

# Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

August 21, 2018

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

Advance notice of meeting was published in the Thursday, August 16, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, and County Clerk Nancy Scheer. County Attorney Joseph Smith was present until 9:52 A.M. County Highway Superintendent Richard Johnson, County Weed Superintendent Don Svitak, and Zoning Administrator Heather McWhorter was present until 11:31 A.M. Norfolk Daily News reporter Jerry Guenther, US 92 reporter Kathryn Halvorsen, and WJAG reporter Cody Ronnfeldt were present until 11:03 A.M. Citizen Roger Acklie was in attendance until 11:00 A.M.

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

- 1) Approval of minutes of the August 7, 2018 meeting
- 2) Approval of 2018 inventory statements
- 3) Approval of Gerald J. Preusker Lot Split in Section 34-23-3, which is located approximately 4 miles south of the City of Battle Creek
- 4) Authorization to advertise for bids for a motor grader for Road District #3
- 5) Approval of an election services agreement with Election Systems and Software, LLC and authorization for the County Board Chairman to execute said agreement
- 6) Approval of contract with Vanguard Appraisals, Inc. for appraisal of grain elevators and industrial properties in the County and authorization for the County Board Chairman to execute said agreement
- 7)

### RESOLUTION #2018-44

WHEREAS, Check No. 18070291, dated July 24, 2018, and drawn on the Road/Bridge Fund in the amount of one hundred sixty-three dollars and twenty cents (\$163.20), was made payable to Marx Repair, LLC, 54659 838th Road, Battle Creek, Nebraska, and  
WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk,  
NOW, THEREFORE, BE IT RESOLVED that, Check No. 18070291, dated July 24, 2018, and drawn on the Road/Bridge Fund in the amount of one hundred sixty-three dollars and twenty cents (\$163.20), is hereby cancelled.

8)

### RESOLUTION #2017-45

WHEREAS, Check No. 18080061, dated August 7, 2018, and drawn on the General Fund in the amount of fifty-five dollars and fifty-six cents (\$55.56), was made payable to Madison County Sheriff, P.O. Box 209, Madison, Nebraska, and  
WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk,  
NOW, THEREFORE, BE IT RESOLVED that, Check No. 18080061, dated August 7, 2018, and drawn on the General Fund in the amount of fifty-five dollars and fifty-six cents (\$55.56), is hereby cancelled.

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 Thursday, August 16, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:37 A.M. to receive citizens' comments regarding the application of Alex and Sheana Banks for a conditional use permit to operate a kennel on property in Section 28-21-4, which is located at 82320 536th Avenue, Newman Grove.

Zoning Administrator Heather McWhorter reported that the applicants requested a conditional use permit to operate a dog kennel. She stated that the property was originally in the City of Newman Grove jurisdiction and a building was constructed in a location that was denied by zoning regulations based on setback requirements; therefore, the owners were unable to operate due to noncompliance. She explained that the property is currently in County's jurisdiction at the request of the Newman Grove City Council and will meet the setback requirements for County zoning in the Ag Transitional District. She read the proposed resolution with the facts and conditions as recommended by the Planning Commission.

Chairman Prauner explained that during the hearing each person would be allowed five minutes to speak for or against the application. He stated that there won't be any degrading of any office and only one person will speak at a time.

County Attorney Joseph Smith asked for a clarification on one issue. He stated that the Planning Commission recommended a late fee. Ms. McWhorter responded that standard procedure requires that if the building permit is requested after the building is completed, the permit fee is five times after the fact fee. Mr. Smith asked if the fee is "up to five times" and Ms. McWhorter replied that the fee is five times the original permit fee. Mr. Smith asked if the County has previously imposed the fee and Ms. McWhorter replied yes.

Sheana Banks stated that she is the applicant for the permit. She reported that they are under a falsified building permit and she asked Ms. McWhorter what permit they were supposed to have in the City's jurisdiction because a commercial kennel is a permitted use in the City jurisdiction. Chairman Prauner stated that the hearing is for consideration of the dog kennel permit. Mrs. Banks asked if that there would be a fine for a falsified permit. Mr. Smith explained that the County can't apply a penalty and that some things which were talked about, such as paying lawyer fees to the City, can't be enforced by the Board. Mrs. Banks reported that they obtained a list of the steps that they needed to follow to get the permit and they followed every step. She stated that they had a 96 feet setback; but, they paid a surveyor to come out and survey the land even further; so, now they meet setback requirements for a kennel in Madison County.

John Wyant, Newman Grove City Mayor, testified that when the applicants came to the City the building application was for a storage building. He stated that later the applicants came and said that the building was going to be a kennel. He explained that the building didn't meet the 100 feet setback requirements from the kennel to the residence and there was no way for the City to retroactively approve. He stated that, because of the one mile zoning jurisdiction, the City Council took the property out of the City zoning jurisdiction. He explained that they were afraid that they would be setting a precedent; but, they also would have set a precedent if the City Council would have changed the setback to 50 feet. Mr. Wyant stated that after conferring with the League of Nebraska Municipalities' attorney, the City was told that the property could be taken out of the City's jurisdiction; so, the City went through the motions to exclude the property from the City's jurisdiction. He stated that he and the Newman Grove City Council members are 100% for the kennel; but, because of the setback requirements, the footage wasn't met. He said that the kennel is very good for the community.

