

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

BOARD OF EQUALIZATION

Madison, Nebraska

November 14, 2018

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

Advance notice of meeting was published in the Thursday, November 8, 2018 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 information regarding the Open Meeting Act posted in the meeting room.

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

Motion 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.

Chairman Schmidt opened a public hearing at 9:02 A.M. to receive testimony regarding the following motor vehicle exemption applications:

Bright Horizons, 601 East Norfolk Avenue, Norfolk	2018 Dodge Caravan
Christ is King Community Church, 715 West Madison Avenue, Norfolk	2011 Ford Van
Community Concern of Norfolk, Inc. 222 North 4th Street, Norfolk	2016 Dodge Caravan, 2017 Dodge Caravan
Liberty Centre Services, Inc., 900 East Norfolk Avenue, Norfolk	2006 Chevrolet Express Van, 2006 Ford Taurus, 2008
Nissan Rogue, 2009 Chevrolet Impala, 2010 Ford Bus, 2011 Chevrolet Traverse, 2012 Chevrolet Express Van, 2012 Chevrolet Malibu, 2012 Chevrolet Impala (2), 2013 Dodge Avenger, 2013 Chevrolet Impala (2), 2014 Chevrolet Impala (4), 2000 Chevrolet Silverado Pickup, 2014 Toyota Camry, 2017 Chevrolet Express Van, 2016 Chevrolet Impala (2), 2016 Dodge Caravan, and 2017 Ford Bus	
Mercy Meals, 701 West Madison Avenue, Norfolk	2005 Carriage Trailer
St. Leonard Catholic Church, 504 South Nebraska Street, Madison	2004 Chevrolet Venture Van
The link, Inc., 1001 West Norfolk Avenue, Norfolk	2018 Ford Focus
Wesley Center, Inc., 500 West Phillip Avenue, Norfolk	2009 Ford Econoline Van

Deputy County Treasurer Jan Fullner reported that exemption applications were submitted for two newly acquired vehicles, but all other vehicles were renewals. No public comments were received during the hearing. Chairman Schmidt closed the hearing at 9:04 A.M.

Motion was made by Ohl and seconded by Prauner to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Motion made by Ohl and seconded by Prauner to approve the minutes of the October 2, 2018 meeting. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #3417: Jerry and Linda Berg, 53930 840th Road, Meadow Grove
Addition to the tax rolls in the amount of \$538.54 for acceleration of 2018 personal property taxes due to sale of equipment in March, 2018
- #3418: Stephen Salisbury, 1910 Crown Road, Norfolk
Addition to the tax rolls in the amount of \$17.40 for acceleration of 2018 real estate taxes due to a mobile home being crushed and removed in September, 2018
- #3419: Sara Ahlmann, P.O. Box 224, Norfolk
Addition to the tax rolls in the amount of \$97.02 for adding business equipment to the 2017 personal property tax rolls after review of 2016 depreciation worksheet
- #3420: Sara Ahlmann, P.O. Box 224, Norfolk
Addition to the tax rolls in the amount of \$152.96 for adding business equipment to the 2016 personal property tax rolls after review of 2015 depreciation worksheet
- #3421: Sara Ahlmann, P.O. Box 224, Norfolk
Addition to the tax rolls in the amount of \$140.52 for adding business equipment to the 2015 personal property tax rolls after review of 2014 depreciation worksheet
- #3422: Kerry and Lane Werner dba Werner Construction, 84453 539th Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$169.70 for 2017 personal property taxes on equipment which was double taxed with taxes paid by the lease company
- #3423: Kerry and Lane Werner dba Werner Construction, 84453 539th Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$249.98 for 2016 personal property taxes on equipment which was double taxed with taxes paid by the lease company
- #3424: Kerry and Lane Werner dba Werner Construction, 84453 539th Avenue, Meadow Grove
Deduction from the tax rolls in the amount of \$351.20 for 2015 personal property taxes on equipment which was double taxed with taxes paid by the lease company
- #3425: Brent and Rachel Abler, 84982 549th Avenue, Pierce
Addition to the tax rolls in the amount of \$1,042.80 for acceleration of 2018 personal property taxes due to equipment being sold

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

Chairman Schmidt adjourned the meeting at 9:08 A.M.

Nancy Scheer
Madison County Clerk

Ron Schmidt, Chairman
County Board of Equalization

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

November 14, 2018

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

Advance notice of meeting was published in the Thursday, November 8, 2018 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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

Present: Commissioners Christian Ohl, Jim Prauner, and Ron Schmidt, and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson was present until 11:16 A.M. Zoning Administrator Heather McWhorter, Commissioner Elect Troy Uhler, Norfolk Daily News reporter Jerry Guenther, and WJAG reported Cody Ronnfeldt were present until 11:52 A.M. County Attorney Joseph Smith was intermittently present during the meeting.

Motion was made by Schmidt and seconded by Ohl to remove agenda item #12 from the consent agenda for authorization to execute a statement of acceptance for ownership and future responsibility of inventory purchased by the Nebraska Supreme Court for District 7 Probation Reporting Center. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Commissioner Schmidt read the following consent agenda items:

- 1) Approval of minutes of the October 30, 2018 meeting
- 2) Acknowledge receipt of the Continuation Certificate for the Official Bond of Lynne D. Koski as Treasurer of Northeast Community College
- 3) Acknowledge receipt of the Official Bond of Sam Koehler as Clerk of Sanitary Improvement District #5
- 4) Acknowledge receipt of the Official Bond of Harry Lorenzen Jr. as Chairman of Sanitary Improvement District #5

Motion was made by Ohl and seconded by Schmidt to approve the consent agenda as amended. 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 with the addition of an agenda item for authorization to execute a statement of acceptance for ownership and future responsibility of inventory purchased by the Nebraska Supreme Court for District 7 Probation Reporting Center. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, November 3, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:37 A.M. to receive comments regarding the application of Carl and Tamara Darville for rezoning property located in Section 12-23-2 from Rural Residential to Agricultural Intensive. The property is located approximately 2 miles south and 4 miles west of the City of Norfolk at the intersection of South 49th Street and West South Airport Road. The applicants, Carl and Tamara Darville, were present during the hearing.

Zoning Administrator Heather McWhorter reported that the applicant is requesting a permit to operate a rescue kennel. She explained that a rescue kennel is prohibited in Rural Residential District; so, the applicants are requesting rezoning of the property to Agricultural Intensive District. She reported that this will not be spot zoning since there are other properties zoned as Agricultural Intensive in the area. In addition, she stated that the Planning Commission recommended unanimous approval of the rezoning change.

