

BOARD OF EQUALIZATION

Madison, Nebraska

October 26, 2010

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

Advance notice of meeting was published in the Thursday, October 21, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, and County Clerk Nancy Scheer. Chairman Lee Klein called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

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

Motion was made by McCallum and seconded by Uhlir to approve the minutes of the October 13, 2010 meeting. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Chairman Klein reported that there were no tax list corrections as listed on the agenda.

The Board of Equalization adjourned at 9:02 A.M.

County Clerk

Chairman

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

October 26, 2010

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

Advance notice of meeting was published in the Thursday, October 21, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Jerry McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson joined the meeting at 9:53 A.M.

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

- 1) Approval of minutes of the October 13, 2010 meeting
- 2) Appointment of Kim Kwapnioski to serve on the Convention and Visitors Advisory Board to replace Michael O'Connor, with said term expiring June 2011
- 3) Acknowledge receipt of the continuation certificate for the Official Bond of Shari K. Augé as Treasurer of the City of Newman Grove
- 4) Authorization for Chairman to execute the Cost Allocation Plan certification based on the actual costs for the fiscal year ended June 30, 2009
- 5) Authorization for the Chairman to execute a request for assistance from the Corps of Engineers under Section 14, Emergency Streamband Protection, for 536th Avenue

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

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

Pursuant to published legal notice in the October 7, 2010, October 14, 2010, and October 21, 2010 editions of The Norfolk Daily News, Chairman McCallum opened a public hearing at 10:00 A.M. to receive citizens' comments regarding vacation of all or part of the following described road: Approximately the East 1/2 of 825 Road between Sections 18 and 19, Township 23, North, Range 2 West of the 6th P.M., Madison County, Nebraska known as 825th Road between 546th Avenue and 547th Avenue.

Chairman McCallum reported that the petition was filed with the County Clerk's Office on August 20, 2010. He also reported that the reasons listed on the petition for vacation were:

- A) The road is a minimum maintenance road and is frequently too wet to allow vehicles to drive upon the road;
- B) Union Creek intersects the road. The road currently has two culverts placed across the road to serve Union Creek and the culverts are frequently plugged with debris which causes the water to back up and flood adjoining property. The culverts prevent the natural flow of water in Union Creek causing flooding to adjoining property and the road.

Chairman McCallum explained that a public hearing would be held regarding the vacation of the road and no insulting of each other or neighborly fights would be allowed during the hearing. He stated that there is a lot of tension about the road and only testimony pertaining to the vacation of the road and only testimony regarding why the road should be left open or closed.

County Highway Superintendent Richard Johnson explained that, as required by statute, he submitted a report to the County Board on the use being made of the road and a recommendation that the road remain open.

Tim Brandl testified that his dad owns the farm on the north side of the road. He stated that the vacation of the road and not using the road isn't that big of a deal to them, but the culverts must come out. He had numerous pictures posted for the County Board members to view during his testimony. He explained that there is no one in the room that is going to say that you can dump water from three different drainage structures upstream and dump it into the two culverts on this road without wrecking their farm. He stated that the water from upstream is destroying their farm and that they didn't have any problems until the culverts were installed. He reported that they never lost a crop and the ASCS office will confirm that. Mr. Brandl explained that most of the problem is that the culverts instantly plug and then force all the water onto their farm and that will not work. He pointed out pictures showing several different occasions of when the culverts were plugged. He stated that the culverts are plugged all the time and are never cleaned. He stated that one of the culverts is so bad that there is vegetation growing on it and it is just a mess. He further explained that the culverts won't stay clean and they shouldn't even be installed. Mr. Brandl stated that they are not against leaving the road open, but most of the time the road is shot. He reported that up until now, the road hadn't been maintained for a whole year. He stated that he took pictures of it and for one year it hadn't been worked on.

Chairman McCallum explained that on minimum maintenance roads, the county doesn't maintain them unless the farmer calls to say a road needs to be maintained.

