

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

September 25, 2012

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, September 20, 2012 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. Vice-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 Martin Griffith, Commissioner Elect Christian Ohl, County Clerk Nancy Scheer, and Norfolk Daily News reporter Jerry Guenther. Absent, Commissioner Lee Klein. County Highway Superintendent Richard Johnson joined the meeting at 9:34 A.M. and Planning and Zoning Administrator John Johnson joined the meeting at 9:56 A.M. County Sheriff Vern Hjorth was present from 9:30 A.M. to 9:42 A.M.

Vice-Chairman McCallum read the following consent agenda items into the record:

- 1) Approval of minutes of the September 11, 2012 meeting
- 2) Ratify appointment of Gregg Hanson to serve as Madison County Veterans' Service Officer
- 3) Authorization to advertise for bids for Northeast Industrial Highway, Phase 3
- 4) RESOLUTION #2012-53

BE IT RESOLVED, that the withdrawal by the Madison County Bank, Madison, Nebraska of the following securities, held in safekeeping by Federal Home Loan Bank, Topeka, Kansas, to secure deposits of the county in said bank, to wit:

T 0 3/8 09/30/12	\$100,000.00	Federal Home Loan Bank
Rate 0.375000%	Maturity 09/30/2012	of Topeka
Receipt Date: 05/18/2011	Cusip 912828NX4	Topeka, Kansas
Receipt No. 705501		

and the substitution of the following securities be and the same hereby are approved:

FHLB 2 05/28/15	\$100,000.00	Federal Home Loan Bank
Rate 2.000000%	Maturity 05/28/2015	of Topeka
Receipt Date: 09/06/2012	Cusip 3133XYKF1	Topeka, Kansas
Receipt No. 705184		

- 5) RESOLUTION #2012-54

BE IT RESOLVED, that the withdrawal by Bank First, Norfolk, Nebraska of the following securities, held in safekeeping by Union Bank & Trust Company, Lincoln, Nebraska, to secure deposits of the county in said bank, to wit:

FANNIE MAE	\$1,000,000.00	Union Bank & Trust Company
Rate 0.700%	Maturity 3/13/2015	Lincoln, Nebraska
Receipt Date: 4/10/2012	Cusip 3135G0HX4	Receipt No. 5904
FANNIE MAE	\$250,000.00	Union Bank & Trust Company
Rate 0.700%	Maturity 03/13/2015	Lincoln, Nebraska
Receipt Date: 04/10/2012	Cusip 3135G0HX4	Receipt No. 5904

and the substitution of the following securities be and the same hereby are approved:

FEDERAL HOME LOAN BANK	\$1,250,000.00	Union Bank & Trust Company
Rate 0.360%	Maturity 08/20/2014	Lincoln, Nebraska
Receipt Date: 9/04/2012	Cusip 313380E60	Receipt No. 5948

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

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

John Peterson was present for discussion regarding his application received from the Nebraska Liquor Control Commission for manager of Norfolk Country Club. County Clerk Nancy Scheer reported that a background examination report, was completed by Investigator Jon Downey with criminal and driver's history reviewed and no violations were found. The report summarized that there appears to be nothing in the examination that would preclude John Peterson from obtaining the desired license.

No comments were received from the applicant, John Peterson or from the public.

After discussion, it was moved by Griffith and seconded by McCallum to recommend approval of the application of John Peterson as corporate manager of the Norfolk Country Club to the Nebraska Liquor Control Commission. Roll call vote: Ayes, McCallum and Griffith. Absent, Klein. Nays, none. Motion carried.

County Sheriff Vern Hjorth, John Letenser, Paramount Pictures location manager, and Kendra Leidle, Paramount Pictures location scout, appeared before the Board to discuss a location agreement to film at the County Sheriff's office for the Alexander Payne film entitled "Nebraska".

County Sheriff Vern Hjorth explained that he met with Kendra Leidle approximately six weeks ago to inspect the Courthouse to determine if Paramount Pictures had any interest in using the facility for filming the upcoming movie entitled "Nebraska". He stated that after Ms. Leidle toured the Courthouse, she found areas in the Sheriff's office that would be feasible for filming the movie and subsequently the filming crew met with him about 10 days ago and expressed an interest in using part of the Sheriff's Office for filming. He reported that one issue that must be addressed is parking for approximately 60 vehicles for the filming crew and he suggested that the west side of the Courthouse could be used to park filming vehicles since it is hardly ever used.

Vice-Chairman McCallum questioned how long parking would need to be provided and John Letenser responded that filming would take about half a day, so parking would only be an issue for one day. County Sheriff reported that another issue is the need for the filming crew to change signage, since the site is supposedly in Montana, so he has requested that any signs that are changed would be placed back to their original condition upon completion of filming.