Tamara Darville testified that they plan to continue an animal rescue operation which they have been doing for six years without knowing that a permit was required. She stated that they founded the business, Fur Baby Rescue, six years ago. She explained that she has been rescuing animals most of her life and the purpose of Fur Baby Rescue was to help the rural agricultural community by picking up stray animals that were thrown out because no one wanted them anymore. She said that they take animals to their home, fully vet them, rehabilitate them, and find them forever homes. She stated that during the past six years they have rescued over 1,200 animals through their home. Mrs. Darville explained that they want to put up a facility where they can put all of the animals, and do all of their work in one location. She stated that they have many people from the community who volunteer with their rescue business; but, it is hard to do that since they are home based and she and her husband both work full time. She stated that their goal is to put up a sufficient facility that has 16 runs. She explained that a corner of the building will be dedicated as a cat sanctuary since they know there is a terrible cat problem all over Northeast Nebraska. She explained that over the past six years they have seen many dogs which have been shot, run over, or thrown out of vehicle windows; but, their goal is to continue rescuing animals. She said that she grew up on a farm and anything that wandered onto the place was destroyed by her grandfather because he didn't know if it would harm the livestock or was sick. She explained that it is legal in the State of Nebraska to destroy your own pet or any stray animal that comes onto your property and threatens harm to livestock or people. Mrs. Darville stated that she feels in her heart that no one wants to destroy an animal, so they want to continue rescuing and helping animals. She reported that they currently have a lady who plans to drive from California to adopt a dog and another person from New York who wants to adopt an animal. She explained that they have animals placed all over the United States that have been adopted. She stated that they advertise on the websites of Rescue Me and Pet Finder. She stated that they have many volunteers and the business is a 501(c)3 tax exempt organization, they are licensed through the State of Nebraska, and they recently had their annual inspection. She explained that if they receive donations of excess food or litter that they can't use, they don't take what they can't use because they have limited storage space. She said that they have taken excess food to Puppy Love or two other rescue operations outside of their area. She stated that they rescue animals in Nebraska, Iowa, and South Dakota.

Mr. Darville explained that they don't compete with the City of Norfolk, Humane Society, or the pound. He explained that they strictly work in the rural area and they take any animals that need to be rescued. Mrs. Darville reported that they have rescued horses, a great horned owl, dogs, and cats. She stated that they need a location for their rescue operation where they can accept more volunteer help.

Gayle Frevert stated that she has been working with Tamara Darville since she started her animal rescue operation. She explained that if anyone has lost or found a pet and looks on the Madison County Exchange website, they will see the name of Fur Baby Rescue. She stated that sometimes Mrs. Darville can't help an animal because they don't have room. She said that Mrs. Darville has an extraordinary way of working with animals, getting them rehabbed, and placing them in forever homes. She explained that sometimes animals are dumped in the country, scared, and not approachable, but Mrs. Darville has a way of working with animals until she rehabilitates them and finds good homes for them.

Carol Timperley stated that she is a neighbor to the Darville family. She stated that she has a dog who was a rescue animal from Mrs. Darville and the dog absolutely adores Mrs. Darville. She said that Mrs. Darville is very good with the animals. She that this facility will be a good one.

No one spoke in opposition to the rezoning application.

Chairman Prauner closed the hearing at 9:45 A.M.

After discussion, the following resolution was introduced:

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MADISON COUNTY, NEBRASKA

RESOLUTION #2018-61

A RESOLUTION MAKING A CHANGE OF ZONING CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.02 THROUGH 23-114.05 AND SECTIONS 23-164 THROUGH 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission and WHEREAS, notice of public hearing was published in the Saturday, November 3, 2018 edition of The Norfolk Daily News, and a public hearing was held by law.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Madison County, Nebraska hereby changes the zoning classification as follows:

"RR" Rural Residential District to "A-1" Agriculture Intensive District on Part of the SE ¼ of Section 12, Township 23 North, Range 2, west of the 6th P.M., Madison County, Nebraska (see attached)

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

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

Pursuant to published legal notice in the Saturday, November 3, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:37 A.M. to receive comments regarding the application of Carl and Tamara Darville for a conditional use permit to operate a kennel on property in Section 12-23-2, which is located approximately 2 miles south and 4 miles west of the City of Norfolk. The applicants, Carl and Tamara Darville, were present during the hearing.

Zoning Administrator Heather McWhorter reported that the applicants want to operate a non-profit rescue kennel. She stated that they have a tax identification number and a State license for the facility. She explained that the structure which the applicants want to build will meet the setback requirements of 100 feet from the property line and 300 feet from the neighbor's property. She read the conditions recommended by the Planning Commission and reported that the Planning Commission recommended installation of a six-foot fence around the kennel.

Tamara Darville requested that the testimony she presented during the rezoning permit hearing be accepted for the conditional use permit hearing. She clarified that, during the Planning Commission hearing, the recommendation was to require installation of a 6 foot fence around the entire building; however, that was a misstatement. She explained that a decision was made during the Planning Commission meeting that the 6 foot fence would be installed around the kennel area, not the entire building. Commissioner Ohl stated that the Board members could amend the resolution to require the fence to be installed around the kennel area.

Carl Darville explained that he buries a panel below ground as an additional precaution for animals who may dig. He explained that they work with the local law enforcement when stray animals are found. Tamara Darville reported that she works for Westside Family Pet Clinic and through her rescue license there are many things that she can do herself. She explained that the building will allow them to have veterinary technicians, and hopefully someday they could even have a veterinarian take care of animals on their site.

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

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

After discussion, the following resolution was introduced:

RESOLUTION #2018-62

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission. and

WHEREAS, notice of public hearing was published in The Norfolk Daily News November 3, 2018, and a public hearing was held by law, and

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

- 1) This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
- 2) The property is zoned AT Ag Transitional, which allows a dog kennel as a Conditional Use when located at least 100 feet from property lines, and 300 feet from surrounding residences.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Carl and Tammy Darville to operate a kennel on property described as:

Part of the SE¼ of Section 12, Township 23 North, Range 2 West of the 6th P.M., Madison County, Nebraska (see attached)

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

- 1) This Conditional Use Permit is for a period of 3 years and will renew with no verifiable complaints. Permit may be transferred between owners.
- 2) Applicant must install a 6-foot fence around the kennel portion of the building.
- 3) This Conditional Use Permit allows applicant to operate a Commercial Dog Kennel on the property.
- 4) A valid zoning permit must be obtained for the building before construction begins.
- 5) Applicant must comply with all local, state and federal regulations regarding the operation of a commercial dog kennel.
- 6) A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

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

Commissioner Ohl thanked the applicants for the work they are doing by keeping animals safe and also keeping the people of Madison County safe by helping them avoid dangerous situations.

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Pursuant to published legal notice in the Saturday, November 3, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 9:53 A.M. to receive comments regarding the application of Invenergy Wind Development, LLC for a conditional use permit to construct a temporary meteorological tower on property in Section 8-22-4, which is located approximately 8 miles north of Newman Grove at the intersection of 832nd Road and 526th Avenue.

Zoning Administrator Heather McWhorter explained that the proposed temporary structures will be used by Invenergy to measure wind speed and assess the feasibility of a commercial wind energy conversion system. She stated that the proposed structures will be under 200 feet in height with no structural foundations, no power, and no lighting. She said that the meteorological towers will be secured by four sets of guide wires with a radius of 50 meters and will be constructed by a two to four person crew in conjunction with the landowners. She reported that Invenergy has already secured an easement agreement with the landowner in anticipation of the proposed meteorological tower. She stated that the meteorological towers may require fenced sections to control livestock. Ms. McWhorter explained that three letters of opposition were received for the proposed tower; however, no one appeared to testify at the Planning Commission hearing. She stated that the application received unanimous approval from the Planning Commission.

