.44
Fleet Services	Fuel, County Sheriff	158.72
Fracotyp-Postalia, Inc.	Postage, County Sheriff	15.50
Frontier	Telephone Services, Public Defender	279.00
Frontier	Telephone Services, Courthouse	1,403.30
F-Ware Distributing, Inc.	Shipping, District Court	45.12
F-Ware Distributing, Inc.	Equipment, County Sheriff	104.79
Gall's Inc.	Uniforms, County Jail	237.03
Gall's Inc.	Uniforms, County Sheriff	318.43
Hartford Life Insurance Company	Deferred Compensation	280.00
James Hartley	Rent, County Relief	250.00
Hauge Associates Inc.	Garnish of Wages	67.71
HSBC Business Solutions	Equipment, Supplies, Planning and Zoning	679.36
HT Property Management LLC	Rent, County Relief	250.00
Jerry's Standard Inc.	Fuel, County Sheriff	484.96
John Johnson	Meals, Travel Expense, Planning and Zoning	139.72
Sharon Joseph	Mileage, Public Defender	111.55
Kelly Supply Company	Repairs, Courthouse	171.35
Knudson Apartments	Rent, County Relief	250.00
Lakewood Apartments	Rent, County Relief	144.30
Lancaster County Sheriff	Service Fees, County Court	15.95
Kathleen Laughlin	Garnish of Wages	76.62

Louderback Drug	Prescriptions, County Jail	3,633.34
Madison Ampride Inc.	Fuel, Courthouse	219.46
Madison Ampride Inc.	Fuel, County Sheriff	689.29
Madison County Clerk	Federal Tax Deposit	27,841.86
Madison County Clerk of the District Court	Filing Fees, District Court	1,062.00
Madison County Sheriff	Service Fees, Mental Health	145.71
Madison County Sheriff	Court Costs, District Court	824.85
Madison County Sheriff	Court Costs, County Court	1,807.35
Madison County Veterinary Clinic	Impound Fees, County Sheriff	77.00
Madison Star Mail	Publications Costs, Planning and Zoning	7.36
Maintenance Engineering LTD	Repairs, Courthouse	1,196.22
Major Refrigeration Co. Inc.	Repairs, County Jail	369.05
Christal McDonald	Transcript, Law Enforcement	79.40
Menards	Supplies, County Sheriff	6.92
Mid American Specialties Inc.	Supplies, County Sheriff	452.54
Midwest Brokerage	Rent, County Relief	300.00
Midwest Plumbing & Heating	Repairs, County Jail	6,700.05
Morrissey Motor Company	Repairs, Reappraisal	52.45
Morrissey Motor Company	Repairs, County Sheriff	54.95
Moyer, Egley, Fullner, Montag & Keenan	Legal Services, County Court	212.25
NCDA	Dues, Public Defender	90.00
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Department of Motor Vehicles	Copies, Law Enforcement	4.00
Nebraska Department of Revenue	State Income Tax	3,669.86
Sarah Nelson	Mileage, Meals, County Extension	176.27
Norfolk Daily News	Publication Costs, County Extension	6.17
Norfolk Daily News	Publication Costs, Courthouse	8.74
Norfolk Office Equipment	Supplies, County Sheriff	142.50
Northeast Community College	Lease, Operating Fees, County Extension	3,377.85
Northeast Nebraska Area Agency on Aging	Administrative Costs	11,931.00
Northeast Nebraska Juvenile Services Inc.	Board of Juveniles	5,585.00
Northeast Nebraska Economic Development District	Annual Membership Dues	850.00
Rita Olberding	Transcripts, District Court	240.00
Jon Oswald	Mileage, County Extension	31.41
Pierce County Court	Copies, Law Enforcement	5.25
Pitney Bowes, Inc.	Postage, Planning and Zoning	105.95
Region IV Inc.	Quarterly Funding	9,147.75
Reynoldson's Inc.	Fuel, County Sheriff	581.75
Blaine Roffman, M.D.	Autopsy Services, Law Enforcement	895.00
Scheer's Ace Hardware	Supplies, Courthouse	11.98
SD Computer Support Service	Services, District Court	241.25
Lee Sherry	Mileage, County Extension	87.30
Joseph Smith	Mileage, Law Enforcement	265.78
Nathaniel Stender	Witness Fees, District Court	20.00
Stratton & Kube, P.C.	Legal Services, District Court	2,955.58
Super Suds Touchless Auto Wash	Car Washes, County Sheriff	150.00
Dale Taylor	Interpreting Services, Public Defender	112.50
Telebeep	Pager Service, County Jail	514.22
U.S. Cellular	Telephone Services, Law Enforcement	56.03
David Uher	Legal Services, County Court	2,382.47
University of Nebraska, NE Research Center	Equipment, County Extension	232.78
Valero Marketing and Supply Company	Fuel, Planning and Zoning	25.00
Melissa Wentling	Supplies, Public Defender	42.19
Western Office Plus	Supplies, County Assessor	22.30
Western Office Plus	Supplies, County Sheriff	69.44
Western Office Plus	Supplies, County Attorney	119.40
Western Office Plus	Supplies, District Court	5.99
White Star Oil Co.	Fuel, Repairs, County Sheriff	381.97
Vlasta Whyte	Prior Service Benefits	16.00
C.A. Wilber, D.D.S.	Dental Services, County Jail	172.00
Windshield Doctors	Repairs, County Sheriff	20.00

