

# Commissioner's Record No. 26

MADISON COUNTY, NEBRASKA

## BOARD OF EQUALIZATION

Madison, Nebraska

August 6, 2019

The Board of Equalization of Madison County, Nebraska met at 9:00 A.M.

Advance notice of meeting was published in the Thursday, August 1, 2019, edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Christian Ohl called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Ron Schmidt, Christian Ohl, Troy Uhler, County Clerk Anne Pruss and County Assessor Jeff Hackerott.

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

Motion made by Uhler and seconded by Schmidt to approve the minutes of the July 9, 2019; July 12, 2019; July 19, 2019; and July 23, 2019, meetings. Roll call vote: Ayes, Schmidt, Ohl, Uhler. Nays, none. Motion carried.

County Clerk Anne Pruss reported that letters were received from Myrna Wulf, Denis and Jeannine Kerkman, Susan George, Carolyn Apland and William and Doris Kingsbury requesting extensions of the homestead exemption filing deadline. She reported that all letters requesting extension of the filing deadline were received in the Clerk's office prior to the statutory deadline of July 22 as established in §77-3512 Nebraska Revised Statutes. The letters submitted by the applicants were reviewed.

County Assessor Jeff Hackerott reported that none of the applicants submitted a request for an extension of the homestead filing deadline in 2018.

After discussion, a motion was made by Schmidt and seconded by Uhler to approve extension of the homestead exemption filing deadline for Myrna Wulf, Denis and Jeannine Kerkman, Susan George, Carolyn Apland and William and Doris Kingsbury. Roll call vote: Ayes, Schmidt, Ohl, Uhler. Nays, none. Motion carried.

Chairman Ohl adjourned the meeting at 9:07 A.M.

ATTEST:

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Anne M. Pruss  
Madison County Clerk

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Christian Ohl, Chairman  
County Board of Equalization

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**COMMISSIONERS PRECEEDINGS**

Madison, Nebraska

August 6, 2019

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

Advance notice of the meeting was published in the August 1, 2019, addition 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 Ron Schmidt called the meeting to order and notified the public of the copy of the Open Meeting Act posted in the meeting room.

Present: Commissioners Christian Ohl, Ron Schmidt, and Troy Uhler, County Clerk Anne Pruss, County Highway Superintendent Richard Johnson and Planning and Zoning Administrator Heather McWhorter. Jerry Guenther and WJAG reporter Cody Ronnfeldt were present until 11:30 A.M. County Attorney Joseph Smith was intermittently present during the meeting.

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

- 1) Approval of minutes of the July 23, 2019, meeting.
- 2) Approval of the 5-year cylinder deposit agreement with Island Supply Welding Company for oxygen and acetylene for Road District #1.
- 3) Authorization for Zoning Administrator Heather McWhorter to contract with Hunter McWhorter and Noah McWhorter to assist with flood damage inspections.
- 4) Authorize County Board Chairman to execute documents to conclude the sale of County-owned property located at 130 South 4th Street to Gary and Pat Tillotson and set the closing date for September 4, 2019.
- 5) Set public hearing date for August 20, 2019, to receive input regarding the sale of County-owned property located south of Phillip Avenue between South Birch Street and South Hickory Street (Parcel ID number 590089560).
- 6) Approval of agreement with Purple Wave Auction for sale of County-owned vehicles.
- 7) Approval of selection of Mainelli Wagner & Associates to provide engineering services for roadway and bridge projects using FEMA funding due to the March 2019 flood.

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## MADISON COUNTY, NEBRASKA

8)

RESOLUTION #2019-40  
SIGNING OF PRELIMINARY ENGINEERING AGREEMENT - BK1929  
MADISON COUNTY

WHEREAS, Madison County is developing a transportation project 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; and

WHEREAS, Madison County and Mainelli Wagner & Associates, Inc., wish to enter a Professional Services Agreement to provide preliminary engineering services for the Federal-aid project.

Be it Resolved: by the Board of Commissioners of Madison County that:

Ron Schmidt, Chair of the Madison County Board of Commissioners, is hereby authorized to sign the attached preliminary engineering services agreement between Madison County, Nebraska and Mainelli Wagner & Associates, Inc.

NDOR Project No.: ER-2915(3)

NDOR Control No.: 32181

NDOR Project Description: Battle Creek North

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

Motion was made by Uhlir and seconded by Ohl to remove two items from the regular agenda, the update from the Midtown Health Center representative and the annual report from the County Extension Office. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Motion was made by Ohl and seconded by Uhlir to approve the regular agenda with the removal of the two items as noted. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in the July 26, 2019, editions of the Norfolk Daily News, Chairman Schmidt opened a public hearing at 9:35 A.M. to receive comments regarding the application of Ryan and Mashaela Wolken for the final plat for Wolken's Subdivision on property in Section 18-23-1, which is located at 55275 837th Road, Norfolk. Planning and Zoning Administrator Heather McWhorter stated that the Wolken's plan is to split the house they live in off and do some remodeling. Ms. McWhorter stated the applicants requested to split the property into additional parcels. There have been several lot splits in the past, and regulations do not allow a lot split; therefore, the property had to be re-platted. Mashaela Wolken attended the hearing to speak in favor of the application. She stated that they had bought the farmhouse and Poppy's Pumpkin Patch, and they would like to put on an addition to the house to add some bedrooms as they have a big family. In the process of attaining financing, they are required to split the lot separate from the business. No one testified in opposition to the application. The hearing was closed at 9:37 A.M. Motion was made by Ohl and seconded by Uhlir to approve the application of Ryan and Mashaela Wolken for the final plat of Wolken's subdivision on property section 18-23-1, which is located at 55275 837th Road, Norfolk. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Motion was made by Ohl and seconded by Uhlir to make Commissioner Uhlir the temporary Chairman of the Board to allow Chairman Schmidt to be dismissed from this portion of the meeting. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in the July 18, 2019, July 25, 2019, and August 1, 2019, editions of the Norfolk Daily News, Chairman Uhlir opened a public hearing at 9:43 A.M. to receive comments regarding vacation or abandonment of the road between Sections 27 and 34, Township 22 North, Range 2 West of the 6th P.M., said road being 829th Road between 549th and 550th Avenues. County Highway Superintendent Richard Johnson stated that the board had a public hearing and took action on it, voting to abandon the right-of-way, basically the west 1,320 feet, approximately one month ago. He stated today would only be a public hearing and that action could not be taken until the next Board of Commissioners meeting. Mr. Johnson stated that the closure will go further than originally planned, another 400 feet. Mr. Johnson stated that if the board wanted to do that, action could be taken at the next meeting, but if the board decides not to go through with any of the abandonment, it would take a positive vote from the board to rescind the resolution of abandonment, which would be in 2 weeks at the earliest.

