

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

BOARD OF EQUALIZATION MEETING

Madison, Nebraska

October 4, 2016

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

Advance notice of meeting was published in the Thursday, September 29, 2016 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Ron Schmidt called the meeting to order and notified the public of the location of the Open Meeting Act information posted in the meeting room.

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer.

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

Motion was made by Ohl and seconded by Prauner to approve the minutes of the meeting held on September 7, 2016. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3169: J & J Auto Repair, 53665 825th Road, Newman Grove
Addition to the tax rolls in the amount of \$133.42 for acceleration of the 2015 personal property taxes due to sale of the business in March, 2016
- #3170: Allied Genetics LLC, P.O. Box 1836, Norfolk
Addition to the tax rolls in the amount of \$192.74 for correction to the 2013 personal property taxes due to failure of the business to report equipment located at 4306 South 49th Street for 2013
- #3171: Allied Genetics LLC, P.O. Box 1836, Norfolk
Addition to the tax rolls in the amount of \$977.90 for correction to the 2013 personal property taxes due to failure of the business to report equipment located at Norfolk Air Park for 2013
- #3172: Allied Genetics LLC, P.O. Box 1836, Norfolk
Addition to the tax rolls in the amount of \$125.78 for correction to the 2014 personal property taxes due to failure of the business to report equipment located at 4306 South 49th Street for 2014
- #3173: Allied Genetics LLC, P.O. Box 1836, Norfolk
Addition to the tax rolls in the amount of \$1,412.20 for correction to the 2014 personal property taxes due to failure of the business to report equipment located at Norfolk Air Park for 2014
- #3174: Allied Genetics LLC, P.O. Box 1836, Norfolk
Addition to the tax rolls in the amount of \$213.34 for correction to the 2015 personal property taxes due to failure of the business to report equipment located at 4306 South 49th Street for 2015
- #3175: Allied Genetics LLC, P.O. Box 1836, Norfolk
Addition to the tax rolls in the amount of \$2,443.30 for correction to the 2015 personal property taxes due to failure of the business to report equipment located at Norfolk Air Park for 2015
- #3176: Kinport Corporation No. 2746, 440 North 8th Street, Suite 140, Lincoln
Addition to the tax rolls in the amount of \$921.16 for correction to the 2013 personal property taxes for equipment located in Emerick Precinct that was omitted from the tax rolls
- #3177: Kinport Corporation No. 2746, 440 North 8th Street, Suite 140, Lincoln
Addition to the tax rolls in the amount of \$873.52 for correction to the 2014 personal property taxes for equipment located in Emerick Precinct that was omitted from the tax rolls
- #3178: Kinport Corporation No. 2746, 440 North 8th Street, Suite 140, Lincoln
Addition to the tax rolls in the amount of \$337.98 for correction to the 2014 personal property taxes for equipment located in Madison Precinct that was omitted from the tax rolls
- #3179: Kinport Corporation No. 2746, 440 North 8th Street, Suite 140, Lincoln
Addition to the tax rolls in the amount of \$667.74 for correction to the 2015 personal property taxes for equipment located in Madison Precinct that was omitted from the tax rolls
- #3180: Kinport Corporation No. 2746, 440 North 8th Street, Suite 140, Lincoln
Addition to the tax rolls in the amount of \$217.96 for correction to the 2015 personal property taxes for equipment located in Madison Precinct that was omitted from the tax rolls
- #3181: Shirley Kriesch, 3207 South 12th Street, Lot 88, Norfolk
Addition to tax rolls in the amount of \$518.24 for acceleration of the 2015 real estate taxes due to relocation of a mobile home
- #3182: Voided
- #3183: Thomas Fennessey, Family Medicine & Vein Clinic, 109 North 29th Street, Suite 5, Norfolk
Deduction from the tax rolls in the amount of \$662.84 for correction of 2015 personal property taxes due to leased equipment that was double taxed
- #3184: Hero's, 52648 843rd Road, Oakdale
Addition to the tax rolls in the amount of \$3.28 for acceleration of the 2015 personal property taxes due to sale of equipment and business on May 13, 2016
- #3185: GGNSC Norfolk Valley View LLC, Golden Living Center, P.O. Box 160488, Altamonte Springs, Florida
Addition to tax rolls in the amount of \$2,063.44 for acceleration of the 2015 personal property taxes due to sale of business on September 30, 2016
- #3186: Werner Construction, 84453 539th Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$338.70 for correction of the 2015 personal property taxes after submission of the 2015 depreciation worksheet

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

- #3187: GE Equipment Midticket LLC, P.O. Box 35715, Billings, Montana
Addition to tax rolls in the amount of \$306.78 for acceleration of the 2015 personal property taxes for business equipment located in Norfolk Precinct due to termination of the business on May 1, 2016
- #3188: GE Equipment Midticket LLC, P.O. Box 35715, Billings, Montana
Addition to tax rolls in the amount of \$120.82 for acceleration of the 2015 personal property taxes for business equipment located in Madison Precinct due to termination of the business on May 1, 2016
- #3189: Norfolk Housing Development, 110 North 4th Street, Norfolk
Deduction from the tax rolls in the amount of \$2,024.94 for removal of 2015 real estate taxes due to tax exempt status
- #3190: Norfolk Housing Development, 110 North 4th Street, Norfolk
Deduction from the tax rolls in the amount of \$336.36 for removal of 2015 real estate taxes due to tax exempt status
- #3191: Ryan and Crystal King, 53753 826th Road, Meadow Grove
Deduction from the tax rolls in the amount of \$137.08 for correction of 2015 real estate taxes due to removal of buildings and a change in valuation

