

BOARD OF EQUALIZATION

Madison, Nebraska

August 31, 2010

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

Advance notice of meeting was published in the Thursday, August 26, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

Present: Commissioners Jerry McCallum and Rick Uhlir, County Assessor Jeff Hackerott, County Treasurer Donna Primrose, and County Clerk Nancy Scheer. Absent: Commissioner Lee Klein. Vice-Chairman Rick Uhlir 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.

Motion was made by McCallum and seconded by Uhlir to approve the agenda for the meeting. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Motion was made by McCallum and seconded by Uhlir to approve the minutes of the August 17, 2010 meeting. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Vice-Chairman Uhlir opened a public hearing at 9:04 A.M. to receive testimony regarding the following motor vehicle exemption applications:

- Community Bible Church, 401 East Park Avenue, Norfolk
- Community Concern of Norfolk, Inc., 307 Prospect Avenue, Norfolk
- Faith Regional Health Services, P.O. Box 869, Norfolk
- Dodge Grand Caravan, 1997 Dodge Ram Van (2), 1997 Chevrolet Tilt Cab, 1998 Chevrolet Pickup, 1998 Dodge Caravan, 2000 Dodge Stratus, 2000 Plymouth Neon, 2001 Plymouth Neon (2), 2001 Dodge Neon (3), 2001 Chevrolet Silverado, 2001 Pontiac Van, 2003 Dodge Stratus, 2003 Chevrolet Venture Van, 2004 Chevrolet Pickup, 2005 Chevrolet Van, 2005 Chevrolet Venture Van, 2006 Chevrolet Uplander, 2006 Circle D Flatbed Trailer, 2007 Chevrolet Uplander (3), 2007 Chevrolet Malibu, 2008 Chevrolet Malibu (4), 2010 Dodge Grand Caravan
- Improved Living, Inc., P.O. Box 116, Norfolk
- Lutheran High Northeast, 2010 North 37th Street, Norfolk
- Suburban Yukon, 2006 Honda Accord, 1999 Chevrolet Van, 1999 Chevrolet Cavalier, 2009 Dodge Van
- Mosaic, 105 East Norfolk Avenue, Suite 200, Norfolk
- The Salvation Army, 112 North 7th Street, Norfolk
- Canteen, 1984 Mono Trailer, 2006 Dodge Caravan
- 1994 Ford Club Wagon
- 2010 Dodge Sport Van
- 1994 Dodge Ram Van, 1996 Ford Pickup, 1997
- 1988 GMC Truck
- 1986 Chevrolet Bus, 1996 Bluebird Bus, 2004
- 2008 Chevrolet Van (3), 1999 Dodge Caravan, 2001
- 2006 GMC Savanna, 1998 Ford Truck, 2003 GMC

County Treasurer Donna Primrose reported that all organizations have previously received tax exemption. No one appeared during the hearing to offer verbal testimony. Vice-Chairman Uhlir closed the hearing at 9:06 A.M.

After discussion, motion was made by McCallum and seconded by Uhlir to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #2643: Deb Droescher, P.O. Box 371, Beemer
Addition to the tax rolls in the amount of \$446.36 for acceleration of 2009 personal property taxes due to mobile home being moved out of the county
- #2644: Michael and Lori Miller, P.O. Box 852, Norfolk
Deduction from the tax rolls in the amount of \$819.42 for correction to the 2009 real estate taxes due to valuation reduction ordered by the Tax Equalization and Review Commission

After discussion, it was moved by McCallum and seconded by Uhlir to approve the tax list corrections as submitted. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:08 A.M.

County Clerk

Vice-Chairman

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

August 31, 2010

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 26, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Jerry McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum and Rick Uhlir, and County Clerk Nancy Scheer. Absent: Commissioner Lee Klein. County Highway Superintendent Richard Johnson joined the meeting at 9:50 A.M.

Chairman Jerry McCallum read the following consent agenda items into the record:

- 1) Approval of minutes of the August 17, 2010 meeting
- 2) Acknowledge receipt of Official Bond of Michael Johnson as President of Sanitary of Sanitary Improvement District No. 13
- 3) Approval of 2010 inventory statements
- 4) Authorization for Board members to sign a letter addressed to HRSA Grants Application Center supporting the Norfolk Community Health Care Clinics
- 5) Authorization for the County Board Chairman to execute a letter to the Nebraska Department of Economic Development releasing \$10,000,000 in Recovery Zone Bonds volume cap allocation in favor of the State of Nebraska Department of Economic Development

6)

RESOLUTION #2010-42

WHEREAS, Check No. 10080655, dated August 17, 2010, and drawn on the General Fund in the amount of three hundred ninety three dollars and eighty cents (\$393.80), was made payable to Madison County Sheriff Inmate Fund, P.O. Box 209, Madison, Nebraska 68748-0209, 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. 10080655, dated August 17, 2010, and drawn on the General Fund in the amount of three hundred ninety three dollars and eighty cents (\$393.80), is hereby cancelled.

7)

RESOLUTION #2010-43

WHEREAS, pursuant to Section 39-1723 Nebraska Revised Statutes, a petition was filed on August 20, 2010 with the Madison County Clerk's Office requesting the vacation of a public road; and

WHEREAS, said petition has been signed by ten or more electors residing within ten miles of the road proposed to be vacated or abandoned; and

WHEREAS, said Section 39-1723 Nebraska Revised Statutes requires that, prior to setting a date for a public hearing concerning the vacation of the county road, the Board shall receive a report from the County Highway Superintendent documenting the use being made of said public road;

NOW, THEREFORE, BE IT RESOLVED, that the County Highway Superintendent is hereby directed to make a study of the use being made of the following described road:

East ½ of 825 Road or that portion of 825 Road that floods, which is located between 546th Avenue and 547th Avenue in Madison County, Nebraska, which is located between Section 18 and 19, Township 21 North, Range 2 West of the 6th P.M., in Madison County, Nebraska

BE IT FURTHER RESOLVED that the County Highway Superintendent shall file a written report of the study, including a recommendation on vacation or abandonment, with the Madison County Board of Commissioners within 30 days.

