

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 10, 2018

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

Advance notice of meeting was published in the Thursday, July 5, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

Following a moment of Silence and the Pledge of Allegiance to the flag of the United States of America, Chairman Jim Prauner called the meeting to order and notified the public of the copy of the Open Meetings Act posted in the meeting room.

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, County Clerk Nancy Scheer, and Commissioner-Elect Troy Uhlir. County Highway Superintendent Richard Johnson was present until 11:45 A.M. Norfolk Daily News reporter Jerry Guenther and WJAG reporter Cody Ronnfeldt were present until 10:46 A.M. News Channel Nebraska reporter Rashaad Vann was present until 10:58 A.M.

Motion was made by Ohl and seconded by Schmidt to add an emergency item to the agenda for signing of closing documents for finalization of the building purchase located at 1305 and 1307 South 13th Street in Norfolk. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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

- 1) Approval of minutes of the June 26, 2018 meeting
- 2) Termination of lease with Northeast community College for office space for County Extension Office located at 601 East Benjamin Avenue, Suite 5, Norfolk
- 3) Authorization for County Board Chairman to execute the request for CDBG funds in the amount of \$1,275.00 for CDBG Grant No. 16-ED-001, Weiland, Inc.
- 4) Approval of Change Order No. 1 for the courthouse skylight project resulting in a net decrease of \$1,892.00
- 5)

RESOLUTION #2018-38

WHEREAS, Check No. 17120432, dated December 27, 2017, and drawn on the General Fund in the amount of thirty seven dollars and twelve cents (\$37.12), was made payable to Brooke Pelster-Hess, 333 Norfolk Avenue, Norfolk, Nebraska 68701, and

WHEREAS, said check was issued for reimbursement of witness fees and mileage in County Court Case JV 16-200 and has not been tendered; and

WHEREAS, Brooke Pelster-Hess requested cancellation of the check because her employer, Oasis Counseling International, reimbursed her for the witness fees and mileage paid with County Check No. 17120432,

NOW, THEREFORE, BE IT RESOLVED that, Check No. 17120432, dated December 27, 2017, and drawn on the General Fund in the amount of thirty seven dollars and twelve cents (\$37.12), is hereby cancelled.

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

Motion made by Ohl and seconded by Schmidt to approve the regular agenda for the meeting as amended. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, June 30, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:36 A.M. to receive citizens' comments regarding the application of Bret and Alicia Beal for a conditional use permit to construct a house on less than 40 acres on Brian Taake's Lot Split in Section 10-23-3, which is located approximately 2 miles west and 1 mile south of the City of Battle Creek.

Bret and Alicia Beal were present at the hearing to speak in support of the application. Alicia Beal testified that they plan to build a house and building on the property. Chairman Prauner asked how many acres are included in the lot split application and Mrs. Beal responded that the parcel is lightly over 5 acres. Chairman Prauner asked if there is a driveway and Mrs. Beal replied that they have an informal driveway that they plan to expand. Commissioner Schmidt reported that no objections were voiced at the Planning Commission meeting.

No other public comments were received during the hearing. Chairman Prauner closed the hearing at 9:40 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2018-39

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

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

WHEREAS, notice of public hearing was published in the June 30, 2018 edition of 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:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned A-1 Intensive Agriculture and meets the density requirements for the Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Bret & Alicia Beal to construct a home on less than 40 acres on BRIAN TAAKE'S LOTSPLIT described as:

Part of the SW¼ of the SW¼ of Section 10, Township 23 North, Range 3 West of the 6th P.M., Madison County, Nebraska
(See attached)

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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 is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

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 Schmidt and seconded by Ohl that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, June 30, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:42 A.M. to receive comments' comments regarding the application of Ron and Kathi Lenser for a conditional use permit to construct a house on less than 40 acres on Lot 2, Joe Fuchs Lot Split in Section 17-23-1, which is located 2 miles south of the City of Norfolk on 554th Avenue.

Ron and Kathi Lenser were present at the hearing to speak in support of the application. Ron Lenser stated that they want to build a house on 11.36 acres of property. Chairman Prauner asked if the property has a well and septic system and Mr. Lenser responded no. Chairman Prauner asked about a driveway and Mr. Lenser replied that they plan to access the property from Warnerville Drive because access from 554th Avenue is rather steep. Commissioner Ohl explained that if there is no access to the property he would appreciate if Mr. and Mrs. Lenser would coordinate a driveway with the road crew to make sure a culvert could be installed if one is required. Chairman Prauner asked when construction would begin and Mr. Lenser responded that they would like to start building in 2019.