After discussion, a motion was made by Prauner and seconded by Ohl to approve the tax list corrections as submitted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Clerk Nancy Scheer presented the following property tax levies for the 2016-2017 fiscal year:

<u>MADISON COUNTY</u>			
<u>FUND</u>		<u>LEVY</u>	<u>TOTAL</u>
General		0.209534	
Road/Bridge		None	
Federal Aid Secondary		0.112250	
Visitor's Promotion		None	
Visitor's Improvement		None	
ROD Preservation and Modernization		None	
Drug Law Enforcement		None	
Drug Testing		None	
CDBG #2		None	
Inheritance Tax		None	
911 Emergency Management		None	
Law Enforcement Operating		None	
Drug Court		None	
Road/Bridge Bond		0.005000	0.326784

<u>CITIES AND VILLAGES</u>			
<u>CITY OR VILLAGE</u>	<u>FUND</u>	<u>LEVY</u>	<u>TOTAL</u>
City of Battle Creek	General Fund	0.449999	0.449999
City of Madison	General Fund	0.405174	0.405174
Village of Meadow Grove	General Fund	0.450000	
	Bond Fund	0.216344	0.666344
City of Newman Grove	General Fund	0.450000	0.450000
City of Norfolk	General Fund	0.168530	
	Bond Fund	0.052899	
	Economic Development Fund	0.030636	0.252065
City of Tilden	General Fund	0.449287	
	Bond Fund	0.375548	0.824835

<u>RURAL FIRE PROTECTION DISTRICTS</u>			
<u>NAME OF DISTRICT</u>	<u>FUND</u>	<u>LEVY</u>	<u>TOTAL</u>
Battle Creek Rural Fire	General Fund	0.035000	0.035000
Creston Rural Fire	General Fund	0.007204	
	Sinking Fund	0.004075	
	Bond Fund	0.009914	0.021193
Lindsay Rural Fire	General Fund	0.012975	0.012975
Madison Rural Fire	General Fund	0.035000	0.035000
Meadow Grove Rural Fire	General Fund	0.012355	
	Sinking Fund	0.007735	
	Bond Fund	0.014910	0.035000

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

RURAL FIRE PROTECTION DISTRICTS (CONTINUED)

Newman Grove Rural Fire	General Fund	0.035000	0.035000
Norfolk Rural Fire	General Fund	0.035000	0.035000
Tilden Rural Fire	General Fund Bond Fund	0.016000 0.007873	0.023873

MISCELLANEOUS

<u>NAME OF SUBDIVISION</u>	<u>FUND</u>	<u>LEVY</u>	<u>TOTAL</u>
Educational Service Unit #7	General Fund	0.015576	0.015576
Educational Service Unit #8	General Fund	0.012625	0.012625
Lower Elkhorn Natural Resources District	General Fund	0.024011	0.024011
Lower Platte North Natural Resources Dist.	General Fund	0.038279	0.038279
Madison County Agricultural Society	General Fund Building Fund	0.004843 0.006163	0.011006
Norfolk Airport Authority	General Fund	0.031849	0.031849
Norfolk Parking District #1	Vehicle Parking	0.350000	0.350000
Northeast Community College	General Fund Capital Improvement Fund	0.071320 0.020000	0.091320
Railroad Transportation Safety District	General Fund	0.009325	0.009325
Norfolk Sanitary District	General Fund	0.009952	0.009952
Sanitary & Improvement District #3	General Fund	0.364025	0.364025
Sanitary & Improvement District #5	General Fund	0.095188	0.095188
Sanitary & Improvement District #9	General Fund	0.017348	0.017348
Sanitary & Improvement District #10	General Fund	0.084599	0.084599
Sanitary & Improvement District #13	General Fund Construction Fund	0.212800 0.162324	0.375124

SCHOOL DISTRICTS

<u>SCHOOL DISTRICT</u>	<u>GENERAL FUND</u>	<u>SPECIAL BUILDING FUND</u>	<u>QUALIFIED CAPITAL PURPOSE UNDERTAKING FUND</u>	<u>TECHNOLOGY BOND FUND K-12</u>	<u>BOND FUND K-8</u>	<u>BOND FUND K-12</u>	<u>BOND FUND 9-12</u>	<u>TOTAL</u>
59-0001	0.720847	0.119547	0.012324			0.024895		0.877613
59-0002	1.04000	0.01000	0.047215	0.004633	0.065372		0.037903	1.205123
59-0005	0.767280	0.038985			0.029491		0.055022	0.890778
59-0013	0.316902	0.029221						0.346123
59-0080	0.667009	0.004082				0.163265		0.834356
71-0067	0.267424	0.048733				0.007379	0.012945	0.336481

Motion was made by Prauner and seconded by Ohl to adopt the property tax levies for the 2016-2017 fiscal year as presented. Roll call vote: Ayes, Schmidt, Ohl and Prauner. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:13 A.M.

County Clerk Nancy Scheer

Ron Schmidt, Chairman
County Board of Equalization

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

October 4, 2016

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 29, 2016 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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

Present: Commissioners Christian Ohl, Jim Prauner and Ron Schmidt, and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson was present until 10:56 A.M. Zoning Administrator Heather McWhorter was present until 9:48 A.M. Norfolk Daily News reporter Jerry Guenther, WJAG reporter Nick Stevenson, and US92 reporter Rachel Urbanski were present until 10:45 A.M.