Mr. Scott Schmidt spoke in favor of the road vacation/abandonment. He introduced himself and stated he was requesting closure of a minimum of 1,320 feet of 829th Road eastward of the 549th Avenue intersection and the insertion of a turnaround point to facilitate the usage of large trucks and other traffic on the road. He stated that the turnaround point would be located further east of the closure point of the 829th Road. Mr. Schmidt stated that the closure of the road would facilitate the construction and operation of four poultry barns in conjunction with Lincoln Premium Poultry and that the request for road closure is the first step in the regulatory process prior to zoning board consideration. He stated that the potential site for the barns is on the Schmidt Family Trust property on the north side of 829th Road, and that the Schmidt family also owns the crop ground on the south side of the road. Mr. Schmidt stated that this site has been selected as it fits the criteria required of a modern livestock production facility, which includes biosecurity standoff distances, topography, overall site layout and other mandated requirements. Mr. Schmidt stated that the site is within a 3/8th-mile radius of a residence owned by the Daniel and Nancy Scheer family and that they have worked with the Scheers who have signed a zoning waiver to permit building of the barns within 3/8th-mile of a residence they own. In addition to the criteria stated earlier, Mr. Schmidt stated that closure of 829th Road would maximize the distance of the barns from said residence. Mr. Schmidt stated that multiple sites were considered for the project, but due to various reasons, the other sites were unavailable or did not fully meet the requirements. He stated that the road closure would inconvenience some through traffic, and they have worked on some mitigation measures to limit the impact. He stated that 829th Road has been a minimum maintenance road in excess of 75 years and the highest traffic on this road typically happens during irrigation and harvest seasons. He stated that due to that traffic, they will be placing a turnaround point on the Schmidt family property to the east to facilitate large trucks and other traffic that need access to farm ground along the road. Mr. Schmidt stated there are multiple reasons for his request for the road closure in pursuit of a career in agriculture. He stated that the request would add to the economic diversity and opportunities within the county, and he and his family would like to return to this area when he returns to civilian status this next year.

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Chairman Uhlir commented that when talking about the turnaround, there would be issues that would need to be worked out. He stated he had been out to look at the intended site of the turnaround. The previous supposition was that the Schmidt family would pay for the turnaround to be completed and that the County would maintain it, and that agreement needs to be ironed out. County Highway Superintendent Richard Johnson stated there would likely need to be a 160-180 foot diameter to allow larger vehicles to turn around. Ms. Willow Holoubek, a representative of Lincoln Premium Poultry, testified that one of the pillars of Lincoln Premium Poultry is safety and that the request for closure of the road is a measure towards safety by the Schmidt family. She stated that they support young farmers returning to their roots and heritage. She stated that the majority of the farmers she works with are younger farmers who are finding a way stay on the farm or return to farming. She stated that safety with truck traffic is important to Lincoln Premium Poultry, which includes obeying laws and doing what is right with safety always and utmost.

Mr. Greg Schmidt introduced himself as one of the trustees of the Schmidt Family Farms. He stated he is in favor of the road closure and offered to answer any questions anyone might have.

Mr. Mark Fitzgerald introduced himself as a lawyer representing Melvin and Mayme Klein and their daughters who were also present. He stated that his clients own 120 acres in the southeast quarter and 40 acres in the southwest quarter and that their land comprises most of the north boundary of this minimum maintenance road. He stated that Mr. and Mrs. Klein have owned their property for 65 years. They now lease out the farm ground but raised their family in the southeast corner along the beginning of the minimum maintenance road. He stated they oppose the abandonment of 829th Road secondary to the impact it would have on the usefulness of their ground in the southeast quarter of section 27 and the 40 that are in the southwest quarter of section 27. Mr. Fitzgerald stated that the abandonment of the minimum maintenance road would diminish the value of their property, would make the property more difficult to farm and would make it more difficult to find tenants willing to go around a barrier that would be on the west side. He stated that the 160 acres they have are comprised of some pasture ground and mostly dryland crop ground. Mr. Fitzgerald stated that the standard for farming in this county is to at least have minimum maintenance roads and that it is highly unusual to abandon even a minimum maintenance road where there are landowners whose access to their land would be affected by the abandonment. Mr. Fitzgerald stated that if the Schmidt's owned both sides of the road and sought to abandon part of a minimum maintenance road between their own properties, it would be a different story, but that is not the situation. He stated that Mr. Klein is a prior-use farmer who has owned his property for 65 years. He stated Mr. Klein's farming operation is going to be diminished in value, and it will be more difficult to operate with the abandonment of the minimum maintenance road. Mr. Fitzgerald stated it is one thing to seek to locate the poultry operation on the portion of section 27 that is owned by the Schmidt family, but it is another thing to actually have the operation to the east, his client's operation, diminished as far as a public right-of-way of a minimum maintenance road. Mr. Fitzgerald stated they are asking that the commissioners not abandon this minimum maintenance road that was used by the Klein's the entire time they have owned their property and is still used by the tenant. He stated that Mr. Klein had made a good point that machinery is not getting any smaller or any easier to operate on the roads. Chairman Uhlir inquired of the Klein's if it was a possibility to move their field access west of the proposed turnaround further east. Mr. Klein stated his concern about not having a culvert as the culvert is located at the proposed site of the turnaround.