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Brad Wallin stated that he and his wife lived on the property before his daughter bought it from them in 2015. He submitted pictures of the property. He reported that his wife started a dog breeding kennel in 1994 and expanded in 1997. He pointed out the kennel on the pictures which was located between two brown sheds and explained that he re-conditioned the kennel to breed dogs. He said that the two sheds were 42 feet apart. He said that in 1997 his wife obtained a license with the State and USDA and they were inspected quarterly with all surprise visits. Mr. Wallin stated that in 2000 his wife decided to expand and he built a shed to the north which he pointed out on a picture. He reported that from 2000 to 2014 they had approximately 60 dogs all the time. He said that in 2003 his daughter wanted to start boarding dogs, so he built another shed which he pointed out in the picture. He reported that there was a white fence between the two buildings to separate the boarding and breeding. He explained that from 2003 to 2014, these were the buildings being used and were inspected by the State and USDA on a quarterly basis. Mr. Wallin reported that in 2015 he sold this property to his daughter since his wife was getting out of the breeding business, so his daughter wanted to expand for boarding dogs. He said that in 2015 when he sold the property to his daughter they went to the City of Newman Grove and obtained a permit to build a shed. He said that they had a storage shed and he pointed out that over 50% of the shed is storage. He stated that in the City of Newman Grove jurisdiction a commercial kennel is a permitted use and they didn't need a permit for it; so, they didn't know they needed a special permit, only a building permit. Mr. Wallin said that in 2016 when they built the shed they got a permit from the City of Newman Grove and then in 2017 when they were building the shed, the City of Newman Grove asked his daughter if she would board stray dogs because the City's shed by the lagoon was outdated. He explained that his daughter then asked the State if that was okay because she can't accept a dog unless it has all required shots. He reported that the State allowed his daughter to have one pen that was completely enclosed and isolated. Mr. Wallin explained that his daughter was on the City of Newman Grove agenda to sign a contract in October, 2017. He stated that after that they were kicked out of the City's jurisdiction. He said that they have never had a complaint once and have been inspected by the State and USDA since 1997.

No one spoke in opposition to the conditional use permit application.

County Attorney Joseph Smith explained that he has been talking to the Newman Grove City Council, County Board members, the applicants, and the applicants' family. He said that this process has been very long and at various times everyone has had their tempers up a bit; but, everyone has been sincere about it. He said that he has been to the property and it is a nice place. He said that he planned to discuss the late fee because he thought that the fee schedule said up to five times; however, if the schedule says that the fee is five times, there is not much leeway. He suggested that the Board approve the application so everyone can proceed.

Chairman Prauner closed the hearing at 9:50 A.M.

Zoning Administrator Heather McWhorter agreed with Mr. Smith's comments. She said that the kennel is good, but she wants to make sure that everything is done legally. She explained that the original permit that was filled out with the City of Newman Grove for a rectangular storage shed is not what is actually on the property; so, she had Mr. Svitak measure the building on August 20, 2018 because she wanted to verify the dimensions. She said that the fee calculated by the Planning Commission was approximately \$2,400.00; however, based on the correct measurements of the building constructed, the permit fee is \$1,657.00.

Chairman Prauner requested Ms. McWhorter to read the permit conditions again, which she read. Commissioner Schmidt asked if the applicant would decide to start breeding dogs again, would the conditional use permit allow it. Ms. McWhorter responded that this permit would allow breeding dogs.

Commissioner Schmidt asked about the legal fees owed to the City of Newman Grove. County Attorney Joseph Smith stated that the County can't charge for access to government. Chairman Prauner stated that payment of legal fees to the City of Newman Grove was a stipulation that came forward from the Planning Commission to the County Commissioners.

Planning Commission member Roger Acklie explained that payment of legal fees was something that the applicant is supposed to work out with the City of Newman Grove. He stated that the Planning Commission didn't want anything to do with that; but, they wanted to make sure that both sides worked out details. Mr. Smith stated that payment of legal fees to the City of Newman Grove can't be a condition of the permit. Commissioner Schmidt requested that payment of legal fees be stricken from the proposed resolution.

After discussion, the following resolution was introduced:

### RESOLUTION #2018-46

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 Norfolk Daily News, and a public hearing was held by law.

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AT Ag Transitional, which allows a dog kennel as a Conditional Use when located at least 100 feet from property lines, and 300 feet from surrounding residences.
3. This property was originally located in the City of Newman Grove's ETJ.
4. The proposed kennel was built after a permit was denied due to location and setback requirements. A Board of Adjustment request for variance was denied as well.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Alex and Sheana Banks to operate a kennel on property described as:

Tract of land in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 28, Township 21 North, Range 4 West of the 6th P.M., Madison County (see attached)

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

1. This Conditional Use Permit is for a period of 10 years and will renew with no verifiable complaints. Permit may be transferred between owners.
2. This Conditional Use Permit allows applicant to operate a Commercial Dog Kennel on the property.
3. A valid zoning permit must be obtained for the building, requiring an after the fact fee of 5 times the permit fee.
4. Applicant must comply with all local, state and federal regulations regarding the operation of a commercial dog kennel.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

Motion was made by Schmidt and seconded by Ohl that the foregoing resolution be adopted.

During discussion on the motion, Commissioner Schmidt clarified that the building permit fee is \$1,657.00 based on the correct measurements of the building. Ms. McWhorter explained that the calculation of the permit fee is the square footage of the building times 20 cents per square foot plus \$50.00 for the inspection fee and then five times this amount since it's an after the fact fee.

Sheana Banks asked if the fine is for a falsified building permit. Chairman Prauner replied that the fine is for a late building permit. Mrs. Banks explained that they had a building permit and Chairman Prauner explained that the building permit was for a shed. Mrs. Banks stated that in the City of Newman Grove jurisdiction that is all they needed and it wasn't wrong. Ms. McWhorter clarified that she was contacted a few times about building a kennel in this location and the applicants were told that they couldn't put the kennel at this location. She said that she then received a building permit from the City of Newman Grove for a storage shed with the outside dimensions of what is currently on the property. She said that she was very clear and called the applicant to advise that dogs couldn't be put in the building.