John Letenser reported that Paramount Pictures has been scouting the area for some time, with Alexander Payne starting approximately one year ago. He stated that for scheduling purposes, it makes more sense for them to try to shoot this scene locally instead of in Billings, Montana. He explained that the filming crew will also travel to Billings, but the Yellowstone County Detention Center in Billings has a check-in area that is very similar to the layout in the Courthouse and Sheriff's Office, so this is why they picked the Madison Sheriff's Office as the site of first choice. He stated that the schedule was set up for filming on Monday, but they learned that this is not a good day, and that a Wednesday would be better for filming. County Sheriff Vern Hjorth stated that filming on a Wednesday would be much better because there is not as much court scheduled that day.

Vice-Chairman McCallum stated that any items that need to be negotiated should be handled by County Sheriff Vern Hjorth since he is in charge of law enforcement. John Letenser stated that they were seeking permission from the County Board to film in the Courthouse. He stated that they have a standard location agreement which was shared with the Board. County Clerk Nancy Scheer explained that the agreement was included in the agenda packet and that Ms. Leidle said that the blank items in the agreement would be negotiated with the Board during the meeting.

Vice-Chairman McCallum requested Sheriff Vern Hjorth to negotiate terms of the agreement and County Attorney Joseph Smith to review the agreement. John Letenser asked if the County Board would be able to approve and sign the agreement before filming begins on October 15th. Vice-Chairman McCallum responded that he was unaware that contracts were ready to be signed.

County Attorney Joseph Smith asked if there were any terms in the contract that weren't acceptable and Sheriff Vern Hjorth responded that the only issue he has is the signage that would be changed for filming. County Attorney Joseph Smith recommended that the terms of the contract be negotiated with Sheriff Vern Hjorth and a final contract be submitted for approval at the next Board meeting. Kendra Leidle explained that they are trying to change the filming date to better accommodate the Sheriff's Office.

After discussion, the Board directed Paramount Pictures to proceed with negotiating the terms of the agreement and submit it for approval at the next County Board meeting.

John Trecek, Vice-President of Ameritas Investment Corporation, met with the Board regarding refinancing of 2007 Highway Allocation Bonds. He submitted documents showing the remaining bond payments, the interest rate, and maturity dates. He stated that he selected the date of November 15, 2012 as the reissue date, even though the bonds can be called on October 17, 2012. He explained that there is a 30 day call period from the time the old bonds are formally called in to be paid off. He stated that if documents are prepared for final approval at the next Board meeting, this would be close to mid-November for the 30 day call time. He explained that completing the process on a payment date is easier. Mr. Trecek explained that bonds are issued in \$5,000 increments and every maturity has its own interest rate. He reported that the current average interest rate is 3.8619% and the average interest rate on the proposed issue is 0.8074% for the remaining 4.5 years of the bonds. He stated that the rates are for example purposes because they change often, sometimes several times during the day. He reported that the amount remaining on the current bond issue is \$1,100,000 and the re-issue would be \$1,115,000 which would include all issuance costs; therefore, the County would not be required to come up with additional cash other than the interest payment scheduled for November 15th. He reported that because of the \$5,000 increments, the County would receive \$3,292.50 in additional money that would go back into the bond fund to be applied toward future payments.

Vice-Chairman McCallum questioned if the next payment date was October 17th and Mr. Trecek responded that October 17th is the earliest date that the bonds could be called. Mr. Trecek explained that with a 30 day call provision, the County is past the time when the bonds could be called in early, so he recommended that the paperwork be completed at the next meeting. Vice-Chairman McCallum asked if Mr. Trecek could assure the County of the proposed interest rates and Mr. Trecek responded that he cannot assure these rates. He explained that there is risk in the next two weeks that the rates will fluctuate. He reported that he wanted to determine what the County Board's intent was for refinancing the bonds because if the County wants to change maturity dates or lengthen the bond issue, he would need to know this in advance of preparing the final documents. He reported that cusips must be assigned to the maturities before the documents can be prepared for approval.

Vice-Chairman McCallum stated that he would like to proceed with refinancing the 2007 Highway Allocation Bonds. Commissioner Griffith and County Highway Superintendent Richard Johnson both concurred that the County should proceed with refinancing.

County Highway Superintendent Richard Johnson stated that the County is planning to bond another \$1 million in the spring of 2013. John Trecek also presented a document which reflected the refinanced bond information compared with a bond issue which added another \$1 million with the final maturity in 2024. He explained that the total debt service is practically the same as the old debt service, even by adding an additional \$1 million. In addition, he reviewed a handout which moved the principal from the refunding bonds to later dates, so there wouldn't be a large jump in the fifth year.

Vice-Chairman McCallum stated that he is concerned about staying out of the bond market for an additional six months if inflation sets in. He questioned if the County should bond additional funds now to take advantage of low interest rates. He stated that if inflation hits, interest rates could double or triple in a short time period. Mr. Trecek responded that, in his opinion, interest rates won't change that quickly.