Josh Framel, Renewable Development Senior Manager from Invenergy, explained that the meteorological tower is a temporary structure which is the first step for the company to evaluate wind resources in the area. He reported that the company has high-level maps that are used; however they are not always accurate. He explained that there will be several layers of instruments on the tower, usually one on the top and one in the middle, which will collect wind speed, wind direction, humidity, and temperature. He stated that there is a weather box at the bottom of the tower where the data is collected and phoned into central service. He reported that Invenergy has a whole team that is dedicated to maintaining, operating, and making sure that the loggers are calibrated right. Mr. Framel stated that they have meteorological towers scattered throughout the country. He stated that Invenergy is one of the country's largest independent power producers and they built and operate the Prairie Breeze projects in Antelope County, and they just finished construction of the Upstream wind project located north of Neligh. He stated that they gained a good sense of where they can construct projects because there is a lot of demand for wind energy in Nebraska and there is a good resource of wind in the Southwest power pool, so there is a good market that is driving a lot of activity all over the State of Nebraska. He stated that they think there is some opportunity in Madison County. He said that they usually have the meteorological tower up for a minimum of two years to get two full seasons of data to evaluate. He reported that they had some good responses from landowners who would like to work with the company and constructing the temporary meteorological towers is the first step of the process. Mr. Framel explained that if the application is approved, the next step would be approval from the Nebraska Department of Aviation to get a permit which is required for any tower over 150 feet high. He said that they would coordinate with any local aviation department because of low flying planes. He stated that a permit is also required from the Federal Aviation Administration if the tower is over 200 feet in height.

Chairman Prauner asked if Invenergy had towers located south of Battle Creek several years ago to collect data and Mr. Framel responded that a different company put up these towers. Commissioner Schmidt asked how long it would take to obtain reliable data to share with investors. Mr. Framel responded that they would need data for at least one full year or four full seasons. Commissioner Schmidt asked if Invenergy shares the data with other companies and Mr. Framel responded that they do not share data. Commissioner Ohl asked for clarification on notification to local aviation departments. Mr. Framel reiterated that the Federal Aviation Administration requires a permit for a tower over 200 feet high. He explained that the proposed meteorological towers are 60 meters high, which is a little over 200 feet. He reported that the Nebraska Department of Aviation requires a permit if the tower is over 150 feet high. He stated that once a permit is in place, the company asks for a permit from the Nebraska Department of Aviation which goes into their database for pilots. He stated that the towers are painted red and white and have marker balls on the guide wires so they are well marked. Commissioner Ohl stated that towers are a concern for crop dusting planes and other small planes.

Paul Kreikmeier said that he owns property west and south of Battle Creek. He testified that he is in favor of wind turbines and solar energy to help diversify the energy needs in this country. He said that in order to find out if the area is feasible to construct the windmills he is in favor of constructing the meteorological towers. He stated that many people talk about the looks of the windmills, but many windmills are constructed in Iowa and people are well there. He said that when he was a young child every quarter section had a windmill which, in his opinion, were very ugly. He testified that newer sources of energy are needed and he is in favor of putting up the meteorological towers.

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

Chairman Prauner closed the hearing at 10:02 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2018-63

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission and

WHEREAS, notice of public hearing was published in the Norfolk Daily News November 3, 2018, and a public hearing was held by law, and

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

- 1) The application is consistent with the Madison County Comprehensive Plan and with the Madison County Zoning and Subdivision Regulations.
- 2) The height of the tower will be less than 200 feet. Madison County regulation requires a setback of 1.1 times the height of the tower from any dwelling. The proposed site is a distance of over 3,000 feet from the nearest dwelling.
- 3) Meteorological Tower shall mean a tower, which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System and is a temporary structure for data collection only.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Invenergy Wind Energy LLC to construct a meteorological tower on property described as:

SE¼ of Section 8, Township 22 North, Range 4 West of the 6th P.M., Madison County, Nebraska

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

- 1) This Conditional Use Permit allows applicant to build a temporary meteorological tower for data collection.
- 2) Applicant must obtain necessary permits from the Nebraska Department of Aeronautics.
- 3) Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the Madison County Regulations.

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

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

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

Pursuant to published legal notice in the Saturday, November 3, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 10:03 A.M. to receive comments regarding the application of Invenergy Wind Development, LLC for a conditional use permit to construct a temporary meteorological tower on property in Section 19-22-3, which is located approximately 10 miles south of Meadow Grove on 540th Avenue.

Zoning Administrator Heather McWhorter asked that the same information she presented at the first hearing for Invenergy also be accepted for this application. She reported that no letters of opposition were received for this application.

Josh Framel, Renewable Development Senior Manager from Invenergy, requested that the testimony which he submitted at the previous hearing also be considered for this conditional use permit application. He stated that the company is applying for two meteorological towers; however, he is unsure if both of these towers will be built. He said that he wants to get conditional use permits for both towers while he is going through the process with the Planning Commission and County Board. He explained that sometimes the company will have four or five meteorological towers depending upon whether the topography is complex or simple or how spread out the wind towers would potentially be placed. He testified that he could potentially see more meteorological towers at a later stage. He said that installation of the meteorological towers depends upon the weather. Mr. Framel explained that they are getting to a point in the industry where they can really drill down with wind data. He reported that having only one tower gives uncertainty for coverage; so, this is the reason they install multiple towers so there is good coverage over a specific area. He said that it is likely that the company will put up multiple towers depending upon how the collected data looks.

Commissioner Schmidt asked how far from the meteorological tower the data is reliable. Mr. Framel replied that data is collected for 10 to 15 miles from the meteorological tower; but, the uncertainty of the data goes up further away from the tower. He explained that investors want a limited amount of flexibility and request data within three miles of the meteorological tower. He stated that Invenergy is on the other end of the spectrum saying that data within the 10 to 15 mile area could be considered; so, they bargain back and forth with investors.

Commissioner Schmidt asked if the meteorological towers are located at higher elevation points and Mr. Framel replied that they tried to pick locations that they are higher points; but, they must also consider locations which would provide data that is a good representation for the project. He said that they work with the company's engineers to determine where the data would be a good representation of wind in the area.

County Highway Superintendent Richard Johnson spoke in a neutral capacity. He asked if the County Board wants to consider adding a condition to the permit requiring the company to obtain an approved haul route. He explained that there are many bridges and/or roads that may not handle the weight of the towers. Mr. Framel explained that the meteorological towers are lattice towers that are set on a foundation and are tilted up using a pickup truck and winch. He stated that the tower pieces are shrink wrapped and hauled to the site disassembled on a small trailer, so they won't put excess weight on roads and bridges. Zoning Administrator Heather McWhorter explained that when the County discusses the actual wind energy towers, a route haul agreement will be considered.

Commissioner Schmidt asked how long the tower sections will be when delivered to the site and Mr. Framel replied that they use different models so he is unsure what model will be used in Madison County.