Ms. Barb Korth of Platte Center then spoke in opposition to the abandonment of 829th Road. She is the daughter of Melvin and Mayme Klein. She stated she did not understand why the Schmidt family wanted the barns in that particular location and why they needed to close the road at all. Chairman Uhlir stated there are Lincoln Poultry regulations regarding location and setbacks with the barns requiring a 400-foot setback from any traffic from a road. Chairman Uhlir stated that there are also County Planning and Zoning regulations, one of the requirements being a waiver as signed by the Scheer family. Ms. Korth stated that it should be moved closer to the Schmidt's and that she did not want it there.

Mr. Mark Kuchar asked if there would be ditches on the south side so water would not run across the road, or if there would just be the hill and the water would run across. Chairman Uhlir stated that the turnaround is one of the biggest components that needs to be figured out. County Highway Superintendent Richard Johnson stated that without going into the design as that has not been done yet, any water drainage issues would be addressed. He stated that the last option would be for the water to go across the road.

Mr. Klein was concerned that it would take some of his farm ground to develop the turnaround. Mr. Johnson told him that the turnaround had been presented to the board as all coming off the Schmidt's property.

Ms. Brenda Burke of Stromsburg then spoke in opposition. She is the daughter of Melvin and Mayme Klein. She asked why the Schmidts chose this minimum maintenance road to close and why they couldn't create an entirely new road. She stated she had researched chicken farms in South Carolina and stated she found that people had moved away from those and that a woman who had lived there for 35 years had to move because of breathing problems caused by the ammonia.

Mr. Ron Schmidt then spoke in favor of the road closure. He clarified that the turnaround would be east of the culvert Mr. Klein had expressed concern about. Mr. Schmidt addressed Mr. Fitzgerald regarding ownership of the property on both sides of the road in question. Mr. Schmidt stated that the road closure would start at the Schmidt property and proceed west. Mr. Fitzgerald stated this would still prevent through traffic. Referring to comments regarding manure, Mr. Schmidt stated that is a zoning issue, not something that should be addressed during the hearing about the road closure. Mr. Schmidt stated that State Statute section 23-108 gives counties the right to abandon roads. Mr. Schmidt stated he had measured a similar turnaround, and it is about 130 feet. He stated that the Co-Op has a turnaround where trucks come in and turnaround to unload fertilizer, and that turnaround measures about 100 feet. Mr. Schmidt stated that on the Schmidt farm currently, there is a turnaround that measures about 120 feet. Citing these turnarounds, he stated that the proposed turnaround would be adequate for any truck on the road today. Mr. Schmidt stated that if culverts are required for water drainage, they would be provided.

Chairman Uhlir clarified that one or two utility poles would have to be moved to create the turnaround. Mr. Johnson agreed with Commissioner Uhlir, but it would need to be looked into further. Chairman Uhlir stated that some engineering would have to be done. Mr. Ron Schmidt stated that if utility poles need to be moved, they will take care of it. Chairman Uhlir stated the coverage of costs would have to be in a contract if that is the direction the commissioners decide. Mr. Schmidt stated that if the buildings were built the required 400 feet from 829th Road, there would be so much fill that it would not be feasible. Chairman Uhlir asked about the length of the barns with Mr. Schmidt stating they are 600 feet long. Chairman Uhlir stated that the property slopes east to west, so it would need to be leveled.

Mr. Ron Schmidt stated that the road would be closed to the property line, and that the setback would be 400 feet from there. He also described a plan for a gate but with limitations to access beyond that point. Chairman Uhlir asked if there would be an issue with tractors, etc., being close to the barn. It was clarified that land can be farmed to within 50-100 feet from the buildings. Ms. Willow Holoubek stated that the requirement of the 400-foot setback off any road is for biosecurity reasons. She stated that the way disease is introduced on these farms is when it is carried in biometrically, by either animals or people. Chairman Uhlir asked for clarification of why a farmer driving a tractor with manure on the tires within 50-100 feet of the buildings is different than vehicles driving on the road. Ms. Holoubek clarified that the issue is with air travel [transmission] from animals being hauled on the road. It was clarified that ATV traffic also would not be permitted.

Chairman Uhlir closed the public hearing was closed at 10:19 A.M. No action was taken.

Motion was made by Ohl and seconded by Uhlir to reinstate Ron Schmidt as Chairman of the Board of Commissioners for the remainder of the meeting. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Mr. Judd Allen with NACO, the Nebraska of Association of County Officials, then introduced himself. He stated he is the account manager for the health insurance the County has through Blue Cross/Blue Shield. He stated there were 17 people eligible for the cash-in-lieu option who are not participating, and at a later time he would like to have the board consider increasing the amount offered.

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Mr. Allen stated that a lot of counties offer around \$400. He suggested setting up meetings to enroll employees or to answer questions the employees may have about the cash-in-lieu option or BCBS health insurance. He stated it is probably time to revisit this with those eligible, which would include those who are over 65 or those who have coverage elsewhere. Mr. Allen also commented that he had noted the County was now offering a \$6,000 high-deductible plan but that no employees had opted for that plan. Commissioner Ohl asked for clarification regarding whether or not employees who opt into the high-deductible plan would be able to opt back into the other plan. The employees were told they would not be able to opt back into the other insurance plan if they chose the high-deductible plan. Commissioner Ohl stated that the challenge is that most employees who would find the high-deductible plan attractive may not have a spouse or family yet but might anticipate that in the future and don't want to lose the option of the other plan. Mr. Allen stated he would do some research on the question and get the information to the Board. Mr. Allen stated it might help to give an incentive in the way of splitting some of the premium savings the County would be getting. County Clerk Anne Pruss stated that part of the current plan is that the County will contribute \$1,000 into the HSA account.

County Clerk Anne Pruss asked Mr. Allen to look into the scenario of a County employee under 65 whose spouse is over 65, and if it would be an option to reduce from employee-and-spouse coverage down to a single coverage with a cash-in-lieu option. He believed it was possible, but he would clarify this information.

No action was taken.

County Highway Superintendent Richard Johnson gave an update on the Elkhorn River Bridge repair. Mr. Johnson stated this is a FEMA project, and it was clarified that selection of Mainelli Wagner & Associates to provide engineering services for roadway and bridge projects using FEMA funding was approved with the consent agenda this date. Mr. Johnson stated he would inform Mainelli that they could proceed and that the County wants the project done as quickly as possible. Mr. Johnson estimated this project would cost \$250 million. He stated that FEMA inspectors would be going through Madison County within the next couple of weeks. Mr. Johnson stated he planned to accompany the inspectors. Chairman Schmidt stated he would like a commissioner to accompany them as well. Mr. Johnson stated he anticipates that a potential issue could be FEMA not being very quick to approve the project, but the County would need to build it anyway. Mr. Johnson said the County would need to document everything, keep track of the costs and work that out with FEMA later on. Commissioner Ohl inquired if the level of engineering and requirements placed on the County are higher if pursuing FEMA dollars, and if the County proceeds forward, is there a chance the County would not get the dollars after the fact if the County does not apply for grant dollars now. Mr. Johnson stated that FEMA requires engineering for anything over \$20,000. He stated that the project in question needs to be engineered either way. Commissioner Uhlir asked if the engineering would include the bridge on 838th Road. Mr. Johnson stated he wrote the RFP, naming those two bridges specifically, and other FEMA projects.

Chairman Schmidt asked for an update regarding old Hadar Road. Mr. Johnson stated he had not heard any recent complaints. Commissioner Uhlir stated that the road had been busted up near the same area that was fixed the last time. There had been an accident on Highway 81 a couple of weeks prior, and traffic had been diverted with Old Hadar Road taking on increased truck traffic. Mr. Johnson said that the Hadar Bridge is scheduled to be done in November. Commissioner Ohl stated that what has been done up to this time is just to get the road open, and he asked what the long-term plan will be for Old Hadar Road. Mr. Johnson stated that he thinks the road needs a complete reconstruction. He stated it would be designed so it could be bid sometime this winter.

No action was taken.

Chairman Schmidt began discussion regarding a request to support True Nebraskans petition for property tax relief. Chairman Schmidt stated that the petition is for 35% of property tax to be refunded by the State back to the taxpayer. Commissioner Ohl commented that a request had been received from an entity asking the County to sign off on a property tax relief measure, which did not provide a lot of information. He stated that NACO had asked the Board to wait on making any decision as they are looking into the matter. He reiterated that the information received is very minimal with no detail about how it would be processed or what effect it would have on the State.

Motion was made by Ohl and seconded by Uhlir that no action be taken on the request to support the True Nebraskans petition for property tax relief. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Updates to the Madison County Employee Handbook were then discussed. Commissioner Ohl stated there were a few items that had been discussed over the last several months with members of the Handbook committee. He stated that the three proposed changes are pretty straightforward with no apparent opposition. The first update was to the Cellphone/Electronic Device Use policy. Commissioner Ohl stated it is a fairly restrictive policy, but it gives the authority to the officials to make the determination of "other use." The language added was, "Each official will be responsible to determine abuse of the given policy." It was suggested that the policy be updated further secondary to the use of radios by County employees. Chairman Schmidt clarified what the term "official" meant. It was determined that this update would be postponed for reworking and clarification of the language.

The next Employee Handbook update is to "Employee Status Definitions." This update is being done partly due to the change in the timeclock with clarification needed regarding how some of the employee definitions were written. The updates were discussed. County Clerk Anne Pruss discussed that County policy has been that if an employee exceeds 30 hours, they would need to go up to the 40-hour work week with a portion of that being covered by the County and the employee being responsible for their contribution. It was noted that it is a possibility that there are employees who, because of circumstances, are working over 30 hours a week, but they do not qualify as an employee to receive benefits.

The third Employee Handbook update is with regard to "Yearly Flu Shots." Commissioner Ohl stated that one of the recent providers has been able to offer other vaccinations in addition to flu vaccinations, and language has been added to read, "The County will provide flu shots for any employee, spouse or dependents," and, "Employees should bring their insurance card at the time of vaccination whether on County insurance pool or an outside carrier. If made available, any additional vaccinations provided by the flu shot provider may be elected by the employee, but payment for any additional vaccinations may be at the cost of the employee depending on the insurance provider." Commissioner Ohl stated the reason for the update in policy is because it is now an outside group coming in.

Motion was made by Ohl and seconded by Uhlir that the Board approve the change to the Employees Definition page, specifically about part-time and full-time regular employed definitions, and also approve the change to the Yearly Flu Shot section of the handbook. There was no discussion. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

No action was taken on the Cellphone/Electronic Device use.

The 2019-2020 fiscal year budget was then reviewed. County Weed Superintendent Don Svitak was asked to discuss his 2019-2020 fiscal year budget. Chairman Schmidt stated that the commissioners are not in favor of purchasing an Argo vehicle as they have heard reports of problems with tipping and hidden dangers under water. Chairman Schmidt asked for clarification of what was included in the \$7,000 for other equipment. Mr. Svitak stated he had been looking at replacing the four-wheeler, which is 22 years old.

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Chairman Schmidt asked Mr. Svitak who provides his chemical supplies. Mr. Svitak stated he purchases chemical supplies from a variety of places including vendors in Wayne, Creston and Norfolk, wherever he can get the best deal.

County Clerk Anne Pruss was then asked to discuss her 2019-2020 fiscal year budget. Mrs. Pruss stated that when the report was initially provided with the last agenda, the comparison of the general fund's office function had quite an increase in the Clerk's office, but since then it has been adjusted and has come down. She stated it is still above what the commissioners asked the officials to stay within. She stated she went through the budget, and over 9% of the increase is due to salaries. She stated that the part-time person is assisting in additional functions within the office to help reduce the cost of overtime by the employees. Mrs. Pruss stated that in the office supply budget, etc., there was a 2.56% increase. Chairman Schmidt stated that the commissioners appreciate Mrs. Pruss and realize it has been a big job to undertake, and they support her in her need for extra help in the office to get the job done. She also noted that the election portion of the budget has increased, the reason for this secondary to payroll. She stated that Wayne Bena of the Election Commission has recommended hiring potentially an additional poll worker per location with the onset of the upcoming 2020 election, factoring in the budget for the primary as there could be a number of candidates on the ballot.

Mrs. Pruss stated that the average age of poll workers is 65 to 80, and putting in a 13-hour day is a lot of work, so she has budgeted that extra person.

Deputy Clerk Nancy Scheer was asked to join meeting as a member of the Budget Committee. County Clerk Anne Pruss discussed the comparison of the general funds, the totals now completed, and that all of the offices have submitted. It was clarified that the 43% increase in the communications center budget was due to the new radio system. The 19% increase for the Planning Commission was then reviewed. The Planning and Zoning budget for Pierce County is increasing as well as the money being allocated for two temporary contract laborers and inspection costs. The decision was made to have an update from the Planning and Zoning Administrator at the next meeting to address the board's questions. Commissioner Uhlir commented that the Veterans' Services Office budget is already up 5.87%, which does not include the requested salary increase above 2% by the Veterans' Services Officer.

County Clerk Anne Pruss noted that County Court's budget is up 8.69% as the purchase of a copy machine has been factored in. Commissioner Ohl commented that there has been some discussion of sharing a staff person between the Extension Office and the Veterans' Services Office.

A request was made that Mr. Richard Johnson explain the capital acquisitions as he had previously expressed that not everything was spent that was anticipated. Mr. Johnson explained that quite a bit has been budgeted for capital acquisitions over the last few years and quite a bit has been done. He stated that they try to anticipate what courthouse or other building projects need to be completed and place them in the capital acquisitions budget, but the difference from last year to this year is that last year the County purchased the Daycos building and that this year there has not been a similarly significant purchase. Chairman Schmidt stated that the County had budgeted \$150,000 for LED lights for the courthouse and that he anticipates the County would be able to save close to \$100,000 of that. There were no further questions regarding the acquisitions budget. Chairman Schmidt read off the items on the budget to include Daycos building sign expense of \$5,000; the courthouse telephone system expense of \$160,000; LED lights for the courthouse at \$150,000; Planning and Zoning sanitary sewer of \$5,000; remote offices fiber installation of \$4,550; and courthouse parking lot repairs of \$25,000. Chairman Schmidt stated he had an idea of what the LED light fixtures will cost. He has received one bid of approximately \$65 an hour, which would amount to approximately \$25 per light fixture. Mr. Johnson stated that if the project is over \$50,000, the project has to go to bid and that it would be illegal to split the bid into smaller projects. It was estimated that the total for lights and labor would be \$45,000. Chairman Schmidt stated that as of this date, he has not yet found anyone else to provide a bid as those he has talked to want to put up their own fixtures.

Motion was made by Uhlir and seconded by Ohl to accept the receipt of levy allocations requested for the rural fire districts of Battle Creek, Madison, Meadow Grove, Newman Grove, Norfolk, Madison County Agricultural Society and Norfolk Sanitary District. Per the provided information sheet, there was zero percent change for the rural fire protection districts, the miscellaneous subdivisions and Madison County Agricultural Society's budgets will go up 2.5%, and the Norfolk sanitary district will go up 3.23%. Deputy County Clerk Nancy Scheer noted that those budgets did not need to be submitted until September 20, 2019, and these are just resolutions requesting funds. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Miscellaneous general funding requests were then discussed. It was noted that last year, \$3,000 was approved for internet service, and \$6,162 was spent. The current proposal is for \$6,500, which is a 116% increase. Commissioner Uhlir explained that the County is currently receiving 100 MG from CableOne, with an upgrade planned to increase this to 250 MG with a redundancy; however, by doing such, the telephone service is reduced by 61%, which is where the savings is realized. Commissioner Ohl said these numbers are relatively small in looking at the larger part of the budget, but if the internet were to be lost, the functionality of most of the offices in the courthouse would be greatly impacted. Commissioner Uhlir tied that back into the capital acquisition fund stating that the office fiber installation of \$4,500 includes all of the remote locations, and there should be a \$600 to \$700 savings per month in the internet and phone bill. Commissioner Ohl stated that the District Court and County Court attorney fees will be a continued question on expenses. Some of the measures taken have helped with expenses, but some of it is unforeseen.

County Highway Superintendent Richard Johnson then presented the Road/Bridge budget. Mr. Johnson stated that at this time the Road/Bridge budget includes everything the commissioners wanted. The salaries and related items have basically increased to allow for a 2% increase in salaries. He then presented a major projects sheet detailing four major projects estimated at \$6 million as well as 20 miles of bituminous surfacing estimated at \$6 million. Mr. Johnson stated that, roughly, the levy would be increased 21 cents, which is with bonding for 10 years, with that expense being in the Road/Bridge bond fund. He stated he has \$6 million as expenditures on one end and as revenue on the other side. He presented a rough bond schedule for the \$6 million over 10 years as being approximately \$680,000 yearly, which is about 1.7 cents, which would come out of the Road/Bridge bond fund. Mr. Johnson stated that if the levy is raised 20 cents for the road projects and 1.5 cents for the bonds, it would be over the constitutional limit. He also stated that the actual levy limit for the County is 45 cents plus whatever is levied per inter-local agreements, which last year was approximately 2.7 cents. Mr. Johnson stated that based on that, some cutting would need to be done. It was clarified that the 20 miles of bituminous surfacing for \$6 million is for 20 miles total, not 20 miles in addition to the average 6 or 7 miles normally completed each year.

Mr. Johnson stated that the big unknown right now is FEMA. He estimated that there would be about \$2 million in project costs, which is probably high. On the revenue side, he had put in the budget that the County would get \$1.25 million from FEMA, stating that also could be high. Mr. Johnson stated he did not think the County would get any State money next year. Mr. Johnson stated that FEMA has done well in the past with getting the checks out. He stated that quite a bit of the work he has turned in is 100% completed, and he thinks they will reimburse fairly quickly, with the rest depending on when the work is done and when everything is submitted.

It was clarified that the big projects in the works that make up a big chunk of the budget include Benjamin Avenue, Old Hadar Road, Battle Creek North and Producers' Road in Battle Creek. Chairman Schmidt inquired what the cost for those four projects would be. Mr. Johnson stated it would be \$6.5 million. Chairman Schmidt asked if all four projects are definitely going to be done. Mr. Johnson stated that Producers' Road is probably the project that can be delayed. This budget is without any overlays being done. Chairman Schmidt clarified that the cost would be 3 to 4 projects at \$4.5 million to \$6 million. Chairman Schmidt asked if only the \$6 million for the four projects was done without any overlaying, what would the budget look like. It was estimated that to complete these projects, the property taxes would be raised \$2.5 million. Chairman Schmidt clarified that to also do the 20 miles of overlaying discussed, it would take 1.7 cents to pay the bond, which would make the levy about 41 cents.

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Chairman Schmidt asked if the \$6 million dollars for the four proposed projects could be bonded. If the four projects and the overlaying were all bonded at \$12 million, it would be a 3.4 levy increase. It was noted that it could be done, but the bond payment would be \$1.3 million over 10 years, which would limit what the County would be able to do in the years ahead. If the full \$12 million were bonded, the 3.4 cents would work out to \$250 per \$100,000 valuation. Commissioner Uhlir stated there were many roads not on the one- and five-year plans that are really struggling and that there will be a mess if there is another spring like the past spring. Commissioner Ohl stated there were 40 miles of roads that need to be considered for overlay.

Mr. Johnson advised the commissioners that they would need to direct the decision process regarding road projects by deciding how high a levy they will allow. Mr. Johnson also stated he would be spending about \$4,000 to obtain traffic counters that not only count the vehicles but can differentiate between trucks and cars, which will help direct the project decisions. Mr. Johnson stated that the current traffic counters only count axles.

Commissioner Ohl inquired of Jerry Guenther about a recent media poll. The question asked was, "Should Madison County issue bonds, spend reserve funds or turn asphalt roads to gravel to help catch up with road repairs?" Mr. Guenther stated that 32% were in favor of using reserves including inheritance, 31% were in favor of issuing bonds, 34% were in favor of turning some to gravel, and 3% were in favor of business as usual.

Mr. Johnson stated that spending the reserves is not an option as it is meant to get the County from July 1st until property tax collections, which is when Road and Bridge have some of their biggest expenditures. Commissioner Ohl stated that some of the reserve is in place to align the budget year with the fiscal year. Mr. Johnson stated that, historically, the County has tried to keep the inheritance tax balance at \$2 million for emergencies, but roughly \$1 million is used yearly for property tax relief. Mrs. Scheer stated that this might be a situation where the balance has to be taken down to get some of the projects done without putting a bigger burden on the taxpayers, but the County would then have to hope another catastrophic event doesn't occur.

Commissioner Ohl then discussed the historic levies from past budget presentations. He stated in prior years, the County did have a higher levy with the board having made a strong effort to bring that levy down. He asked Mr. Johnson if the County tried to do all of the projects, what kind of impact would that have historically compared to where the levy has been and where it is now. Mr. Johnson stated the highest the levy can go is 47.5 cents. It was noted that the levy has historically been as high as 42.

Chairman Schmidt asked what the options are in looking at the Road budget. He stated that the bridge to Hadar would be completed before the Old Hadar Road could be fixed which wouldn't be until the next construction year. Chairman Schmidt stated that once the bridge is fixed, the Old Hadar Road will not need to be fixed as quickly because people could use the highway. Mr. Johnson noted that these were mostly full project cost estimates as if they would all be done in the 2019-2020 fiscal year; however, not all of the work would be done in that fiscal year, but the money still needs to be levied. Chairman Schmidt asked if the Old Hadar Road project could be taken out of the budget. It was noted that there is not enough enforcement to ensure that trucks would not use the road. Chairman Schmidt stated that once the bridge to Hadar is done, then the Old Hadar Road could be open to local traffic only. It was noted that there would still be problems with enforcement. Commissioner Ohl stated that the Old Hadar Road is 8 miles of asphalt at a cost of \$2.4 million. Chairman Schmidt asked if it would be better to move the Old Hadar Road project down the road so some of the other road problems could be addressed. Mr. Johnson asked if the Road Department could keep Old Hadar Road patched indefinitely, and road foreman Jeff Schroeder stated it could not. It was noted that there have already been over \$60,000 spent in repair since the flood, and it still is not a good road. Commissioner Ohl stated that it will be a situation of trying to reduce the traffic on Old Hadar Road once the bridge is open. Commissioner Uhlir stated that the reality is that even if the money is budgeted for the Old Hadar Road project, the money isn't going to be spent until the next fiscal year. Road Supervisor Jeff Schroeder stated that every time they have to go back to patch another area, it takes almost an entire crew to do it, pulling them away from other necessary work.

Chairman Schmidt asked if it would be possible to delay some of the projects so some of the other roads can be fixed. Mr. Johnson thought it would be possible to pull Producers' road off the list. Regarding Old Hadar Road, Mr. Johnson asked Commissioner Ohl and Mr. Schroeder if the north mile could be done next year and put the south mile off a couple of years. Mr. Schroeder said that the south mile could not wait a couple of years. Chairman Schmidt stated he thought Producers' Road should be taken off the project list, which would change it to three major projects at \$4.5 million. It was stated that if only a mile of Old Hadar Road is fixed, it would take \$1.2 million off the total. That would make the total \$3.3 million. Mr. Schroeder asked what the urgency was for Benjamin Avenue and that he would rather see the 2 miles of Old Hadar Road done. Chairman Schmidt stated that Benjamin Avenue cannot be passed over as the commissioners have been promising Norfolk to do it for the last 2 years. Commissioner Uhlir stated there have been motor vehicle accidents out there, also. Commissioner Ohl stated there has been coordination for that project with Norfolk and other entities in that area. It was noted that bids open on the Benjamin Avenue project on August 29, 2019.

It was clarified that the budget is to be adopted on September 5, 2019. A special meeting will be held on August 23, 2019. Commissioner Uhlir asked for a levy number to be suggested. It was suggested to find the totals for levies of 37 cents, 40 cents and 42 cents and to determine how each would impact the taxpayers and the impact each would have on the budget. Mr. Johnson stated that the next thing he's going to be cutting will be the bituminous surfacing miles. Commissioner Uhlir stated that the worst case/best case scenarios for fixing the roads were brought to the table today, but the board knows they'll need to return to the table for further discussions and decision-making. Chairman Schmidt asked if there were any other options. Mr. Johnson said it is basically a matter of which roads take priority and which ones the commissioners are willing to have cut or delayed. Chairman Schmidt stated that it needs to be determined where the County can pay-as-they-go and how much they are willing to bond going forward. Mr. Johnson advised the board that approximately \$1.3 million was put in for new equipment, which is normally approximately \$750,000.

The following written report was reviewed:

- 1) Fund balance report
- 2) District Court July 2019, fee report
- 3) County Sheriff's July 2019, fee report
- 4) Letter of thanks from Northeast Nebraska Economic Development District for membership renewal
- 5) Letter from Lower Platte North Natural Resources District regarding meeting dates for updating regional Hazard Mitigation Plan
- 6) Public hearing notice from the Stanton County Planning Commission regarding preliminary plat application of Kelby Herman

The following claims were audited:

<b>GENERAL FUND</b>		
Payroll		156,284.48
Mark Albin	Legal Services	859.99
AFLAC	Insurance	1,120.34
Appeara	Rug Service	29.64
B & K Welding	Repairs	15.00
Black Hills Energy	Gas Service	42.68
Blue Cross Blue Shield	Insurance	135,479.93
Bob Barker Co.	Supplies	625.11
Bomgaars Supply	Supplies	80.69
Brogan & Stafford, PC	Legal Services	207.98

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Brogan Gray, PC LLO	Legal Services	451.97
City of Norfolk	Utilities	403.36
Colonial Life & Accident Insurance Co.	Insurance	223.20
Connecting Point	Contract Service, Website Hosting	2,790.08
Consolidated Management Co.	Meals	176.63
Constellation NewEnergy	Gas Service	2.88
Credit Bureau Services	Garnish of Wages	467.35
Custom Heating & Air Conditioning	Repairs	148.36
Custom Sports	Uniforms	94.00
County Veterans' Service Officers Assn.	Registration Fee	50.00
DAS State Accounting	Phone & Teletype Service	795.47
Eakes	Supplies	1,818.40
Easy Clocking	Contract Services	540.00
Egan Supply Co.	Supplies	546.12
Egley, Fullner, Montag, etal	Legal Services	1,409.90
Elite Court Reporting Service	Copies	193.00
Field's Hardware	Supplies	45.52
First Concord Benefits Group	Administration Fees, Flex Plan	2,088.69
Futureware Distributing	Supplies	548.82
Galls	Uniforms, Supplies	340.91
Yvonne Gerrard	Cleaning Services	385.00
Global Equipment Co.	Supplies	141.23
Leo Gonzalez	Mileage	81.20
Goodlife Counseling	Witness Fees	225.00
Joyce Hasselbach	Transcript	179.75
Naomi Hemphill	Cleaning Services	80.00
Khu Htoo	Interpreting	65.00
Jack's Uniforms & Equipment	Uniforms	147.83
Ken's Trailer Sales & Repair	Repairs	11.61
Lakeview Title Co.	Title Searches	50.00
Lancaster Co. Sheriff	Civil Process Fees	6.00
Latimer Reporting	Transcript	58.15
Madison Co. Clerk	Tax Deposit, Retirement	82,815.98
Madison Co. Court	Court Costs	1,364.00
Madison Co. Sheriff	Supplies	2,647.45
Madison Nat'l. Life Insurance Co.	Insurance	294.65
ME Bulbs	Supplies	956.50
Menards	Supplies	50.02
Microfilm Imaging Systems	Equipment Lease	218.00
Moyer & Moyer Law Firm	Legal Services	1,738.55
Nationwide Retirement Solutions	Deferred Comp	2,485.00
Nebr. Child Support Payment Center	Garnish of Wages	526.62
NPPD	Utilities	779.53
Norfolk Daily News	Publication Costs	195.43
Northeast Nebr. Assn. of Co. Officials	Registration Fee	25.00
Valorie Olson	Court Reporting	345.00
One Office Solution	Supplies	831.96
William Ouren	Autopsy Services	75.00
Sarah Polacek	Mileage	162.40
Pollard Pumping	Disposal Services	284.75
Postmaster	Postage	110.00
Premier Biotech	Supplies	250.94
Professional Choice Recovery	Garnish of Wages	232.93
Reynoldsons	Fuel	129.76
Mary Rohrich	Cleaning Services	65.00
RS Electric	Electrical Repairs	486.00
Lee Sherry	Mileage	146.16
Kristen Sindelar	Mileage	85.84
Joseph Smith	Mileage	887.40
Sparklight	Internet Service	570.52
Summit Food Service	Inmate Meals	11,666.24
T & I Enterprises	Garnish of Wages	47.35
US Bank	Meals, Fuel, Supplies	1,040.56
Verizon	Failover Router	454.58
Vision Service Plan	Insurance	440.83
Alexandra Vondrak	Mileage	113.68
Walmart Community	Supplies	71.50
Wayne Co. Clerk	Annual Expenses	43,821.30
Zee Medical Services	Supplies	251.70
	<b>ROAD/BRIDGE FUND</b>	
Payroll		34,054.41
Advance Auto Parts	Parts	174.18
Travis Amen	Reimbursement for Driver's License	31.00
American Broadband	Phone Service	53.06
AFLAC	Insurance	689.53
Asphalt & Concrete Materials	Asphalt Overlay	273,462.65

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## MADISON COUNTY, NEBRASKA

B's Enterprises	Culverts, Supplies	7,722.30
Battle Creek Light & Power	Utilities	158.83
Bauer Built Tire	Repairs	1,514.40
Black Hills Energy	Gas Service	49.87
Blue Cross Blue Shield	Insurance	35,476.99
Bomgaars Supply	Supplies	857.18
Central Sand & Gravel	Gravel	9,813.68
City of Norfolk	Utilities	26.15
Colonial Life & Accident Insurance Co.	Insurance	85.03
Connecting Point	Internet Service	15.00
Cornhusker Int'l. Trucks	Repairs	9,214.42
Courtesy Ford Lincoln Mercury	Repairs	817.80
Dale R. Johnson Ent	Gravel	18,694.12
DAS State Accounting	Phone Service	24.23
Dinkel Implement Co.	Equipment Rent	8,744.90
Eastern Nebr. Trailer Repair	Parts	450.00
Field's Hardware	Supplies	101.84
First Concord Benefits Group	Administration Fees, Flex Plan	737.28
Fischer Oil Sales	Oil	133.80
Frontier	Phone Service	159.41
GCR Tires & Service	Repairs	594.64
Green Line Equipment	Parts	224.42
Husker Steel	Bridge Materials	100.00
J & A Traffic Products	Signs	4,841.25
Jebro	Asphalt Materials	400,470.81
Johnson Engineering Co.	Professional Services	6,040.00
Kimball Midwest	Tools	140.92
Loup Power Dist.	Utilities	98.32
Madison Co. Clerk	Tax Deposit, Retirement	17,643.45
Madison Nat'l. Life Insurance Co.	Insurance	53.29
Matheson Tri-Gas	Supplies	308.55
Matteo Sand & Gravel Co.	Gravel	43,157.28
Nationwide Retirement Solutions	Deferred Comp	955.00
Nebr. Child Support Payment Center	Garnish of Wages	93.24
NPPD	Utilities	150.79
Norfolk NAPA	Supplies	5,988.18
Pinkelman Truck & Trailer	Parts	1,086.48
Prime Sanitation	Garbage Service	58.50
Sta-Bilt Construction	Armor Coat Surfacing	140,327.50
Stanley Petroleum Maintenance	Parts	344.00
T-Bone North	Fuel	971.05
Truck Center Co.	Repairs	1,096.26
Village of Meadow Grove	Utilities	71.00
Vision Service Plan	Insurance	97.62
Z & Z Sales	Supplies	63.80
Zee Medical Service	Supplies	80.45
	<b>FEDERAL AID SECONDARY FUND</b>	
A & R Construction	Contract Services	61,275.72
	<b>VISITORS PROMOTION FUND</b>	
Norfolk Area Visitors Bureau	Administration Fees	11,170.13
	<b>VISITORS IMPROVEMENT FUND</b>	
Norfolk Area Visitors Bureau	Administration Fees	4,935.35
	<b>INHERITANCE TAX FUND</b>	
Estate of Charles Seller	Inheritance Tax Refund	6.30
	<b>911 EMERGENCY FUND</b>	
Frontier	Phone Service	164.10
	<b>LAW ENFORCEMENT OPERATING FUND</b>	
Madison Co. Sheriff Inmate Fund	Supplies	226.80
	<b>DRUG COURT FUND</b>	
Mathew McManigal	Supplies	50.00
Putters	Supplies	75.00

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

The Board adjourned at 12:41 P.M. to Tuesday, August 20, 2019, at 9:30 A.M.

ATTEST:

\_\_\_\_\_  
County Clerk Anne M. Pruss

\_\_\_\_\_  
Ronald Schmidt, Chairman  
County Board of Commissioners