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

- 1) Approval of minutes of the September 20, 2016 meeting
- 2) Acknowledge receipt of Continuation Certificate for the Official Bond of Therese Wachter as Treasurer of Norfolk Airport Authority
- 3) Acknowledge receipt of Continuation Certificate for the Official Bond of Rob Ronk as Chairperson of Sanitary Improvement District #10
- 4) Acknowledge receipt of Continuation Certificate for the Official Bond of Kirk Morgan as Clerk of Sanitary Improvement District #10
- 5) Acknowledge receipt of Continuation Certificate for the Official Bond of Douglas Wolken as Treasurer/Secretary of Madison Rural Fire District
- 6)

RESOLUTION #2016-46

WHEREAS, the Madison County Court has been directed by the Nebraska State Court Administrator, based upon recommendations of the Nebraska Auditor of Public Accounts, to establish separate cash drawers for each employee of the Madison County Court; and

WHEREAS, said cash drawers are to be funded by petty cash funds approved by the Madison County Board of Commissioners; and

WHEREAS, each Madison County Court employee shall use the petty cash funds for the limited purpose of making change for daily transactions; and

WHEREAS §23-106(2) Nebraska Revised Statute authorizes the County Board to establish a petty cash fund and set the amount of money to be carried in such fund; and

NOW, THEREFORE BE IT RESOLVED that a petty cash fund in the amount of \$500.00 is hereby established in the office of the Madison County Court for the purpose of having cash available in the office for daily transactions and the Madison County Court Clerk Magistrate is the authorized custodian of such petty cash funds.

- 7) Approval of amended budget message to include a statement regarding establishment of a petty cash fund in the office of the Madison County Court

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

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

Pursuant to published legal notice in the Saturday, September 24, 2016 edition of The Norfolk Daily News, Chairman Prauner opened a public hearing at 9:36 A.M. to receive comments regarding an amendment to the Certification of Occupancy, Article 7 of the Madison County Zoning and Subdivision Regulations.

Zoning Administrator Heather McWhorter reported that the current regulations and forms that are used say "Certification of Occupancy" and she requested to change the wording to "Certification of Zoning Compliance". She explained that occupancy sounds like the County is saying that it is safe to occupy a building. She reported that surrounding counties also use the wording "zoning compliance". She stated that the County doesn't need the liability of certifying occupancy.

No one spoke in opposition or support during the public hearing.

Chairman Prauner closed the public hearing at 9:38 A.M.

Commissioner Ohl noted that the amendment was unanimously approved by the Planning Commission.

After discussion, the following resolution was introduced:

RESOLUTION #2016-47

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

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

WHEREAS; a recommendation has been received from the Madison County Joint Planning Commission and proper notice been given, and

WHEREAS; notice of public hearing was published in September 5, 2016 edition of the Norfolk Daily News and a public hearing was 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 amending the text in Article 705, Certificate of Occupancy of the Madison County Zoning Regulations, as follows:

705 Certification of ~~Occupancy~~ **Zoning Compliance** Occupancy.

No structure or land shall be hereafter used or the use changed thereof until a Certificate of **Zoning Compliance** Occupancy shall have been issued by the Zoning Administrator. A Certificate of **Zoning Compliance** Occupancy for a new building, or for the alteration of an existing structure shall be applied for coincident with the application for a zoning permit and shall be issued within ten days after the erection or alteration of such building is completed in conformity with these regulations.

No Certificate of **Zoning Compliance** Occupancy shall be issued for residential purposes for a partially completed or portion of a building. No structure shall be used as a temporary residence. Application for a change of use of land or existing structure shall be made on forms provided by the Zoning Administrator and shall state the proposed use is in conformity with these regulations.

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

Pursuant to published legal notice in the Saturday, September 24, 2016 edition of The Norfolk Daily News, Chairman Prauner announced that a public hearing would be held to receive comments regarding an amendment to Article 3, General Regulations of Madison County Zoning and Subdivision Regulations, for setback distance between grain bins.

Zoning Administrator Heather McWhorter reported that currently any accessory building requires a 10 foot separation with the exception of grain bins, which was changed last year when a resolution was passed to reduce the distance to a 6 feet separation. She stated that she has been asked by several interested parties to review the regulations concerning the setback distance and if a setback is even required. She explained that it has been discussed that the County no longer regulate setbacks; but, instead let the built in requirements, such as soil, suitability, and deflection decide what an appropriate setback would consist of on a case by case basis. She reported that she talked to the Sean Lindgren at the State Fire Marshall's Office and he indicated that his office would have no jurisdictional interest in the spacing; however, from a personal standpoint there was some concern about accessibility in an emergency. Ms. McWhorter stated that she also contacted Henry Aschoff of Petersen Ag for his professional opinion and he said that no regulation of setback distance should be required in his opinion and he believes that the size of the bin and deflection will create enough of a setback. She explained that Mr. Aschoff asked about sizing of grain bins, because if the County would require a setback, would the same setback be required for a 10,000 bushel hopper bin as for a large commercial bin. She said that Mr. Aschoff inquired if the County would set different levels based upon bin size. Ms. McWhorter reported that she talked to Dean Thernes of Farmers Pride in Battle Creek and he said that, in his opinion, soil preparation and compaction provides the necessary setback. She said that Mr. Thernes also said that, if the area where the bin is constructed is backfilled and compacted, it should be necessary to leave about 6 feet around the bin and it's also necessary to leave enough to clean and perform maintenance. She reported that the Planning Commission unanimously approved the proposed amendment; however, three members were absent.