Tim Brandl reiterated that they don't care if the county keeps the road open, but the culverts cannot stay in because they are wrecking their farm. He reported that it is against the law to back water onto a person and it is against the law to wreck someone else's property and there is a nuisance law against this. He explained that the county can't do this. He stated that, to this day, he can't believe that the county did it. He pointed out pictures of the damage caused to their farm and stated that it is costing them substantial money, even more money than the bridge alone. Mr. Brandl explained that the culverts are flooding over and stopping their drainage. He pointed out pictures showing where the water stops, runs across, and plugs the culvert so that the water can't get away. He reported that the culverts are too high and that the Army Corp of Engineers came out and said that the culverts are five to six feet too high. He stated that this was an installation problem, so the culverts won't work and will keep plugging. Mr. Brandl stated that they don't care if the county closes the road, but the county informed them that if the road isn't closed, the culverts won't be taken out. He reported that their lawyers told them this isn't true. He pointed out pictures showing damage to their land and explained that in the middle of their section of ground they have two creeks starting to form. He invited everyone to come out and look at how it is destroying their farm. Mr. Brandl stated that no one in the room wants a billion gallons of water dumped onto their farm. He pointed out pictures of Ron Brandl's farm and showed where the water is starting to creek because the culverts were installed too high. He explained that the Army Corp of Engineers says that the creek is one foot per mile and if the county dumps six foot of dirt and installs culverts on top of it, the water will back up six miles and it silts in six miles. He stated that if the water can't drain away, the underground water can't get away. He explained that everyone thinks that they can tile, and that will help to some extent, but it really won't because as the creek fills up it causes the water table to rise. Mr. Brandl explained that in this area the county is wrecking the whole water table system and the water is rising because of the culverts. He stated that on Ron Brandl's property the water is backed up six miles extra because of the culverts. He explained that the water is running across the road and actually hurting the county more than it is hurting the landowners because the water is backing up six miles and, instead of running through the bridge, the water is running across the road. Mr. Brandl stated that this is not very good and it will not work. He explained that if the culverts are taken out, it will solve the problem and the water will run across the road. He stated that he is disappointed in the county. He explained that if can see this problem, and everyone in the room can see this problem, why can't the people who are causing the problem see it. He stated that it doesn't take an education to see what is going on, it takes some common sense. Mr. Brandl reported that the culverts are plugging every time that it floods. He stated that all he is saying is that closing the road doesn't matter to them, but the culverts must come out because they are wrecking the whole Union Creek watershed. He explained that, as the upstream fills up with dirt and the water table comes up, it becomes worse and worse to farm the ground because the water table is rising. He stated that downstream, it can't get the flow through the creek, and it is plugging the downstream creek too and stopping the water on their ground. Mr. Brandl explained that everyone is suffering from it, not just them. He reported that a creek is trying to form on Ray Korth's ground because the culverts are too high and they are plugging every time it rains.

Chairman McCallum asked about the pasture across the road and Tim Brandl stated that this doesn't make a difference and this was not a problem before the culverts were put in. Mr. Brandl explained that the water washed through the creek and kept moving and now the water is stopping at the culverts, backing out, running across the road, and going through Ray Korth's field. He stated that the road is actually a creek now and this just won't work. He pointed to pictures showing where the water is being forced out and running across the pasture. He explained that this situation is not acceptable in this county. Mr. Brandl stated that they don't care if the county keeps the road open, but the county must come up with a better solution. He explained that there are two options and that the county can either close the road or the county can do it right and put in a cement spillway that would be deep enough so that it is at the bottom of the creek. He stated that the county could probe where the clay is and put it there; otherwise, it won't do any good and it will plug just like the culverts. He stated that a cement spillway will let the water wash through. Mr. Brandl explained that the bridge was not a bottom in the creek and it could clean itself out all the time and it maintained itself. He reported that the culverts are a nuisance to them and a nuisance to the county. He stated that he doesn't know how many times the county cleaned out the culverts since they have been put in; but, his dad has paid five to ten times to clean out the culverts. He reported that they would call the county and the county would not get there and his dad would worry about the creek being plugged, so they would send Preister Excavating out there. He stated that they have the receipts for cleaning out the culverts that they could show the Board members. Mr. Brandl reported that they are tired of this and are done with it. He stated that they are all smart enough to solve this problem some other way. He explained that the culverts are not good because they are already starting to flake. He reported that there are big chunks of steel coming out of the culverts and they are starting to get smashed. He stated that there are a couple of pictures that he has at home showing that the culverts are starting to rust, so they will fall apart. He explained that the county just as well do it right by taking out the culverts, putting in a low water crossing, and putting up some signs. Mr. Brandl stated that he was sorry that Ray Korth had to go around with a petition to close the road, but the county told him that if the road was closed, then they could remove the culverts, but if the road wasn't closed, the culverts had to stay. He explained that his lawyer informed him that the culverts will come out because it is illegal to do what the county is doing because there are three laws against it.

County Highway Superintendent Richard Johnson inquired if the Ron Brandl property was located just west of the property being discussed and Tim Brandl responded that it was. In addition, County Highway Superintendent Richard Johnson asked when the Corp of Engineers was out to look at the road and Tim Brandl responded that they were out approximately four years ago and they said that the culverts were four to five feet too high. Tim Brandl stated that he could get a copy of the Corp of Engineers paperwork to the county. Chairman McCallum inquired if the county was notified by the Corp of Engineers and County Highway Superintendent Richard Johnson responded that he has not heard anything. Tim Brandl stated that the county should have been notified, but maybe the paperwork got lost. He stated that he could get a copy of the paperwork to the county. County Highway Superintendent Richard Johnson asked if Mr. Brandl remembered who came out from the Corp of Engineers and Mr. Brandl responded that it was a young gal who came out, completed the survey, and advised that the culverts were four to six feet too high. Mr. Brandl explained that none of that matters and he pointed out what the culvert installation was doing to the area. He stated that this was a nuisance to the county. He inquired if the county wants to be out at this location after every rain and clean out the culverts. He stated that that is just stupid and dumb. Mr. Brandl pointed out a picture of a culvert that was almost 100% blocked. He stated that if no one cares about anyone else's ground here, that is fine and the culverts should be left in; but, someone better start caring because it's not right. He pointed out a picture showing that one of the culverts was almost 100% blocked and another culvert is 60% blocked.