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

Chairman Prauner closed the hearing at 10:10 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2018-64

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

WHEREAS, a recommendation has been received from the Madison County Joint Planning Commission, and
WHEREAS, notice of public hearing was published in the Norfolk Daily News November 3, 2018, and a public hearing was held by law, and

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

- 1) The application is consistent with the Madison County Comprehensive Plan and with the Madison County Zoning and Subdivision Regulations.
- 2) The height of the tower will be less than 200 feet. Madison County regulation requires a setback of 1.1 times the height of the tower from any dwelling. The proposed site is a distance of over 3,000 feet from the nearest dwelling.
- 3) Meteorological Tower shall mean a tower, which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System and is a temporary structure for data collection only.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Invenergy Wind Energy LLC to construct a meteorological tower on property described as:

The N½ of the SW¼ of Section 19, Township 22 North, Range 3 West of the 6th P.M., Madison County, Nebraska

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

- 1) This Conditional Use Permit allows applicant to build a temporary meteorological tower for data collection.
- 2) Applicant must obtain necessary permits from the Nebraska Department of Aeronautics.
- 3) Applicant must abide by regulations with regard to signage, lighting and other applicable regulations as stated in the Madison County Regulations.

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

Motion was made by Ohl and seconded by Schmidt 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, November 3, 2018 edition of the Norfolk Daily News, Chairman Prauner opened a public hearing at 10:12 A.M. to receive comments regarding amendments to the Wind Energy Regulations as part of Article 6 of the Madison County Zoning and Subdivision Regulations. Planning Commission members Stan Schapmann and Roger Acklie were present. County Attorney Joseph Smith was intermittently present during the hearing.

Zoning Administrator Heather McWhorter explained that the Planning Commission has been working on the amendment for six months. She submitted a document listing Madison County's current regulations, current regulations from Pierce and Antelope Counties, industry recommendations, and Planning Commission recommendations. She explained that the regulations listed on the documents are only the priority topics. She explained that the setbacks for both participating and nonparticipating dwellings is 1,000 feet in the current regulations and the Planning Commission recommended a setback of 2,200 feet from nonparticipating dwellings and no change to the 1,000 feet for participating dwellings.

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MADISON COUNTY, NEBRASKA

Josh Framel, Renewable Development Senior Manager from Invenergy, stated that he has been working with several counties to provide input from the industry on zoning regulations. He said that the company's goal is to alleviate some of the concerns that are being raised by the public and what is required to move forward with wind energy. He explained that if setback requirements are expanded too far and they are laid out in a map, the company realizes that there are no spots left for placement of wind energy towers. He stated that when they are citing projects, it starts with who is providing the lease, where sensitive environmental areas are located that they need to avoid, what the wind is like in certain areas, what the roads are like, and where residences are located. He said when all this information is put together, then suddenly there is not much space left for constructing a tower. He said that if certain counties are decreasing their setbacks from a road right-of-way or a pivot corner, then it is difficult to fit a wind turbine without going into the pivot. He said that it is important to balance the setbacks from road right-of-ways, but 1.1 times the length of the rotor blade will keep the blade out of a pivot. He stated that he would be available for questions during the process; but, the recommendations from the Planning Commission are acceptable.

Chairman Prauner reported that he visited a wind turbine site and the turbine made a little more noise when the generator started; however, the noise wasn't bad. County Attorney Joseph Smith reported that Antelope County had an issue with noise and how it was measured. He stated that there are several different measuring systems, whether it's measured at the peak or the average is used. He stated that Antelope County didn't look at the noise issue as well as they should have when they started approving wind turbines and they were involved in several contentious hearings. He recommended that the Board definitely cover the noise issue.

Commissioner Schmidt asked if the Planning Commission recommended decibel ratings and Ms. McWhorter replied that the recommendation is to handle the noise level through the setback requirements so they don't encounter the problems that occurred in Antelope County. She explained that the original regulations in Antelope County included a decibel rating, and after a complaint was filed, they had to try to measure the decibel level which became very contentious. She explained that the Planning Commission's recommendation for the setback requirements of 2,400 feet are intended to take care of the noise level for nonparticipating dwellings; so, the Planning Commission didn't recommend a decibel level. Chairman Prauner asked Mr. Smith if this would be a problem. Mr. Smith replied that he knows the noise was a problem because it was discussed at a hearing he attended in Antelope County. He explained that there are different ways to measure the noise. He stated that there are high and low peaks, so the measurement could be taken from the high peak or an average. He stated that the regulations in Antelope County were unclear. He explained that several different experts measured noise, with the wind turbine company paying for one expert and either the County or opposition paying for the other expert. He explained that the Antelope County Board had to reinterpret the regulations to follow what was defined as the industry standard. He stated that having a decibel limit is used more often than not in zoning regulations across the country. Ms. McWhorter reported that more counties are now using setbacks to compensate for the noise level.

Commissioner Schmidt asked how much quieter the current generators are today than the generators originally installed in Boone and Antelope Counties. Mr. Framel replied that the current generators are quieter; but, a lot of the sound is derived from pure mechanics of the blade passing through the air and the speed of the blade. He said that the modern wind turbines are getting larger, but they are spinning slower because the blades are longer. He explained that the Prairie Breeze project has turbines which are 1.79 megawatts and the Upstream project has turbines which are 2.5 megawatts. He stated that the nameplate capacity of turbines isn't twice as big, but they have longer blades and are taller. He said that a 3.8 megawatt turbine is quieter than is 2.5 megawatts.

Commissioner Schmidt asked if Mr. Framel was talking about the blade tip speed. Mr. Framel replied that he was referring to rotations per minute for the blade. Commissioner Schmidt said that rotations per minute doesn't tell the tip speed. Mr. Framel agreed that a slower rotation per minute would be a slower tip speed. Commissioner Schmidt disagreed and stated that a longer blade would increase the tip speed and he is more concerned about tip speed than rotations per minute. He said that if a turbine has a large wheel it can turn half as fast, but still have the same tip speed. Mr. Framel said that he would need to drill down on determining if the noise is coming from the blade. Commissioner Schmidt asked what the noise level would be if the blade is going past the tower at a higher speed. Mr. Framel stated that he is not a sound engineer which is why the company relies upon acoustic experts to perform studies if a jurisdiction has a requirement to provide a sound report. He explained that they are in the process of seeking permits in Antelope County for another project and analyzed both the 2.5 megawatt and 3.8 megawatt turbines.

Mr. Smith stated that he was involved in the Antelope County meetings and remembers how animated the meetings were with the Supervisors. Mr. Framel explained that Antelope County changed their regulations since the controversial hearings. Mr. Smith stated that the regulations still include a decibel limit and the Supervisors agreed to change the regulations because of the difficulty in interpreting the original regulations. He said that if the regulations don't include a decibel limit, what is the incentive for companies to install quieter turbines. Mr. Framel replied that Invenergy buys turbines directly from the manufacturers who are selling turbines all over the country and world. He explained that since the industry is going to work towards quieter turbines, the manufacturers are trying to develop turbines which minimize the noise and then the developers are doing their best to site the towers to also minimize the noise. He said that if there is a concern with certain products, even though it's not a requirement, the company would still try their best to address the concern. Mr. Smith stated that the issue in Antelope County was how to interpret the decibel regulations and when different measures were received, it was still an issue, but at least it was workable.