County Highway Superintendent Richard Johnson stated that the federal government has been talking about keeping interest rates low until 2014 or 2015. John Tresek stated that if the County plans to spend \$1 million next spring and the County borrows the money now at an average rate of 2% for the longer maturity bonds, the funds won't earn that rate when put into the bank, so the County is losing money for six months. He explained that when the County Board decides to proceed with issuance of additional bonds, an engineer's estimate will be required to justify the bond issue and this will be included in the bond transcript, so if the IRS conducts an audit, the County could prove why the bonds were issued.

Vice-Chairman McCallum stated that the Board can't allow infrastructure to deteriorate, so additional bonds may be required next year.

After discussion, the Board directed John Trecek from Americas Investment Corporation to proceed with preparing documents for refinancing the 2007 Highway Allocation Bonds.

County Attorney Joseph Smith presented an update on pending litigation. He stated that there is no new information to report on the Blaser lawsuit. He reported that the lawsuit regarding the personnel issue in the County Sheriff's Office has been settled. He also reported that a hearing has been set for October 2nd or 3rd on the Leroy and Lawrence Verschuur litigation involving 844th Road; however, the hearing would possibly be continued. He stated the Verschuur's lawyer advised that the property was purchased in 1978, which is prior to the year of 1982 set forth in the statute regarding isolated land. He explained that if the Verschuurs use the isolated land statute, they must prove that they can't obtain an easement.

No action was taken by the Board.

Pursuant to published legal notice in the Monday, September 10, 2012 edition of the Norfolk Daily News, Vice-Chairman McCallum opened a public hearing at 10:00 A.M. to receive citizens' comments regarding the issuance of Revenue and Refunding Bonds Series 2012 for the Behavioral Health Specialists, Inc. project. Connie Barnes, Executive Director of Behavioral Health Specialists, Inc. and Andy Snyder, Investment Banker with Smith Hayes Financial Services Corporation, were present at the hearing.

Andy Snyder explained that a TEFRA hearing is required prior to issuance of bonds. He reported that Behavioral Health Systems is taking advantage of lower interest rates and they have various projects that they plan to complete by issuing bonds. He explained that one requirement is to have the highest elected officials in the County approve the bond issuance. He explained that Madison County is not liable to pay any principal or interest on this revenue bond.

Behavioral Health Systems Executive Director Connie Barnes explained that they are planning to complete improvements on all three properties located in Norfolk and one property located in Columbus. She explained that some improvements have already been completed, including the purchase of land and a building in Columbus. She explained that they purchased the property in Columbus and they plan to build an addition onto the building to increase the bed capacity and also allow them to open an outpatient facility and office space. Mr. Barnes stated that the exterior of the property located on Taylor Avenue in Norfolk looks very poor so they are installing a sprinkler system and a new lawn. She explained that the lower level of the Taylor Avenue building has been recently remodeled and the bond issue will cover these costs and the building located at 9th and Norfolk Avenue will have roof improvements. In addition, she reported that improvements at the Sunrise location include a covered outdoor shelter, expansion of the parking, and landscaping. Ms. Barnes stated that all of the facilities in the Behavioral Health Systems agency will experience some enhancements from this bond issue. She explained that when the Health and Human Services aligned the regions to match the judicial districts, this extended the service area for the foster care clients, so this was the reason for adding office space in Columbus to help serve counties who were assigned to the agency.

No public comments were received during the hearing in support of, or in opposition to, the issuance of the bonds.

Vice-Chairman McCallum closed the hearing at 10:05 A.M.

After discussion, it was moved by Griffith and seconded by McCallum to allow Behavioral Health Systems to proceed with issuance of revenue and refunding bonds. Roll call vote: Ayes, McCallum and Griffith. Absent, Klein. Nays, none. Motion carried.

Andy Snyder, Investment Banker with Smith Hayes Financial Services Corporation, submitted a proposal for refinancing the 2007 Highway Allocation Bonds. He reported that the proposal has an average coupon of approximately .74% and a savings of about \$67,800. He explained that Smith Hayes Financial Services Corporation has very competitive rates and the issuance fee is 1.1%. He requested the Board to compare his proposal with the Ameritas Investment Corporation submittal and consider Smith Hayes Financial Services Corporation for the refinancing of the Highway Allocation bonds. He stated that Smith Hayes may be able to save the taxpayers a little more money than Ameritas Financial Corporation. He also inquired if the County would be taking more proposals for refinancing the Highway Allocation bonds.

Vice-Chairman McCallum stated that the Board would discuss the issue with the budget committee prior to making a decision. No action was taken by the Board.

Pursuant to published legal notice in the Saturday, September 15, 2012 edition of the Norfolk Daily News, Vice-Chairman McCallum opened a public hearing at 10:10 A.M. to receive citizens' comments regarding an amendment to the Madison County Zoning Regulations to add provisions for the waiver of fertilizer setback requirements. County Attorney Joseph Smith was in attendance during the hearing.