Kathi Lenser explained that they would possibly need a culvert on Warnerville Drive because there is a slight ditch and they don't want to stop any water flow. She stated that they can access the property on the corner of 554th Avenue and Warnerville Drive because it is fairly level. Commissioner Schmidt asked if the owners had tried to determine if there is water on the property. Mrs. Lenser responded that they have talked to neighbors Tim Miller and Joe Fuchs who stated that they both have good water wells which were dug to approximately 180 feet and back up to 140 feet. Commissioner Schmidt stated that there are some shallow wells in this area and in 2012 some people had water problems due to all the irrigation wells pumping water. Commissioner Ohl encouraged the owners to dig the well deep enough while making the investment to ensure that there wouldn't have any problems in the future. He reported that the application was unanimously approved by the Planning Commission.

No public comments were received in opposition to the application. Chairman Prauner closed the hearing at 9:45 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2018-40

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

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

WHEREAS, notice of public hearing was published in the June 30, 2018 edition of 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:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned A-1 Intensive Agriculture and meets the density requirements for the Zoning district.
3. This application is for two homes on the lot after completion of approved lot split.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Ron & Kathy Lenser to construct a home on less than 40 acres on property described as:

Lot 2 , Joe Fuchs Lot Split, located in the NE ¼ of the SE ¼ of Section 17, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska

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 is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single family home on less than 40 acres for two lots.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

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 by Ohl and seconded by Schmidt that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

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Pursuant to published legal notice in the Saturday, June 30, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:47 A.M. to receive citizens' comments regarding the application of David Unkel for a conditional use permit to construct a house on less than 40 acres on David Unkel Lot Split in Section 2-23-2, which is located approximately four miles east of the City of Battle Creek on 840th Road.

David Unkel and his grandson, Evan Unkel, appeared at the hearing. David Unkel testified that his grandson is getting married in June, 2019 and plans to build a house. Chairman Prauner asked about driveway access to the parcel and David Unkel replied that an existing driveway will be used.

Chairman Prauner reported that that the Planning Commission unanimously approved the application.

No public comments were received in opposition to the application. Chairman Prauner closed the hearing at 9:50 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2018-41

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

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

WHEREAS, notice of public hearing was published in the June 30, 2018 edition of 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:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.

2. The property is zoned A-1 Intensive Agriculture and meets the density requirements for the Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to David Unkel to construct a home on less than 40 acres on DAVID UNKEL LOTSPLIT described as:

Part of the NE¼ of the NW¼ of Section 2, Township 23 North, Range 2 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 is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

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 by Ohl and seconded by Schmidt that the foregoing resolution be adopted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, June 30, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:56 A.M. to receive citizens' comments regarding the final plat application of Sherman Terry for School House Acres, a Subdivision in Section 20-23-1, which is located approximately two miles south of the City of Norfolk on 837th Road.

Richard Johnson reported that the subject property is the land owned by the Terry family located east of the railroad tracks and the property was subdivided into four lots. He explained that the land located west of the railroad tracks is approximately 20 acres and has already been sold. He stated that the Commissioners already approved a zoning change for that parcel to rural residential. He said that a significant amount of other land in this area is also rural residential.

Chairman Prauner asked if there were any problems with culverts and drainage. Mr. Johnson replied that there is a small creek going through the property that is in the 100 year flood plain and buyers will not want to build close to the creek. He reported that future buyers can pick out an area and raise it up to build a house.

Commissioner Schmidt asked if the County would be liable if the subdivision is approved and a big flood washes out a basement. Mr. Johnson responded that if the County enforces the zoning regulations there shouldn't be liability. Chairman Prauner asked if a study would need to be completed before anyone could build on the lots. Mr. Johnson replied that, in his opinion, a study wouldn't need to be completed because he doubts that the entire area would flood. He said that it wouldn't be any different than other parcels approved for building a house because the owner picks a location for the house and there isn't a substantial review procedure by the County.

Commissioner Ohl said that the report from the Zoning Administrator states that the north portion has some floodplain; however, there are buildable areas without flood plain development. He said that road access will be on the east side of the parcels. In addition, the report stated that there were questions from the Planning Commission about the availability of water in the area and the consensus among the members was that it does not affect the vote to allow the subdivision and would be a buyer beware situation.

Chairman Prauner asked how many houses could be constructed in the subdivision and Mr. Johnson responded that four houses could be built on the east side of the railroad tracks and possibly one house on the west side. Commissioner Schmidt asked if two houses could be built if the subdivision plat isn't approved and Mr. Johnson responded affirmative.

No public comments were received in opposition to the application. Chairman Prauner closed the hearing at 10:00 A.M.

Chairman Prauner reported that that the Planning Commission approved the application with one member voting against it.