8)

RESOLUTION #2010-44

WHEREAS, certain transportation facilities (roads, streets, trails, and others) in Madison County have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

WHEREAS, Madison County desires to continue to participate in Federal-Aid transportation construction programs; and

WHEREAS, the Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

WHEREAS, Madison County as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI - Civil Rights Policy of Madison County; and

WHEREAS, Madison County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Madison County being required to repay some or all of the federal funds expended for a project(s);

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Madison County does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code), the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, the Title VI – Civil Rights, and Americans with Disabilities/Section 504 of Madison County; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Madison County does hereby designate the Chairman of the Madison County Board of Commissioners as the person responsible for the management of the Title VI – Civil Rights and Americans with Disabilities/Section 504 processes; and

BE IT FURTHER RESOLVED that the Chairman of the Madison County Board of Commissioners is hereby authorized to execute, on behalf of Madison County, the Title VI Nondiscrimination Agreement between the Nebraska State Department of Roads and Madison County on file at the office of the Madison County Clerk.

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

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

Jim Reeves and Madison County Weed District Board member Orin Rinkel were present during discussion on insurance for the Weed District Board.

Madison County Attorney Joseph Smith reported that he contacted NIRMA and received a response back. He stated that he wrote a letter to the Board members that gave a history of the noxious weed levy. He explained that prior to 1966, the Weed Board existed as a separate entity just like a Sanitary Improvement District or a school district, meaning that the Weed Board had its own levy, which is reflected in the budgets. He reported that County Clerk Nancy Scheer pulled the budgets from 1960 through 1965 and the records reflect the Weed Board as a separate entity that had its own levy, with the county collecting the money. Mr. Smith stated that in 1965, the act was changed and it essentially got rid of the old Weed Boards and created Weed Control Authorities, which could be either the County Weed District Board or the County Board. He explained that this change in law is consistent with the budgets because in 1966 the Weed District started working under the county funds, just like the County Attorney's office or any other office does, as opposed to having their own levy. He stated that when he looked at election ballots, the wording was usually wrong, not because the Clerk's Office did anything wrong, but because someone paraphrased the office title. Mr. Smith explained that the current insurance situation started when the Weed District bought a new 2010 pickup and tried to insure it through NIRMA. He stated that NIRMA sent an email to the county stating that the pickup was not owned by Madison County. He explained that he wrote a letter to the Board members explaining the law and included copies of the claims showing the vehicle purchases. He stated that the claims are important because there are a number of vehicles that are owned by somebody, but the County Board approved a claim for payment, although negotiations for the vehicle purchases were made by members of the Weed District Board. Mr. Smith explained that the titles are not is any consistent name, with one vehicle being titled as Madison County Noxious Weed, which would indicate that the vehicle is owned by a thistle. He stated that the record is clear that the county purchased the vehicles from the county levy, not someone else's levy. He reported that the letter which he wrote to the County Board members was also sent to NIRMA and a response was sent to the county from Larry Pelan indicating that a vehicle owned by Madison County Weed District cannot be insured since NIRMA can only insure vehicles that the county has an insurable interest in. Mr. Smith stated that different things in the County Weed program must be insured, including the employees. He stated that the people working in the weed department are county employees and NIRMA has indicated that covering the employees is fine, but the vehicles are a different situation. He explained that the vehicles must be titled correctly; therefore, he recommended talking to the Weed District Board members to get the vehicles transferred to county ownership. He stated that if everyone who has an interest in the vehicles signs the titles over to the county, and attaches a claim to the title file, it would make a clear record. He reported that the building is in the name of Madison County and not to the Weed Board, so the building should be insured by NIRMA. Mr. Smith explained that this brings into question whether the individual weed board members could be sued, which is the biggest issue right now.

County Highway Superintendent Richard Johnson stated that, in his opinion, the building contents are not insured. Chairman McCallum stated that the county purchased all the chemicals through the Road/Bridge Fund. County Highway Superintendent Richard Johnson questioned who owns the spraying equipment and other miscellaneous equipment. County Attorney Joseph Smith stated that all the weed equipment would be similar to the equipment in the Attorney's Office because the County Board didn't negotiate to buy the equipment, but it is paid with county funds.

County Attorney Joseph Smith questioned if the weed department staff members were working and Chairman McCallum responded that he didn't think they were working yet. Chairman McCallum stated that his understanding from the NIRMA letter is that C.J. Rudnick is an employee of the county and could be working. County Attorney Joseph Smith concurred that Mr. Rudnick could be working. Chairman McCallum stated that it was his understanding that C.J. Rudnick was taking time off using vacation, but he shouldn't use up his benefits if he could be working.

County Attorney Joseph Smith stated that once the vehicle titles are changed to ownership by the county, the weed superintendent should be able to return to work. He stated that he will speak with County Treasurer Donna Primrose regarding title changes.