Chairman Prauner opened the hearing at 9:42 A.M.

No one spoke in opposition or support during the public hearing.

Chairman Prauner closed the hearing at 9:43 A.M.

The following resolution was introduced for consideration:

RESOLUTION #2016-48

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

WHEREAS; a recommendation has been received from the Madison County Joint Planning Commission and proper notice been given, and

WHEREAS; notice of public hearing was published in September 5, 2016 edition of the Norfolk Daily News and a public hearing was 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 exempting grain bins from Article 3, General Regulations, of the Madison County Zoning Regulations, Section 3.10 (D).

Section 3.10 Accessory Building and Uses.

- A. No accessory building shall be constructed upon a lot for more than eighteen (18) months prior to beginning construction of the principal building. No accessory building shall be used for more than twelve (12) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- B. No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- C. No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- D. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet. **This setback requirement does not apply to the distance between grain bins.**
- E. Garages and outbuildings in Residential Districts and Subdivisions used for storage and other structures customary and appurtenant to the permitted uses shall be stick built and constructed of materials customarily used in residential construction. The sidewalls of said building shall not exceed eighteen (18) feet in height.

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

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

During discussion on the motion, Commissioner Schmidt stated that the Planning Commission unanimously approved the proposed amendment. He stated that he is aware that there are some concerns; but, he is willing to let the contractors putting up the grain bins make the decision about setbacks.

Chairman Prauner stated that he has been in public safety for many years and he has seen three people drown in grain bins. He said that people are being more careful by tying themselves when getting inside bins. He reported that in the 1970s and 1980s, people would climb inside a bin if corn was chucked up and soon they would be covered up. He stated that to rescue people trapped in a grain bin, a hole needs to be cut in the side of the bin where corn is the highest so more corn doesn't go over the trapped person.

Commissioner Schmidt stated that this is a legitimate concern. He commented that a number of fire departments have cages that can be put over the top of a person trapped in a grain bin and they are much safer than cutting a hole in the side of a grain bin to let the grain run out.

Commissioner Ohl stated that he agrees with Commissioner Schmidt and also agrees that there are new procedures that will help improve safety. He said that if the people who construct the bins are careful to make sure that the soil compaction and distance is appropriate for the bin being built, the setback can be removed.

Ms. McWhorter reported that she has inspected about 20 farm sites during the past week where new grain bins are being built and there was only one site where it looked like there may be some difficulty getting to one side of the bin. She said that the day after the Planning Commission there was a grain bin incident in Neligh.

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

Chairman Prauner reported that bids were publicly opened on Thursday, September 29, 2016 for the purchase of two used motor graders for the road department.

Commissioner Schmidt reported that road foremen Don Eucker and Jeff Schroeder looked at several of the motor graders they were interested in purchasing. Commissioner Ohl stated that he reviewed images of various machines and visited with Mr. Schroeder.

Commissioner Schmidt asked salesman Gary Groteluschen to explain a mistake submitted on a bid by Titan Machinery. Mr. Groteluschen reported that when he compiled the bids he pulled the information from their computer and a wrong model year was listed on the bid for a John Deere. He explained that the bid listed the motor grader as a 2009 model year; but, upon closer inspection of the serial number it was determined that the year is actually a 2006. He stated that the incorrect year does affect the low hours and the machine inspected by County employees was the machine listed on the bid document. He explained that there are several leaks on the machine and these will be fixed. Chairman Prauner asked who previously owned the machine since it has low hours. Mr. Groteluschen responded that an Indian Tribe in South Dakota owned the motor grader and, if the County runs the machine for a number of years, three years difference in a machine won't make much difference by the time the County is ready to trade. Commissioner Schmidt asked about the warranty on the motor graders that were bid and Mr. Groteluschen responded that both machines have Titan Advantage which is a power train warranty for 12 months with a \$500 deductible. Commissioner Schmidt asked who would do the warranty work if there is an issue and Mr. Groteluschen responded that anyone could complete the work, but Titan Machinery would like the opportunity to take care of the warranty work.

Matthew Geyer, salesman for Murphy Tractor & Equipment Company, stated that he submitted a bid on two machines that are located in Missouri and he sent numerous pictures. He stated that the machines have full warranty to 2019 or 7,000 hours, whichever comes first. He explained that the bid price includes a new wing that could be installed. He reported that both machines are 2013 models and both came from the same municipality in Missouri that trades between 2,500 to 3,500 hours. He said that if the County purchases one or both machines, they would be brought to the Grand Island shop for inspection and preparation of hydraulics for the wings to be installed. Commissioner Ohl asked if the warranty needs to be serviced by John Deere and Mr. Geyer stated affirmative. Mr. Geyer explained that the machines have full warranty including labor and parts; however, this does not include picking up the machine with a semi-truck and hauling it to a service location. He stated that, if there is an emergency in the field and they would send a service truck to pick up the equipment, this would not be included under the warranty. He explained that the cost to haul to the Grand Island location would be between \$700 and \$800.

Byron Korth of Nebraska Machinery Company reported that he is filling in for salesman Randi Hale. He reported that they bid three machines, two which are model year 2011, and one machine which is a model year 2014. He stated that all machines have a 12 month, or 5,000 hours, warranty. Road foreman Jeff Schroeder reported that he met with Nebraska Machinery salesman Randi Hale who explained that the 2014 machine had a warranty until December, 2018.