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Ms McWhorter reported that she exchanged emails with the City of Newman Grove with the same information; but, then she found out a few months later that the applicants did not build what was listed on the permit application. She stated that historically speaking in the County, the applicants would have been asked to remove the building because it wasn't a legal structure and didn't meet the building permit; so, based upon this information there is not a valid permit for what is actually built on the property. She explained that the County doesn't care about the falsification on the City of Newman Grove's permit, but the County just needs a valid permit for the structure in order to move ahead.

Commissioner Schmidt said that he wants to make it clear that the building permit fee must be paid before the conditional use permit is valid. Ms. McWhorter explained that the applicants need to go to the office, fill out the permit accurately with the building dimensions, sign the form, and pay the permit fee so that the building is valid and the applicants can continue with the conditional use permit.

After this discussion, Chairman Prauner called for the vote. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

No representative from Liberty National Insurance Company appeared at the meeting to discuss voluntary insurance programs. No action was taken.

County Clerk Nancy Scheer reported that when calculating the wages for the County Clerk's budget for the 2018-2019 fiscal year, a discrepancy was discovered on Resolution #2018-5 which was adopted on January 9, 2018. She explained that this resolution establishes the salaries for elected officials for the 2019-2022 term of office. She reported that the discrepancy is the wage established for the County Clerk with additional duties of Election Commissioner. She stated that her interpretation of the proceedings is that the intent of the Commissioners was to add \$5,000.00 to the base wage of the County Clerk if additional duties of the Election Commissioner were performed by the official. Mrs. Scheer pointed out that the base salary for the County Clerk for the calendar year 2019 is \$69,000.00 and the salary for the County Clerk with the additional duties of Election Commissioner is listed in the resolution as \$75,000.00. She stated that excerpts of the Commissioners' Proceedings support that the proposed wage intended to be established for the County Clerk with additional duties of Election Commissioner should be \$5,000.00 annually, instead of \$6,000.00 as listed in Resolution #2018-5. She said that a statement made by Commissioner Schmidt says that a number of years ago the County Clerk starting receiving \$5,000.00 annually to serve as Election Commissioner. She stated that another portion of the minutes includes a statement made by Commissioner Ohl stating that additional responsibilities for the Clerk, Assessor, and Sheriff would be retained at the same rate of \$5,000.00 annually. She requested that, based upon excerpts from the proceedings and prior history, the County Commissioners clarify the correct salary for the County Clerk with additional duties of Election Commissioner for the 2019-2022 term of office. She said that if the Board determines that a correction is necessary, she recommended that a motion be adopted directing the County Clerk to correct original Resolution #2018-5 to accurately reflect the intended salary rate for the County Clerk with additional duties of Election Commissioners for the years 2019, 2020, 2021, and 2022.

Chairman Prauner said that it appears that the resolution reflects a \$6,000.00 salary if the County Clerk performs additional duties of Election Commissioner, instead of the \$5,000.00 annual payment as intended by the Board. He asked Mrs. Scheer if \$5,000.00 annually was adequate compensation for the Clerk to perform additional duties of Election Commissioner. Mrs. Scheer responded that historically the County Clerk has received \$5,000.00 annual compensation for serving as Election Commissioner, and that based upon the additional \$5,000.00 compensation set for the offices of County Sheriff and County Assessor, the intention of the Commissioners was that the rates would be equal for each official who performs additional duties.

Motion was made by Schmidt and seconded by Ohl to correct original Resolution #2018-5 to accurately reflect the salary rate for the County Clerk with additional duties of Election Commissioner for the years 2019, 2020, 2021, and 2022 as an additional \$5,000.000 as reflected below.

Office	2019	2020	2021	2022
County Clerk	\$69,000.00	\$70,500.00	\$72,000.00	\$73,500.00
County Clerk with additional duties of Election Commissioner	\$74,000.00	\$75,500.00	\$77,000.00	\$78,500.00

Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none.

Budget committee members Ronald Schmidt, Richard Johnson, and Nancy Scheer presented a summary of the budget for the 2018-2019 fiscal year. Roger Acklie was present during the budget discussions.

A spreadsheet listing the office functions in the General Fund was presented. Commissioner Schmidt explained that the total proposed budget in General Fund is \$14,679,728, which is \$1,092,655 higher than the prior fiscal year, or an 8.04% increase. Chairman Prauner stated that department heads did a good job of controlling spending, with a balance of approximately \$1.5 million of allocated funds unspent. Mr. Johnson reported that the Capital Acquisitions office function increased about \$787,000.

Mrs. Johnson reported that \$90,000 was added to the Miscellaneous General office function for County Court attorney fees to make sure that adequate funding is included in the budget during the period of transition to the contracts with Mr. Ewalt and Mr. Moyer. Mrs. Scheer explained that two line items for court appointed attorney fees were split into five line items in the proposed budget because of the two contracts and also the Commissioners' request to separate expenses related to juvenile court cases. She reported that \$30,000 has already been spent this fiscal year for County Court appointed attorney fees so the budget was increased from \$60,000 to \$150,000. Mr. Johnson stated that the total amount budgeted in the prior fiscal year for court appointed attorney fees was \$605,000, and since the Judges increased the hourly rate from \$75/hour to \$90/hour, the budget committee thought it would be appropriate to increase the total budget by 20% from the prior year. Mrs. Scheer stated that no one knows what the run out costs will be for attorneys appointed prior to July 1, 2018. Commissioner Schmidt reported that the total proposed budget for Miscellaneous General increased \$90,167, or 1.9%, from the prior fiscal year.