County Highway Superintendent Richard Johnson questioned the need for public officials' liability insurance and County Attorney Joseph Smith stated that he and NIRMA both agree that there is an issue whether the individual weed board members are insured. He explained that NIRMA is taking the position that the Weed District Board is created by statute as a governmental subdivision, but not a subdivision of the county; however, his position is that the Weed District Board is a subdivision of the county. Mr. Smith stated that the language in the statute is sparse, so it may be either interpretation. He explained that using a corporation as an example, there is a detailed statute that says there must be boards, by-laws, and certain functions must be completed. He reported that the same is true for SIDs and school boards who have detailed statutory rules that essentially creates them; but, this particular act of 1965 defines the weed district a little bit, but doesn't say a whole lot in detailed terms. He explained that the act explains how to elect board members, two representatives from the city and three from the rural area, but there is a great deal of language in the act. Mr. Smith stated that what Madison County does now will affect what other counties do.

Chairman McCallum stated that Stanton County is also looking at the weed department insurance issue. County Attorney Joseph Smith stated that NIRMA had a meeting and the decision given to Madison County would also affect other counties with separate Weed District Boards. Chairman McCallum questioned if C.J. Rudnick could return to work since he was an employee of the county and County Attorney Joseph Smith responded in the affirmative and stated that the NIRMA letter supports his opinion. Mr. Smith also questioned if there were some 4-wheelers used by the weed department that weren't titled. Chairman McCallum suggested that all the equipment in the weed department should be itemized and sent to NIRMA. County Attorney Joseph Smith suggested that the equipment be itemized and transferred to another department's list. Chairman McCallum reported that he found out that a road drag hooked behind a tractor is not insured unless it is itemized separately on the insurance schedule.

Chairman McCallum questioned if the Weed District Board members were responsible for obtaining their own liability insurance and County Attorney Joseph Smith responded that if he was serving on the Weed District Board and making decisions, he would want to have some type of insurance coverage. Mr. Smith stated that his opinion is that the County Board of Commissioners should set up the insurance. Chairman McCallum stated that it would need to be an insurance company other than NIRMA. County Attorney Joseph Smith stated that there isn't a standardized policy for 18 different entities. Commissioner Uhlir stated that, in his opinion, the Weed District Board members should be responsible for obtaining their own liability insurance. County Attorney Joseph Smith also stated that it is up to the Weed District Board members to determine if they want liability insurance coverage.

Weed District Board member Orin Rinkel reported that Weed Superintendent C.J. Rudnick was using his comp time because he is limited on the number of hours he can accumulate. County Attorney Joseph Smith stated that if Mr. Rudnick wants to use his comp time, it is not a problem. Chairman McCallum stated that if Mr. Rudnick doesn't want to use his comp time he doesn't need to use it; but, he shouldn't be required to use his vacation time if the Weed Board doesn't want him to work until the insurance matter is resolved. Commissioner Uhlir stated that if it is too windy to spray, Mr. Rudnick works for Road District #2.

County Attorney Joseph Smith stated that he would talk to the Weed District Board to recommend that the titles be signed over to the county. Chairman McCallum questioned what action the County Board should take regarding this matter and County Attorney Joseph Smith responded that he didn't think there was any action that the County Board could take regarding the vehicles. In addition, he stated that getting the titles in the proper name is a ministerial action and doesn't take executive action of the County Board. County Highway Superintendent Richard Johnson questioned if the County Board could tell the Weed District Board that it needs to obtain public officials' liability insurance coverage. County Attorney Joseph Smith stated that the first consideration is to determine if the coverage is necessary and the second consideration depends upon the answer to whether or not the Weed District Board serves under the County Board or is a separate entity. He further explained that if the Weed District Board is a separate entity, then the County Board can't make a decision for the Weed District Board. In addition, he stated that it doesn't really make any difference because he knows that the Weed District Board members want to be insured.

After discussion, it was moved by Uhlir and seconded by McCallum to direct the County Attorney and County Treasurer to proceed to properly title and register all vehicles, and other related equipment that is not titled, being used to control noxious weeds within the county. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Jim Reeves and Weed District Board members Orin Rinkel and Eudell Feldmann were present to discuss a proposed resolution to authorize submission of a ballot question to voters at the November 2, 2010 General Election providing for dissolution of the county weed district board.

Weed District Board member Orin Rinkel stated that Chairman McCallum stated that the main items of concern were the Weed District Board members' wages and mileage. Weed District Board member Eudell Feldmann stated that an editorial in the Norfolk Daily News quoted Jerry McCallum as saying that the county could save \$15,000 to \$20,000. He reported that the Board wages and mileage last year totaled slightly over \$7,000. Chairman McCallum stated that he simply guessed at the total amount. Orin Rinkel reported that his wages are \$60 per month, so for 12 months, the total is \$720. He explained that for his mileage he went from home to Norfolk for each meeting for a total of 20 miles or \$10 and that he never drove to any other meetings because the Weed Board members always went all together in one car, which cut down tremendously on the mileage. He explained that there are two Board members that live a large distance from Norfolk, but he always thought that Madison County was short changing its people in the western part of the county because they were not represented, but now the Weed Board currently has two members from that area. Orin Rinkel stated that he does not understand the Commissioners' thinking on the wages and mileage. He explained that the mileage for the Board members from the western part of the county will be tremendous; but, in his opinion, things were working well because the people in that part of the county should be represented. He questioned what the Commissioners' opinion was on the issue.

Chairman McCallum responded that he is looking at the long term savings of \$7,000 each year, which is \$70,000 over ten years. Orin Rinkel stated that Chairman McCallum stated that the savings would be \$5,000 to \$20,000. Chairman McCallum responded that he said that the savings would be between \$10,000 and \$20,000. Eudell Feldmann reported that the newspaper editorial said the savings would be between \$15,000 to \$20,000. Chairman McCallum stated that he is looking at long term savings and the county needs to save some place and it won't get any cheaper to have a separate Weed District Board.