Road foreman Jeff Schroeder recommended purchasing a 2013 John Deere 770G motor grader with 2,544 hours from Murphy Tractor and Equipment Company. He stated that he likes the warranty provided by the company and it gives him comfort knowing that if any issues arise they will be covered under warranty.

Road foreman Don Eucker said that he agrees with the statements made by Mr. Schroeder. He stated that what they would like to have for a motor grader and what they are allowed to have with the budget are different. He recommended purchasing the other 2013 John Deere motor grader from Murphy Tractor and Equipment Company. He stated that he spoke with the grader operators and there are some issues between the controls on different machines and there wouldn't be any changes by purchasing the John Deere motor grader.

Commissioner Schmidt reported that they seriously considered the 2009 motor grader from Titan Machinery because it has 6-wheel drive and can be fueled from ground level; however, it has different sized tires and would be the only in the Madison fleet with different sized tires which would require them to purchase different chains. He stated that they considered the opinions of the operators. He reported that the machine recommended for District #1 has approximately 100 hours more than specified in the bid documents, but they want to be considerate of the operators' comments. He reported that they looked at the greater located in Sioux Falls and also the CAT machine located in Humphrey. He stated that the budget has \$300,000 limit for the purchase of motor graders and purchasing the two used machine would exceed the budget by approximately \$7,000.

Commissioner Ohl expressed appreciation to the companies who took the time to submit bids. He stated that they have an aging fleet of equipment and will need to continue to upgrade equipment.

After discussion, a motion was made by Schmidt and seconded by Ohl to accept the bids from Murphy Tractor and Equipment Company for two 2013 John Deere motor graders, one with 2,544 hours and the other with 3,601 hours, for a total cost of \$307,000.

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

During discussion on the motion, Chairman Prauner stated that Nebraska Machinery Company submitted a bid for a 2011 CAT 140M for a cost of \$129,000, which would keep the total cost under the amount budgeted. Commissioner Schmidt explained that the price of \$129,000 is only for the trade of 1990 CAT motor grader, not the 1981 CAT motor grader. He stated that Nebraska Machinery Company is allowing \$46,000 for the 1990 CAT grader and \$34,600 for the trade of the 1982 CAT grader. He said that the employees who will be operating the graders are uncomfortable switching to joy sticks. Commissioner Ohl reported that the District #2 operators were also concerned about switching to joy sticks. Chairman Prauner stated that his crew was scared to make the change; but, now they really like using the joy sticks and are less fatigued.

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

County Highway Superintendent Richard Johnson reported that L.B. 960 was passed during the 2016 Legislative session. He explained that the bill has three components, and the first component was to accelerate the expressway system, the second component was to replace County deficient bridges, and the third component was to look at roads from an economic standpoint. He reported that the program is being set up for reimbursing Counties for replacement of structurally deficient bridges. He stated that Madison County has about 35 structurally deficient bridges as of August 26, 2016. He displayed a map which was color-coded to show the bridges less than 60 feet in length, bridges between 60 and 100 feet, and the bridges that are over 100 feet in length. He stated that bridges which are located on minimum maintenance roads do not qualify for the program. Mr. Johnson estimated that approximately \$5 million will be available for replacement of structurally deficient bridges across the entire state of Nebraska. He explained that the County will be responsible for completing design engineering, acquiring the right-of-way, obtaining permits, utility relocation, taking bids, building the bridge, and construction engineering. He stated that the State would reimburse half of the construction costs up to a maximum limit of \$155,000.

Commissioner Ohl explained that in talking to the Nebraska Department of Roads, he was told that it may not be feasible to use this program for replacement of high cost bridges. Mr. Johnson explained that the Department of Road is looking at getting as many of the structurally deficient bridges off the list as quickly as possible and that will involve mainly culverts and box culverts. He stated that two projects are ready for construction and another one is started. He explained that sometime during the month of October, the State will send out requests for proposals for the projects that the County wants to build and then in January a decision will be made on which projects will be included in the program for the year. He explained that the two which are ready for construction would be proposed and he may take a look at adding another one. He stated that all the projects statewide would be reviewed and the funds would be divided between the five NACO districts. Mr. Johnson stated that in order to submit the project he needs a good estimate of what type and size of structure would be required.

Chairman Prauner asked if the County could install the culverts and Mr. Johnson responded that the County employees could do that and keep good records of all the machine hours and labor and could apply that to the project costs and get reimbursed for 50% of the costs.

Mr. Johnson explained that one of the key things that the State will be looking for is innovation, such as bundling projects together and bidding them all at one time, which would theoretically provide a lower bid and ultimately get more structurally deficient bridges off the list. He stated that one bridge is located on the Stanton County line and he recommended that the County get an agreement with Stanton County which would possibly be considered innovative. He reported that two bridges are located in the City of Madison, one on Fairgrounds Road and one on Jackson Street, and these may also be eligible for this program. He stated that if the City of Madison wanted to replace these bridges and worked with the County by paying the costs, this may also be considered innovative.

Commissioner Ohl asked if the funding was an annual allocation and Mr. Johnson responded that the funding would be an annual allocation through 2023. Mr. Johnson requested the Board members to let him know within the next several weeks which bridges they would like to include for the program this year. He explained that within the next month or two he would be inspecting most of the timber bridges in the County and the bridges need to be structurally deficient to qualify for this program. He stated that he will turn in the two projects that are ready; but, if there are any other projects that the Board members would like to concentrate on this year, they need to get the information to him. He stated that the hydraulics need to be completed before he can submit the project and the State will probably give preference to culverts and box culverts.