After discussion, a motion was made by Ohl and seconded by Prauner to approve the final plat application of Sherman Terry for School House Acres, a Subdivision in Section 20-23-1.

During discussion on the motion, Commissioner Schmidt commented that looking at the water table of wells that are drilled in the area, many of them are very shallow and this is a concern. He said that, in his opinion, this isn't a good spot for a housing development. Commissioner Ohl stated that he would caution buyers to make sure that a thorough research is completed so that an adequate well can be drilled and that houses are not built in the floodplain. He stated that lenders usually have these items researched. Chairman Prauner stated that this development would increase the total property valuation in the County.

Roll call vote: Ayes, Ohl and Prauner. Nays, Schmidt. Motion carried.

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Ron Stauffer and Joe Ferguson appeared before the Board to discuss the Johnson Park River Rehabilitation Project along the Elkhorn River in Norfolk.

Mr. Stauffer reported that the Riverfront group in the City of Norfolk has been trying for several years to develop the North Fork of the Elkhorn River to turn the river into a recreational spot. He explained that the Riverfront group will be going before the Lower Elkhorn Natural Resources District Board of Directors to request a significant amount of funds. He explained that Riverwise Engineering from Colorado performed a study on the river to develop a plan. He stated that the plan includes development of a long-term plan to lower the river down to the same level as Johnson Park and then develop rapids in the river. He explained that the river would be redeveloped to consist of 10 drops of rapids beginning at Benjamin Avenue down to Norfolk Avenue so individuals could kayak, canoe, or tube down the river.

Joe Ferguson explained that the plan would include removal of the dam and spillway so that there would be a gradual drop in the river. He submitted a brochure which included several examples of similar river developments proposed for the Elkhorn River in the City of Norfolk. Mr. Stauffer explained that only two of the cities in the brochure with similar projects are larger than the City of Norfolk and the development had a huge economic impact. He said that another aspect that is even greater is that industries in Madison County need professional workers; so, to attract people to the area there must have some amenities. He reported that the City of Norfolk is doing a dynamic job of getting trails developed and he is amazed at the number of people using the trails all the time. He explained the new business which has canoes and kayaks available for rent are organizing monthly activities. Mr. Stauffer reported that Norfolk City Mayor Josh Moenning recently traveled to Hadar and then kayaked down the river to the bypass canal and then carried his kayak across 1st Street into the Norfolk River. He explained that they want to develop the river into a recreational project and the approximate cost is \$3 million, so they plan to ask the Lower Elkhorn Natural Resources District (LENRD) for a significant portion of these funds. He stated that the reason they are appearing before the Board of Commissioners is to ask for a letter of support for the project to submit to the Lower Elkhorn Natural Resources District. He stated that the LENRD specifically asked if the County Commissioners were in favor of the project; so, the Board would carry some leverage with the Board of Directors. He stated that this project will be good for the City of Norfolk and the surrounding areas. He explained that they have some young farmers and surrounding industries outside of the city that are excited about the project and are writing letters of support. He said that the Action Council of the Norfolk Chamber of Commerce wrote a letter to the editor expressing support for the project. Joe Ferguson stated that Nucor is supporting the project. He stated that this project is not just for young people, but is family oriented.

Chairman Prauner asked what the length of the river project would be. Joe Ferguson responded that approximately one mile of the river will be developed. He stated that funding for the project would involve one-third of public/private partnership, one-third of the funding being requested from the Lower Elkhorn Natural Resources District, and then the City of Norfolk will also contribute funding to the project. Chairman Prauner asked how silting into the river would be handled. Ron Stauffer stated that silting probably occurs in the river outside the City of Norfolk; however, there hasn't been a problem in the portion of the river running through town. He said that the river hasn't been dredged or drained in past years.

Ron Stauffer reported that he spent a lot of time as a youth riding up and down the river. He said that he has motion pictures of driving motorboats up and down the river and at one time there was a boat house located on Elm Avenue. Joe Ferguson reminded the Commissioners that the river is what started Madison County.

Commissioner Schmidt stated that he has heard talk about building restaurants in this area and he asked where these would be located. Joe Ferguson responded that the City of Norfolk has put a moratorium on everything between Norfolk Avenue and Benjamin Avenue, so now it is a controlled area with the right kinds of development occurring such as condos, apartments, businesses, and shops. He reported that Dan and Connie Geary have put together a plan for developing Braasch Avenue and this area will be condos located near the river. In addition, he reported that Steve Borgmann who owns the former Alco property has talked about plans to open up the back of the building so there could be shops and restaurants that look down over the river.

Chairman Prauner asked if a donation drive from private individuals has started. Mr. Ferguson responded that they have talked to the major employers in the area who are supporting the project and they are ready to provide funds; but, they haven't officially started the fund drive. Mr. Stauffer stated that it is important that Madison County support this project and it's also important for the community and all of Madison County. He stated that the major goal of the Norfolk Area Visitors Bureau is to get heads in beds.