Roger Acklie asked for an explanation on the deductible buy down line item in Miscellaneous General. Mrs. Scheer responded that employees participating in the county health insurance plan have an annual deductible of \$2,500; but, the employee pays the first \$1,500 and the County pays for the next \$1,000 of the deductible amount. Mr. Johnson explained that the deductible buy down allows the County to have lower insurance premiums without passing all the costs onto employees. Commissioner Ohl explained that the County absorbs additional risk with the expectation of saving money for employees who won't meet the \$1,500 deductible each year.

Commissioner Schmidt reported that the following projects are budgeted in the Capital Acquisitions budget: Courthouse skylight replacement, Courthouse boiler replacement, building expenses and purchase of the former Daycos building to house the Extension Office, Courthouse telephone system, LED lights in the Courthouse, Courthouse parking lot repair, sanitary sewer connection for the Planning and Zoning department, and possible purchase of a building on Bonita Drive. He explained that the sidewalk on the north entrance needs to be replaced and extended to the east to allow for easier access into the building. He stated that there is a portion of the parking lot at the end of the sidewalk on the north entrance that is breaking up and should be replaced to eliminate uneven surfaces. He stated that he asked the Planning Commission to discuss the possible purchase of the building on Bonita Drive and requested them to give the Commissioners some feedback on whether acquisition of this building should be a priority. He said that all the Planning Commission members are taxpayers and they will be using the building; so, the recommendation should come from these Board members. He said that this line item could be changed or removed.

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Commissioner Schmidt explained that the Road/Bridge Fund reflects a total increase of 3.59%, including the cash reserve. He explained that \$7,500 was budgeted for personal protective equipment for the road department employees, which will be a new line item in the budget.

Chairman Prauner asked what District #1 and #2 each paid for motor graders last fiscal year. Commissioner Schmidt responded that District #1 paid \$188,000 for a new motor grader and Commissioner Ohl stated that District #2 purchased a used motor grader for \$180,000. Commissioner Ohl asked if \$400,000 would be adequate for motor grader purchases during this fiscal year and Commissioner Schmidt replied that he doesn't plan to purchase a motor grader this year; but, they have purchased a truck tractor. Commissioner Ohl stated that purchasing a different motor grader is a priority for District #2.

Mr. Johnson explained that the Federal Funds Purchase Program is State funds which replace Federal Aid funds. He reported that the County spent approximately \$350,000 on District #3 box culvert project last fiscal year. He stated that \$426,000 is budgeted for road work which will pay for the costs of the two mile overlay on Green Garden Road and that \$406,000 is set aside for bridge projects, but it isn't designated for a specific project at this time. He stated that unused funds will be carried over to the next fiscal year. He reported that \$1.7 million is included for cash reserve which will pay for expenses from July 1st until October when property taxes are paid.

Commissioner Schmidt reported that the following major projects are included in the Road/Bridge and Federal Aid Secondary budgets:

- 1) One-half mile of asphalt on North 37th Street near Lutheran High Northeast
- 2) Three miles of asphalt overlay on 61st Street from Highway 275 to Nucor Road
- 3) Two miles of asphalt overlay on Green Garden Road
- 4) Paving project on Agrex Road, which is finished
- 5) CBMP No. 2 which includes two culvert projects in Road District #1 and one culvert project in Road District #3
- 6) About 0.5 mile of new concrete surfacing on South 37th Street near Norfolk
- 7) Reconstructing Benjamin Avenue from Victory Road to Highway 35 and converting it to three lanes
- 8) Concrete overlay on Old Hadar Road
- 9) Battle Creek North ER project
- 10) North Main Street, located north of the Courthouse past Big Country Auto
- 11) About 1.5 miles of concrete overlay near Meadow Grove
- 12) Elkhorn River bank stabilization project near Tilden
- 13) Several small bridge replacement projects

Chairman Prauner asked if labor was included on the Elkhorn River bank stabilization project. Mr. Johnson replied that this estimate would include all estimated costs for a contractor to complete the project; however, if the County completes some of the work, the cost will be less. Chairman Prauner said that he would like to see this project completed before the spring thaw.

Roger Acklie asked how the river bank stabilization project by the railroad was progressing and Mr. Johnson replied that this project is finished. Chairman Prauner explained that the cost for this project was paid by Railroad Transportation Safety District, Natural Resources District, and four industries.

Commissioner Ohl requested that Benjamin Avenue, Old Hadar Road, and 37th Street be completed quickly. Chairman Prauner stated that upgrades should be considered for 839th Road next year.

Commissioner Schmidt explained a report listing the requested budget amount in each fund compared to the prior year. He reported that the total budget for the prior fiscal year was \$37,458,480 and the current fiscal year budget is proposed at \$39,684,984, which is a 5.94% increase. He reported that the valuation increased about \$133 million from the prior year. He stated that the 2017 levy was \$0.326706 and the estimated levy is \$0.330684, which is a 1.22% increase. He explained that if the property tax was reduced approximately \$168,000, the levy rate would be about the same as the prior year.

Chairman Prauner asked if the proposed budget includes a transfer of funds from the Inheritance Tax Fund. Mr. Johnson replied that the proposed budget includes a transfer of \$1,000,000 from Inheritance Tax Fund to reduce the total property tax. He explained that this would leave a balance of approximately \$2,000,000, which is amount that the Commissioners have historically set aside for emergency purposes.