Commissioner Ohl asked about the longevity and cost comparison between a bridge and culverts or box culverts. Mr. Johnson responded that there is a significant savings by replacing a bridge with culverts. He stated that another aspect of using culverts and box culverts is low maintenance because bridges have rails which can get damaged. He explained that when using culverts and box culverts they are made long enough so that they don't need rails. He stated that another nice aspect of using culverts is that the County employees can install them.

Commissioner Schmidt asked if there would be a possibility that the State would change the maximum percentage from 50% to a lower percentage rate to get more projects completed. Mr. Johnson responded that the first year the reimbursement amount is 50%; however, in the future if the State wanted to get more projects completed, they may cut back the percentage rate. He reported that the program requires the installation of crash tested rails.

Chairman Prauner asked if there was any possibility that the funding could be reduced since the Legislature is proposing to reduce the State budget. Commissioner Ohl responded that with all the new Senators coming into the Legislature, there is always a chance that a program could be cut. He stated that there is no guarantee of funding for any program. He said that this bill will be a big help for counties and the municipalities and it is great to see funding for these types of programs; so the Board members should to continue encouraging the Senators to fund road projects.

Mr. Johnson explained that there is very little oversight by the State for this program. He stated that certifications and hydraulic datasheets must be submitted to the State and audits will be completed; but, the County will get to design the projects that they want to be completed. Commissioner Ohl explained that if the State was involved in managing the projects it would be more costly, take more time, and more auditing would be required.

Commissioner Schmidt asked Mr. Johnson to talk to surrounding counties to determine if they could fund some bridge replacement projects with other counties to get a better price.

No further action was taken by the Board.

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

The Board discussed the wage increases submitted for the staff members in the Public Defender's office. Chairman Prauner reported that he spoke to an attorney in the NACO office who advised that the Commissioners have the statutory authority to set the wages for the staff members in the Public Defender's office. He stated that he spoke with Mr. Headley last week and reiterated that the Commissioners have the authority to set the wages for his staff.

Commissioner Schmidt stated that at the last meeting they directed Public Defender Matthew Headley to limit the wage increases for his staff to 3%.

After discussion, a motion was made by Schmidt and seconded by Ohl to adjust the wages for the Public Defender's office staff to a 3% increase. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following written report was reviewed:

- 1) Fund balance report

The following claims were audited:

GENERAL FUND		
Total Net Payroll		145,427.49
Mark D. Albin	Legal Services, County Court	1,876.48
American Family Life Assurance Co.	Insurance Premiums	1,076.21
Appeara	Supplies, Mat Service, Public Defender	29.91
Battle Creek Enterprise	Publication Costs, Zoning Department	15.90
Big Red Printing	Supplies, County Clerk	270.72
Black Hills Energy	Utilities, Zoning Department	11.02
Black Hills Energy	Utilities, Noxious Weed	11.02
Black Hills Energy	Utilities, Veterans Service	22.88
Blue Cross Blue Shield of Nebraska	Insurance Premiums	131,452.72
Bob Barker Company Inc.	Uniforms, County Jail	1,994.93
Bomgaars	Supplies, Courthouse	91.97
Bomgaars	Supplies, Noxious Weed	3.38
Bessie Bove	Prior Services, Courthouse	12.00
John Buck	Contractual Services, Community Based Grant	45.00
Burt County Court	Certified Copies, Law Enforcement	2.75
Cableone	Internet, Public Defender	54.87
Cableone	Cable TV, County Sheriff	154.81
Cableone	Internet, Probation Office	255.00
Carney Law, PC	Legal Services, District Court	5,045.21
Carney Law, PC	Legal Services, County Court	2,377.80
CBM Managed Services	Meals, County Jail	7,403.40
Century Link	Telephone Service, County Jail	17.66
Champs, Inc.	Maintenance Contract, County Jail	2,166.00
City of Crofton	Contractual Services, Community Based Grant	203.83
City of Norfolk	SNARE Annual Funding, County Sheriff	3,000.00
Gail Collins	Mileage, County Attorney	156.60
Colonial Life and Accident Insurance	Insurance Premiums	296.17
Connecting Point	Supplies, Data Processing Costs, Data Processing	71.00
Connecting Point	Equipment, Data Processing, County Sheriff	4,297.00
Connecting Point	Supplies, County Jail	69.00
Connecting Point	Supplies, County Sheriff	69.00
Connecting Point	Supplies, Noxious Weeds	448.00
Connecting Point	Consulting Services, General	425.00
Constellation New Energy-Gas Division, LLC	Utilities, Courthouse	167.21
Constellation New Energy-Gas Division, LLC	Utilities, County Sheriff	390.15
Cook's Correctional Kitchen	Supplies, County Jail	104.71
D & L Towing	Towing Services, County Jail	113.75
DAS State Accounting	Telephone Services, Zoning Department	26.97
DAS State Accounting	Teletype Services, County Sheriff	262.29
DAS State Accounting	Teletype Services, County Jail	441.71
DAS State Accounting	Telephone Services, Noxious Weed	26.97
DAS State Accounting	Telephone Services, Veterans Service	72.50
Dick Day	Cell Phone Reimbursement, Data Processing	90.00
Eakes Office Solutions	Supplies, District Judge	87.99
Eakes Office Solutions	Supplies, County Sheriff	199.37
Eakes Office Solutions	Supplies, County Jail	15.18
Eakes Office Solutions	Supplies, Probation Office	751.74
Ecolab	Supplies, County Jail	478.49
Ewalt Law Office PC, LLO	Legal Services, County Court	387.25
First Concord Benefits Group	Administration Fees, Deductible Buy-Down, Flex Plan	4,367.07
Fitzgerald, Vetter, Temple & Bartell	Legal Services, District Court	1,375.98
Fitzgerald, Vetter, Temple & Bartell	Legal Services, County Court	453.72
Floor Maintenance & Paper Supply	Supplies, Zoning Department	18.80