Chairman McCallum explained that he drives out to the area once in a while and takes a look and that under the normal flow of the river, he has never seen water backed up anywhere. He stated that he is not talking about floods and that normal flow of the creek is always considered. Tim Brandl stated that the normal flow doesn't matter and he asked if Commissioner McCallum wanted to send his guys out to this road once a week to clean out the culverts. Commissioner McCallum responded that they weren't going to argue about the drainage issue.

County Highway Superintendent Richard Johnson explained that drainage is not the issue as far as whether the road gets closed or not. He stated that Commissioners McCallum, Uhler, and Klein could take Mr. Brandl to all kinds of places where corn stalks are blocking the bridges, culverts, and other drainage structures and that is a real problem for the county. He explained that part of the problem is that the corn stalks and debris aren't the county's. Tim Brandl responded that some of the problem is sticks and trees. County Highway Superintendent Richard Johnson stated that, from his point of view, the issue today is whether the use of the road warrants keeping it open or not. He explained that he doesn't want to minimize Mr. Brandl's concerns, but the drainage is a side issue. He stated that he and Chairman McCallum went round and round on this issue a month ago when the petition requested closing the road because of drainage concerns. He explained that if you read the law regarding the study, the law requires the County Highway Superintendent to study the use being made of the road and to make recommendations. He reiterated that the law doesn't say anything about drainage or anything like that.

Mr. Brandl asked if the County Highway Superintendent tried to travel the road this summer and County Highway Superintendent Richard Johnson responded that he doesn't recall what the date of his study was, but that was the only time he has traveled the road in quite a while. Chairman McCallum stated that the county doesn't travel minimum maintenance roads. Mr. Brandl concurred that no one is watching the road and the road was not traveled most of the summer.

Commissioner Uhler stated that one must admit that this was an unusual year for drainage that was described as a 250 to 500 year flood and there were a lot of roads in the county that were the same way. Mr. Brandl stated that he agrees, but he recommended that the county take care of two birds with one stone. He explained that the road is getting wrecked and that is why the citizens are meeting with the Board.

Chairman McCallum stated that the Board can't get off of the reason for having the hearing, and it is not because of drainage, but because of vacating the road. Tim Brandl explained that the only reason that he is here on this matter is because the county explained to him that the only way the county will take the culverts out is if the road is closed. He reiterated that they don't care if the county closes the road, but they want the culverts taken out and something else put in.

Tim Brandl also reported that his dad wanted the Commissioners to know that for one year the road was unsafe. He stated that they called the county to get the road maintained several times and no one maintained it. He reported that the weeds grew up and his dad can also vouch for that. Chairman McCallum responded that the farmers are responsible for the weeds on the shoulder of the road. Tim Brandl responded that the weeds were in the center of the road because nobody maintained it. He reported that they have picture of this, but they will save them for later. He stated again that they don't care if the county keeps the road open if the culverts are removed.

County Highway Superintendent Richard Johnson requested Tim Brandl to send him a copy of the report that he received from the Corp of Engineers and Tim Brandl responded that it's not a problem for him to get a copy to the county. Chairman McCallum stated that the county should have been notified with a copy of the report. Tim Brandl explained that he got someone from the Corp of Engineers to come up to look at the road and they said that the culverts were installed six feet too high.

Chairman McCallum asked if there was anyone else who wanted to testify in support of closing the road. No one responded; therefore, Chairman McCallum asked for testimony from anyone in favor of leaving the road open.

Dan Korth presented a petition submitted by 37 individuals who were opposed to closing the road, which was accepted as an exhibit at the hearing. He also submitted a map which reflected signatures of land owners or tenants who did not want the road closed, people who signed the petition to close the road, and people who signed both petitions, which was also accepted as an exhibit. He stated that he wants the road open because of fixing fence. He explained that when it floods he needs to get around to the other side of the creek and if the road is closed and the culverts are taken out, he doesn't have a way around unless he goes clear around the section. Mr. Korth stated that the intersection on the west end is very dangerous to pull out of with trucks for taking out grain. He explained that it has a short site distance from the south.