Commissioner Schmidt said that if no decibel limit is included in the regulations, it would be an advantage to companies who are installing wind turbines. He stated that it would not be an advantage to someone living in the house 2,400 feet away from the turbine.

Ned Porter from Invenergy stated that the issue being discussed by the County Attorney was Prairie Breeze 1 project in Antelope County. He said that the setback requirements for non-participating dwellings in Antelope County were either 1,000 or 1,500 feet and Madison County is proposing a setback of 2,200 feet. He said that many counties are using a distance setback opposed to decibel levels. He said that the other issue that comes up in other counties is the decibel level on turbines; so, he asked if the County is looking for sound limits.

Norfolk City Mayor Josh Moenning stated that he is speaking as someone interested in economic development efforts and renewable energy. He stated that energy generation in Madison County is a positive thing because wind energy doesn't use water resources, it doesn't pollute, and it can be farmed around. He said that the way the technology has evolved in recent years it makes economic sense. He reported that the cost of wind energy has come down nearly 70% since 2009 and that making electricity from wind is cheaper than making it from coal in many parts of the country where there are good resources. He stated that the second highest wind energy potential in the United States is in Nebraska and some of the best wind resource are in Madison County. He said that is why there is a lot of interest in development in the State right now and counties which have wind farms have seen benefits. Mayor Moenning stated that there are 20 new jobs in Elgin paying \$55,000 to \$65,000 annually for people right out of college. He stated that many of these individuals are coming from Northeast Community College which offers the only wind energy training program in the State. He stated that wind energy provides new farm income, especially in times of a down farm economy, which has been helpful to many farmers. He said that the property tax revenues that are coming to counties and school districts also makes a big difference. He reported that O'Neill is expanding their high school without a bond issue which failed three times, but they don't need the bond issue because half of the new school construction is being paid with revenue from wind energy projects, so there are clear benefits. He commented on the approach that has been taken by Madison County thus far on considering the wind energy regulations. He stated that the County has taken a very serious, careful approach and he commended the Planning Commission members. He also commended Zoning Administrator Heather McWhorter for the way that she shepherded this process in a very professional, fact-based, well-informed way, which hasn't happened in all counties. Mayor Moenning stated that Commissioners and Planning Commission members also took the time to visit wind farms to see and hear for themselves how the wind turbines work and he commended the members. He said that, from what he has seen in other counties, the decibel level issue can be somewhat of a slippery slope. He stated that if the Commissioners try to tag a decibel level on one industry, they better expect to receive requests on all industries, including irrigation systems, farm equipment, and feed yards. He urged the Board to take a cautious approach on the decibel level.

Commissioner Schmidt said that if the decibel level at the base of the tower is 80 decibels, could the decibel level be estimated at 2,400 feet away from the tower. Mr. Framel replied that he couldn't predict the decibel level since there are many variables affecting the decibel level, including wind direction, wind speed, and the conditions of the ground surface. He said that there are ways to estimate the decibel level, and regardless of the local requirements, this noise level is something that the company keeps in mind.

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

Chairman Prauner closed the hearing at 10:30 A.M.

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Planning Commission member Stan Schapmann reported that the one of the issues that he heard from the public on the noise level is the amount of time that they hear the turbine noise, which is 24 hours a day for 7 days a week. He said that Mr. Framel reported that the turbines run about 50% of the time and they run at peak only a certain percentage of time; so, there isn't noise 24 hours a day. He said that the Planning Commission members considered this information before making a decision. He reported that the Planning Commission also considered how the decibel levels of a grain bin or pivot irrigation engines could be adjusted. He said that they may need to consider how to adjust decibels for all operations.

Chairman Prauner asked County Attorney Joseph Smith for his opinion on establishing decibels for wind turbines; but, not for irrigation engines and grain bin dryers. He asked if the County would only be targeting the wind energy companies. Mr. Smith replied that this argument could be used for anything done in life. He said that he could see where distance makes a big difference in noise and he could also see adjusting decibel levels. He stated that he hasn't made a study on this issue and he isn't sure what other counties across the country do with regard to noise level. He said that the argument that there are other cases which have existed for a long time that make just as much noise is not a good argument, so if that is the Commissioners' argument, he recommended postponement of the noise issue entirely. He said that the Commissioners need to address problems as they arise. Mr. Smith stated that as a whole, manufactures will make quieter turbines because they are responding to pressures. He said that he remembers the big conflict in Antelope County about noise because one expert said the turbines were too loud and a different expert said that they weren't. He stated that a lot of information was not actual measurements; but, how to measure the noise level. He explained that under one measurement method there could a peak in one millisecond and during the next ten seconds there would silence. He suggested pursuing a decibel level in case there is a conflict in the future. Mr. Smith explained that a landowner may come forward to report that the turbine is too loud which may not be the Commissioners' problem; but, it may be a problem that could be avoided.

Ms. McWhorter reported that she attended several of the Antelope County meetings and spoke to other zoning administrators. She reiterated that the setback for the first turbines constructed in Antelope County was 1,200 feet less than the Planning Commission's recommendation; so, the Commissioners need to take this into consideration. She asked the Board to also consider the expense for the County to complete a decibel study if someone makes a complaint. She explained that if the Board goes through the entire process and the turbine didn't even meet the decibel level, then the County is taking on that responsibility and expense. Ms. McWhorter stated that these factors were discussed and considered by the Planning Commission members. She explained that they also discussed that the noise level would be more of a sound ordinance because if the Board allows protection for the wind turbines, then what would stop people from coming in and saying that grain dryers or equipment are too loud. She reported that the Planning Commission did not want to take on the liability of having to define each situation. She explained that there is a study from a manufacturer which reflected that at a distance of 500 meters the sound would be like the noise from a refrigerator which is located in another room. She reported that at a distance of 150 meters the noise would sound like a window air conditioner. Chairman Prauner pointed out that if someone is getting paid for the turbine, the noise is acceptable; however, if no payment is received, the noise level may be perceived differently. Ms. McWhorter replied that the Planning Commission accounted for this factor by establishing a setback of 1,000 feet if the homeowner gets paid and 2,200 feet if there is no payment.

Chairman Prauner asked how many letters were received in favor and against the amendment to the Wind Energy Regulations. Ms. McWhorter responded that approximately 31 letters were received in opposition to the proposed setback requirements. She explained that they are the same letter and some are signed by people who are not Madison County residents.

Board members discussed a spreadsheet which outlined the current Madison County regulations, the Pierce County regulations, Antelope County regulations, industry recommendation, and Planning Commission recommendations.