Commissioner Ohl stated that the community has a tremendous opportunity with the river, the downtown area, Johnson Park, and all the work that is being done behind the scenes to develop this area. He said that he is very excited about the project. Joe Ferguson reported that the Norfolk Sanitary District is part of this project and will contribute some funding for it. Ron Stauffer reported that they recently found that there are some grants available from the Nebraska Game and Parks and they will be applying for these funds. Commissioner Ohl stated that Norfolk Outfitters is doing a great job of coordinating kayaking on the river and making sure that people have the proper equipment to be safe. He stated that there is a lot of good momentum behind this project and he certainly is supportive.

Chairman Prauner asked if kayaking on the river is free. Mr. Ferguson responded that Norfolk Outfitters is a private business and probably charges for kayak rentals. Mr. Ferguson stated that development of the river is a City project and the City won't charge people to use the river. Commissioner Schmidt stated that if the river is developed people will come. Mr. Stauffer stated that there are great examples in the brochure of how the river development has impacted the cities and several of these communities are smaller than Norfolk. Commissioner Ohl stated that there are great examples in the brochure of towns that have been positively impacted, so it's really encouraging for the Norfolk project.

Mr. Stauffer reported that the Riverfront group is meeting with the Lower Elkhorn Natural Resources District Board of Directors on July 14, 2018 and they would appreciate a letter of support. Mr. Ferguson stated that if any Commissioner wants to show personal support, the committee would welcome a personal letter of support. He explained that they will be asking for \$1 million of funding from the Lower Elkhorn Natural Resources District over a 4 to 5 year period of time. Mr. Stauffer explained that Madison County provides \$350,000 in tax funding annually for LENRD. Mr. Ferguson explained that the challenge with the LENRD is that a lot of the Board members are from surrounding areas, so they don't see a need to support this project, so it's important to convince the outlying Board members to approve funding.

Commissioner Ohl stated that this project is an opportunity to provide bank stabilization and recreation and it will take care of multiple needs in one project.

After discussion, a motion was made by Schmidt and seconded by Ohl to write a letter of support for the Johnson Park River Rehabilitation Project along the Elkhorn River in the City of Norfolk. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Realtor Russ Wilcox met with the Board and presented closing documents for the purchase of property located at 1305 South 13th Street in Norfolk. County Attorney Joseph Smith was present.

Mr. Smith explained that the closing documents include a warranty deed, a promissory note with an amortization schedule, deed of trust, and title insurance. He explained that the title insurance has approximately 14 exceptions, including parking, sewer, driveways, and egress back and forth; but, none of the exceptions appear troublesome. He reported that the deed of trust was prepared by attorney Ryan Stover and he is the trustee. He stated that there is no separate trust agreement since all conditions are built into the deed of trust.

Mr. Wilcox stated that the seller asked if a deed of trust was necessary because there is a high level of trust by the sellers; but, attorney Ryan Stover stated that to complete the transaction correctly a deed of trust should be prepared. Mr. Smith stated that the County will sign a promissory note, deed of trust, and provide the down payment. Chairman Prauner stated that the down payment was already approved at the previous meeting.

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Chairman Prauner asked about the parking area and an agreement with Love Signs. Mr. Wilcox explained that Brad Love likes the idea of the County using the area where his sign is located for parking. He stated that Mr. Love does not want any money from the County to use this space; however, he would like the County to remove the snow and spray the weeds. Mr. Smith suggested that the County sign a letter of agreement for use of this property. Mr. Wilcox stated that Mr. Love requested a simple agreement. Chairman Prauner directed County Attorney Joseph Smith to write a letter of agreement with Love Signs for use of his property by the County as parking. Mr. Johnson stated that the agreement should be clear about who was responsible if someone backs into the sign pole. Commissioner Ohl stated that the extra parking spaces will only be required when a large event is held at the building.

Motion was made by Ohl and seconded by Schmidt to authorize the County Commissioners to sign the closing documents for purchase of the building located at 1305 and 1307 South 13th Street in Norfolk. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Under citizens' comments, Sean Morrissey from Big Country Auto, met with the Board to discuss the improvements planned for the road by his business. He stated that it will be very difficult to operate his business without access off of Highway 81. He explained that he looked at the first three weeks of last month and 55 transactions were completed with people traveling from Wood River, Creston, Humphrey, Lincoln, Primrose, Norfolk, Randolph, Fullerton, Clarkson, Wayne, O'Neill, and other locations and they are all accessing his business from Hwy 81 and this does not include their parts or service business. He stated that it would be crippling to block off access to his business from Hwy 81.