Commissioner Uhler questioned how often the road floods. He stated that this year was extraordinary, but there are dry times too that the road can be traveled. Dan Korth responded that the road couldn't be traveled very often this summer. He stated that he keeps asking the county to put a little bit of dirt in the holes, but Commissioner McCallum told him that no dirt can be put on that road. Chairman McCallum responded that he doesn't want to raise the road. Dan Korth reported that the road is lower than the ditches and the water sits there, so it is months after the rain until you can drive on the road. He stated that the county needs to at least improve the road so water drains off.

Chairman McCallum stated that there are several other roads like that which are bad in the county, but the farmers want them open for the handiness of getting in and out. He explained that if the county closes the road, the farmer loses all control of the property along the edge of the road and sometimes the roads can't be used all the time, so this is why they have been made minimum maintenance roads. He stated that the county puts the least amount of money into these roads because these roads are deducted from the federal money received. He explained that when the county enters these roads as minimum maintenance, the federal government automatically takes them off the federal list and there is no money received to put back into the roads. Dan Korth stated that grading these roads with a maintainer is all that the county really needs to do to get a little crown so the water drains off. Chairman McCallum stated that every time a farmer calls the county to request that a road needs be graded, the county goes out and takes care of it, unless it is muddy.

Dan Korth stated that if the county doesn't get the water holes off the road, it can't be graded. Chairman McCallum stated that maybe the county needs to go out and touch up the road a little bit and get some dirt in there; but, as far as raising the road up, he doesn't think the county needs to do that. Dan Korth responded that he doesn't want to raise the road, just add a half a foot of dirt to get the water holes out. Chairman McCallum stated that the county would take a look at that. He stated that he has talked to a lot of farmers in the area of the subject road and they all use the road now and then.

Larry Nathan reported that he farms a quarter of land south of that road. He stated that going out the west end of the road is not a good situation to be in because there is a very short sight distance. He explained that if you drive out the east end of the road, it is a lot simpler.

Jason Dahlberg stated that he lives three quarters of a mile from the minimum maintenance road and he supports keeping the road open due to the fact of pulling trucks out into the intersection at the west end of the road. He stated that there is no distance and it's very, very dangerous. He stated that when you top the hill and you are pulling out with the truck, you can't stop because there is no stopping. He stated that he is surprised that there hasn't been an accident at this corner. Mr. Dahlberg explained that you can't drive to the east either because the water sits in the middle of the road. He stated that he doesn't know what to tell the county to do. Chairman McCallum stated that possibly the shoulders could be pulled in and the road graded. He stated that he would take a look at it. In addition, he stated that he was sorry if the county wasn't getting the road graded because normally his men are instructed to grade any time they get a call.

Roger Nathan stated that he farms with his brother Larry on the quarter of land to the south of the road. He explained that has some concerns about the spillway being put in because of county liability. He stated that he doesn't know what it would entail, but it may be an alternative to what is there, which are culverts with plug problems. He stated that he agrees with Tim Brandl that, if the culverts could be lowered that the water would go through, which may be a solution to the problems. Roger Nathan said that on the west end of the road, the county may need to look at some tree removal. He explained that he doesn't know if the owner will allow it, but it would help the site distance when coming out on the west end with trucks. He stated that his wife drives the truck most of the time and she is very good and has driven a lot of miles, but it only takes once for an accident to occur. Roger Nathan suggested that a "Turning Trucks" sign could be used when they are actually on that farm to protect them. He explained that there is a double grade coming out on the west end. Chairman McCallum responded that it will take thousands of dollars to correct the west end. Roger Nathan stated that, in his opinion, the county can't afford to correct the problem. He requested that some of the problems be minimized if possible. He explained that when they go to town with grain, they go out the east end of the road and everything is fine.

Ray Korth stated he would sure hate to see the county close the road. He explained that Dan Korth farms the ground, but he needs to get back and forth and they use the road hundreds of times during the summer and it just wouldn't work with the road closed. He stated that he thought that the hearing was to vacate the road and Tim Brandl said he didn't care if the road was closed or not. He stated that deciding to vacate the road is what it said in the paper. He said that he didn't think the county should close the road because it is needed too bad. Mr. Korth explained that he farmed the ground for 50 years and the creek has been flooding for 50 years. He stated that there may be three or four years where there isn't a flood, but the last year or two it has been bad and he agrees with that. In addition, he stated that he doesn't think the county should close the road because the water is still going to come and come over land that they own.

Chairman McCallum questioned if there was any further testimony in opposition to the road vacation and no one responded. Chairman McCallum then asked if County Highway Superintendent Richard Johnson had anything further to say before he closed the hearing. County Highway Superintendent Richard Johnson reiterated that, in his opinion, the issue is the use of the road and that is what the County Board members need to base their decision on. He explained that the law says that at the next meeting after the public hearing, the Commissioners can take action; therefore, no action can be taken for two weeks, which is November 9, 2010. He stated that, he assumes that at that time, the Board would take action.