Chairman Prauner announced the following information regarding the setbacks from non-participating property lines:

- 1) Current Madison County regulation: Rotor diameter plus building setback;
- 2) Pierce County regulation: 1.1 times the rotor diameter;
- 3) Antelope County regulation: 1.1 times the length of the rotor blade if ice breaking in place, otherwise 1.5 times hub height
- 4) Industry recommendation: 1.1 times the length of the blade with no blade overhanging onto a nonparticipating property line;
- 5) Planning Commission recommendation: 1.1 times the length of a rotor blade.

No comments were received regarding this recommendation.

Chairman Prauner announced the following information on the setbacks from non-participating dwellings:

- 1) Current Madison County regulation: 1,000 feet
- 2) Pierce County regulation: 2,700 feet
- 3) Antelope County regulation: 2,400 feet
- 4) Industry recommendation: 2,000 feet – 2,400 feet, which inherently minimizes sound and shadow concerns; greater setback creates unnecessarily large exclusion areas;
- 5) Planning Commission recommendation: 2,200 feet

Commissioner Ohl stated that Planning Commission members advised that the 2,200 feet was a compromise from the industry recommendation.

Chairman Prauner reported the following information on the setbacks for participating dwellings:

- 1) Current Madison County regulation: 1,000 feet
- 2) Pierce County regulation: 1,000 feet;
- 3) Antelope County regulation: 1,000 feet
- 4) Industry recommendation: 1,000 feet;
- 5) Planning Commission recommendation: 1,000 feet.

Board members had no comments on this recommendation.

Chairman Prauner announced the following information regarding setbacks from right-of-ways:

- 1) Current Madison County regulation: Blade length
- 2) Pierce County regulation: 1.1 times the total height if ice breaking procedures are in place, otherwise 1.5 times hub height;
- 3) Antelope County regulation: 1.1 times the length of rotor blade if ice breaking in place, otherwise 1.5 times hub height;
- 4) Industry recommendation: 1.1 times the length of a blade which allows for turbines in pivot corners with longer setbacks pushing locations into the field;
- 5) Planning Commission recommendation: 1.1 times the length of a rotor blade.

Commissioner Schmidt asked if towers installed now automatically have ice breaking. Mr. Framel replied that it depends upon the climate; but, in Nebraska the company uses a winter operation mode software. He explained that in the Upstream project, the turbines have ice breaking procedures. Commissioner Schmidt asked if the rotor could spin and throw ice a long distance if the turbine doesn't have an ice breaker on the turbine. Mr. Framel responded that if ice is present where a project is operating, then it will have an ice breaking operating mode. He clarified that a break does not clamp down on the turbine blade to stop it, but it will have an operation mode that slows the blade down which any manufacturer will use where there is cold weather. Commissioner Schmidt asked how far the ice would be thrown when coming off the blade and if they need to worry about ice being thrown onto the road at 1.1 times the blade length. Mr. Framel replied that there is a very small risk and that it's hard to speak in specifics when there are different conditions and exceptions. He explained that the company has operated the Prairie Breeze project in Antelope County for 4 to 5 years and in general, if ice builds up, it won't go anywhere except fall down. Commissioner Schmidt stated that he doesn't want his wife traveling by a wind turbine and getting hit with a piece of ice and he wants to make sure that the Board is safeguarding the traveling public going by a wind turbine on a county road so they won't get hit by ice. Mr. Framel reiterated that the risk is very small.

Commissioner Ohl stated that based upon the information presented, ice breaking technology is standard in the wind turbines and he suggested that it makes sense to require that ice breaking technology be provided in turbines installed in the County. Commissioner Schmidt said that he wants to make sure that when wind turbines are allowed to be 1.1 times the rotor blade length, everyone will be safe.

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County Highway Superintendent Richard Johnson asked how long the blade would be and Mr. Framel replied that the blade length varies which is why the right-of-way setbacks are based upon blade length. Planning Commission member Roger Acklie stated that most of the current turbines have 300 foot blades. Mr. Framel clarified that the blades are not quite 300 feet long, but closer to 225 feet. He said that regulations with right-of-way setbacks set at 1.1 times the blade length will take care of different blade lengths. Mr. Johnson asked if he would be able to acquire additional right-of-way for a road project where a wind turbine is located or if he would cause the company to be in violation. Mr. Smith replied that the County can't force a company out after the wind turbine is installed; but, if the County takes another 10 feet which puts the company in violation, the company may file a lawsuit. He said that taking more right-of-way diminishes the value of their wind turbine. Ms. McWhorter asked what the County does now if a garage is built just inside the setback requirements and then the County needs to take additional right-of-way. Mr. Johnson replied that the County would take the right-of-way and the garage could remain at its current location; but, if the garage burned down or blew away, the owner would need to rebuild and comply with the current setback. Ms. McWhorter stated that a building would be grandfathered if the County had to buy additional right-of-way, which would possibly apply to the wind turbine. Mr. Johnson stated that the difference is that it may become a safety issue for a wind turbine. Ms. McWhorter asked how much right-of-way the County would require and Mr. Johnson replied that it depends upon the project, but 20 feet of right-of-way would probably be the maximum. Mr. Smith concurred that if the issue is safety, then the grandfather clause would not apply.

Commissioner Ohl stated that generally additional right-of-way would need to be acquired if the road is expanded or improved. Mr. Johnson clarified that it is very difficult to improve a road to State standards within the existing right-of-way. Commissioner Ohl asked if the Commissioners could make a decision about placement of a wind turbine when the conditional use permit application is considered or could the County have authority to prohibit a certain area if there is a concern that the road may need to be improved in the future. Mr. Johnson suggested that the setback may need to be more along arterial and collector roads as opposed to local roads. Chairman Prauner asked if the regulation could be set at 1.2 times of the length of the rotor blade which would give the County the extra distance for road right-of-way. Mr. Framel replied that he would need to analyze the numbers to determine how that would affect the location of turbines in pivot corners.

Mayor Moenning asked if there have been any complaints of ice thrown onto roads from existing towers in Nebraska. Mr. Framel replied that there was a situation that was investigated; but, the ice was attributed to a power line, not a wind turbine. Stan Schapmann stated that if the wind turbine is moved further back from the road right-of-way it pushes it closer to a pivot and limits where turbines can be located.

Commissioner Schmidt stated that when specific conditional use permits are considered for placement of a wind turbine, the County could establish setbacks that are specific to that site. Mr. Framel agreed that when a specific project is put together and a permit application is submitted, specific criteria could be established. He stated that it is difficult to think of every situation when establishing the wind energy regulations. Ms. McWhorter reported that under 6.03.05 of the wind energy regulations, the Madison County Planning Commission and County Board reserve the right to require greater separation distances or removal of individual turbines. She confirmed that when a conditional use permit is considered additional details could be discussed. She said that during the conditional use permit process for a wind turbine, the Zoning Administrator could discuss road setbacks with the Highway Superintendent to determine if there are any concerns. Commissioner Ohl clarified that during the conditional use permit application process the road haul agreement could also be discussed by the Commissioners. Ms. McWhorter clarified that the road haul agreement goes directly to the Commissioners.