Commissioner Schmidt asked how long it would take to do the portion from Hwy. 81 to the entrance into Big Country Auto. County Highway Superintendent Richard Johnson responded that this section could probably be completed in two weeks. He explained that he anticipates that it will take a week or less to remove the old concrete and get a new concrete poured and then the concrete will need to cure for at least one week.

Commissioner Ohl asked if the project could be divided into two halves to the center of the road and use an apron, or side of the road, to have a one lane access to Big Country Auto. Mr. Johnson responded that the problem with pouring one half of the concrete at a time is that the contractor will need to take out two or three feet of the south lane when he pours the north half so he has a place to put his forms, so doing that will only provide one lane. He said that he has a real concern when someone is trying to get out onto Highway 81 on one lane and someone is also coming off of Highway 81 at the same time on one lane. Mr. Morrissey stated that if the access off Highway 81 is closed, the only traffic will be people coming in and out of his business. Mr. Johnson stated that these are the people that he is trying to protect, plus the people that are backed up on Highway 81 because if someone is trying to get out onto the highway or turn off the highway to come to the car dealership. Mr. Morrissey stated that he owns the property butting up to Highway 81 and he asked if this portion could be rocked to gain access to his business. He stated that there wouldn't be hundreds of cars each day, but enough to affect his business.

Chairman Prauner stated that when the roundabout was constructed on 37th Street in Norfolk, it negatively impacted Jerry's Auto Sales business. He asked if Mr. Johnson could work out a solution. Commissioner Ohl asked if a culvert would need to be extended to allow the shoulder to be rocked for access. Mr. Johnson stated that the Nebraska Department of Transportation would probably not allow temporary access. Mr. Morrissey suggested that the project start on the West end and work towards the driveway access to his business which would allow time for the County to discuss options with the Nebraska Department of Transportation. Mr. Johnson stated that the contractor will want to complete the project from east to west because he doesn't want the concrete trucks coming off of Highway 81. He stated that the concrete trucks will be using the County road for access to the project. Mr. Morrissey stated that they are okay with temporary slag as long as access to his business from Highway 81 is maintained.

Mr. Johnson suggested installing signs along Highway 81 marking a detour to get to Big Country Auto business. Mr. Morrissey stated that marking a detour to his business would be difficult. Mr. Johnson stated that if access is required to the car dealership, at some point the rock would need to be moved from the north side of the road over to the south side of the road; so, permission would need to be obtained from the land owner on the south side. Mr. Johnson stated that there isn't a good way to provide access to the dealership. He stated that a chokepoint is created off the apron when trying to get to the temporary road.

Mr. Morrissey said that if the access off Highway 81 is closed there won't be cars stacked up to turn at this location, except vehicles wanting to get to his business. Commissioner Schmidt stated that this road is the main route for customers doing business at the Courthouse. Mr. Morrissey stated that he doesn't think that there will be much confusion of having two lanes for a distance of 240 feet during the construction process. Commissioner Schmidt stated that the problem is getting off Highway 81 or back onto the highway when more than one vehicle is involved. He said that one of the biggest problems will be vehicles coming from the south and turning off to use the county road and realize that the access is closed and then encounter traffic coming from the north. Mr. Morrissey stated that he wants to keep his customers during the construction process and that he will give up as much of his property as needed so people can get access to his business.

Mr. Johnson stated that he doesn't know what the Nebraska Department of Transportation will say about keeping access open during the construction project. Chairman Prauner stated that he hates to see Mr. Morrissey lose his business over a construction project. Commissioner Ohl stated that road closed signage would still need to be installed to make sure that people who aren't going to the car dealership don't access this road during the construction. He stated that access to the car dealership would be the primary objective.

Mr. Johnson suggested that the Board pass a motion directing him to try to keep access to Big Country Auto against his objections. Chairman Prauner stated that Jerry's Auto Sales went out of business due to the roundabout construction project and he doesn't want to see this happen to Mr. Morrissey. Mr. Johnson agreed; however, he said that he doesn't want anyone to get killed. Mr. Schmidt stated that there aren't any good options; but, making temporary access only to the car dealership is probably the best option. He said that if the Nebraska Department of Transportation won't approve a temporary access, then detour signs will be required. He stated that Highway 81 is a controlled access highway.