Eudell Feldmann stated that the way he looks at it, what the county will save by getting rid of the Weed Board, the Commissioners more than ate up with salary increases. Chairman McCallum stated that he won't argue that issue because the Board only authorized 2% increases. Eudell Feldmann responded that, when the salaries are high, a 2% increase is quite a bit of money. Chairman McCallum reiterated that he is talking about long term savings for the county and another level of bureaucracy probably for the county. He explained that he talked to a lot of people about this issue and many are in favor of putting the issue before the voters. Eudell Feldmann questioned if Chairman McCallum spoke to people in the western part of the county and Chairman McCallum responded that he spoke to people all over the county. Chairman McCallum questioned if the Weed Board members spoke to the public about the issue and Eudell Feldmann responded that he hasn't spoke to anyone who is in favor of getting rid of the Weed Board.

Commissioner Uhlir stated that he wouldn't want to serve on the Weed District Board right now with the insurance coverage problem. Eudell Feldmann responded that last week he called Hank Thieman, a NIRMA Board member from Petersburg, who advised him that there was interference on the county level between Madison County and NIRMA before this insurance issue came up. Chairman McCallum asked for further clarification and Eudell Feldmann responded that Mr. Thieman claimed that all the issues started in this Board room. Commissioner Uhlir stated that the County Board didn't start anything. Eudell Feldmann stated that maybe nothing was started as a Board, but someone caused problems. He explained that when more correspondence was sent, NIRMA wouldn't talk to anyone. Orin Rinkel stated that there was an article in the Battle Creek newspaper several weeks ago that stated that Madison County got over \$24,000 back from NIRMA. Chairman McCallum explained that the county receives an annual dividend from NIRMA. Commissioner Uhlir stated that the NIRMA dividend doesn't have anything to do with the Weed Board issue. Chairman McCallum stated that he has never heard that there were any problems between Madison County and NIRMA.

Eudell Feldmann questioned if Madison County was married to NIRMA because other counties, Wayne County in particular, don't have their insurance with NIRMA and don't have this problem. Chairman McCallum responded that Madison County is one of the charter members with NIRMA. County Highway Superintendent Richard Johnson explained that NIRMA was created in response to a real hard insurance market when it was difficult to get good rates. Chairman McCallum explained that the counties have a vested interest in NIRMA and get dividends back from the investment in the insurance pool. County Highway Superintendent Richard Johnson questioned what the interference was and Eudell Feldmann responded that there was interference before the Weed Board ever heard about the first letter. Chairman McCallum stated that he didn't hear anything about a problem between Madison County and NIRMA.

Orin Rinkel questioned where the dividend money from NIRMA ends up and Chairman McCallum responded that it is deposited into the General Fund. Orin Rinkel stated that, in his opinion, the Weed Board is doing a good job for what it is getting paid.

Jim Reeves questioned if the Commissioners thought \$7,000 would be saved if the Weed Board ends. He stated that there are probably meetings that someone should attend. Chairman McCallum stated that the public should decide if a weed board is necessary. Jim Reeves stated that the Commissioners know how that will turn out because the farmers and land owners that are getting any benefit out of the Weed Board pay the biggest share of taxes and they are outnumbered by the Norfolk City voters.

After discussion, the following resolution was introduced:

RESOLUTION #2010-45

WHEREAS, Section 2-953.01 Nebraska Revised Statutes provides that the County Board may place upon the ballot a question regarding dissolution of the county weed district board,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Madison County, Nebraska, that the County Clerk is hereby directed to submit the following question to the voters of the County of Madison at the General Election to be held on November 2, 2010:

“Shall the county weed district board be dissolved and its duties and authority be exercised by the county board?

Yes _____ No _____”

Motion was made by Uhlir and seconded by McCallum that the foregoing resolution be adopted. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Dennis Houston, President of Norfolk Area Chamber of Commerce, reported that applications for the Madison County Convention and Visitors Bureau Director are being accepted with dozens of applications submitted to date. He reported that the Chamber will organize some brain storming sessions with community leaders throughout Madison County, including hotel and restaurant operators and special event organizers, to discuss things that the Visitors' Bureau could do going forward to get feedback. He stated that going forward they want to put an emphasis on the Visitors' Bureau being a countywide organization since the funds come in from throughout the county. He explained that he already met with community leaders from Newman Grove and Tilden. Mr. Houston stated that Norfolk always gets recognition; however, he wants to put an emphasis on other communities that everyone is in this together. He explained that there will be some opportunities to look at some different eco tourism things that could be completed, including outfitting fishing and hunting expeditions and regional sport tournaments.

Dennis Houston reported that currently a position is open on the Madison County Convention and Visitors Bureau Advisory Committee. He explained that the committee has five members and oversees the grant process. He reported that Michael O'Conner, who has been serving as Chairman of the CVB Committee, is a professional speaker and trainer who travels all the time, and felt bad because some meetings in recent months needed to be rescheduled due to his travel schedule. He explained that he will work with the local media to make sure information about the application process is made public. He also reported that the CVB Advisory Committee is also working on a countywide calendar of events.