Ray Korth requested an opportunity to ask one more question. He stated that, on the west end, the road goes up very steeply and with a big truck you can't have a stop sign up there or you would never get started. He asked what happens if someone gets killed at this intersection. He stated that they always go out the east side because he won't take a truck out the west side. He questioned what happens if someone gets killed at this intersection, which could happen real easily.

Chairman McCallum stated that there are a lot of bad intersections when the corn gets about ten feet tall. He explained that he holds his breath every year wondering if somebody will get killed. He stated that the farmers and the people that travel the country road seem to watch the intersections. He explained that it is the open ones where there are car wrecks when everyone can see both ways.

Ray Korth stated that it is a little worse when you drive out with a truck and the person who is coming down the hill not even driving over the speed limit won't be able to stop, so both people will get it. He explained that if the road is closed there is a lot more chance of somebody getting hurt at that intersection because it will be used more.

Tim Brandl stated that he has been on the road and went past the road several times when there are young kids actually on the road tearing around with big pickups and that might be more dangerous than actually pulling a truck out onto the west road. He reported that these kids may end up in the creek with their pickups. He agreed with Dan Korth that the road needs to be fixed a little bit so that the water doesn't stand on it. He explained that it is a potential hazard when kids and people that have 4-wheel drive pickups just want to tear around. He stated that if the road is closed, they can't really tear around on it.

Chairman McCallum stated that between Tim Brandl and Dan Korth he is getting the consensus that it is okay for the county to go in there and take a road grader and do what is necessary to smooth the road back out. He stated that when the county starts raising the road and diddling with nature taking its course it gives everybody a chance to be very objective to what is being done.

Chairman McCallum closed the public hearing at 10:32 A.M. He stated that no action would be taken until November 9, 2010, which is the date of the next meeting.

Chairman McCallum explained that he wanted to make a few statements about the situation of this road. He stated that the county spent money doing a hydrology study on that road and the engineers recommended that the county only has to carry the natural flow of the creek. He reported that he and his foreman went down and looked at the road and one culvert is open. He explained that one culvert is now carrying the natural flow of the creek. In addition, he stated that the other culvert is taking the overflow, if there is any. Chairman McCallum reported that all over the county, every time it rains or floods, the county gets calls by the thousands. He stated that the county needs to go the Legislature and see who is responsible for the corn stalks. He explained that this is a very big burden on the county because big bridges get plugged. He reported that there is a bridge located a mile south that has been plugged with corn stalks coming over the top backing water up on Ternus. He reported that he went out with Arland Gross during the middle of a flood with a backhoe and cleaned the bridge out.

Chairman McCallum reported that he was born on Union Creek and he knows what it does and it will cripple you in a minute. He explained that the county has spent money on hydrology studies to control the natural flow of the creek and that is all the county needs to do. He reported that the county could put a 200 foot bridge in and it would probably do the same thing. He explained that if they start raising the road or reconstructing the road, then the water will start ponding back on the Brandl side and they won't like that. He explained that every time it floods, the county would need to go in there and rebuild the minimum maintenance road because it will have ditches in it clear across the road. Chairman McCallum stated that he has been out to this location a lot and he has never ever seen the natural flow of the creek back up on the Brandl property or do anything to the Korth property. He stated that no matter how plugged up it is, it always takes the natural flow of the water. He reported that the Board's decision on the vacation of the road has to be made in fairness to the taxpayers and in fairness to everyone sitting in at the hearing. He explained that the County Board needs to think about how much the road is used and, if the costs of keeping that road open, is prohibitive. He reported that if the county can't spend any more money on it, then the Board will close the road. Chairman McCallum stated that these are the two things that the Board needs to look at. He reported that the County Engineer has recommended to the Board that the road be left open because there is use and there are farmers that have ground along the road that need the opportunity to use it during harvest or whatever it is for.

Tim Brandl stated that he also wants to say something more. He reported that the nuisance law takes effect. He stated that it is a nuisance and floods every time. Chairman McCallum stated that the Board doesn't need this information because it has already been given during the hearing. He stated that Mr. Brandl's testimony was over with during the hearing.

Chairman McCallum stated that the hearing is over and the Board will make a decision at the November 9, 2010 meeting. He thanked everyone for attending the hearing.

Deputy Public Defender Matt Headley and staff member, Melissa Nissen, were present to discuss office furniture for the Public Defender's office. Chairman McCallum stated that there was some misunderstanding, because he told Melissa Wentling to put money in her budget and then come to the Commissioners if they threw a red flag up with her budget increase, so she could explain it to them. Chairman McCallum told the Public Defender's staff members to buy the furniture out of the office budget now and when the end of the budget year comes, if Melissa Wentling can't stretch the \$2,000 to make it to the end of the year, the Board would see what could be done.