After discussion, a motion was made by Schmidt and seconded by Ohl to direct County Highway Superintendent Richard Johnson to contact the Nebraska Department of Transportation to try to make arrangements for access to Big Country Auto during the North Main Street construction project. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) County Clerk June, 2018 fee report
- 3) Clerk of the District Court June, 2018 fee report
- 4) County Sheriff June, 2018 fee report
- 5) 2nd quarter report from CASA of Northeast Nebraska

Motion was made by Schmidt and seconded by Prauner to table a claim payable to the City of Norfolk in the amount of 12,667.11, for payment of economic development services for the month of June, 2018. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

The following claims were audited:

	GENERAL FUND	
Total Net Payroll		151,182.04
Account Control Technology, Inc.	Garnishment of Wages	179.34
American Family Life Assurance Co.	Insurance Premium	997.66
Antelope County Sheriff	Civil Process Fees, Mileage, District Court	87.75
Appeara	Mat Service, Supplies, Public Defenders	28.84
Black Hills Energy	Utilities, Zoning Department	11.22
Black Hills Energy	Utilities, Courthouse	45.51
Black Hills Energy	Utilities, County Jail	106.19
Black Hills Energy	Utilities, Noxious Weeds	11.22
Black Hills Energy	Utilities, Veteran Service Office	23.69
Blue Cross Blue Shield of Nebraska	Insurance Premium	133,778.25
Bomgaars	Supplies, Noxious Weeds	34.99
Bessie Bove	Prior Service, County Courthouse	72.00
Brady & Amy's Inc.	Fuel, Courthouse	117.82
Brady & Amy's Inc.	Fuel, County Sheriff	1,305.73
Brogan Gray PC LLO	Legal Services, County Court	743.06
John Buck	Contract Services, Mileage, Community Based Grant	122.13
Business Telecomm Systems	Telephone Repairs, Public Defender	595.12
Cableone	Internet Services, Courthouse	232.50
CBM Managed Services	Inmate Meals, County Jail	3,881.37
Cedar County Sheriff	Civil Process Fees, County Court	43.30
Century Lumber Center	Repairs, Probation Office	33.49
Champs Inc	Maintenance Contract, County Jail	2,166.00
Maria Izabel Chavez	Interpretation Services, Public Defender	114.00
Maria Izabel Chavez	Interpretation Services, Law Enforcement	211.25
City of Crofton	Contract Services, Supplies, Community Based Grant	512.03
City of Madison	Utilities, Courthouse	3,494.07
City of Madison	Utilities, County Jail	256.51
Colonial Life and Accident Insurance	Insurance Premium	246.52
Connecting Point	Internet Services, Veterans Service Office	38.95
Connecting Point	Internet Service, Community Based Grant	59.95
Connecting Point	Contract Services, Courthouse	3,055.00
Consolidated Management Company	Meals, County Jail	363.97
Constellation Newenergy	Utilities, County Courthouse	266.04
Constellation Newenergy	Utilities, County Jail	620.76
Constellation Newenergy	Utilities, Veteran Service Office	3.60
Copple Rockey McKeever & Schlecht, PC LLO	Legal Services, Court	2,287.38
Culligan of Norfolk	Supplies, Probation Office	70.00
Culligan of Norfolk	Supplies, Community Based Grant	23.50
Cuming County Clerk	Contract Services, Community Based Grant	1,555.72
DAS Accounting - Central Finance	Telephone Services, Zoning Department	28.33
DAS Accounting - Central Finance	Teletype Services, County Sheriff	262.29
DAS Accounting - Central Finance	Telephone Service, Law Enforcement	8.40
DAS Accounting - Central Finance	Teletype Services, County Jail	441.71
DAS Accounting - Central Finance	Telephone Service, Noxious Weeds	28.32
DAS Accounting - Central Finance	Telephone Services, Veteran Office	72.04
Debra Davis	Refund Insurance Premium	11.22
Doerr & Klein PC	Legal Services, County Court	3,842.40
Douglas County Treasurer	Autopsy Fees, Law Enforcement	339.75
Ryan Dusel	Mileage, District Court	29.95
Eakes Office Solutions	Supplies, County Treasurer	25.92
Eakes Office Solutions	Supplies, District Court	62.17
Eakes Office Solutions	Supplies, Courthouse	379.84
Eakes Office Solutions	Supplies, County Sheriff	26.09
Eakes Office Solutions	Copier Maintenance, Supplies, Juvenile Accountability	640.02
Eakes Office Solutions	Supplies, County Jail	417.37
Eakes Office Solutions	Supplies, Probation Office	115.80
Ewalt Law Office PC, LLO	Legal Services, County Court	663.50
Ewalt Law Office PC, LLO	Contract Services, County Court	12,500.00
Field's Hardware	Supplies, County Courthouse	28.47
First Concord Benefits Group	Administration Fees, Flex Plan, Deductible Buy-down	4,300.43
Fitzgerald, Vetter, Temple & Bartell	Legal Services, County Court	1,446.15
Floor Maintenance & Paper Supply	Supplies, Courthouse	365.75
Daniel Fullner	Mileage, Mental Health	17.44
Hank's Front End Service	Repairs, County Sheriff	140.00
Chelsey Hartner	Mileage, Public Defender	109.00
Naomi Hemphill Cleaning	Cleaning Services, Public Defender	90.00
Charlie Hendrix	Contract Services, Community Based Grant	240.00
Megan Hoins	Mileage, Public Defender	943.94
Hometown Leasing	Copier Lease, Probation Office	772.71
Carey Hopkins	Mileage, Community Based Grant	64.86
Horwath Laundry Equipment	Equipment Repairs, County Jail	2,585.51
Jeffery L. Hrouda	Legal Services, County Court	1,651.60
Jack's Uniforms & Equipment	Uniforms, County Jail	230.74
John's Disposal	Garbage Services, Probation Office	68.00
John's Disposal	Garbage Services, Veterans Service Office	24.00
Addison Johnson	Mileage, Community Based Grant	113.36
Kustom Signals Inc	Equipment, County Sheriff	4,882.00
Lancaster County Sheriff's Office	Civil Process Fees, County Court	12.58
Clarissa LaPlante	Mileage, Law Enforcement	269.50
Love Signs	Supplies, Zoning Department	50.00
Madison County Abstract Company	Search Fees, Noxious Weeds	50.00
Madison County Clerk	Tax Deposit, Retirement	81,312.20
Madison County Clerk of District Court	Filing Fees, District Court	1,296.00