Dennis Houston reported that the budget submitted for the Visitors' Promotion and Visitors' Improvement funds has been approved by the Convention and Visitors' Bureau Advisory Committee and the Norfolk Area Chamber of Commerce, which is the organization that the county is partnered with to oversee the Visitors' Bureau. He reported that the total budget is \$341,891.27. He explained that the grant reimbursement of \$5,000 is reflected on the income portion of the budget and is the first of eight payments for funding on the Great American Comedy Festival. He explained that the budget number of \$71,408.71 under the personnel category for the CVB Director is deceiving because it includes the salary, taxes, and benefits. He clarified that the salary alone is in the \$40,000 range. He stated that the travel budget was reduced overall by 40% from last year and the goal was to focus more funds on the actual grant funding to help organizations and events either get off the ground or move to the next level as they grow in the community, which is what the Convention and Visitors' Bureau is all about. He reported that the grant funding area of the budget increased 31% over last year.

Chairman McCallum questioned how soon the Convention and Visitors Bureau Director would be filled and Mr. Houston responded that the CVB Director is a Chamber employee and they would like to have the position filled within two to four weeks. He reported that interviews are being scheduled and a committee will be involved to assist with the process. He invited a member of the Madison County Board of Commissioners to help with the selection process and Chairman McCallum responded that Commissioner Klein could represent the County Board. Mr. Houston reported that he is filling in as the interim CVB Director and he attended the Nebraska Travel Association annual conference and had an opportunity to meet many of the CVB directors from across the state. He reported that he spent some time working with the State Department of Tourism and their ad agency that focuses on the outreach programs. He reported that the State Department of Tourism offers tremendous resources and they have offered to have their staff spend time in Madison County with the new director during the first few days of employment to serve as a mentor and the Chamber will take advantage of that offer. Mr. Houston reported that part of the time during the annual conference was spent researching some of the areas of tourism in western Nebraska, including outfitters for fishing, hunting, canoeing, and tanking. He stated that, in his opinion, there is no reason that some of these activities can't happen in Madison County. He stated that he sees the Visitors' Bureau serving as an economic development partner. He stated that a big plus for Madison County is the physical location and the proximity to Omaha, Lincoln, and Sioux City.

Chairman McCallum stated that pennies amount to dollars and \$7,000 savings this year may amount to \$9,000 next year because of the increase in costs. In addition, he stated that everyone needs to micro-manage. Commissioner Uhlir stated that, in his opinion, a water park is an asset even though it may not be profitable, because it feeds money into the community. Chairman McCallum stated that the county has a lot of infrastructure to repair; but, if land values decrease, the levy will go up. He stated that if surplus funds are not in place, the county may need to borrow money. He explained that this is all attributable to economic development. Dennis Houston reported that two restaurants are opening in the next two weeks.

County Highway Superintendent Richard Johnson questioned if the \$10,000 funding allocation for the Chamber building was legal. Dennis Houston responded that the Visitors' Advisory Committee looked at that funding as part of the new Visitors' Center for Madison County, which will actually be a good portion of the building. He explained that the Elkhorn Valley Economic Development and the Chamber of Commerce will also be located in the new building. Chairman McCallum stated that Commissioner Klein told him that discussion was held on a funding allotment so that rent in the future won't need to be paid. Chairman McCallum questioned if the \$10,000 was rent or a donation to the building and County Highway Superintendent Richard Johnson responded that his interpretation is that the \$10,000 is a donation to the building fund. Chairman McCallum stated that Commissioner Klein serves on the Elkhorn Valley Economic Development Council, so the issue would need to be discussed with him. Dennis Houston reported that ground breaking for the new building will be held on September 8, 2010.

No action was taken by the Board.

Budget committee members Richard Johnson and Nancy Scheer presented a summary of the 2010-2011 fiscal year budget. Roger Acklie was present during the budget presentation.

Budget committee members reviewed a report listing the office functions in the General Fund and explained that the only change from the prior meeting was in the Capital Acquisition office function since the final estimates were received from the architect on the courthouse ADA upgrades and security features. They explained that the cash reserve was added, making the total increase for the General Fund 2.75% from the prior year.

County Highway Superintendent Richard Johnson reported that the Road/Bridge Fund was increased by \$306,000 from the prior meeting for the anticipated funding to be received for disaster relief, including Federal Emergency Management Association and Federal Highway Administration funds. He explained that increases were made to the line items of gravel, grading, bituminous surfacing, and bridges. He reported that the Road/Bridge budget without the disaster funding would increase approximately \$107,000 per district or a total of \$1.4 million. He stated that although the total Road/Bridge budget increased by 9.4%, almost 7% of the increase is for repairing disaster damage, so the increase is reasonable under the circumstances.

County Highway Superintendent Richard Johnson reviewed the major projects planned during the 2010-2011 fiscal year, including Victory Road, Northeast Industrial Highway, and the Ethanol Road. He stated that \$290,000 was included in the Federal Aid Secondary Fund for bridge replacements. Chairman McCallum questioned if Stanton County paid for any of the costs of the Northeast Industrial Highway and County Highway Superintendent Richard Johnson responded that the agreement is that Stanton County will provide funds to Madison County when construction begins. He reported that \$800,000 was included in the Federal Aid Secondary Fund for road overlays, in addition to the funds allocated in the Road/Bridge Fund. In addition, he explained that the budget committee was concerned about receiving funds for disaster relief, so \$1,000,000 in bond proceeds was included in the Federal Aid Secondary Fund in case funding is needed for major projects. He explained that the budget committee is not recommending the issuance of bonds at this time; however, if the County Board decides to proceed with issuing bonds, it is included in the budget. He further explained that if the County Board decides to sell \$1 million of bonds during the middle of the fiscal year, there are adequate funds available in the Road/Bridge Bond Fund to pay the principal and interest without increasing the levy this fiscal year.