Commissioner Schmidt asked what the bond payment is for the next fiscal year. Mrs. Scheer responded that the proposed levy rate for the Road/Bridge Bond fund would remain at \$0.0050. She reported that the current cash on hand is \$257,000 and the bond and interest payment for the next fiscal year is \$168,950. She said that the current fund balance would be adequate to pay for the next fiscal year interest and principal; however, the levy needs to continue so that the taxes are collected before future payments are due. She explained that if valuations continue to increase, the bonds could possibly be paid before 2023. Commissioner Schmidt reiterated that if the Board members want the levy rate set at the same rate as 2017, the property tax amount must be reduced by approximately \$168,000.

Mrs. Scheer clarified that all the budget information presented was based upon the approval of 1% increase in restricted funds authority which hasn't been approved yet. Chairman Prauner asked if these calculations are in compliance with the lid forms and budget committee members replied affirmative.

Commissioner Schmidt stated that \$200,000 is included in the Capital Acquisitions budget for the purchase of a building which could be used for a Planning and Zoning office. He said that this is one reduction that could be made to reduce the property tax requirement. Mrs. Scheer suggested that the Board members review all the proposed projects in the Capital Acquisitions budget to determine if there are any projects that could be delayed for another year.

Roger Acklie stated that, in his opinion, the Planning and Zoning department doesn't need a different building. He said that they would like a bigger room for public hearings. Chairman Prauner stated that the number attending public hearings depends upon the applications being considered. He stated that it would be good to hear from the entire Planning Commission Board. Commissioner Schmidt stated that he respects the opinion of Mr. Acklie; but, it would be great to get a consensus from the entire Planning Commission. Zoning Administrator Heather McWhorter stated that she could email a questionnaire to all members of the Planning Commission and forward the results to the Commissioners. Chairman Prauner stated that they need to make the decision now to proceed with the budget hearing. Commissioner Schmidt stated that funds could be included in the budget, so if the Board decides to purchase the building there would be money available for a down payment. Chairman Prauner suggested that changes also be considered at the current location to enlarge the meeting room.

Ms. McWhorter reported that the building purchase was discussed, but Mr. Acklie's comment is the first negative statement that she has heard. Roger Acklie clarified that he spoke against the building purchase when it was discussed by the Planning Commission. Ms. McWhorter stated that a larger meeting room is required because it is uncomfortable for everyone. She said that the current space is also benefiting the road and Sheriff's departments.

Commissioner Ohl said that part of the consideration is that the building is located immediately adjacent to the road shop and other County owned properties. He stated that the building could possibly be potentially purchased for a much lower cost than it would cost to construct and this would allow the Sheriff, sign, and road departments to move and become more efficient. He said that purchasing another building is not an emergency; but, because the opportunity has been presented, it is being discussed and considered. Ms. McWhorter reported that sign technician Travis Amen drives to another road department to pick up another employee and sign equipment. She said that moving all of his equipment to one location would free up space in another road shop. She said that there are many considerations that have been discussed. Chairman Prauner stated that Mr. Acklie had a good suggestion of enlarging the meeting room. Ms. McWhorter reported that the current listing price for the building is \$299,000 and the realtor suggested that the County make an offer. She said that if the County is considering purchase of the building, it would be a good time to make an offer. Chairman Prauner stated that he also spoke to the realtor who said that the owner may also consider renting the building.

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Commissioner Schmidt recommended reducing the line item in the Capital Acquisitions office function to \$30,000, which would be adequate for a down payment on a building purchase and would also reduce the property tax requirements so the levy could be about the same as the prior year. Chairman Prauner asked if the \$30,000 appropriation could be used for building remodeling instead of a building purchase and budget committee members stated that it could be used for building updates. Commissioner Ohl said that purchasing another building is not a necessity; but, for both efficiency and convenience it should be considered. He said that if the County makes an offer that isn't accepted, it won't hurt anyone; but, it may be an opportunity that could work out well for everyone. He stated that he doesn't want the property tax levy to be increased to purchase another building. Commissioner Schmidt said that the County isn't actively looking to purchase another building; however, when property becomes available next to other County owned property it should be considered.

Chairman Prauner directed the budget committee members to reduce the Capital Acquisitions budget by \$170,000 and proceed with publication of the budget hearing notice.

Chairman Prauner announced that State law allows the restricted funds authority to be increased an additional 1% by a super majority vote of the Board. Commissioner Schmidt recommended that the Board approve an increase of restricted funds authority since the amount compounds for future budgets and it is good business.

After discussion, the following resolution was introduced:

### RESOLUTION #2018-47

WHEREAS, Section 13-519 Nebraska Revised Statutes provides that a governmental unit may adopt a budget which exceeds the statutory limit of restricted funds for the fiscal year by an additional one percent upon the affirmative vote of at least 75% of the governing body; and

WHEREAS, the Board of Commissioners has received the preliminary budget reports prepared by the budget committee; and

WHEREAS, the Board of Commissioners finds that an additional 1% of restricted funds authority is necessary to provide funding for anticipated expenditures for the 2018-2019 fiscal year;

NOW, THEREFORE, BE IT RESOLVED, that the restricted funds for the 2018-2019 fiscal year be increased by an additional one percent as provided by law.

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

Budget committee members reported that §Section 77-3442 Nebraska Revised Statutes permits the county to allocate levy authority to other political subdivisions and State Statutes stipulate that the County cannot exceed a maximum of 45 cents, plus 5 cents for interlocal agreements, They explained that if the levy allocations requested by the various entities are approved, the County would be in compliance with the statutory levy limit requirements of State law. After discussion, the following resolution was introduced:

### RESOLUTION #2018-48

WHEREAS, Section 77-3443 Nebraska Revised Statutes provides that certain governmental entities must receive levy allocation authority from the County Board; and

WHEREAS, the Madison County Board of Commissioners has received levy allocation requests from various political subdivisions for the 2018-2019 fiscal year; and

WHEREAS the Battle Creek, Madison, Meadow Grove, Newman Grove, and Norfolk Rural Fire Districts are members of a Mutual Finance Organization, with each of the fire districts requesting that the levy rate be set at 3.5 cents per hundred dollars of valuation; and

WHEREAS, the Board of Commissioners has reviewed the submitted levy requests and determined that no parcel of property in the county will exceed the allowable levy limits as outlined in state statutes;

NOW, THEREFORE, BE IT RESOLVED, that the following levy allocations are hereby authorized for the 2018-2019 fiscal year:

<u>SUBDIVISION</u>	<u>PROPERTY TAX AMOUNT</u>	<u>VALUATION</u>	<u>LEVY ALLOCATED</u>
Battle Creek Rural Fire District			.035000
Madison Rural Fire District			.035000
Meadow Grove Rural Fire District			.035000
Newman Grove Rural Fire District			.035000
Norfolk Rural Fire District			.035000
Madison County Agricultural Society			
General Fund	\$194,759.00	4,069,576,107	.004786
Building Fund	<u>\$247,851.00</u>	4,069,576,107	<u>.006091</u>
TOTAL	<u>\$442,610.00</u>		<u>.010877</u>
Norfolk Sanitary District			
General Fund	\$240,099.00	1,622,275,268	.014801

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

Chairman Prauner set public hearings for Wednesday, September 5, 2018 to receive citizens' comments on the County budget for the 2018-2019 fiscal year and to set the property tax request at an amount different than the previous fiscal year.

Chairman Prauner announced that no special meeting is necessary for budget review.

The following written reports and correspondence were reviewed:

- 1) Fund balance report
- 2) Register of Deeds July, 2018 fee report
- 3) County Sheriff Distress Warrant report
- 4) Probation District 7 budget and yearend report
- 5) Notice of public hearing with Norfolk Planning Commission regarding the Channel Road Land, LLC Redevelopment Project
- 6) Letter from Nebraska State Historic Preservation Board regarding consideration of Donner-Haase Farmstead located at 2400 West Eisenhower Avenue for nomination to the National Register of Historic Places

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

Motion was made by Schmidt and seconded by Ohl to table a claim payable to Engineering Specialist Inc., in the amount of \$8,800.00, for payment of forensic analysis and fire investigative services completed for the Public Defender's office. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following claims were audited:

	GENERAL FUND	
Total Net Payroll		145,514.73
Account Control Technology, Inc.	Garnish of Wages	179.34
Advanced Correctional Healthcare	Medical Contract Services, County Jail	21,411.59
Ag Spray Equipment	Repairs, Noxious Weeds	41.77
Mark D Albin	Legal Services, County Court	2,176.06
Albracht Disposal Service Inc.	Utilities, Courthouse	94.00
Alpha Workforce Health	Medical Services, County Jail	455.00
American Family Life Assurance Co.	Insurance Premiums	1,094.39
Beka Anderson	Witness Fees, County Court	57.06
Appeara	Rug Service, Supplies, Public Defender	28.84
Battle Creek Farmers Pride	Chemicals, Courthouse	515.02
Lucinda K Bauer	Legal Services, County Court	345.00
BI Incorporated	Monitoring Services, Community Based Grant	260.03
Big Red Printing	Supplies, District Court	173.00
Black Hills Energy	Utilities, Courthouse	44.93
Black Hills Energy	Utilities, County Jail	95.85
Blue Cross Blue Shield of Nebraska	Insurance Premiums	4,471.38
Brady & Amy's	Fuel, Noxious Weeds	281.99
Brandl Electric	Repairs, Courthouse	3,701.32
Brogan & Stafford	Legal Services, County Court	497.95
Brogan & Gray, PC LLO	Legal Services, District Court	243.53
Bullseye Windshield Repair	Repairs, County Sheriff	35.00
Cableone	Fax Services, Public Defender	64.97
Cableone	Internet Service, Courthouse	222.48
Carhart Kitchen & Bath	Repairs, County Court	65.00
CBM Managed Services	Inmate Meals, County Jail	7,713.97
Century Link	Telephone Services, Probation Office	670.39
Champs Inc	Maintenance Contract, County Jail	2,166.00
City of Crofton	Contract Services, Utilities, Community Based Grant	350.29
City of Madison	Utilities, Public Defender	236.86
City of Madison	Utilities, County Jail	5,614.33
City of Norfolk	Utilities, Probation Office	327.30
City of Norfolk	Economic Development Funding	24,784.22
Colfax County Sheriff	Civil Process Fees, County Court	18.50
Colonial Life and Accident Insurance	Insurance Premiums	246.53
Connecting Point	Annual License Fee, County Sheriff	350.00
Connecting Point	Supplies, County Jail	12.00
Connecting Point	Internet, Community Based Grant	59.95
Connecting Point	Contract Services, Courthouse	380.25
Consolidated Management Company	Meals, County Jail	292.22
Copple, Rocky, McKeever & Schlecht, PC LLO	Legal Services, County Court	5,278.73
Cubby's	Fuel, Noxious Weeds	1,152.70
Culligan of Norfolk	Supplies, Probation Office	70.00
Culligan of Norfolk	Supplies, Community Based Grant	23.50
DAS State Accounting	Data Processing, County Clerk	41.60
DAS State Accounting	Data Processing, County Treasurer	96.16
DAS State Accounting	Data Processing, County Jail	32.00
Dayco Properties, LLC	Building Payment	5,695.04
Debt Solutions	Garnish of Wages	224.41
Eakes Office Solutions	Supplies, County Clerk	114.00
Eakes Office Solutions	Supplies, County Assessor	53.35
Eakes Office Solutions	Supplies, County Sheriff	46.90
Eakes Office Solutions	Supplies, County Attorney	900.55
Eakes Office Solutions	Supplies, Juvenile Accountability	6.27
Eakes Office Solutions	Supplies, County Jail	228.11
Eakes Office Solutions	Supplies, Probation Office	611.17
Ewalt Law Office, PC LLO	Contractual Legal Services	12,500.00
Faith Regional Health Services	Medical Services, County Jail	429.00
Faith Regional Physicians Services	Medical Services, County Jail	148.00
FedEx	Postage Cost, County Sheriff	75.25
Field's Hardware	Supplies, Courthouse	25.45
Field's Hardware	Supplies, County Jail	12.45
First Concord Benefits Group	Flex Plan	2,221.29
Floor Maintenance & Paper Supply	Supplies, County Jail	294.23
Floor Maintenance & Paper Supply	Supplies, Probation Office	295.45
Galls, LLC	Equipment, County Sheriff	430.95
Galls, LLC	Equipment, County Jail	299.50
Gordy's Towing & Repair	Repairs, County Sheriff	870.31
Hall County Court	Certified Copies, Law Enforcement	2.25
Matthew Headley	Postage, Public Defender	206.50
Hilliges and Associates, LLC	Professional Services, Public Defender	250.00
Hometown Leasing	Copier Lease, Probation Office	772.71
Jack's Uniforms & Equipment	Uniforms, County Jail	672.44
John's Disposal Inc.	Garbage Service, Probation Office	68.00
John's Disposal Inc.	Garbage Service, Veteran Office	24.00
Johnson & Mock, PC, LLO	Legal Services, District Court	36,787.83
Joseph Law Office	Legal Services, County Court	1,427.35
Joseph Law Office	Legal Services, District Court	1,565.25
Elizabeth Krantz	Rent, Utilities, Juvenile Accountability	1,750.00
Kryger Glass Company 50	Repairs, Noxious Weeds	35.00

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

Lancaster County Sheriff	Civil Process Fees, District Court	18.58
Seth Lauver	Uniforms, County Jail	44.02
Leaf	Copier Contract, Veteran Office	1,173.36
Madison County Clerk	Tax Deposit, Retirement	78,669.25
Madison County Court	Court Costs, County Court	1,334.00
Madison County Sheriff	Repeater Line, Subscription, Supplies, County Jail	425.76
Madison County Sheriff	Civil Process Fees, County Court	2,533.81
Madison County Sheriff	Civil Process Fees, District Court	612.78
Madison County Sheriff	Civil Process Fees, Mental Health	129.12
Madison County Sheriff	Certification Costs, County Jail	100.00
Madison National Life Ins.	Insurance Premiums	235.36
Major Refrigeration Co.	Repairs, County Jail	287.20
Medtox Laboratories Inc	Medical Testing, Juvenile Accountability	157.73
Meisinger Oil Co.	Fuel, Courthouse	1,308.49
Menards	Supplies, Zoning Department	7.72
Menards	Supplies, Noxious Weed	7.71
Microfilm Imaging Systems Inc.	Equipment Rental, County Court	218.00
Mimick Motor Company	Repairs, County Sheriff	98.89
Moyer & Moyer Law Firm	Legal Services, District Court	558.25
Moyer & Moyer Law Firm	Legal Services, County Court	671.25
Nationwide Retirement Solutions	Deferred Compensation	3,245.00
Nebraska Child Support Payment Center	Garnish of Wages	726.62
Nebraska Law Enforcement Training Center	Training, County Jail	270.00
Nebraska Public Power District	Utilities, Zoning Department	99.20
Nebraska Public Power District	Utilities, Probation Office	704.85
Nebraska Public Power District	Utilities, Noxious Weeds	133.49
Norfolk Daily News	Publication Costs	582.89
Northeast NE Juvenile Services Inc.	Boarding Juveniles, Juvenile Accountability	145.00
NSA/POAN Conference	Registration Fees, County Sheriff	75.00
Norm Nykodym	Lawn Care Services, Public Defender	148.00
Mike O'Brien	Mileage, Community Based Grant	86.11
Diane Olmer	Mileage, County Clerk	35.97
One Office Solution	Supplies, Register of Deeds	66.95
One Office Solution	Supplies, District Court	24.25
One Office Solution	Copies Maintenance, Supplies, County Court	145.81
One Office Solution	Supplies, Public Defender	423.19
One Office Solution	Supplies, County Sheriff	16.99
Alysson Peters	Witness Fees, County Court	57.06
Sherry Peterson	Mileage, Juvenile Accountability	114.45
Pierce County Sheriff	Civil Process Fees, District Court	8.00
Pitney Bowes Inc.	Supplies, Zoning Department	56.52
Platte County Court	Certified Copies, Law Enforcement	2.25
Platte County Sheriff	Civil Process Fees, County Court	42.00
Postmaster	Permit Fee, Courthouse	225.00
Priority Communications & Solutions	Telephone Repairs, Zoning Department	42.50
Priority Communications & Solutions	Repairs, County Jail	85.00
Priority Communications & Solutions	Telephone Repairs, Noxious Weeds	42.50
Redwood Toxicology Lab	Medical Testing, Probation Office	629.85
Reigle Implement Co. Inc.	Repairs, Courthouse	169.70
Relx Inc dba Lexis Nexis	Subscription, County Attorney	494.00
Mary Rohrich	Cleaning Services, Probation Office	100.00
Shell	Fuel, Reappraisal	50.23
Shell	Fuel, County Sheriff	2,904.28
Shultz-Vogel-Johnson Mortuary	Cremation Costs, General Assistance	780.84
Stratton, Delay, Doele, Carlson & Buettner, PC, LLO	Legal Services, County Court	3,252.77
Thompson Reuters-West	Subscription Costs, Public Defender	298.82
Tilden Citizen/Meadow Grove News	Publication Costs	18.95
Tilly's	Fuel, County Sheriff	91.91
Top Quality Glove	Uniforms, County Jail	875.80
Transunion Risk & Alternative	Record Searches, County Sheriff	25.00
US Bank Corporate Payment System	Fuel, Supplies, Uniform, County Sheriff	395.13
US Bank Corporate Payment System	Equipment, Supplies, Community Based Grant	839.40
Verizon Wireless	Telephone Services, Courthouse	55.26
Verizon Wireless	Telephone Service, County Assessor	59.68
Vision Service Plan	Insurance Premiums	353.64
Wakefield and Associates, Inc.	Garnish of Wages	150.21
Wex Bank	Fuel, County Sheriff	75.00
Zippy Lube	Repairs, County Sheriff	35.91
Zodiac Properties. LLC	Office Rent, Probation Office	12,059.54
	<b>ROAD/BRIDGE FUND</b>	
Total Net Payroll		30,764.73
American Family Life Assurance Co.	Insurance Premiums	601.67
Appeara	Towel, Uniform Service	267.95
Asphalt & Concrete Materials	Asphaltic Materials	4,912.07
AutoZone	Parts	131.20
B's Enterprises Inc.	Culverts	3,537.00
Louis Bierman	Clay	4,090.00
Black Hills Energy	Utilities	38.37
Blue Cross Blue Shield of Nebraska	Insurance Premiums	990.71
Central Sand & Gravel	Gravel	9,372.87
Choice Foods	Supplies	31.95
Colonial Life and Accident Ins.	Insurance Premiums	115.53
Cornhusker Auto Center	Pats, Repairs	325.99
Cornhusker Cleaning Supply	Supplies	110.05
Cornhusker International Trucks Inc.	Parts	193.39
Dale R. Johnson Ent. Inc.	Gravel	3,139.04

# Commissioner's Record No. 25

## MADISON COUNTY, NEBRASKA

Fastenal Company	Parts	3.99
Field's Hardware	Supplies	67.08
First Concord Benefits Group	Flex Plan	596.91
Fischer Oil Sales	Oil	223.60
Island Supply Welding Co.	Supplies	9.30
Nolan Johnson	Commercial Drivers License	31.00
Kimball Midwest	Supplies	63.94
M & M Farm Supply	Parts	6.00
Madison County Clerk	Tax Deposit, Retirement	15,445.43
Madison National Life Insurance Co. Inc.	Insurance Premiums	50.32
Marx Repair	Tools	61.20
Matheson Tri-Gas Inc.	Supplies	137.70
Matteo Sand & Gravel Co. Inc.	Gravel	4,100.04
Menards	Supplies	128.97
Nationwide Retirement Solutions	Deferred Compensation	505.00
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Public Power District	Utilities	225.88
NMC Exchange, LLC	Parts	402.44
Norfolk Daily News	Publication Costs	428.49
Norfolk GM Auto Center	Parts	20.80
Northeast Machine & Manufacturing	Parts	360.00
O'Reilly Auto Parts	Parts	35.99
Pinkelman Truck & Trailer	Parts, Repairs	1,764.68
Pioneer Telephone Company	Utilities	47.74
Quality Iron & Metal Inc.	Steel Materials	135.00
Radio.Comm	Repairs	53.90
RDO Truck Centers	Parts	529.35
Reigle Implement Co. Inc.	Repairs	7.50
Rise Broadband	Internet Service	127.53
Road Builders Machinery & Supply	Parts	22.80
Sapp Bros Norfolk	Oil	66.55
SBFT. LLC	Parts	664.78
Seals And Service Inc.	Parts	366.00
T-Bone North	Fuel	9,458.25
Truck Center Companies	Parts, Repairs	591.44
Verizon Wireless	Telephone Service	211.01
Vision Service Plan	Insurance Premiums	59.81
Weldon Parts Inc.	Parts	506.60
Zee Medical	Supplies	23.90
Zoubek Oil Company Inc.	Fuel	4,321.43
	<b>FEDERAL AID SECONDARY FUND</b>	
Elkhorn Paving Construction Co., Inc.	Contract Services	41,841.50
	<b>VISITORS PROMOTION FUND</b>	
Norfolk Area Visitor Bureau	Administration Fees	9,565.66
	<b>VISITORS IMPROVEMENT FUND</b>	
Norfolk Area Visitor Bureau	Administration Fees	15,401.65
	<b>CDBG#2 FUND</b>	
Northeast Nebraska Economic Development District	Funding	30,901.50
	<b>911 EMERGENCY FUND</b>	
Eastern Nebraska Telephone	Telephone Services	127.88
	<b>LAW ENFORCEMENT OPERATING FUND</b>	
Encartle Inc.	Phone Cards	3,600.00
Madison County Sheriff	Cable TV, Supplies, Repairs	194.94
	<b>DRUG COURT FUND</b>	
Bonnie Gerrard	Supplies	52.67
Redwood Toxicology Lab	Drug Testing	184.90

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

The Board adjourned at 12:24 P.M. to Wednesday, September 5, 2018 at 9:30 A.M.

ATTEST:

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

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