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MADISON COUNTY, NEBRASKA

Madison County Court	Filing Fees, County Court	1,941.92
Madison County Sheriff	Civil Process Fees, District Court	716.10
Madison County Sheriff	Civil Process Fees, Mental Health	43.56
Madison National Life Insurance Co. Inc.	Insurance Premium	245.56
Jennie Martinez	Mileage, Zoning Department	13.08
Heather McWhorter	Cell Phone Re-imburement, Zoning Administration	90.00
Menards	Supplies, Noxious Weeds	12.37
MIPS	Data Processing Costs, County Clerk	637.01
MIPS	Data Processing Costs, County Treasurer	1,341.39
MIPS	Data Processing Costs, Equip. Lease, Register of Deeds	524.00
National Enterprise Systems Inc.	Garnishment of Wages	214.55
Nationwide Retirement Solutions	Deferred Compensation	2,930.00
Nebraska Child Support Payment Center	Garnishment of Wages	726.62
Maria Nievas-Salavera	Mileage, Community Based Grant	69.76
Norfolk Daily News	Publication Costs	198.79
Northeast Community College	Training, County Jail	102.50
Northeast Nebraska Area Agency of Aging	Annual Appropriation	16,074.00
NNEDD	Membership Fees	890.00
Valorie Olson	Court Reporting, Mental Health	50.00
Valorie Olson	Court Reporting, District Court	176.25
One Office Solution	Supplies, County Treasurer	485.28
One Office Solution	Copier Maintenance, County Assessor	88.12
One Office Solution	Supplies, Zoning Department	5.48
One Office Solution	Supplies, District Court	16.44
One Office Solution	Supplies, Public Defender	215.03
One Office Solution	Supplies, County Attorney	184.50
One Office Solution	Supplies, Noxious Weeds	5.47
Presto-X	Pest Control, Public Defender	50.00
Presto-X	Pest Control, County Courthouse	97.00
Region 4 Behavioral Health System	Annual Appropriation	16,896.25
Relx Inc. dba Lexis Nexis	Subscription, County Attorney	494.00
Reynoldsons	Fuel, Zoning Department	88.31
Nancy Scheer	Postage, County Clerk	97.65
Schroeder Land Surveying	Equipment Rent, Surveying Services, County Surveyor	1,268.00
Judy Schroeder	Prior Service, County Courthouse	66.00
Secretary of State	Supplies, Election Commissioner	50.00
Joseph Smith	Mileage, Law Enforcement	212.58
Stewart Title	Title Insurance	912.75
Stratton DeLay Doele Carlson & Buettner PC LLO	Legal Services, County Court	5,518.74
Donald Svitak	Postage, Noxious Weeds	7.90
The Change Companies	Books, Community Based Grant	622.16
US Bank Corporate Payment System	Fuel, Supplies, County Sheriff	368.15
US Bank Corporate Payment System	Books, Supplies, Community Based Grant	1,237.66
Verizon Wireless	Telephone Services, County Assessor	40.01
Verizon Wireless	Telephone Services, Community Based Grant	495.69
Verizon Wireless	Router Services	78.04
Vision Service Plan	Insurance Premiums	379.81
Whitey's Sprinklers	Lawn Services, County Courthouse	175.00
Zodiac Properties, LLC	Rent, Probation Office	12,059.54