Budget committee members reported that at the August 17, 2010 meeting, the estimated property tax requirement was \$675,977 over the lid. They presented and explained the following recommendations to comply with the statutory lid and reduce the property tax requirements:

- 1) Anticipated receipt of \$306,000 in Federal Emergency Management Agency and Federal Highway Administration funds for disaster relief
- 2) Reduction of \$200,000 in overlay projects in the Federal Aid Secondary Fund
- 3) Transfer of \$250,000 from Inheritance Tax Fund to General Fund
- 4) Transfer of \$61,000 from Inheritance Tax Fund to General Fund

They reported that a \$61,000 transfer from Inheritance Tax Fund is listed separately because the estimated levy based on implementing all the recommendations will be 1 cent higher than the prior year. The explained that the revenue received in Inheritance Tax Fund was \$553,560, with approximately \$138,000 allocated to the Nursing College and county libraries.

Roger Acklie questioned how much money would be taken from the Road/Bridge Bond Fund and the budget committee members responded that the Road/Bridge Bond Fund only repays for the principal and interest for the October 2007 \$2 million bond issue. They stated that the no money is taken from the Road/Bridge Bond Fund to fund general operating expenses.

After discussion, a motion was made by Uhler and seconded by McCallum to direct the budget committee to implement the proposed recommendations to the 2010-2011 fiscal year budget to comply with the statutory lid requirements and also have an estimated property tax that will require a 1 cent levy increase over the prior fiscal year. Roll call vote: Ayes, McCallum and Uhler. Absent, Klein. 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. They reviewed a levy limit form which reflected that if the Board approved the levy allocations as requested by the various entities, the county would not exceed the statutory maximum of 45 cents when combined with the county levy. The reported that the rural fire districts have agreed to a 4 cent levy, the Madison County Agricultural Society requested a property tax of \$363,275 and the Norfolk Sanitary District requested a property tax of \$109,620. After discussion, the following resolution was introduced:

RESOLUTION #2010-46

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 2010-2011 fiscal year; and

WHEREAS the Battle Creek, Madison, Meadow Grove, Newman Grove, and Norfolk Rural Fire Districts have formed a Mutual Finance Organization, with each of its members requesting that the levy rate be set at 4 cents per hundred dollars of valuation; and

WHEREAS, the Board of Commissioners has reviewed the levy requests submitted to determine 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 2010-2011 fiscal year:

<u>SUBDIVISION</u>	<u>PROPERTY TAX AMOUNT</u>	<u>VALUATION</u>	<u>LEVY ALLOCATED</u>
Battle Creek Rural Fire District			.040000
Madison Rural Fire District			.040000
Meadow Grove Rural Fire District			.040000
Newman Grove Rural Fire District			.040000
Norfolk Rural Fire District			.040000
Madison County Agricultural Society			
General Fund	\$159,850.00	2,510,537,395	.006368
Building Fund	<u>\$203,425.00</u>		<u>.008103</u>
TOTAL	\$363,275.00		.014390
Norfolk Sanitary District			
General Fund	\$109,620.00	1,210,476,801	.009056

Motion was made by Uhlir and seconded by McCallum that the foregoing resolution be adopted. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Motion was made by Uhlir and seconded by McCallum to set public hearings for Tuesday, September 14, 2010 to receive citizens' comments on the county budget for the 2010-2011 fiscal year and also to set the property tax request at an amount different than the previous fiscal year. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried

Chairman McCallum reported that the Board members have been discussing options for future budget reductions. He stated that health care costs are increasing tremendously and that one way to reduce costs is to offer single health insurance coverage to any employees hired after September 1, 2010. He stated that if a current employee would quit working for the county and wants to return, that person would be considered a new hire for health insurance benefits. He stated that this may just be the beginning of other changes with health insurance benefits.

After discussion, it was moved by Uhlir and seconded by McCallum to authorize payment of single health insurance coverage for all employees hired after September 1, 2010, with the option to purchase health insurance coverage for eligible family members through payroll deductions, and to make no changes to county premium payment for employees hired before September 1, 2010. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board reviewed the following reports and correspondence:

- 1) Fund balance report
- 2) County Sheriff distress warrant report
- 3) Report of county vehicles sold at surplus auction
- 4) Minutes of the July 20, 2010 meeting of prairieland RC&D and August newsletter

The following claims were audited:

GENERAL FUND

Total Net Payroll		111,804.83
Afternooners	Meals, County Jail	1,200.12
Mark Albin	Legal Services, District Court	6,094.87
American Express	Dues, Supplies, County Sheriff	97.79
American Family Life Assurance Company	Insurance Premiums	652.74
Ameritas Life Insurance Corporation	Employee Share Retirement	7,147.10
Ameritas Life Insurance Corporation	Employer Share Retirement	10,512.29
Ameritas Life Insurance Corporation	Insurance Premiums	369.04
AS Central Services	Telephone Service, Planning and Zoning	44.88
AS Central Services	Telephone Service, County Sheriff	262.29
AS Central Services	Telephone Service, County Jail	441.71
AS Central Services	Telephone Service, Veterans' Service Office	51.60
AS Central Services	Telephone Service, County Sheriff	32.00
Axiom Wireless	Equipment, County Sheriff	60.00
Charles Balsiger	Legal Services, County Court	540.78
Big Red Printing	Supplies, District Court	310.44
Big Red Printing	Supplies, County Court	145.55
Jennifer Birmingham	Legal Services, Public Defender	923.07
Jennifer Birmingham	Legal Services, County Court	567.00
Black Hills Energy	Gas Service, Planning and Zoning	20.10
Black Hills Energy	Gas Service, Veterans' Service Office	20.73
Blue Cross Blue Shield	Insurance Premiums	113,834.85
Bob Barker Company Inc.	Supplies, County Jail	645.27
Bessie Bove	Prior Service Benefits	12.00
Al Brandl	Shipping, County Jail	651.00
Brody Chemical	Supplies, Courthouse	816.95
Joanie Brugger	Mileage, Registration, Victim Witness	142.50
Buck's Specialty	Uniforms, County Jail	177.75
Bullseye Windshield Repair	Repairs, County Sheriff	40.00
Carney Law P.C.	Legal Services, District Court	8,803.75
Central United Life Insurance Company	Insurance Premiums	37.20
City of Madison	Utilities, Courthouse	43.88
City of Madison	Utilities, County Jail	248.63
City of Norfolk	Utilities, Probation	119.38
Gail Collins	Mileage, County Attorney	114.02
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Connecting Point	Supplies, Data Processing	32.00
Connecting Point	Supplies, County Attorney	89.00
Connecting Point	Supplies, Equipment, Probation	71.99
Constellation NewEnergy Gas Division	Gas Service, Courthouse	135.32