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Floor Maintenance & Paper Supply	Supplies, County Jail	982.15
Floor Maintenance & Paper Supply	Supplies, Probation Office	242.76
Floor Maintenance & Paper Supply	Supplies, Noxious Weed	18.80
Francotyp-Postalia, Inc.	Postage, Public Defender	160.50
Frontier	Telephone Service, Courthouse	1,039.79
Futureware Distributing, Inc.	Supplies, Reappraisal	413.44
Gage County Court	Certified Copies, Law Enforcement	3.75
Galls/Quartermaster	Uniforms, County Jail	443.33
Leo Gonzalez	Mileage, Extension Office	233.28
Gordy's Towing & Repair	Repairs, County Sheriff	137.61
Guarantee Roofing & Sheet Metal, Inc.	Roof Repair, Zoning Department	36,062.00
Naomi Hemphill	Cleaning Services, Public Defender	100.00
Charlie Hendriz	Contractual Services, Community Based Grant	480.00
Hilliges and Associated, LLC	Polygraph Services, Public Defender	250.00
Jeffrey L. Hrouda	Legal Services, County Court	706.60
Jack's Uniforms & Equipment	Uniforms, County Sheriff	135.89
Jerry's Sinclair	Repairs, County Sheriff	18.00
Deborah Johnson	Witness Fees, Mileage, County Court	37.28
K & M Reporting	Disposition, Public Defender	246.00
K & M Reporting	Disposition, Law Enforcement	90.60
K & S Door Co Inc. dba Overhead Door Co.	Supplies, Courthouse	2.50
K & S Door Co Inc. dba Overhead Door Co.	Repairs, Noxious Weed	197.25
Keenan Law, PC, LLO	Legal Fees, District Court	1,311.75
Linsali, Inc.	Contract Services, Reappraisal	12,000.00
Madison County Clerk	Tax Deposit, Retirement	80,267.99
Madison County Sheriff Inmate Fund	Supplies, County Jail	126.03
Madison County Sheriff	Civil Service Fees, County Court	1,002.18
Madison County Sheriff	Civil Service Fees, District Court	2,466.08
Madison County Sheriff	Civil Service Fees, Mental Health	72.50
Madison County Sheriff	Registration Fees, County Sheriff	125.00
Madison County 7th Judicial Bar Assoc.	Meeting Expense, Public Defender	109.00
Madison National Life Insurance Co. Inc.	Insurance Premiums	142.51
Mike Mapel	Contractual Services, Community Based Grant	45.00
James Marshall	Tutoring Services, Juvenile Accountability	155.00
James Marshall	Tutoring Services, Community Based Enhancement Grant	15.00
Jan Matthews	Witness Fees, Mileage, County Court	37.28
Heather McWhorter	Mileage, Meals, Zoning Department	133.44
Menards	Supplies, Zoning Department	21.53
Menards	Supplies, Noxious Weed	81.03
Andrew Mohr	Mileage, Juvenile Accountability	60.48
Morland, Easland and Lohrberg	Legal Services, District Court	571.95
Morland, Easland and Lohrberg	Legal Services, County Court	1,568.34
Moyer, Moyer	Legal Services, County Court	569.00
NACO	Registration Fees, Clerk of District Court	50.00
National Enterprise Systems	Garnish of Wages	207.06
Nationwide Retirement Solutions	Deferred Compensation	2,005.00
NCEA - Monte Vandever	Association Dues, Extension Office	340.00
Nebraska Assn. of Professional Vet Advocates	Association Dues, Veterans Service	100.00
Nebraska Child Support Payment Center	Garnish of Wages	276.92
Nebraska Law Enfor Training Center	Registration, County Sheriff	50.00
Nebraska Public Power District	Utilities, Zoning Department	112.56
Nebraska Public Power District	Utilities, Noxious Weed	140.68
Nebraska Public Power District	Utilities, Veterans Service	66.35
Nebraska.Gov	Certified Copies, Law Enforcement	24.00
NESCA	Registration Fees, County Jail	132.50
New Victorian Inn	Lodging, Community Based Grant	74.39
Norfolk Auto Center	Repairs, County Sheriff	345.92
Norfolk Auto Center	Repairs, Noxious Weed	231.04
Norfolk Daily News	Publication Costs	559.78
Northeast Community College	Operating Fees, Extension Office	4,093.09
Northeast Nebraska Juvenile Services	Transportation Costs, Community Based Grant	249.70
Northeast Research & Extension Center	Postage, Utilities, Supplies, Extension Office	793.03
NPZA	Registration Fees, Planning & Zoning Department	70.00
Wayne Ohnesorg	Mileage, Extension Office	273.78
Omaha World Herald	Subscription, County Sheriff	265.20
One Office Solution	Supplies, County Clerk	85.28
One Office Solution	Supplies, Equipment, Public Defender	679.20
One Office Solution	Supplies, County Sheriff	259.00
Patricia Peterson	Tutoring Services, Community Based Enhancement Grant	160.00
Sherry Peterson	Mileage, Juvenile Accountability	131.76
Phil Chalmers Enterprises	Speaker Fees, Community Based Grant	650.00
Platte County Court	Certified Copies, Law Enforcement	12.75