#### ROAD/BRIDGE FUND

Total Net Payroll		11,519.52
Agrelant Genetics LLC	Supplies, District #3	1,704.00
American Family Life Assurance Company	Insurance Premiums	197.17
Ameritas Life Insurance Corporation	Employee Share Retirement	708.57
Ameritas Life Insurance Corporation	Employer Share Retirement	1,062.88
Ameritas Life Insurance Corporation	Insurance Premiums	60.34
Aquilla	Gas Service, District #1, #2, #3	161.35
B's Enterprises Inc.	Blades, Supplies, District #1, #2	2,187.80
Bankers United Life Assurance Company	Insurance Premiums	44.58
Battle Creek Farmers Cooperative	Fuel, District #1, #2, #3	16,988.03
Battle Creek Municipal Light & Power	Utilities, District #3	127.46
Blue Cross Blue Shield of Nebraska	Insurance Premiums	24,731.57
Broadwing Communications	Telephone Service, District #1, #3	67.99
Caterpillar Financial Services	Equipment Lease, District #2	1,913.64
Central United Life Insurance Company	Insurance Premiums	95.84
City of Madison	Utilities, District #1	325.02

City of Newman Grove	Utilities, District #1	42.30
Colonial Life and Accident Insurance	Insurance Premiums	95.94
Connecting Point	Equipment, District #1	169.00
Cornhusker Auto Center	Repairs, District #1	202.50
Cornhusker International Truck	Repairs, District #1, #2	123.35
Dinkel Implement Co.	Repairs, District #1	73.48
Eastern Nebraska Telephone Company	Telephone Service, District #3	64.40
Filter Care of Nebraska LTD	Services, District #2	31.25
First Concord Benefits Group	Flexible Benefit Plan	570.73
Frontier	Telephone Service, District #1, #3	217.34
Graham Tire	Repairs, District #3	1,141.40
Hartford Life Insurance Company	Deferred Compensation	40.00
Henkel Oil Company	Fuel, District #2	22.80
J & J Auto Repair & Welding	Repairs, District #1	150.39
Kayton International Inc.	Repairs, District #2	50.30
Kelly Supply Company	Repairs, District #2, #3	299.66
Kimball Midwest	Repairs, District #1	249.20
Ervin Klentz	Prior Service Benefits, District #2	13.00
Linweld	Supplies, District #1, #3	72.90
Madison Ampride Inc.	Fuel, District #1	1,208.08
Madison County Clerk	Federal Tax Deposit	3,038.17
Matteo Sand & Gravel Co. Inc.	Gravel, District #1, #2, #3	10,955.47
Midwest Service and Sales Co.	Repairs, District #2	53.00
Nebraska Child Support Payment Center	Garnish of Wages	230.77
Nebraska Department of Revenue	State Income Tax	281.28
Nebraska Machinery Company	Repairs, District #1, #2	945.37
Nebraska Public Power District	Utilities, District #2	107.58
Norfolk Auto Supply Inc.	Supplies, District #3	442.30
Nutra-Flo Company	Repairs, District #2	5,646.15
Prime Sanitation	Garbage Service, District #2	53.75
Progas LLC	Fuel, District #3	884.05
Quick Serve Oil Company Inc.	Fuel, District #3	357.59
State of Nebraska	Motor Fuel Tax, District #3	1,213.00
Telebeep Wireless	Repairs, District #2	141.96
Truck Center of Norfolk	Repairs, District #1, #2, #3	272.22
US Cellular	Telephone Service, District #1, #2, #3	243.09
United Rentals	Repairs, District #1, #2	55.80
Van Diest Supply Company	Chemicals, District #3	2,753.10
Weldon Industries Inc.	Repairs, District #1, #3	827.44
White Star Oil Company	Fuel, District #1	118.68

FEDERAL AID SECONDARY FUND

Laker Chemical Inc.	Chemicals	9,900.00
Sta-Bilt Construction Company	Equipment	14,350.00

VISITORS PROMOTION FUND

Norfolk Public Schools	Grant	1,745.50
------------------------	-------	----------

LAW ENFORCEMENT OPERATING FUND

Eakes Office Plus	Supplies	258.26
Madison County Sheriff	Supplies	179.80

NOXIOUS WEED FUND

Total Net Payroll		823.36
Ameritas Life Insurance Corporation	Employee Share Retirement	27.59
Ameritas Life Insurance Corporation	Employer Share Retirement	41.39
Blue Cross Blue Shield of Nebraska	Insurance Premiums	1,182.51
Madison County Clerk	Federal Tax Deposit	172.27
Nebraska Department of Revenue	State Income Tax	14.09

911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Services	119.55
Frontier	Telephone Services	160.41

Motion by Uhlir and second by Klein that the claims as audited be approved and that checks be drawn for payment. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board adjourned at 10:44 A.M. to Tuesday, July 24, 2007 at 9:30 A.M.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman