

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 11, 2017

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 6, 2017 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 County Highway Superintendent Richard Johnson, WJAG reporter Paul Hughes was present until 10:40 A.M. Norfolk Daily News reporter Jerry Guenther and News Channel Nebraska reporter Margaret Silhasek were present until 10:55 A.M.

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

- 1) Approval of minutes of the June 27, 2017 meeting
- 2) Approval of appointment of Raymond Flood to serve a five-year term on the Madison County Veterans' Service Committee from July 1, 2017 through June 30, 2022
- 3) Approval of interlocal agreement with the State of Nebraska, Department of Motor Vehicles, for expansion of the Commercial Drivers' License testing area at the courthouse complex
- 4) Authorization to advertise for bids for a skid loader for the road department
- 5)

RESOLUTION #2017-20  
SIGNING OF THE PROJECT PROGRAM AGREEMENT  
2017 FRACTURE CRITICAL BRIDGE INSPECTION  
MADISON COUNTY

WHEREAS, the Nebraska Department of Roads (NDOR) is developing a transportation project, on the behalf of the county, for which it intends to obtain Federal funds; and

WHEREAS, Madison County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid projects;

WHEREAS, Madison County and the NDOR wish to enter into a Program Agreement to provide for fracture critical bridge inspection and load re-rating (if necessary) services for the Federal-aid project;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Madison County, Nebraska that James Prauner, Chairman of the Madison County Board of Commissioners, is hereby authorized to sign the attached Project Program Agreement between Madison County and the NDOR and Madison County is committed to providing local funds for the project as required by the Project Program Agreement for:

NDOR Project No. STP-NBIS(110) & NBIS(108)  
NDOR Control No. 00953A & 00958A  
NDOR Project Name: 2017 Fracture Critical Bridge Inspection

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

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

Pursuant to published legal notice in the Saturday, July 1, 2017 edition of the Norfolk Daily News, Chairman Prauner announced that a public hearing would be held regarding the application of GAAL LLC for a conditional use permit to construct a building for storage of commercial equipment on property in Section 29-24-4, which is located approximately 2½ miles West of the Village of Meadow Grove.

Zoning Administrator Heather McWhorter explained that the applicant operates a business that repairs livestock buildings and he would like to construct a building with an office and sleeping space for employees who are required to stay in town overnight. She reported that there is currently a hog shed on the property that has not been in operation and is used for storage. She explained that at some point in the future the company would like to remodel the hog shed for use in the future; however, the number of head would be below the equivalent requiring a conditional use permit. She reported that the application is consistent with the comprehensive plan and zoning regulations. She explained that a conditional use permit is required to operate construction services in the zoning district of AT, Agriculture Transition. She stated that the application received unanimous approval from the Planning Commission.

Chairman Prauner opened at the hearing at 9:37 A.M. Heraldo Moreno attended the hearing and explained that the company is planning to get additional work in the area. He explained that to facilitate the company to move around to different locations in the area, they would like to construct a building to store equipment rather than travel back and forth to Iowa when working for several weeks at a time. Chairman Prauner asked if the company has a significant amount of business in the area and Mr. Moreno replied that the company is working with Piller hog industry on remodeling buildings. Chairman Prauner asked where the company is located and Mr. Moreno responded that the main office is based between the Iowa Falls and Ackley area in Iowa. He stated that this building would be the first satellite location in the area because they have been moving equipment back and forth to the base office in Iowa; however, they found a location to leave equipment in Nebraska. He stated that most items are small equipment such as hand tools, impact guns, small tool trailers, skid loaders, and vans to move equipment. Commissioner Schmidt asked what the size of the building would be and Mr. Moreno responded that they plan to build a 40' by 80' building and add onto it in the future. Mr. Moreno stated that they plan to remodel the hog unit and use the existing driveway.

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

No one spoke in opposition to the conditional use permit. Chairman Prauner closed the hearing at 9:40 A.M. After discussion the following resolution was introduced:

### RESOLUTION #2017-21

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 Saturday, July 11, 2017 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. Property is zoned AT, Agriculture Transition.
3. A hog shed is located on the property; however, a permit is not required at this time based on the head equivalent.
4. The shed will store equipment used to remodel and repair livestock buildings. There will be an office and sleeping space for employees required to stay in town overnight.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to GAAL LLC to construct a building for storage of commercial equipment on property described as:

Part of the NE ¼ of the NE ¼ of Section 29, Township 24 North, Range 4, 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 by the Madison County Zoning and Subdivision regulations:

1. A fence must surround the area of the property used for storage of equipment, supplies, etc.
2. All chemicals including fuels and explosives must be stored as to state and federal regulations.
3. No fuels may be stored using a below ground storage tank.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time.
5. All buildings constructed in the future must have a Zoning Permit issued prior to construction.
6. Applicant must record a copy of the signed permit with the Madison County Register of Deeds office.

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

Heather Drahota, Health and Safety Programs Coordinator for Elkhorn Logan Valley Public Health Department (ELVPHD) presented an update report. She stated that the agency is being recognized for their work on the Heart to Heart program. She reported that the ELVPHD director Gina Uhing is attending the National Association of County and City Health Officials conference to accept an award. She stated that the budget is almost complete and is balanced. She said that they are currently trapping mosquitoes and no viruses have been detected.

Mrs. Drahota stated that tobacco tax will be in the spotlight for the next legislative session and the Nebraska Association of Local Health Directors is currently working on a media campaign. She reported that the office is still giving vaccinations in the Norfolk office on Wednesday of each work.

Chairman Prauner asked if the Norfolk office is busy during the summer months. Mrs. Drahota responded that they are busy assisting people who come in to pick up mosquito wipes and mosquito dunks. She stated that they are still distributing radon kits for a cost of \$7.13. Chairman Prauner asked if the radon kits are returned to the Norfolk office for testing and Mrs. Drahota replied that the customer needs to mail the completed test to the address on the kit. Chairman Prauner asked if the radon level in the area is high. Mrs. Drahota replied that there are some areas in the county that have high radon levels. Commissioner Schmidt asked what symptoms to look for if an individual is affected by a high level of radon in a home. Mrs. Drahota responded that fatigue may be one of the symptoms. Commissioner Ohl asked if a home owner is required to mitigate radon if the radon level is high and Mrs. Drahota responded that the home owner can make the decision about mitigating. Chairman Prauner reported that radon mitigation is required in Dodge County if the owner plans to sell a house. Commissioner Schmidt asked how to get rid of radon and Mrs. Drahota responded that a radon mitigation system must be installed in the house. Commissioner Ohl explained that some of the basement concrete must be removed and a system is installed to pump radon out of the house.

No action was taken.

Norfolk City Mayor Josh Moenning, Norfolk City Administrator Andrew Colvin, and Economic Development Coordinators Candace Alder and Candace Bossard met with the Board. Norfolk Area Economic Development Council member Russ Wilcox was also in attendance.

Mayor Moenning stated that they are in attendance to provide an update on area economic development efforts and the recent reorganization efforts within Norfolk City and what these changes will mean for future economic development. He reported that approximately one month ago he underwent the appointment process within the City of Norfolk. He explained that by state statute after an election a Mayor makes appointments for the positions of city administrator, attorney, engineer, clerk, and finance director. He stated that he underwent this process and made a determination to make some changes which he hoped would affect a philosophy shift at the top administrative levels from one focused on risk management to one that focuses on long-term growth and planning.

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

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Mayor Moenning reported that some organizational restructuring was completed by taking the public safety component of the City Administrator's roles and responsibilities and moving that to a new position of Public Safety Director within the City, which means that Shane Weidner is now in charge of the police, fire, and risk management agencies. He stated that this meets Mr. Weidner's skill sets and passions and is a model that he thinks will serve the community well for years to come. Mayor Moenning explained that to affect this shift, he moved Andrew Colvin into the position of Norfolk City Administrator. He said that Mr. Colvin has a long background in administration where he served 10 years as Assistant City Manager for Vermillion, South Dakota; but, he also has a very strong background in economic development. He stated that Mr. Coleman has been handling Norfolk City's economic development efforts and with this move would integrate those roles and responsibilities directly into the administrator's role. He said that his feelings are that the City will not skip a beat and with this change the area economic development efforts will only be strengthened and bolstered. Mayor Moenning reported that the economic development team will remain in place with both Candace Alder and Candace Bossard continuing to serve in their positions and be support staff for Mr. Colvin. He stated that the change is that a guy who was doing the job is now in the position of making calls and being at the table with all the discussions in terms of people wanting to start and expand business in the area and Mr. Colvin will be in the front lines with all these discussions as they happen, both in City Hall and beyond. He stated that he firmly believes that this change means that economic development efforts will only be enhanced and strengthened.

Norfolk City Administrator Andrew Colvin provided several updates on things that the office has been working on and where they are going in another year or two. He stated that the whole region has tremendous potential and one thing that strikes him are all the partnerships that already exist and are very strong. He said that when he moved from the Economic Development Director role and also took on the City Administrator role, he also sees how the City partners with areas other than economic development. He's stated that he definitely doesn't think that anything will skip a beat and he concurred with everything that Mayor Moenning mentioned. He stated that Commissioner Schmidt has been part of this process as the County representative on the Greater Norfolk Economic Development Foundation, which recently underwent a big structural change. He explained that they wanted to look long-term at what this organization means not only to the City of Norfolk, which was the original focus for the Foundation; but, how to grow that footprint out to take a look at Madison County, which is why Commissioner Schmidt was brought onto the Board. Mr. Colvin stated that there is City representation on the Board and the partnerships will still be there and be even stronger. He said that he sees the Foundation as a vehicle to bring in private sector investment to help bring in capital funding to provide additional economic development incentives on the private level; so, there should be a nice blending of private and public partnerships to strengthen the Foundation. He said that the County representation on the Foundation is great for the whole region. He explained that the Foundation underwent a strategic planning session coordinated by Nebraska Public Power District and housing was resoundingly the number one challenge to address through the entire area; so, this is something that is being worked on with Elkhorn Rural Public Power, Nebraska Public Power District, and partner communities around Norfolk. He said that they have seen other communities that are not even in Madison County contacting them to inquire how the partnership works and if they can be a part of it, so it looks great for the entire area from a housing perspective. Mr. Colvin reported that Brittney Dawson serves in the role of Workforce Talent Recruitment Coordinator and is housed in the Norfolk Chamber of Commerce office and this is also a partnership between the City, County, and local industries. He stated that she is doing some fantastic things to help attract a workforce and they are heavily involved on the steering committee that gives her direction. He reported that Norfolk Now is a publication that has been very popular and he provided a copy of the most recent publication to each Commissioner. He stated that this publication features a lot of businesses around Madison County and every community has been included in the magazine with feature businesses. He stated that going forward one of the things that they have identified is that the Norfolk Area Economic Development Council website needs some improvements and revamping; so, they are working with some different vendors to help build a new website over the course of the next couple years and put some funding into this project so that the website is more attractive and user-friendly to use. He explained that the website has been very popular with listing some commercial and industrial properties throughout the area. Mr. Colvin explained that they continue to complete business retention and expansion visits and they offer a small business resource team which is very active and provides assistance to small businesses and entrepreneurs that are looking to grow or come to the area. He stated that housing is the number one challenge that has come to their office and most of the communities in the area are also dealing with that issue. He said that they are working very hard to find some good partnerships because that is probably the only way that housing will happen.

Mayor Moenning stated that in terms of partnerships and leveraging resources he had an opportunity to go to Washington D.C. with the Norfolk and Siouxland Chambers of Commerce. He said that Siouxland did a nice job of pulling together representatives from Nebraska, South Dakota, and Iowa to speak to officials in federal agencies. He said that it was eye opening to see how they were received at the meetings because they didn't have an agenda or a project that needed funding. He explained that agencies such as economic development and USDA rural development were surprised that they came to the seminar without a project that needed funding. He stated that the seminar proved that there were opportunities if everyone worked together with surrounding communities to identify projects where they can gather resources and identify areas where they need help. He reported that they have staff who are experienced in grant writing and there have been times in the past where they have been able to assist area communities through the grant process. He stated that he would like to see these efforts ramped up and there are opportunities to do that with the experienced staff. Mr. Colvin stated that they want to make sure that the message is out that the staff can help facilitate grants and the certification process.

Chairman Prauner commended Mr. Colvin on his great work as Economic Development Director and also complimented Mayor Moenning on his appointments. He said that the Board needs to look at the funding provided by the County in the amount of \$150,000. He said that the main question from the Board is whether the County get \$150,000 worth of services since Mr. Colvin will also be serving as Norfolk City Administrator. He said that he is sure that there is staff working who can assist, but he questioned if the economic development services will be maintained at the same level. Mayor Moenning replied that he has no doubt that there will be a more comprehensive look at economic development because Mr. Colvin will be looking at everything. He explained that several weeks ago they had 8 or 9 different community members, including Battle Creek, Madison, Newman Grove, Tilden, Neligh, and Pierce, all at a meeting talking about a recycling center in Norfolk and all community members said that they were recycling, but they didn't know how to make it work in terms of getting products to market and making it efficient. He explained that they helped facilitate the regional meeting and they are looking ahead at developing a new transfer station in several years and explore whether a recycling center that can serve the entire area makes sense. He stated that this is just one example, so with Mr. Colvin's involvement they can explore economic development and regional partnership projects. He stated that he firmly believes that efforts will be enhanced in ways they haven't even thought about at this time. Mr. Colvin explained that because of the joint funding from the City and County they are able to get training, education, certifications and also attend trade shows and conferences. He stated that Ms. Bossard has her certification and Ms. Alder is also working towards her certification. He said that they appreciate the County's help so that they can continue to do these things.

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

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Chairman Prauner stated that it is important to have economic development for the entire County and there is a large area to expand upon. Commissioner Schmidt asked how the \$150,000 funding that the County gives is being used since there won't be an Economic Development Director for the County. He said that he is making an assumption that Mr. Colvin's paycheck comes fully from the City of Norfolk. Mr. Colvin replied that the duties of the Economic Development Director stayed with his current position. He said that he doesn't know that a new director won't be hired in the future; but, one of the biggest concerns was that there are really a lot of things going on right now and that to keep continuity is very important. He stated that the matter will be re-visited and re-evaluated to bring on another staff person and make that shift back to its original function. Mr. Colvin explained that the economic development funds are still paying for economic development functions, including the trade shows, travel, training, education, and for the partnership with the Chamber workforce; so, the funding is staying where it was and hasn't changed. He said that there is no blending of the City's other funds; so, what the County would see from his position is being partly funded by each entity.

Commissioner Schmidt stated that if there isn't an Economic Development Director hired, would Mr. Colvin be partially funded by the City and partially funded by the County. Mr. Colvin responded yes, because the role for economic development would still remain the same as part of his responsibilities. Chairman Prauner said that for clarification purposes, the County funds are used for economic development and he receives part of this funding along with the other staff members. Mr. Colvin responded that the statement is accurate because the responsibilities in regard to economic development are remaining the same. Commissioner Schmidt stated that he was assuming that the Economic Development Director position was a full-time job, but now with the City Administrator duties, he can't be working full time on economic development matters. Mr. Colvin stated that it is a heavy load, but it is fair to say that he and the Mayor will continue to look at this and in six months determine if they are ready to have another person serving in the role of Economic Development Director. He said that the big concern and question through all of this change is that they want to make sure that all the pending projects have a continuity and that getting someone new at this time won't affect projects. Mayor Moenning stated that providing continuity was a key component because there are several large projects ongoing right now in terms of housing, industrial, and commercial and retail development. He said that it was talked about from the beginning and it was also publicly stated that there would be a six-month evaluation period. He stated that the City Administrator's role has a much larger portion of the duties devoted to economic growth and planning. He said that it will also help within City Hall to change some of the things that need to be changed in order to be more user-friendly and customer service oriented.

Commissioner Schmidt asked where the line would be set for big projects coming to Norfolk, especially if a big project comes in two weeks and Mr. Colvin takes care of it. Mr. Colvin stated that this is a fair question and they will use their discretion and have an additional conversation as prospects or developers come to inquire about the region. He stated that he understands about the line, but he can't give a good answer about where the line will be. Commissioner Schmidt replied that he wants Mr. Colvin to understand that there may be a line and his position may work great so he can continue to serve as the Economic Development Director; however, he also may find it overwhelming and ask for someone to be brought in. He asked if there was any criteria set up to complete the evaluation process in six months. Mr. Colvin replied that he will work closely with the Mayor and he will be able to recognize when a change is required or when the work can't be done by one person. He stated that if they are losing perspective projects there will be definitely be a conversation. Mayor Moenning explained that they converse on a daily basis and Mr. Colvin often receives multiple calls from him daily because they are working closely together, so he has a pretty good sense of the workload in conjunction with the changes. He suggested looking at the track record and the projects that are before them now, what has come to fruition, and what's on the horizon. He reported that they have one certified staff member and another working toward certification, and it's very rare when you look across the State to have economic development teams as qualified, with as much longevity in young people, like the City of Norfolk.

Chairman Prauner asked Mr. Colvin if he could delegate some of his duties to be passed along and Mr. Colvin responded affirmative and stated that Candace Alder and Candace Bossard are tremendous assets to the entire region. Chairman Prauner asked if the staff knows what is going on with the economic development in the region and Mr. Colvin responded yes. Commissioner Schmidt asked Mr. Colvin if he has a personality type to know when he can't handle the entire workload. Mr. Colvin responded that he does not want to see the operations of the City impacted nor does he want to see the economic development program, which is extremely strong, active, and innovative, suffer. He stated that his first priority is to ensure the integrity of both positions and make sure that they run as efficiently and smoothly as possible; so, if at any time he feels that one can't function properly because of him, then he will to relinquish one. He said that he can ensure everybody that the economic development operations will continue as strong or stronger going forward than in the past.

Commissioner Schmidt asked Mr. Colvin to provide information to the County about what part of his financial package is coming from the County's investment because it is important for the County Commissioners to know. He stated that there may be some misunderstanding from taxpayers about Mr. Colvin working for the City, but also working through a partnership on economic development for both the City and the County. He said that there needs to be open communication because he thought that Mr. Colvin's entire financial package was coming from the City of Norfolk and he didn't know that part of it was coming from the County. Mr. Colvin responded that the City could provide this information.

Mayor Moenning explained that he doesn't see Mr. Colvin's role as Economic Development Director changing or being altered in any way because of his new duties as City Administrator. He stated that he is fully taking the economic development responsibilities with him; so, in his mind it is a seamless transition and one that helps accomplish the shift that he wanted to see at the top administrative level. Mr. Colvin stated that a good point to be made that speaks to the partnership between the City and the County and there is a staff of engineers and financial staff that can dig deep into a lot projects that can be worked on together. He stated that they have shown in the past that they are more than happy to evaluate things and certainly they have the expertise to assist with the partnership between the City and the County.

Commissioner Ohl stated that he is grateful for the relationship and partnership between Madison County and the City of Norfolk. He said that he doesn't think there is anyone in any community around here, whether in Norfolk, Battle Creek, or Madison that can say they don't go to one of these communities or don't take part in activities. He stated that it is a close-knit County, close-knit group of communities, and what's good for any community in Madison County will benefit everyone. He stated that he appreciates the relationship, partnership, hard work, diligence, and tenacity taken to lead the way for what's ahead for the community and County.

Commissioner Schmidt stated that Mayor Fuchtmann brought the area mayors together for a meeting and he encouraged the continuance of these meetings to have the same conversation as at today's meeting so there is a clear understanding of what is going on with economic development. Mayor Moenning stated that he will try to call a meeting within the next 30 to 60 days. He stated that he appreciates the partnership with the County and being able to move forward with area economic development.

No action was taken by the Board.

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

County Highway Superintendent Richard Johnson reported that bids were opened on Monday, July 10, 2017 for Madison North Paving, Project No. C-59-817. He reported that bids were received from Elkhorn Paving Construction Company of Norfolk in the amount of \$541,917.59, Werner Construction of Hastings in the amount of \$559,605.10, and A & R Construction of Plainview in the amount of \$563,630.14. He stated that the start date will be April or May, 2018 and he recommended that the bid be awarded to the low bidder, Elkhorn Paving Construction Company. In addition, he reported that a \$21,000 spread on a \$542,000 project is very tight. Mr. Johnson explained that the project is 9 inch thick doweled concrete pavement 24 inches wide located by the Agrex grain elevator. He explained that the road will have better shoulders than what are currently in place. He said that the project will include pipe work and rebuilding earth driveways into Agrex and Mr. Becker's residence.

Commissioner Schmdit asked if the road would be relocated and Mr. Johnson replied that the road will be moved very little, if any. Mr. Johnson said that he started out by trying to design a road for 55 mile per hour traffic; but, it would have required relocating the power poles at an estimated cost of \$55,000. He explained that the project was lengthened by several hundred feet so they could swing the curve a small amount. He stated that there are power poles located on one side and the railroad tracks on the other side.

Commissioner Schmidt asked if there was anything in the contract that stipulates what will happen if the project is not completed by July 1, 2018. Mr. Johnson responded that the specifications provide for liquidated damages for a set amount per calendar day that the project is not done by the stated completion date. Commissioner Schmidt asked if the contractor has a specified number of days to complete the work and Mr. Johnson responded that the contractor is given 60 calendar days to perform the work. Commissioner Schmidt stated that the road work will put Agrex in a bind. Mr. Johnson explained that traffic will be maintained so the public can access Agrex, even though it may be inconvenient.

After discussion, a motion was made by Schmidt and seconded by Ohl to accept the bid of Elkhorn Paving Construction Company in the amount of \$541,917.59 for Madison North Paving, Project No. C-59-817. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Dan Geary addressed the Commissioners under the citizens' comments portion of the agenda concerning fiber optic cables in the road ditches. He explained that a fiber optic line comes down Channel Road and turns onto Sherwood Road. He explained that he has property close to the Elkhorn River, so there isn't much drainage, making it important to have all the ditches clean. He stated that during the flood of 2010, a field he owns filled up which drains into a ditch along Sherwood Road, goes East, then turns and goes into Lehman's Lake, and then drains into the river. He reported that when he went to clean the ditch there was a fiber optic cable in the ditch, so he dialed 811 before digging. He said that 811 won't let you dig close to the cable with any machines and they send a person to watch the entire digging process. He explained that he used a backhoe and made the ditch deeper and put a better shoulder on it to make a very nice ditch; however, someone came by several weeks ago with the plow and went down the middle of the ditch. Mr. Geary said that if he would dial 811, he won't be allowed to go over that cable with a backhoe no matter how deep the cable is buried. He explained that last year there was a four inch rain on the east side of Norfolk and when he went to clean the ditch along Channel Road he located two cables that weren't more than three or four inches lower than a culvert. He reported that he spoke to a road supervisor who gave him permission to extend the culvert by 15 feet past the two cables. He explained that when the next cable was going to be buried, he asked the person to bore under the culvert; however, the cable was bored at the end of the culvert. Mr. Geary reiterated that no one is monitoring the placement of cables buried in the County ditch.

Chairman Prauner reported that they require cable to be buried at least 5 feet deep in Road District #3. Commissioner Schmidt stated that it's not a good policy to prohibit digging over the top of the buried cable. County Highway Superintendent Richard Johnson stated that sometimes the companies will contact him for a permit and he asks companies to bury the cable in the shoulder of the road. He said that he understood in Mr. Geary's situation there was already a cable buried and supposedly the company was going to place the cable as close to the fence as possible. Mr. Geary stated that he doesn't like the cables placed close to the fence line because he doesn't wanted to interfere with the placement of fence posts. He explained that the company installing cable along Sherwood Road plowed in the cable instead of boring and the plow is only 3 foot deep. Commissioner Schmidt stated that companies need to stop installing cable in the middle of the ditch in case the County needs to clean the ditch out.

Mr. Johnson asked who said that a backhoe couldn't be run over the top of the cable and Mr. Geary replied that when a person calls 811 the permit says that you can't dig until a company representative is present and this person said that a backhoe could not go over the top of the cable. Chairman Prauner asked if there was any solution and Mr. Johnson responded that the County needs to do a better job of enforcing the permits. Mr. Johnson reported that NIRMA has suggested a different permitting system than the County is currently using and he will look at this option.

Commissioner Schmidt stated that he doesn't understand how a company can put buried cable in the County's ditch without any communication to the County and he said the County needs to tell these companies to stop. Mr. Johnson reported that some companies are very good about contacting him for a permit. Mr. Geary said that if a power company is given an easement, they are free to do whatever they want and will sell it off to the telephone, cable, and wind companies. He explained that when you develop the property, the lease needs to be released. He stated that it's difficult to get a release from a gas company when it's been sold several times since the original lease.

No action was taken by the Board.

The following claims were audited:

## GENERAL FUND

Total Net Payroll		146,054.34
Adams County Sheriff	Civil Service Fee, Mental Health	18.50
Advance Correctional Healthcare	Medical Services, County Jail	13,017.54
Mark D. Albin	Legal Services, County Court	2,269.42
American Family Life Assurance Co.	Insurance Premiums	969.32
Apex Therapy Services, LLC	Evaluation Services, Community Based Grant	650.00
Appeara	Mat Service, Supplies, Public Defenders	30.77
Bank of America - Constellation Newenergy	Utilities, Veterans Service Office	5.40
Griselda Berry	Refund Insurance Premium	11.22

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Karen Beyke	Contract Services, Community Based Grant	247.50
Black Hills Energy	Gas Services, Zoning Department	11.04
Black Hills Energy	Gas Services, Courthouse	73.10
Black Hills Energy	Gas Services, County Jail	117.50
Black Hills Energy	Gas Services, Noxious Weeds	11.04
Blue Cross Blue Shield of Nebraska	Insurance Premiums	138,435.24
Bessie Bove	Prior Service Benefits	12.00
Brady & Amy's Inc.	Fuel, Courthouse	47.42
Brandl Electric	Repairs, County Sheriff	846.70
Brockhaus Funeral Home	Transport Fees, Law Enforcement	460.35
Brogan & Stafford, PC	Legal Services, County Court	2,250.58
Buffalo County Sheriff	Civil Process Fee, Mental Health	21.84
Carney Law, PC	Legal Services, County Court	510.00
CBM Managed Services	Inmate Meals, County Jail	7,411.45
City of Crofton	Meals, FICA, Utilities, Community Based Grant	578.64
City of Madison	Utilities, Courthouse	3,596.90
Clerk of the Supreme Court	Filing Fees, District Court	301.00
Colonial Life and Accident Insurance	Insurance Premiums	309.24
Connecting Point	Internet Services, Veteran Service Office	38.95
Connecting Point	Internet Services, Community Based Grant	59.95
Connecting Point	Contract Services, Courthouse	2,739.00
Culligan	Supplies, Juvenile Accountability	29.35
DAS Accounting -Central Finance	Telephone Services, Zoning Department	27.64
DAS Accounting -Central Finance	Teletype Services, County Sheriff	262.29
DAS Accounting -Central Finance	Teletype Services, County Jail	441.71
DAS Accounting -Central Finance	Telephone Services, Noxious Weeds	27.65
Douglas County Treasurer	Autopsy Fees, Law Enforcement	250.00
Eakes Office Solutions	Supplies, County Assessor	18.85
Eakes Office Solutions	Supplies, County Sheriff	55.99
Egley, Fullner, Montag and Hockabout	Legal Services, County Court	1,378.50
Ewalt Law Office, PC LLO	Legal Services, County Court	1,120.74
Field's Hardware	Supplies, Courthouse	29.15
Field's Hardware	Supplies, County Sheriff	63.25
First Concord Benefits Group	Flex Plan, Admin. Fees	2,811.59
Debra Flege	Refund Insurance Premium	20.00
Floor Maintenance and Paper Supply	Supplies, County Jail	534.95
Debra Hassler	Refund Insurance Premium, General	40.00
Naomi Hemphill	Cleaning Services, Public Defender	80.00
Marci Hjorth	Mileage, Juvenile Accountability	65.81
Khu Htoo	Interpreting Fees, Public Defender	52.50
Jack's Uniforms & Equipment	Supplies, County Sheriff	19.49
John's Disposal Inc.	Garbage Service, Zoning Department	25.50
John's Disposal Inc.	Garbage Service, Noxious Weeds	25.50
Joseph Law Office	Legal Services, County Court	1,366.35
K & M Reporting	Deposition, Law Enforcement	59.65
Leaf	Copier Lease, Public Defender	244.09
Madison County Abstract Company	Title Search, Noxious Weeds	375.00
Madison County Clerk	Tax Deposit, Retirement	80,379.37
Madison County Clerk of District Court	Filing Fees, District Court	1,512.00
Madison County Sheriff	Civil Process Fees, County Court	356.40
Madison County Sheriff	Civil Process Fees, District Court	1,043.04
Madison County Sheriff	Civil Process Fees, Mental Health	246.26
Madison County Sheriff	Supplies, County Sheriff	6.60
Madison County Treasurer	Title Fee, Ins. Reimbursement, County Sheriff	92.28
Madison National Life Insurance Co Inc	Insurance Premiums	146.96
Madison Star Mail	Publication Costs, Zoning Department	15.22
Major Refrigeration Co., Inc.	Repairs, County Jail	93.00
James Marshall	Tutoring Services, Comm. Based Enhance. Grant	530.00
Benjamin McBride	Mileage, Contract Services, Comm. Based Grant	155.09
Heather McWhorter	Phone Reimbursement, Zoning Department	90.00
MIPS	Data Processing Costs, County Clerk	620.84
MIPS	Equip. Lease, Data Process. Costs, Register of Deeds	524.00
Mohr Funeral Home Inc.	Cremation Costs, General Assistance	1,108.69
National Enterprise Systems Inc.	Garnishment of Wages	214.55
Nationwide Retirement Solutions	Deferred Compensation	2,455.00
Nebraska Child Support Payment Center	Garnishment of Wages	200.00
Nebraska Health and Human Services	State Institution Costs	279.00
Norfolk Auto Center	Repairs, County Sheriff	218.77
Norfolk Daily News	Publication Costs	23.14
Norfolk Family Coalition	Contract Services, Community Based Grant	1,559.11
NSA/POAN Conference	Registration Fees, County Sheriff	200.00
Mike O'Brien	Mileage, Community Based Grant	212.93
Valorie Olson	Court Reporting Services, Mental Health	100.00

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

One Office Solution	Copier Maintenance, County Assessor	106.90
One Office Solution	Supplies, Clerk of District Court	37.22
One Office Solution	Supplies, Public Defender	198.06
One Office Solution	Supplies, County Attorney	168.50
Parent to Parent Network	Contract Services, Supplies, Community Based Grant	471.33
Susan K. Pohlman	Tutoring Services, Community Based Grant	395.00
Racom Corp.	Repairs, County Sheriff	1,098.75
Relx Inc. DBA Lexis Nexis	Subscriptions, County Attorney	468.92
Reynoldsons	Fuel, Zoning Department	51.53
Reynoldsons	Fuel, Noxious Weeds	67.41
Judy Schroeder	Prior Service Benefits	11.00
Melissa Smith	Refund Insurance Premium	61.71
Stratton, Delay, Doele, Carlson & Buettner, PC, LLC	Legal Services, County Court	5,105.95
Alina Surber	Contract Services, Comm. Based Enhancement Grant	465.00
The Zone	Contract Services, Community Based Grant	663.30
Therapeutic Play and Counseling	Professional Services, Law Enforcement	2,875.00
US Bank Corporate Payment System	Fuel, Registration, Supplies, County Sheriff	393.81
US Bank Corporate Payment System	Supplies, Public Defender	3.00
US Bank Corporate Payment System	Supplies, County Jail	39.96
Verizon Wireless	Telephone Services, Community Based Grant	441.84
Vision Service Plan	Insurance Premiums	403.18

## ROAD/BRIDGE FUND

Total Net Payroll		30,571.35
American Family Life Assurance Company	Insurance Premiums	608.67
Battle Creek Farmers Coop	Fuel	539.33
Battle Creek Municipal Light & Power	Utilities	164.12
Bauerbuilt Tire	Repairs	7,212.82
Beaver Bearing Co.	Parts	51.21
Black Hill Energy	Utilities	80.60
Blue Cross Blue Shield of Nebraska	Insurance Premiums	33,320.87
Brady & Amy's	Fuel	592.03
Brandstetter Construction	Repairs	231.13
City of Madison	Utilities	505.27
City of Newman Grove	Utilities	61.00
Colonial Life and Accident Insurance	Insurance Premiums	153.37
Connecting Point	Internet Services	15.00
Constellation Newenergy Gas Division LLC	Gas Services	64.80
Cornhusker International Trucks Inc.	Parts	784.59
Dale R. Johnson Ent. Inc.	Gravel	878.58
Eastern Nebraska Telephone	Telephone Service	64.09
Elkhorn Valley Bank	Equipment Payment	29,345.96
Field's Hardware	Supplies	55.05
Filter Care of Nebraska Ltd.	Repairs	239.75
First Concord Benefits Group	Flex Plan, Admin. Fees	599.65
Greenline Equipment	Parts	565.65
Hauge Associates Inc.	Garnish of Wages	165.20
Island Supply Welding Co.	Supplies	426.50
Kelly Supply Co.	Parts	512.23
Kimball Midwest	Supplies	798.00
Kohlhof Truck Repair Inc.	Parts, Repairs	132.53
Logan Street Radiator LLC	Repairs	560.00
Madison County Clerk	Tax Deposit, Retirement	16,248.27
Madison National Life Insurance Co. Inc.	Insurance Premiums	37.76
Mainelli Wagner & Associates Inc.	Consulting Services	17,927.70
Matheson Tri-Gas Inc	Supplies	226.85
Matteo Sand & Gravel Co., Inc.	Gravel	1,689.36
Meisinger Oil Company	Fuel	9,679.91
Myers Tire Supply	Parts	245.17
Nationwide Retirement Solutions	Deferred Compensation	275.00
Nebraska Child Support Payment Center	Garnish of Wages	243.24
Nebraska Public Power District	Utilities	140.57
Norfolk Auto Supply	Parts	8.74
Norfolk NAPA	Parts	1,290.62
Pioneer Telephone	Telephone Service	42.52
Powerplan	Parts	57.97
Red Bud Hardware Inc	Tools	13.99
Road Builders Machinery & Supply	Parts, Repairs	7,133.52
Sapp Bros. Norfolk	Fuel	66.55
Sioux City Truck Sales Inc.	Parts, Repairs	6,419.67
Smithco Mfg Inc.	Parts	227.09
Jesse Stueckrath	Equipment Rental	3,904.00

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

T-Bone North	Fuel	280.94
Telebeep Wireless	Telephone Service	22.11
Truck Center Company	Parts	50.08
Vision Service Plan	Insurance Premiums	68.10
Ronald Wolfgram	Supplies	16.07
FEDERAL SECONDARY FUND		
Elkhorn Paving Construction Co., Inc.	Contract Services	70,040.89
Mainelli Wagner & Associates, Inc.	Consulting Fees	30,025.90
Mid-State Engineering & Testing Inc.	Contract Services	100.00
VISITORS PROMOTION FUND		
Norfolk Area Visitor Bureau	Administration Fees	3,583.56
VISITORS IMPROVEMENT FUND		
Norfolk Area Visitor Bureau	Administration Fees	304.58
REGISTER OF DEEDS PRESERVATION & MODERNIZATION FUND		
MIPs	Data Processing Costs	477.36
911 EMERGENCY FUND		
Centurylink	Telephone Services	781.69
Eastern Nebraska Telephone	Telephone Services	127.88
Electronic Engineering	Repairs	131.18
Frontier	Telephone Services	164.10
LAW ENFORCEMENT OPERATING FUND		
Food Express	Supplies	176.40
Union Supply Company	Supplies	46.80

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 11:50 A.M. to Tuesday, July 25, 2017 at 9:30 A.M.

ATTEST:

\_\_\_\_\_  
County Clerk Nancy Scheer

\_\_\_\_\_  
Jim Prauner, Chairman  
County Board of Commissioners