Planning and Zoning Administrator John Johnson explained that the proposed language to be inserted into the zoning regulations is copied from the current livestock regulations with a few changes. He reported that the proposal would allow the distance requirements to be decreased or waived when a waiver is signed by all the property owners of residences not on the property within 1,320 feet. He explained that the property owners shall sign a waiver on a form provided by the Zoning Administrator in the presence of a notary public and the waiver must be filed with the Register of Deeds office. He stated that the waiver, when filed, shall be evidence of the property owner's consent to decrease and/or waive the required spacing distances to not less than 500 feet as measured from the actual storage facility to the closest part of any neighboring residential dwelling. He explained that if someone wants to put in a fertilizer storage facility and it is less than 1,320 feet from the neighbor, the company can go to the neighbor and ask that person to sign a waiver. He also explained that if a fertilizer plant is established and someone wants to build a residence less than 1,320 feet from the plant, then the fertilizer company could sign a waiver. Mr. Johnson explained that several years ago there was a case from Otoe County where waivers were approved and there was a challenge that one person could veto the County Board's decision by refusing to sign a waiver and the Appellate Court said this was not true, so since then, waivers have become a legal document. He explained that this proposed amendment would provide the County with another tool. Mr. Johnson stated that the County went through many obstacles with the fertilizer setback issue this year. He reported that another tool that the County can use is the Mixed Use Development; however, it is a much more complicated process which requires a survey and site plan, and any modification of the site plan must go back to the Planning Commission and County Board for approval. He explained that the Mixed Use Development was designed for a subdivision where there may be condos, houses, a beauty shop, and a doctors' office all in one area. In addition, he stated that the Mixed Use Development could also be used in a subdivision and allow bonus lots because open space is planned, but it requires notification to every organization including the natural resources district, the fire district, and public power district, which adds cost for the applicant. He explained that the Mixed Use Development is a tool; however, it has not been used in Madison County.

Vice-Chairman McCallum stated that the Mixed Use Development does not sound like a very easy tool to be used by industry and he questioned if this option would be offered to a fertilizer company wanting to locate in the County. Planning and Zoning Administrator John Johnson responded that the Mixed Use Development would probably not be a good option for a fertilizer company wanting to locate in the County. Vice-Chairman McCallum stated that the County needs a tool that is simple and strong to give Madison County a chance to attract new businesses. County Attorney Joseph Smith asked how the setback requirements have worked in the past with placement of feed lots. Planning and Zoning Administrator John Johnson responded that several waivers are currently on file between neighboring livestock facilities, including Amen's Dairy and Henn's Dairy to allow each other to expand. In addition, he reported that Doug Sunderman was looking at using a waiver, but he did not use this option. He reported that Doug Sunderman has one feedlot that still operates under the old regulations with setback requirements of one quarter mile, but once the application is renewed it reverts to the new zoning regulations and the setback requirements will be one-half mile. He stated that Mr. Sunderman will probably use a waiver when this permit reviews. He reported that the Planning Commission approved the proposed amendment on a vote of seven to one.

Commissioner Griffith asked how many counties the same size as Madison have zoning regulations similar to the proposed amendment. Planning and Zoning Administrator John Johnson responded that after the Otoe County court case, many counties have included a waiver in the livestock regulations; however, there are few counties that use a waiver option for fertilizer setbacks. He explained that Antelope County had a one-fourth mile fertilizer setback, but the setback was changed and was based upon size of anhydrous storage tanks, so the larger the tanks are, the further the setback requirements are set. He stated that the property owners could sign a waiver to allow the fertilizer facility to be closer than one-fourth mile, but no closer than 500 feet. He also reported that most other counties do not have fertilizer setback requirements.

County Attorney Joseph Smith inquired if there are any other areas that this regulation could be applied. Planning and Zoning Administrator John Johnson responded that the proposal allows waivers for shooting ranges, landfills, race tracks, schools, private air strips, storage of flammable products including propane and gasoline, and storage of hazardous waste.

County Highway Superintendent Richard Johnson spoke in opposition to the proposed waiver stating that he has been doing zoning and subdivision work for approximately 30 years. He stated that, in his opinion, the proposed regulation would empower neighbors too much and the County currently has a reasonable way to make a reduction in the setbacks with the Mixed Use Development regulations. He explained that if an industry wants to come into the County, especially a fertilizer plant, there is a very good possibility that the company must talk to all the government agencies that were mentioned. Vice-Chairman McCallum responded that there was a very controversial issue involving Paul Ablar, with all the neighbors opposing the application. County Highway Superintendent Richard Johnson stated that neighbors can oppose anything that they want. He stated that there were many people that came to the hearing opposing the Helena fertilizer plant application. Vice-Chairman McCallum explained that the people opposed the application because the facts were not clear. County Highway Superintendent Richard Johnson stated that the only good that he could see coming out of the waivers is getting the applicant talking to the neighbors. He explained that a Mixed Use Development option would provide the same benefits. He stated that if there is a controversial issue the neighbors aren't going to like it if no one talks to them. Vice-Chairman McCallum questioned if Mr. Johnson thought that the Mixed Use Development was a good option for industry instead of using a simple waiver. County Highway Superintendent Richard Johnson responded that a Mixed Use Development was a good option because a company using this option must talk to most of the government agencies mentioned by the Planning Administrator. He explained that if a company wants to site a fertilizer plant in the County they must talk to the Department of Environmental Quality, the Natural Resources District, and other state agencies. He also explained that the company would need a very good comprehensive site plan because even if the County Board doesn't care about a site plan, the company needs a plan to get the facility built correctly and according to regulations.