Deputy Public Defender Matt Headley questioned if the cost should be paid from this year's budget. Chairman McCallum stated if it comes to the end of the budget year and they need funds, then the Board would look at an interfund transfer. He stated that the quote from Eakes for the purchase of the furniture is only \$1,910, which is not that much money. Mr. Headley reported that Melissa Wentling got a real good deal because they actually found some furniture on clearance when they went to look. He explained that before they got everything finalized, the company sold the clearance furniture. He reported that Eakes bent over backwards for them to give them a deal on the furniture. Mr. Headley stated that the chairs and tables are a real big price slash. He reported that the other issue that Melissa Wentling wanted to bring up was that they originally had a conference table that was in storage and the road crew destroyed it by cutting it in half with a chain saw. Melissa Nissen reported that the conference table that was destroyed was just like the ones in the courtrooms that are very expensive tables. She stated that there wasn't even a scratch on their conference table.

Chairman McCallum stated that he doesn't know why the road crew would destroy the conference table. Mr. Headley reported that County Attorney Joseph Smith actually had a piece of the table in his office for awhile. Chairman McCallum questioned how long ago the conference table was put into storage and Melissa Nissen responded that the conference table was put into storage when Melissa Wentling took over in the office. She reported that Matt Headley's office is actually furnished with Melissa Wentling's old furniture. She further explained that after the carpets were cleaned, then furniture was brought in to furnish all the front area.

Chairman McCallum suggested that the new furniture be paid from the Public Defender's office budget. Melissa Nissen responded that they shouldn't have to pay for a conference table when they were told they could store it and then someone destroyed it. In addition, she stated that the conference table that was destroyed was 15 years old, was still worth at least \$500, and didn't have a mark on it. Commissioner Klein stated that if \$197 for the purchase of the conference table is going to wreck their budget, then it is too tight.

After discussion, the Board members authorized the Public Defender's office staff to get the furniture ordered and pay for it from their office budget and if there was a problem at the end of the fiscal year the Board would deal with it then.

Motion was made by Uhlir and seconded by Klein to remove a claim payable to Crafts, Inc, in the amount of \$38,707.96, from the table and approve payment of the claim for Payment Application No. 3 on the Public Defender's building in the amount of \$27,707.96. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The following claims were audited:

GENERAL FUND

Total Net Payroll		113,654.36
Albracht Disposal Service	Garbage Service, Public Defender	41.00
Albracht Disposal Service	Garbage Service, Courthouse	94.00
Albracht Disposal Service	Garbage Service, County Jail	155.00
Ameritas Life Insurance Corporation	Employee Share Retirement	7,200.94
Ameritas Life Insurance Corporation	Employer Share Retirement	10,589.50
Antelope County Court	Transcripts, County Court	42.25
Aramark Correctional Services	Supplies, County Jail	240.10
AS Central Services	Data Processing Costs, County Sheriff	32.00
BHS	Services, Juvenile Diversion	110.00