Constellation NewEnergy Gas Division	Gas Service, County Jail	315.76
Constellation NewEnergy Gas Division	Gas Service, Veterans' Service Office	1.79
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	3,304.71
Credit Bureau Services	Garnish of Wages	131.41
Credit Management Services Inc.	Garnish of Wages	124.95
Culligan	Drinking Water Service, County Jail	104.55
Dakota Business Systems	Copier Maintenance, Probation	72.00
Dent Specialists	Repairs, County Sheriff	247.87
Department of Revenue	Registration, County Assessor	600.00
Don's Auto Repair	Repairs, County Sheriff	413.72
Douglas County Court	Copies, Law Enforcement	2.25
Douglas County Treasurer	Autopsy Costs, Law Enforcement	500.00
Eakes Office Plus	Copier Maintenance, Public Defender	149.33
Eakes Office Plus	Supplies, County Jail	642.37
Eakes Office Plus	Supplies, Probation	747.82
Elite Office Products	Copier Maintenance, County Court	71.24
Endgame Lottery	Car Washes, County Sheriff	800.00
Enviromaster	Supplies, County Jail	42.00
Faith Regional Health Services	Medical Services, County Jail	2,398.00
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	3,747.92
Floor Maintenance	Supplies, County Jail	423.82
Darvin Fowlkes	Training, County Jail	325.00
Francotyp-Postalia, Inc.	Postage, County Sheriff	43.54
Frontier	Telephone Services, Public Defender	327.31
Frontier	Telephone Services, Courthouse	1,304.73
Futureware Distributors Inc.	Equipment, Data Processing	184.90
Gage County Sheriff	Service Fees, District Court	19.06
Gall's Inc.	Uniforms, County Jail	351.78
Gillette Printing	Supplies, County Jail	77.00
Gordy's Towing & Repair	Repairs, County Sheriff	37.95
Harloff	Supplies, County Jail	325.40
Hartford Life Insurance Company	Deferred Compensation	50.00
Matthew Headley	Postage, Supplies, Public Defender	141.34
Heartland Fire Protection Company, Inc.	Inspection, Planning and Zoning	35.00
Betty Hoile	Rent, County Relief	250.00
Jeffrey Hrouda	Legal Services, County Court	896.25
IHC/Group Link	Insurance Premiums	588.71
Jack's Uniforms	Uniforms, County Jail	738.86
Johnson, Morland, Easland, Lohrberg, P.C.	Legal Services, County Court	435.00
John Johnson	Fuel, Planning and Zoning	39.19
Louderback Drug	Prescriptions, County Jail	5,331.17
Kelly Lowe	Witness Fees, County Court	36.00
Madison County Bar Association	Dues, Public Defender	80.00
Madison County Clerk	Tax Deposit	38,554.39
Madison County Sheriff	Supplies, County Jail	183.51
Madison County Sheriff	Court Costs, County Court	421.52
Madison County Sheriff	Court Costs, District Court	401.16
Madison County Sheriff	Court Costs, Mental Health	245.14
Madison County Sheriff	Uniforms, Registration, Training	260.00
Madison County Treasurer	Insurance Reimbursement	25.00
Madison Food Pride	Supplies, Public Defender	35.99
Madison National Life	Insurance Premiums	123.65
Christal McDonald	Court Reporting, Mental Health	50.00
Menards	Supplies, County Jail	50.77
Mid American Specialties Inc.	Training, County Sheriff	1,239.31
Midwest Office Automations	Copier Maintenance, Probation	89.52
Christopher Molden	Insurance Reimbursement	62.74
Jackie Myers	Witness Fees, County Court	106.00
NACO Planning and Zoning	Registrations, Planning and Zoning	75.00
Nationwide Retirement Solutions	Deferred Compensation	370.00
Nebraska Public Health Environmental Lab	Copies, Law Enforcement	5.25
Nebraska Association of County Officials	Insurance Premiums	395.74
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Criminal Defense Attorneys Association	Dues, Public Defender	375.00
Nebraska Health and Human Services	State Institutions Costs	1,095.00
Nebraska Public Power District	Utilities, Planning and Zoning	140.40
Nebraska Public Power District	Utilities, Veterans' Service Office	67.91
Nebraska-Iowa Industrial Fasteners	Supplies, Courthouse	66.31
Shawn Nielsen	Insurance Reimbursement	30.43
Melissa Nissen	Postage, Mileage, Public Defender	133.76
NMG, LLC	Medical Services, County Jail	2,145.00
Norfolk Daily News	Publication Costs, County Extension	5.66
Norfolk Daily News	Publication Costs, Courthouse	375.15
Northeast Community College	Administrative Expense, County Extension	3,751.22
Northeast Nebraska Association of County Officials	Registrations, County Officials	170.00
Northeast Nebraska Juvenile Services Inc.	Board of Juveniles, Juvenile Detention	15,085.00
Northeast Research & Extension Center	Telephone Services, Supplies, Postage, County Extension	665.61

Rita Olberding	Telephone Service, District Judge	44.99
Sherry Peterson	Mileage, Telephone Service, Juvenile Diversion	383.49
Pierce County District Court	Copies, Law Enforcement	4.75
Sarah Polacek	Mileage, County Extension	121.00
Qwest	Telephone Services, District Judge	151.26
Qwest	Telephone Services, Probation	99.23
Renner Auto Body	Repairs, County Sheriff	2,010.88
Reynoldson's Inc.	Car Wash, County Sheriff	5.00
Judy Schroeder	Prior Service Benefits	11.00
Shell Fleet Plus	Fuel, Planning and Zoning	286.32
Shell Fleet Plus	Fuel, Reappraisal	93.49
Shell Fleet Plus	Fuel, County Sheriff	635.00
Lee Sherry	Mileage, Meals, County Extension	25.47
Brent Sohler	Witness Fees, County Court	56.00
Larry Sohler	Mileage, County Court	16.00
Justice Starman	Witness Fees, County Court	240.00
Michelle Sullivan	Mileage, Juvenile Diversion	182.00
Dale Taylor	Interpreting Services, Public Defender	315.00
United Bank of Iowa	Copier Maintenance, Probation	422.40
UNL Extension in Keith County	Registration, County Extension	50.00
US Bank Corporate Payment System	Supplies, Uniforms, County Sheriff	115.25
US Bank Corporate Payment System	Supplies, Juvenile Diversion	109.45
US Bank Corporate Payment System	Registration, County Jail	175.00
Verizon Wireless	Telephone Service, County Extension	90.69
Verizon Wireless	Telephone Service, County Sheriff	1,355.54
Wayne County Court	Copies, Law Enforcement	3.75
Wayne County Sheriff	Service Fees, County Court	47.20
West Payment Center	Publication, District Court	277.00
Western Office Plus	Supplies, County Sheriff	44.86
Western Office Plus	Supplies, Veterans' Service Office	32.88
Zippy Lube	Repairs, County Sheriff	63.05
Zodiac Properties	Rent, Probation	7,876.67

ROAD/BRIDGE FUND

Total Net Payroll		28,421.20
American Family Life Assurance Company	Insurance Premiums	297.23
Ameritas Life Insurance Corporation	Employee Share Retirement	1,705.64
Ameritas Life Insurance Corporation	Employer Share Retirement	2,558.20
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
AS Central Services	Telephone Service, District #2	23.81
Asphalt and Concrete Materials Company	Asphaltic Materials, District #1	29,205.14
Battle Creek Farmers Coop	Fuel, District #2	7,859.06
Battle Creek Municipal Light and Power	Utilities, District #3	148.70
Black Hills Energy	Utilities, District #1, #2, #3	119.70
Blue Cross Blue Shield of Nebraska	Insurance Premiums	32,960.98
Bomgaars	Supplies, District #2, #3	392.44
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Energy	Gas Service, District #1, #2, #3	53.71
Eastern Nebraska Telephone	Telephone Services, District #3	91.17
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	1,083.77
Frontier	Telephone Services, District #1, #3	200.59
Heartland Fire Protection	Inspection, District #1	167.25
Hotsy Equipment Company	Repairs, District #3	403.85
Husker Steel	Bridge Materials, District #3	8,010.00
IHC/Group Link	Insurance Premiums	15.21
John Deere Credit	Equipment Rental, District #2	1,500.93
K & C Grain Inc.	Gravel, District #2	723.74
Kimball Midwest	Shop Supplies, District #3	153.19
Linweld Inc.	Supplies, District #1, #3	106.61
Loup Power District	Utilities, District #1	116.29
Madison County Clerk	Tax Deposit	9,303.10
Madison County Treasurer	Title Fee, District #2	10.00
Madison National Life	Insurance Premiums	37.72
Matteo Sand & Gravel Co. Inc.	Road Gravel, District #1, #2, #3	34,973.02
Nebraska Child Support Payment Center	Garnish of Wages	419.70
Nebraska Public Power District	Utilities, District #2, #3	331.21
NMC Exchange LLC	Repairs, District #1, #3	95.87
Northeast Nebraska Association of County Officials	Registration, District #1, #2, #3	17.00
Northern Materials L.L.C.	Services, District #2	24,999.94
Powerplan	Equipment Rental, Repairs, District #2	2,789.51
Transamerica Life Assurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Repairs, District #3	2,255.58
U.S. Cellular	Telephone Service, District #1, #2, #3	254.78

FEDERAL AID SECONDARY FUND

DP Sawyer Inc.	Traffic Control	379.75
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CDBG #2 FUND

Northeast Nebraska Economic Development District	Loan Proceeds	19,950.00
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911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Services	127.86
Frontier	Telephone Services	160.41
GEOComm Inc.	Software Support	2,750.00
Qwest	Telephone Services	1,096.88

LAW ENFORCEMENT OPERATING FUND

Eakes Office Plus	Supplies	59.40
Madison County Sheriff	Supplies	292.97

DRUG COURT FUND

Eakes Office Plus	Supplies	105.00
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Motion was made by Uhlir and seconded by McCallum to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board adjourned at 11:31 A.M. to Tuesday, September 14, 2010 at 9:30 A.M.

County Clerk

Chairman