County Attorney Joseph Smith stated that by Mr. Johnson's analysis, the one-quarter mile setback would be in place forever. County Highway Superintendent Richard Johnson responded that the Mixed Use Development option is available to reduce the one-quarter setback. Vice-Chairman McCallum stated that the waiver option is much simpler. He explained that the neighbors must agree to reduce the setback using either option.

Commissioner Griffith stated that the waiver option doesn't sound much different than the Mixed Use Development option already included in the zoning regulations. Vice-Chairman McCallum stated that if the waiver option would have been available for the Helena application and the company representatives would have talked to the neighbors, there may not have been so much opposition to the application. Commissioner Griffith stated that he is hesitant to approve anything that might send the wrong message to industry that is looking at locating in Madison County. Vice-Chairman McCallum stated that, in his opinion, the waiver would provide an option for companies to talk to the neighbors.

County Attorney Joseph Smith stated that the waiver option may keep the County out of a controversial issue. He stated that one important aspect is to require the waivers to be filed at the Register of Deeds office so that title abstractors and attorneys are aware of setback reductions. He stated that the issue with Helena got very messy and some would say that there were two sides that were both behaving poorly. He stated that, from a policy aspect, empowering companies and neighbors would be a good thing.

Planning and Zoning Administrator John Johnson stated that after the experience this year with Helena's application, he will make some changes in the future any time an application is submitted for a major commercial operation. He explained that he will arrange a pre-submission meeting involving the applicant, a County Commissioner, a Planning Commission member, the County Highway Superintendent, himself, and any other agency that may need to be involved to review the application and the site plan prior to accepting the application for formal consideration before the Planning Commission. He stated that at the pre-submission meeting he could point out any problems or concerns with the application and explain options for making changes for compliance with the zoning regulations. He stated that there were concerns with the roads and bridges with Helena's application and these concerns could be addressed at a pre-submission meeting. He explained that a conditional use permit hearing was never conducted before the Planning Commission on the Helena application. He stated that this new process may reduce some of the concerns and opposition that occurred with the Helena application.

Vice-Chairman McCallum questioned if the Planning Commission feels that the waiver option is a good tool and Planning and Zoning Administrator John Johnson responded yes. Commissioner Griffith stated that the waiver option would keep the setback requirements the same. County Attorney Joseph Smith explained that the setback requirements could be changed at any time in the future.

Planning and Zoning Administrator John Johnson reported that the Planning Commission currently plans to look at the setback requirements; however, they are not anxious to change them. He also stated that the Planning Commission has decided not to hire a consultant to review the setbacks at this time.

Vice-Chairman McCallum closed the hearing at 10:30 AM.

During discussion on the matter, County Attorney Joseph Smith reiterated that the waiver option is another tool that the County Board could use and that recording the waiver at the Register of Deeds office is important. He stated that the waiver may be another tool for the County to use to avoid litigation.

Vice-Chairman McCallum stated that if the County starts changing the setback requirements, it will weaken the zoning regulations. Commissioner Griffith stated that the County needs to be more in line with other counties competing for industries. He stated that Platte County has no setback requirements and they have a significant amount of industry. He stated that he is not in favor of endangering the public; but, the County needs to take a hard look at who it is competing with. Vice-Chairman McCallum stated that good communication on the Helena application may have resolved a lot of the issues. He questioned how many residents were less than 1,320 feet from the proposed site of Helena fertilizer plant. Planning and Zoning Administrator John Johnson responded that three or four residences had all or part of their property within the 1,320 foot circle and two other residents were just outside the 1,320 foot circle. He stated that one thing that he would like the Planning Department to look at in the future is to break down the fertilizer category. He explained that the fertilizer category does not break down the different types of fertilizer and the most dangerous type of fertilizer is anhydrous ammonia. He stated that the counties that have setback requirements stipulate that it is for anhydrous ammonia, not dry or liquid fertilizer.

After discussion the following resolution was introduced:

RESOLUTION #2012-55

A RESOLUTION AMENDING CERTAIN LANGUAGE IN THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTIONS UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.01 THROUGH 223-114.05 AND 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, having received a recommendation for approval from the Madison County Joint Planning Commission and proper notice been given and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends the Madison County Zoning and Subdivision Resolution by amending the following language into the Zoning Regulations, specifically by changing the setback requirements for "Bulk storage and/or manufacturing of fertilizer" from 1,320 ft. to 300 ft. in Article 4, in Table 4 of Section 402 AG1 - Intensive Agriculture and in Table 4 of Section 403 AG2 - General Agriculture Districts. The table is shown below.