BI Inc.	Monitoring Services, Juvenile Diversion	814.11
Big Red Printing	Supplies, County Sheriff	414.04
Big Red Printing	Supplies, Victim Witness	337.41
Blue Cross Blue Shield of Nebraska	Insurance Premiums	116,403.97
Brandl Electric	Repairs, Courthouse	380.38
Cableone	Internet Services, Public Defender	125.95
Carney Law, P.C.	Legal Services, County Court	4,670.50
Carney Law, P.C.	Legal Services, District Court	2,729.26
Champs Inc.	Equipment, County Jail	409.91
Maria Izabel Chavez	Interpreting Services, County Sheriff	52.00
City of Norfolk	Utilities, Probation	143.52
Clerk of the Supreme Court	Copies, Public Defender	4.00
Complete Pest Elimination	Services, County Jail	125.00
Connecting Point	Supplies, Probation	54.00
Continental Research Corporation	Repairs, Courthouse	313.83
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	3,136.95
Jodi Cowling	Witness Fees, District Court	35.00
Crafts Inc.	Contract Payment	27,707.96
Credit Bureau Services	Garnish of Wages	131.41
Culligan	Drinking Water Service, County Jail	104.95
Department of Revenue Property Assessment Division	Data Processing Costs, County Assessor	6,325.60
Jennie Dugan Hinrichs	Autopsy Costs, Law Enforcement	225.00
Eakes Office Plus	Supplies, County Treasurer	15.42
Eakes Office Plus	Supplies, County Jail	66.76
Eakes Office Plus	Supplies, Probation	370.64
Jan Einspahr	Legal Services, County Court	606.00
Electrical Engineering & Equipment Company	Supplies, Courthouse	296.25
Elite Office Products	Copier Maintenance, County Court	76.37
Enviromaster, Inc.	Supplies, County Jail	42.00
First Concord Benefits Group	Flexible Benefit Plan	2,302.24
Fleet Services	Fuel, County Sheriff	50.00
Floor Maintenance & Paper Supply	Supplies, County Jail	345.35
Frontier	Telephone Services, Courthouse	1,315.25
Frontier Bank	Supplies, County Sheriff	218.38
Gall's Inc.	Equipment, County Sheriff	44.97
Gordy's Towing & Repair	Repairs, County Sheriff	647.88
Marshawn Gubbels	Witness Fees, District Court	56.00
Hartford Life Insurance Company	Deferred Compensation	25.00
Michelle Hasebroock	Witness Fees, District Court	45.00
Holiday Inn Kearney	Lodging, County Board	142.00
Holt County Court	Copies, County Court	182.00
Holt County Treasurer	Copies, County Court	17.19
Jeffrey Hrouda	Legal Services, County Court	1,079.90
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	1,117.50
Pam Kesting	Mileage, Meals, Registration, County Extension	233.96
Koochiching County Sheriff's Department	Service Fees, Law Enforcement	45.00
Cameron Krueger	Witness Fees, County Court	20.00
Judy Krueger	Witness Fees, County Court	30.00
Ashley Kubes	Witness Fees, District Court	35.00
Lancaster County Sheriff	Service Fees, District Court	19.59
Louderback Drug	Prescriptions, County Jail	1,407.03
Louderback Drug	Jury Meals, District Court	107.74
Madison County Clerk	Tax Deposit	39,472.43
Madison County Sheriff	Supplies, County Jail	7.99
Madison County Sheriff	Fees, County Court	581.26
Madison County Sheriff	Fees, District Court	824.00
Madison County Sheriff	Fees, Mental Health	27.01
Madison Food Pride	Supplies, Public Defender	48.39
Madison Star Mail	Supplies, Register of Deeds	104.99
Major Refrigeration	Repairs, County Jail	992.47
Marathon Press	Supplies, Public Defender	49.00
Marshall & Swift	Publications, Reappraisal	900.40
Maximus Inc.	Services, District Court	1,350.00
Christal McDonald	Court Reporting, Mental Health	50.00
Menards	Supplies, Equipment, County Jail	94.56
Microfilm Imaging Systems Inc.	Equipment Rental, Register of Deeds	31.50
Midwest Office Automations	Copier Maintenance, Probation	44.68
Nationwide Retirement Solutions	Deferred Compensation	395.00
Nebraska Association of County Officials	Insurance Premiums	395.74
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Health and Human Services	State Institution Costs	1,062.00
Nebraska Law Enforcement Training Center	Lodging, County Sheriff	54.00
Nebraska Law Enforcement Training Center	Lodging, County Jail	540.00
Nebraska Public Power District	Utilities, Planning and Zoning	80.17
Nebraska Public Power District	Utilities, Probation	454.75
Nebraska Public Power District	Utilities, Veterans' Service Office	32.04
Kimberly Nissen	Witness Fees, District Court	35.00

NMG, L.L.C.	Medical Services, County Jail	513.00
Norfolk Daily News	Publication Costs, County Extension	5.14
Norfolk Daily News	Publication Costs, Courthouse	236.85
Northeast Community College	Lease, Administrative Costs, County Extension	3,751.22
Northeast Nebraska Juvenile Services	Board of Juveniles, Juvenile Detention	16,086.25
Northeast Research & Extension Center	Telephone Services, Supplies, Postage, County Extension	763.44
Valorie Olson	Transcript, Law Enforcement	44.55
Pacer Service Center	Copies, County Attorney	11.92
Hannah Patron	Witness Fees, District Court	35.00
Sherry Peterson	Mileage, Telephone Services, Juvenile Diversion	388.99
Phillips 66	Fuel, County Sheriff	177.72
Pizza Hut	Witness Meals, Law Enforcement	28.00
Pizza Hut	Jury Meals, District Court	99.76
Platte County Court	Copies, Law Enforcement	2.25
Sarah Polacek	Mileage, Registration, County Extension	137.50
Postmaster	Postage, Courthouse	185.00
Puppy Love	Impound Fees, County Sheriff	75.00
Qwest	Telephone Services, County Jail	17.66
Qwest	Telephone Services, Probation	602.31
Secretary of State Election Division	Supplies, Election Commissioner	10.00
Shell Fleet Plus	Fuel, Reappraisal	233.41
Eric Snitchler	Witness Fees, District Court	35.00
Stratton, DeLay & Doele, P.C.	Legal Services, District Court	3,282.04
Stratton, DeLay & Doele, P.C.	Legal Services, County Court	332.00
Michelle Sullivan	Mileage, Juvenile Diversion	130.00
Tiburon Financial	Garnish of Wages	124.95
David Uher	Legal Services, County Court	781.50
Richard Uhlir	Mileage, County Board	160.00
U.S. Bank Corporate Payment System	Supplies, Software, County Sheriff	102.44
U.S. Bank Corporate Payment System	Lodging, Meals, County Jail	411.10
Verizon Wireless	Telephone Services, Planning and Zoning	54.70
Verizon Wireless	Telephone Services, County Extension	92.42
Voigt Locksmith	Repairs, County Jail	7.70
Walmart Community	Supplies, Reappraisal	13.15
Wells Fargo Bank	Supplies, County Treasurer	66.15
West Payment Center	Publications, County Attorney	453.50
Western Office Plus	Supplies, County Treasurer	39.94
Western Office Plus	Supplies, Election Commissioner	21.49
Western Office Plus	Supplies, District Court	28.68
Western Office Plus	Supplies, County Sheriff	345.93