ROAD/BRIDGE FUND

Total Net Payroll		30,449.90
American Family Life Assurance Co.	Insurance Premium	601.60
Appeara	Towel, Uniforms	222.27
Battle Creek Farmers Coop.	Fuel	3,744.56
Battle Creek Light & Power	Utilities	179.55
Bauer Built Tire	Tire Repairs	1,422.09
Bierman Sandblasting & Painting LLC	Parts, Repairs	651.15
Black Hill Energy	Utilities	56.70
Blue Cross Blue Shield of Nebraska	Insurance Premium	35,181.00
Brady & Amy's Inc.	Fuel	701.34
City of Madison	Utilities	514.98
City of Newman Grove	Utilities	61.00
Colonial Life and Accident Insurance	Insurance Premium	115.52
Connecting Point	Internet Services	15.00
Constellation Newenergy	Utilities	115.80
Cornhusker International Trucks Inc.	Parts	718.41
Courtesy Ford Lincoln Mercury	Repairs	33.42
Dale R. Johnson Ent. Inc.	Gravel	27,212.63
Dinkel Implement Co	Parts	448.67
Eastern Nebraska Telephone Co	Telephone Service	52.24
Eastern Nebraska Trailer Repair Inc	Parts	1,211.05
Fastenal Company	Repairs	41.99
Fields' Hardware	Supplies	31.00
Filter Care of Nebraska, LTD	Repairs	131.30
First Concord Benefits Group	Administration Fees, Flex Plan, Deductible Buy-down	967.43
Island Supply Welding Co.	Supplies	91.90
Kelly Supply Company	Parts	61.75
Ken's Trailer Sales & Repair	Parts	480.00
Kimball Midwest	Parts	277.50
Lafleur Seed Mills	Supplies	25.00
Lawson Products	Supplies	21.26
M & M Farm Supply	Supplies	20.00
Madison County Clerk	Tax Deposit, Retirement	15,399.95
Madison County Treasurer	Title Fees	20.00
Madison National Life Insurance Co. Inc.	Insurance Premium	50.22

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Marx Repair	Supplies	102.00
Matheson Tri-Gas Inc.	Supplies	295.69
Matt Friend Truck Equipment Inc	Repairs	276.65
Matteo Sand & Gravel Co Inc	Gravel	1,440.96
Meisinger Oil Co.	Fuel, Oil	7,825.99
Menards	Supplies	19.96
Nationwide Retirement Solutions	Deferred Compensation	505.00
Nebraska Child Support Payment Center	Garnish of Wages	218.24
Nebraska Powder Coasters LLC	Repairs	255.00
Nebraska Public Power District	Utilities	77.24
NMC Exchange, LLC	Parts	1,628.96
Norfolk NAPA	Parts	1,614.92
One Office Solution	Supplies	33.68
Pinkelman Truck & Trailer Repair	Parts, Repairs	10,472.59
Pioneer Telephone Company	Telephone Service	51.99
Prime Sanitation	Utilities	53.75
Radio.Comm	Repairs	29.90
Red Bud Hardware Inc.	Supplies	64.41
Road Builders Machinery & Supply	Parts	256.13
Sapp Brothers Norfolk	Oil	1,532.45
Scheer's Ace Hardware	Supplies	20.57
Sioux City Truck Sales Inc	Parts	70.62
T-Bone North	Fuel	2,502.66
Truck Center Companies	Repairs	89.64
Vision Service Plan	Insurance Premium	63.93
Wakefield & Associates Inc	Garnishment of wages	170.24
White Star Oil Co.	Fuel	78.00
Zee Medical	Supplies	60.85
Zoubek Oil Company Inc	Fuel	5,097.28
Norfolk Area Visitor Bureau	VISITORS PROMOTION FUND Administration Fees	11,908.19
Norfolk Area Visitor Bureau	VISITORS IMPROVEMENT FUND Administration Fees	10,522.77
MIPS	REGISTER OF DEEDS PRESERVATION & MODERNIZATION FUND Data Processing Costs	518.64
Century Link	911 EMERGENCY FUND Telephone Service	782.59
Eastern Nebraska Telephone	Telephone Service	129.32
Frontier	Telephone Service	164.10
Stanley Security Solutions	LAW ENFORCEMENT OPERATING FUND Building Repairs	800.00
NMG LLC DBA Norfolk Works	DRUG COURT FUND Medical Screening	130.00

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

The Board adjourned at 12:10 P.M. to Tuesday, July 24, 2018 at 9:30 A.M.

Nancy Scheer
Madison County Clerk

James Prauner
Chairman County Board of Commissioners