Additions are in *Italics* and deletions are ~~Marked through~~.

Table 4: Setbacks for the below listed uses to dwellings and dwellings to the below listed uses

Shooting Ranges	1,320 ft.
Landfills (all types)	1,320 ft.
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	2,640 ft.
Schools, colleges, trade schools, and/or athletic fields	1,320 ft.
Private Air Strips	2,640 ft.
Bulk storage and/or manufacturing of fertilizer <i>Bulk storage and/or manufacturing of fertilizer (Note: The distance requirements may be decreased or waived by a waiver signed by all of the property owners of residences not on the property within the 1,320 feet. The property owners shall sign a waiver on a form provide by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Madison County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof to a distance not less than 500 feet as measured from the actual storage facility to the closest part of any neighboring residential dwelling.)</i>	1,320 ft.
Bulk storage of flammable products or fuel including propane, gasoline, diesel, etc.	1,320 ft.
Bulk storage of hazardous waste or hazardous products including manufacturing of such	2,640 ft.

A duly advertised hearing was held by the Madison County Joint Planning Commission on August 30, 2012; and the Madison County Board of Commissioners on September 25, 2012 after a recommendation for approval by the said Joint Planning Commission.

NOW, THEREFORE, LET IT BE FURTHER RESOLVED, that this Resolution shall take effect and be in force no sooner than the 25th day of September, 2012.

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

The following reports and correspondence were reviewed:

- 1) County Clerk August fee report
- 2) County Treasurer fund balance report
- 3) Register of Deeds August fee report
- 4) County Treasurer distress warrant report

The following claims were audited:

GENERAL FUND		
Total Net Payroll		119,241.27
American Family Life Assurance Company	Insurance Premiums	546.38
Ameritas Life Insurance Corporation	Employee Share Retirement	7,754.08
Ameritas Life Insurance Corporation	Employer Share Retirement	11,353.93
Ameritas Life Insurance Corporation	Insurance Premiums	401.38
Assembled Products Corporation	Repairs, County Sheriff	38.40
Battle Creek Enterprise	Publication Costs, Planning and Zoning	33.18
Kirk Bauermeister	Witness Fees, County Court	131.08
Kristine Behmer	Witness Fees, County Court	52.11
Margaret Bendixen	Garnish of Wages	224.05
BI Incorporated	Monitoring Services, Juvenile Diversion	966.56
Kenneth Bierman	Mileage, Veterans' Service Office	16.65
Blue Cross Blue Shield of Nebraska	Insurance Premiums	1,019.20
Bomgaars Supply Inc.	Supplies, Courthouse	6.97
Bessie Bove	Prior Service Benefits	12.00
Brandl Electric	Services, Data Processing	76.29
Cableone	Internet Services, Public Defender	128.95
Cableone	Internet Services, Probation	169.96
Century Link	Telephone Services, County Jail	17.66
Century Link	Telephone Services, Probation	295.32
Maria Izabel Chavez	Interpreting Services, Public Defender	68.82
Maria Izabel Chavez	Interpreting Services, Law Enforcement	86.00
City of Madison	Utilities, Public Defender	222.74
City of Madison	Utilities, County Jail	5,193.98
City of Norfolk	Snare Matching Funds, County Sheriff	3,000.00
Colonial Life and Accident Insurance	Insurance Premiums	274.96
Complete Pest Elimination, Inc.	Services, County Jail	125.00
Connecting Point	Supplies, County Treasurer	39.00
Connecting Point	Equipment, District Court	156.00
Connecting Point	Software, Equipment, Services, Reappraisal	8,365.25
Connecting Point	Equipment, County Sheriff	3,650.00
Connecting Point	Repairs, Equipment, County Attorney	151.00
Connecting Point	Equipment, Probation	287.00
Connecting Point	Internet Service, Veterans' Service Office	38.95
Connecting Point	Internet Services, Planning and Zoning	16.00
Consolidated Management Company	Meals, County Jail	190.25
Constellation Newenergy Gas Division, L.L.C.	Gas Service, Courthouse	170.15
Constellation Newenergy Gas Division, L.L.C.	Gas Service, County Jail	397.03
Copple, Rockey, McKeever & Schlecht P.C., L.L.O.	Legal Services, County Court	7,321.82
Credit Management Services	Garnish of Wages	160.67
Creighton University Medical Center	Forensic Services, Law Enforcement	335.78
Dakota County Sheriff	Service Fees, District Court	41.26
Dick Day	Mileage, Data Processing	213.12
Dee Sign	Supplies, Election Commissioner	140.75
Dent Specialists	Repairs, County Sheriff	45.20
Larry Dittberner	Mileage, Veterans' Service Office	51.06
Eakes Office Plus	Repairs, County Treasurer	150.86
Eakes Office Plus	Supplies, Register of Deeds	162.94
Eakes Office Plus	Supplies, County Jail	97.97
ECMC	Garnish of Wages	142.34
Electrical Engineering & Equipment	Supplies, County Jail	29.36
Environmaster	Supplies, County Jail	42.00
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	5,551.37
Fitzgerald, Vetter & Temple	Legal Services, County Court	1,337.00
Frontier County Court	Copies, Law Enforcement	6.75
Futureware	Supplies, Juvenile Diversion	45.00
Gall's Inc.	Supplies, County Sheriff	40.19
Gall's Inc.	Uniforms, County Jail	535.19
Gordy's Towing & Repair	Repairs, County Sheriff	36.05
Graham Tire	Repairs, Noxious Weed	107.90