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Susan Pohlman	Tutoring Services, Community Based Enhancement Grant	230.00
Sarah Polacek	Mileage, Extension Office	470.34
Renner Wraps & Graphics	Supplies, County Sheriff	150.00
Reynoldsons Inc.	Fuel, Zoning Department	38.32
Reynoldsons Inc.	Fuel, Noxious Weed	529.98
Judy Schroeder	Prior Service Benefits, Courthouse	11.00
Lee Sherry	Registration, Mileage, Extension Office	663.64
Stratton, DeLay, Doele, Carlson & Buettner, PC	Legal Services, County Court	1,607.35
Linda Swenson	Consulting Fees, Courthouse	1,280.00
T. O. Haas Tire	Repairs, County Sheriff	10.00
Cynthia Taylor	Witness Fees, Mileage, County Court	37.28
Montricia Taylor	Witness Fees, County Court	20.00
The Farner Co., Inc.	Supplies, County Jail	102.03
The Glass Edge	Repairs, Probation Office	119.00
The Zone	Contractual Services, Community Based Grant	1,407.85
Thompson Reuters - West	Publications, Public Defender	281.67
US Bank Corporate Payment System	Travel Expense, Supplies, County Sheriff	489.31
US Bank Corporate Payment System	Fuel, Supplies, Juvenile Accountability	160.70
US Bank Corporate Payment System	Travel Expense, Supplies, Community Based Grant	368.62
Van Diest Supply Company	Chemicals, Noxious Weeds	723.20
Verizon Wireless	Telephone Services, Reappraisal	40.01
Verizon Wireless	Telephone Services, Extension Office	193.19
Verizon Wireless	Telephone Services, County Sheriff	1,668.91
Verizon Wireless	Telephone Services, Law Enforcement	73.05
Verizon Wireless	Router Services, Courthouse	78.04
Vision Service Plan	Insurance Premiums	397.75
Wal-Mart Community	Supplies, County Attorney	51.54
Wal-Mart Community	Supplies, Juvenile Accountability	19.71
Zee Medical Service	Medical Supplies, County Sheriff	12.95
Zee Medical Service	Medical Supplies, County Jail	69.35

ROAD/BRIDGE FUND

Total Net Payroll		30,223.52
Advanced Fire & Safety Inc	Inspection Services	90.48
American Family Life Assurance Company	Insurance Premiums	579.88
B's Enterprises Inc.	Blades, Culverts	28,120.32
Battle Creek Municipal Light & Power	Electrical Service	173.26
Louis Bierman	Clay	841.50
Black Hills Energy	Utilities	133.71
Blue Cross Blue Shield of Nebraska	Insurance Premiums	31,357.32
Bomgaars Supply	Supplies	475.64
Colonial Life and Accident Insurance	Insurance Premiums	153.37
Constellation Newenergy Gas Division LLC	Utilities	60.75
Dale R. Johnson Ent. Inc.	Gravel	6,691.32
DAS State Accounting	Telephone Services	24.66
Deere Credit Inc.	Equipment Lease	1,987.50
Diamond Vogel	Pavement Markings	187.05
Dinkel Implement Co.	Parts, Equipment Rental	3,443.11
First Concord Benefits Group	Administration Fees, Flex Plan, Deductible Buy-Down	1,128.82
Flinn Paving Co Inc.	Contract Services	939,610.00
Floor Maintenance and Paper Supply	Supplies	105.65
Frontier	Telephone Service	178.94
Green Line Equipment	Parts	159.41
Jebro Inc.	Asphaltic Materials	18,970.70
Kelly's Supply Company	Parts	204.91
Long Trucking	Hauling Services	1,000.00
Loup Power District	Utilities	115.69
Madison County Clerk	Tax Deposit, Retirement	16,189.14
Madison National Life Insurance Inc.	Insurance Premiums	33.99
Matteo Sand & Gravel Inc	Gravel	525.60
Menards	Supplies	18.94
Merrick Transport	Hauling Services	1,500.00
Nationwide Retirement Solutions	Deferred Compensation	135.00
Nebraska Child Support Payment Center	Garnish of Wages	243.24
Nebraska Public Power District	Electrical Services	131.39
NMC Exchange LLC	Parts	725.56
Norfolk NAPA	Parts	374.80
Prime Sanitation	Garbage Services	53.75
RDO Truck Centers	Parts	742.20
Road Builders Machinery & Supplies	Parts, Repairs	724.82
Rose Equipment Inc.	Asphaltic Materials	1,415.75

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Stanley Petroleum Maintenance Inc.	Repairs	307.21
Telebeep Wireless	Pager Service	22.11
Village of Meadow Grove	Utilities	70.00
Vision Service Plan	Insurance Premiums	68.10
Zee Medical	Medical Supplies	165.18

VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administration Fees	10,099.03
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VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administration Fees	14,625.94
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CDBG #2

Norfolk Daily News	Public Costs	44.09
Northeast Nebraska Economic	Administration Fees	1,005.00

LAW ENFORCEMENT OPERATING FUND

Madison Co Sheriff Inmate Fund	Supplies	20.84
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DRUG COURT FUND

Eakes Office Plus	Supplies	6.75
Premier Biotech Inc.	Medical Testing Kits	198.90

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

The Board adjourned at 12:26 P.M. to Tuesday, October 18, 2016 at 9:30 A.M.

County Clerk Nancy Scheer

James Prauner, Chairman
County Board of Commissioners