Chairman Prauner announced the following regulation for setback from wetlands, USFWS Type III, IV, V:

- 1) Current Madison County regulation: 600 feet;
- 2) Pierce County regulation: 1.1 times the total height;
- 3) Antelope County regulation: 1.1 times the total height;
- 4) Industry recommendation: 1.1 times the total height;
- 5) Planning Commission recommendation: 1.1 times the length height.

Ms. McWhorter explained that when public conservation lands or wetlands are involved, if any State or Federal Agency makes a recommendation, it will be considered during the conditional use permit process. In addition, she explained that if a migratory pattern comes up, the setback can be greater.

Chairman Prauner reported information on the setback from other structures outside the project boundary:

- 1) Current Madison County regulation: Rotor diameter
- 2) Pierce County regulation: 1.1 times the total height;
- 3) Antelope County regulation: 1.1 times the total height
- 4) Industry recommendation: 1.1 times the total height from any structure with 100 square feet floor or larger;
- 5) Planning Commission recommendation: 1.1 times the total height from any structure greater than 100 square feet.

Ms. McWhorter explained that the Zoning regulations don't require a permit for a structure under 100 square feet.

Chairman Prauner announced the following information on the regulation for decommissioning:

- 1) Current Madison County regulation: Each WECS shall have a plan outlining means and cost of removal, including the financial resources that will be available;
- 2) Pierce County regulation: Irrevocable line of credit or escrow bearing account equal to 20% of the original cost of the project prior to commencing construction;
- 3) Antelope County regulation: Each WECS shall have a plan outlining means and cost of removal, including the financial resources that will be available;
- 4) Industry recommendation: Each WECS shall have a plan outlining means and cost of removal, including the financial resources that will be available. Such resources to be implemented in year 10 of operation;
- 5) Planning Commission recommendation: Each WECS shall have a plan outlining means and cost of removal, including the financial resources that will be available.

Ms. McWhorter explained that when the conditional use permit application is submitted, individual criteria will be set depending upon the variables; so, the applicant will provide a plan and the County will make a decision on what the plan should include. She stated that based upon the amount of energy that is being sold or other factors, the Board may decide that they want financial resources after 3, 5, or 10 years. She reported that Pierce County requests 20% of the original project costs before construction starts, which may be a financial hardship.

Chairman Prauner submitted the following information on the regulation for sound.

- 1) Current Madison County regulation: 50 dBA at nearest occupied structure;
- 2) Pierce County regulation: Handled through separation distances;
- 3) Antelope County regulation: 50 dBA at non-participating occupied dwelling;
- 4) Industry recommendation: 50 dBA at non-participating occupied dwelling can be met with 2,000 – 2,400 foot setback;
- 5) Planning Commission recommendation: 50 dBA at non-participating occupied dwelling can be met with 2,000 – 2,400 foot setback.

Roger Acklie stated that Planning Commission members felt that this distance would far enough for the noise to dissipate before it reaches the dwelling. Mr. Smith explained that he attended an Antelope County Planning Commission hearing when several companies spoke about the noise level which was followed by a regulation change. He stated that the Commissioners need to make the decision; but, if there is litigation it is nice to have a figure to point out. He said that if the issue is that the distance for the wind turbine is so far away that the noise level would not reach 50 dBA, then why not include the dBA number in the regulations. Ms. McWhorter stated that if a complaint is filed, she can't tell the individual that the 50 dBA is not be met because the distance meets the regulation; so, the County would need to go through the process to pay an expert to prove to the person filing the complaint that the noise level complies with the regulation. Commissioner Ohl asked if the County would be responsible for paying someone to prove the sound level and Ms. McWhorter replied that Antelope County was required to pay an expert. Mr. Smith disagreed by stating that the wind energy company paid for an expert to verify sound level. Ned Porter clarified that in Antelope County, the regulation is 50 dBA; however, whoever files a complaint must pay for the noise study. He confirmed that Invenergy paid for two sound studies completed for Antelope County.

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Commissioner Schmidt asked if additional language could be added to the regulations requiring that the person filing a complaint regarding the noise level must pay for a sound study. Roger Acklie stated that measuring the sound level is not an exact science which is why the Planning Commission decided to not include a dBa level. Mr. Smith clarified that the issue is whether to measure for 5 seconds on average or if the peak is considered, but there are arguments for both. He said that if the peak sound is taken, then there could be one big sound every year; but, if the average level is taken over 10 seconds there could be an exposure at 10 seconds. Stan Schapmann reported that after the 2,200 feet setback was recommended by the Planning Commission, members of the public asked why a 2,400 feet setback wasn't set like Antelope County. He explained that he spoke to representatives from Invenergy who stated that 2,400 feet wasn't an issue with them; but, that doesn't solve the noise level. He said that the decibel level discussed by the Planning Commission included various opinions, and if a decibel level is established, the County could get into situations with noise levels from center pivot engines and grain dryers. He said that 2,400 feet may solve the noise issues; but, Antelope County had a difficult time making that work.

Commissioner Schmidt asked if a decibel level could be added to individual conditional use permits without any stipulation in the wind energy regulations. Ms. McWhorter asked what the justification would be to add dBa stipulations for one company and not for all companies. Mr. Smith stated that the best practice would be to establish a dBa level up front. He asked how the decibel level would be measured and how litigation would be handled. He said that the biggest arguments with wind farms will be aesthetics, noise, and ice. He said that the Board could have a measurement on the complaint form; but, if there isn't a measurement and the County goes to Court there isn't a number to rely upon. Commissioner Schmidt stated that he is in favor of eliminating the 50 dBa requirement. He said that when he steps outside of his home he can hear grain bin fans and irrigation engines a mile away. Mr. Smith stated that when regulating a new activity, measurements can be added.

Commissioner Ohl stated that the Planning Commission is stating that the recommended setback of 2,000 to 2,400 feet will keep the sound level below 50 dBa at non-participating occupied dwellings. Commissioner Ohl requested clarification on Mr. Smith's statement that to protect the citizens the County Board should put a dBa level in the regulations. He asked if Mr. Smith is suggesting that the Board set a dBa level with a higher limit than the expectation and then set an average over a certain period of time. Mr. Smith stated that the first issue is that decibels can be measured and the Planning Commission's position is that if a specific setback is established the sound should be 50 decibels; but, if there is a setback no measurement is required. Ms. McWhorter explained that the regulations state that noise requirements under these regulations will be handled through separation distances. Mr. Smith clarified that this statement is based on the theory that 50 decibels shouldn't carry that distance. He said that if the theory is that sound shouldn't carry that far, why not measure it. He said that the theory is that this distance will keep the noise at a certain level, but the County isn't going to measure it, which is counter intuitive. Commissioner Ohl asked if Mr. Smith is suggesting that the measurement wouldn't need to be done unless someone has a complaint, or would this measurement need to be completed for every turbine installation. Mr. Smith said that he recalls that a sound study costs a lot of money and there were two different competing reports. Ms. McWhorter asked what the outcome was for this complaint. Mr. Smith responded that it wasn't about how the measurement works, but how it was interpreted. He explained that the Board had to consider how to measure regulations historically, if the measures were an average, or were measures the peak levels. Ms. McWhorter asked what the dBa level showed on the report. Mr. Framel explained that he wasn't involved in Nebraska when the Antelope County issue was happening; but, there different interpretations of the regulations. He stated that the overall outcome was that Antelope County updated the regulations for the third time to avoid the noise situation being brought to the Supervisors and a decision had to be made about how to specifically measure the noise level. He stated that he doesn't recall the specific language in the regulations. Ms. McWhorter asked if the actual study violated the 50 dBa. Mr. Smith reiterated that it depends on how the noise level is measured, whether at the peak or at the median. He explained that one study indicated that the peak is at one level and the other study reflected that the median is at a specific level; so, the question is how to interpret the decibels. Ms. McWhorter said that her point is that the setback in Antelope County at that time was 1,000 feet to 1,500 feet and was still met.