Chelsey Hartner	Postage, Public Defender	50.10
Herman Lock & Safe	Repairs, Courthouse	155.00
Holiday Inn Kearney	Lodging, County Assessor	291.80
Jeffrey Hrouda	Legal Services, County Court	314.90
Interstate All Battery Center	Supplies, County Sheriff	112.95
Jack's Uniforms	Uniforms, County Sheriff	70.74
Jack's Uniforms	Uniforms, County Jail	17.49
Johnson Engineering Company	Budget Services	1,500.00
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	2,300.50
Knock-Out Specialties, Inc.	Supplies, County Sheriff	289.21
Larry Kohl	Mileage, Veterans' Service Office	66.60
Landkamer Flag Sales	Supplies, Courthouse	30.00
Linsali, Inc.	Reappraisal Services, Reappraisal	4,000.00
Louderback Drug	Prescriptions, County Jail	3,924.29
Louderback Drug	Prescriptions, Juvenile Detention	19.26
Madison County Clerk	Tax Deposit	39,819.20
Madison County Sheriff	Fees, County Court	1,545.20
Madison County Sheriff	Fees, District Court	162.60
Madison County Sheriff	Fees, Mental Health	214.65
Madison National Life	Insurance Premiums	126.10
Maintenance Engineering LTD	Supplies, Courthouse	644.76
Chris Mannel	Witness Fees, County Court	131.08
Christal McDonald	Transcript, Law Enforcement	135.60
Medtox Laboratories, Inc.	Testing, Juvenile Diversion	114.08
Menards	Supplies, County Sheriff	72.18
Menards	Supplies, County Jail	23.66
Menards	Supplies, Noxious Weed	15.89
Midwest Plumbing & Heating	Repairs, County Jail	637.67
MIPS	Computer Support, County Clerk	243.75
MIPS	Computer Support, County Treasurer	1,279.63
Rene Monterrosa	Witness Fees, Law Enforcement	76.10
Y. Scott Moore, M.D.	Services, District Court	1,500.00
NACO	Registration, County Clerk	40.00
Nationwide Retirement Solutions	Deferred Compensation	955.00
Nebraska Criminal Defense Attorney Association	Dues, Public Defender	125.00
Nebraska Health and Human Services	State Institution Services	744.00
Nebraska Public Power District	Utilities, Planning and Zoning	68.19
Nebraska Public Power District	Utilities, Noxious Weed	99.29
Nebraska Public Power District	Utilities, Veterans' Service Office	68.11
Nebraska Public Power District	Utilities, Probation	725.40
NIRMA	Insurance Settlement	20,000.00
Norfolk Auto Center	Repairs, County Sheriff	39.95
Norfolk Community Health Center	Medical Services, Juvenile Detention	148.75
Norfolk Daily News	Subscription, Public Defender	138.00
Norfolk Daily News	Publication Costs, Reappraisal	394.00
Norfolk Daily News	Publication Costs, Courthouse	153.27
Norfolk Daily News	Publications Costs, County Court	45.28
Northeast Nebraska Juvenile Services Inc.	Board of Juveniles, Juvenile Detention	17,073.75
Valorie Olson	Court Reporting, Mental Health	50.00
Sherry Peterson	Training, Mileage, Juvenile Diversion	311.02
Phillips 66	Fuel, County Sheriff	679.37
Pioneer Telephone	Telephone Service, Courthouse	256.50
Pitney Bowes	Equipment Rental, Courthouse	930.00
Radio Shack Corporation	Supplies, Equipment, County Sheriff	1,202.85
Redwood Toxicology Lab	Testing, Probation	419.27
Regency Family Dental Care, P.C.	Dental Services, County Jail	542.00
Nancy Scheer	Mileage, Election Commissioner	21.09
Judy Schroeder	Prior Service Benefits	11.00
Secretary of State	Supplies, Election Commissioner	50.00
Shell Fleet Plus	Fuel, Planning and Zoning	353.17
Shell Fleet Plus	Fuel, Reappraisal	51.63
Shell Fleet Plus	Fuel, County Sheriff	2,864.02
State of Nebraska AS Central Services	Telephone Services, County Sheriff	32.00
Stratton, DeLay, Doele, Carlson, & Buettner, P.C., L.L.O.	Legal Services, District Court	4,330.89
Stratton, DeLay, Doele, Carlson, & Buettner, P.C., L.L.O.	Legal Services, County Court	1,469.86
Michelle Sullivan	Training, Juvenile Diversion	240.00
The Change Companies	Publications, Juvenile Diversion	241.88
Tilden Citizen/Meadow Grove News	Publication Costs, Reappraisal	32.28
Toshiba	Copier Lease, Probation	475.00
Trane US Inc.	Maintenance Agreement, Courthouse	441.67
UPS	Shipping, Courthouse	24.20
US Bank Corporate Payment System	Fuel, Supplies, Juvenile Diversion	217.26
US Bank Corporate Payment System	Fuel, Software, Supplies, County Sheriff	454.84
Van Diest Supply Company	Chemicals, Noxious Weed	1,073.79
Kirk Van Pelt	Services, Juvenile Diversion	234.00
Verizon Wireless	Telephone Service, Planning and Zoning	72.21
Verizon Wireless	Telephone Service, Courthouse	33.13