ROAD/BRIDGE FUND

Total Net Payroll		28,019.13
Advance Auto Parts	Parts, District #2	188.78
Albracht Disposal Service Inc.	Garbage Service, District #1	40.00
Ameritas Life Insurance Corporation	Employee Share Retirement	1,610.47
Ameritas Life Insurance Corporation	Employer Share Retirement	2,415.75
AS Central Services	Telephone Services, Noxious Weed	45.33
Asphalt and Concrete Materials Company	Asphaltic Materials, District #1, #3	18,612.38
B & B Cycle Inc.	Repairs, Noxious Weed	201.47
B's Enterprises Inc.	Shop Supplies, District #1	448.80
Battle Creek Farmers Coop	Fuel, District #3	1,914.00
Black Hills Energy	Gas Service, District #1, #2, #3	63.90
Blue Cross Blue Shield of Nebraska	Insurance Premiums, District #1, #2, #3, Noxious Weed	32,960.98
Bomgaars	Shop Supplies, District #1, #2, #3, Noxious Weed	1,145.04
Thomas Borchers	Commercial Drivers License, District #1	57.50
Cableone	Internet Services, Noxious Weed	41.65
Carquest Auto of Norfolk	Parts, District #2	10.93
Constellation Newenergy Gas Division LLC	Gas Service, District #1, #3	48.34
DW Kohlhof Truck Repair	Repairs, District #2	2,071.14
Fastenal Company	Parts, District #3	89.34
First Concord Benefits Group, L.L.C.	Flexible Benefit Plan	403.00
Frontier	Telephone Services, District #1, #3	200.42
Hotsy Equipment Company	Parts, District #1	30.29
Husker Siding & Insulation Inc.	Repairs, District #1	52.00
John Deere Credit	Equipment Rental, District #2	1,500.93
John's Disposal, Inc.	Garbage Service, Noxious Weed	26.00
Johnson Engineering Company	Engineering Services, District #1, #2, #3	4,780.00
Kayton International Inc.	Parts, District #2	440.22
Kimball Midwest	Parts, District #3	99.77
August Klug	Mileage, Noxious Weed	6.00
Joe Lamb	Repairs, Noxious Weed	150.00
LDI Chemical Sales Inc.	Shop Supplies, District #1	267.01
Linweld Inc.	Supplies, District #1	64.37
Loup Power District	Utilities, District #1	93.06

Madison County Clerk	Tax Deposit	9,339.92
Matteo Sand & Gravel Company Inc.	Gravel, District #1, #2, #3	9,852.69
Menards	Shop Supplies, District #2, #3	1,163.30
Nebraska Child Support Payment Center	Garnish of Wages	419.70
Nebraska Harvestore Systems Inc.	Parts, District #1	297.17
Nebraska Public Power District	Utilities, District #2, Noxious Weed	264.35
Myron Nelson	Mileage, Noxious Weed	39.00
NMC Exchange LLC	Repairs, District #1, #3	1,246.69
NMG LLC	Drug Testing, District #1, #2	77.00
Norfolk Daily News	Publication Costs, Noxious Weed	11.31
Norfolk Noon Kiwanis Club	Supplies, Noxious Weed	20.00
Earl Reeves	Mileage, Noxious Weed	25.00
Orin Rinkel	Mileage, Noxious Weed	10.00
CJ Rudnick	Postage, Registration, Noxious Weed	21.46
United Rentals Inc.	Equipment Rental, District #2	339.36
Verizon Wireless	Telephone Services, District #2	70.97

FEDERAL AID SECONDARY FUND

Elkhorn Paving Construction Co., Inc.	Contract Services	321,911.57
Mainelli Wagner and Associates, Inc.	Engineering Services	17,128.00

VISITORS PROMOTION FUND

Cartagraphics	Printing Costs	1,625.00
Norfolk Area Chamber of Commerce	Administrative Expense	38,395.64
Norfolk Community Theatre	Advertising	150.00
Norfolk Country Club	Grant	3,298.50
Snitily Carr	Advertising	8,990.00

VISITORS IMPROVEMENT FUND

Greater Norfolk Economic Foundation	Grant	10,000.00
Norfolk Area Chamber of Commerce	Rent, Supplies	220.77

911 EMERGENCY FUND

Racom Corporation	Repairs	6,867.00
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Motion was made by Klein and seconded by Uhlir to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board adjourned at 10:46 P.M. to Tuesday, November 9, 2010 at 9:30 A.M.

County Clerk

Chairman