Verizon Wireless	Telephone Service, Law Enforcement	85.70
Verizon Wireless	Telephone Service, Noxious Weed	62.21
West Payment Center	Subscriptions, County Attorney	1,082.00
Western Office Technologies	Supplies, County Clerk	31.08
Western Office Technologies	Supplies, Register of Deeds	73.08
Western Office Technologies	Supplies, District Court	20.49
Western Office Technologies	Supplies, District Judge	34.88
Western Office Technologies	Copier Maintenance, County Attorney	156.67
Western Office Technologies	Supplies, Veterans' Service Office	65.97
Wright Express FSC	Fuel, County Sheriff	1,447.50
Nancy Wright	Mileage, Juvenile Diversion	110.45
Nancy Zaruba	Services	500.00
Zippy Lube	Repairs, County Sheriff	37.45
Zodiac Properties, L.L.C.	Rent, Probation	7,930.67

ROAD/BRIDGE FUND

Total Net Payroll		27,415.01
Advance Auto Parts	Parts	293.00
American Family Life Assurance Company	Insurance Premiums	251.81
Ameritas Life Insurance Corporation	Employee Share Retirement	1,640.32
Ameritas Life Insurance Corporation	Employer Share Retirement	2,460.49
Ameritas Life Insurance Corporation	Insurance Premiums	113.06
Appera	Towel Service	298.31
Black Hills Energy	Gas Service	47.26
Blue Cross Blue Shield of Nebraska	Insurance Premiums	67.09
Bomgaars Supply Inc.	Shop Supplies, Tools	416.91
Carquest Auto of Norfolk	Parts	74.74
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Newenergy Gas Division	Gas Service	40.71
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	777.03
Jebro Inc.	Asphaltic Materials	22,759.84
Johnson Engineering Company	Engineering and Bookkeeping Services	24,415.00
Kimball Midwest	Shop Supplies	75.75
Laker Chemical Inc.	Shop Supplies	229.80
Loup Power District	Utilities	139.69
Madison County Clerk	Tax Deposit	8,828.61
Madison County Register of Deeds	Fees	6.00
Madison National Life	Insurance Premiums	41.03
Mainelli Wagner & Associates, Inc.	Engineering Services	2,600.00
Matheson Tri-Gas Inc.	Shop Supplies	85.81
Matteo Sand & Gravel Company Inc.	Gravel	4,905.44
Meisinger Oil Company	Fuel	4,679.02
Nebraska Child Support Payment Center	Garnish of Wages	218.24
Nebraska Harvestore Systems	Repairs	697.33
Nebraska Public Power District	Utilities	186.67
NMC Exchange LLC	Repairs	1,891.31
Pioneer Telephone	Telephone Services	56.61
Rose Equipment Inc.	Repairs	1,913.09
Rutjens Construction Inc.	Trailer	10,000.00
Sta-Bilt Construction Co.	Armor Coat Surfacing	118,675.00
Telebeep Wireless	Equipment	55.00
The Pit Stop	Fuel	1,202.84
Verizon Wireless	Telephone Services	259.25
Weldon Parts Inc.	Parts, Tools	2,459.38

FEDERAL AID SECONDARY FUND

Mainelli Wagner & Associates, Inc.	Engineering Services	25,847.43
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VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Supplies, Car Rental, Meals, Dues, Postage	7,403.42
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VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administrative Expense	37,760.82
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911 EMERGENCY FUND

Carmichael Business Systems	Maintenance Contract	2,435.00
Nebraska Chapter of APCO	Training	356.00

LAW ENFORCEMENT OPERATING FUND

Champs	Equipment	832.22
Eakes Office Plus	Supplies	467.54
EBSCO Reception Room Subscription Services	Subscriptions	137.02
Madison County Sheriff	Supplies	211.98

Motion was made by Griffith 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 Griffith. Absent, Klein. Nays, none. Motion carried.

The Board adjourned at 10:36 A.M. to Wednesday, October 10, 2012 at 9:30 A.M.

County Clerk

Chairman