Stan Schapmann said that the Planning Commission discussed the decibel level issue and whether to protect the agricultural sector. He said that dryer fans can be heard a mile away, so when a complaint is filed, how will this complaint be handled if the County starts a precedent for controlling decibel levels. He concurred with Mr. Smith's comments about interpreting a study on decibel level and how the decibel level is measured. He stated that there is no way of truthfully measuring when conditions are different each time. Mr. Smith stated that sound can be measured since sound is like temperature. He explained that the issue is how to interpret the measurement. Mr. Schapmann reported that the temperature gauge on his vehicle said 30 degrees; but, the bank sign said 25 degrees. Mr. Smith said that instrumentation was an issue in Antelope County.

Paul Kreikemeier stated that the Planning Commission was trying to eliminate the entire decibel issue by establishing adequate setbacks. Norfolk Mayor Josh Moening stated that as the community grows, residences will get closer to agriculture, so if the Board sets noise limits on certain things, there will be a lot of requests filed. Ms. McWhorter reported that when Pierce County amended the wind energy regulations there was more public participation with people testifying in opposition to the turbines.

Commissioner Schmidt suggested that the Commissioners follow the recommendations of the Planning Commission and have no decibel limit with the setback requirements taking care of the noise. He said that the wind energy regulations could be changed in the future if necessary. Commissioner Ohl said that he is curious about the wording in the Antelope County regulations; but appreciated the arguments made by Mr. Smith. Mr. Smith stated that any changes to the regulations must be made before money is invested. Commissioner Ohl stated that he doesn't anticipate that the manufacturers will start building turbines that are noisier than the current models.

Chairman Prauner read the following information on the regulation for shadow flicker.

- 1) Current Madison County regulation: None;
- 2) Pierce County regulation: Shadow flicker on any non-participating dwelling shall not exceed 30 hours per year;
- 3) Antelope County regulation: None;
- 4) Industry recommendation: Shadow flicker is considered minimal with 2,000 – 2,400 foot setbacks due to shadow diffusion;
- 5) Planning Commission recommendation: Shadow flicker is considered minimal with 2,000 - 2,400 foot setbacks due to shadow diffusion.

Ms. McWhorter explained that Antelope County won't regulate shadow flicker. Chairman Prauner stated that the shadow flicker should be taken care of with the setback requirements.

Chairman Prauner read the following information on the regulation for siting flexibility.

- 1) Current Madison County regulation: Latitude/longitude of turbines required with CUP application with no comment on movement;
- 2) Pierce County regulation: 100 feet from approved CUP location
- 3) Antelope County regulation: Latitude/longitude of turbines required with CUP application, Upstream permitted 600 feet;
- 4) Industry recommendation: Turbines can be relocated within a project boundary as long as all setbacks and other zoning requirements are met;
- 5) Planning Commission recommendation: Turbines can be relocated within a project boundary as long as all setbacks and other zoning requirements are met.

Ms. McWhorter explained that if a company has 100 towers and provides tower locations; but, the company realizes that a new house was built between the application process and the construction phase, or the soil suitability is not adequate, the turbine could be placed at a different location on the approved property. She explained that Pierce County adopted a regulation that allows the turbine to be moved 100 feet from the location approved in the conditional use permit. She reported that Antelope County adopted a regulation that allows the turbine to be moved up to 600 feet from the original approved location. She said that the Planning Commission recommendation is to allow the turbine to be located anywhere within the owner's property if it meets the participating setback, road right-of-way setback, interior line setbacks, without having to be re-approved by the Planning Commission and County Commissioners. She said that the company simply needs to notify the Planning Office of the turbine location if moved from the original approved application.

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Commissioner Schmidt asked if the turbines are any other color than white and Mr. Framel replied that most of the blades are white or off-white. Commissioner Schmidt asked if the County could require the company to paint the turbine if the paint job is bad and the paint peels off. Mr. Framel replied that this would be a maintenance issue and it's in the best interest of the company to keep the equipment maintained. Ms. McWhorter said that one of the conditions that may be proposed for the conditional use permits is to maintain the equipment. She stated that the land owner contract has stipulations about maintenance and upkeep. Commissioner Ohl reported that section 5 under Regulation 6.03.06 states that all wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color, the blades may be black in order to facilitate deicing, and finishes shall be matte or non-reflective.

Ms. McWhorter thanked the Planning Commission members who worked very hard on the regulations and investigated many things. She stated that someone at the Planning Commission hearing asked if anyone went out and stood under a wind turbine and every Planning Commission member raised their hands. She said that she is very proud of the Planning Commission members and she wants to publicly make sure that everyone realizes the amount of work, thought, and effort they put into the recommendations. She stated that the recommendations submitted by the Planning Commission were not done lightly. She said that not all counties had Planning Commission members participate as actively as Madison County. Chairman Prauner stated that the County is very fortunate to have these members serving on the Planning Commission.

Commissioner Ohl thanked Ms. McWhorter and her team for the work done to coordinate and facilitate the wind energy amendments. Commissioner Schmidt stated that they all need to remember that the wind energy regulations are a living document and can be changed as seen fit and not because of an emotional issue. Ms. McWhorter stated that she has not seen a lot of emotion during this process and the recommendations are definitely based upon fact and what Planning Commission members think is best for the County.

Chairman Prauner stated that he had about 15 phone calls and most were in favor of the recommended amendments. He said that many of the phone calls were individuals who owned property in the County. Commissioner Schmidt reported that he had five phone calls with positive comments, with one from a Madison County resident and four phone calls from people who owned land in the County, but lived in another county.

Commissioner Ohl commented that the proposed amendments are an increase in protection for Madison County compared to the current regulations. Ms. McWhorter clarified that these are not new wind energy regulations; but, amendments to the current regulations.

The following resolution was introduced:

RESOLUTION #2018-65

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

WHEREAS, having received a recommendation for approval from the Madison County Planning Commission and proper notice was published in The Norfolk Daily News November 3, 2018 and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends the Madison County Zoning and Subdivision Resolution by amending the following language into the Zoning Regulations, specifically by amending Article 6, Supplemental Regulations, of the Madison County Zoning Regulations, Section 603.03 Commercial/Utility Grade Wind Energy Systems is changed as follows:

Section 603.3 Commercial/Utility Grade Wind Energy Systems

***.**.01 Purpose:**

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems Madison County.

***.**.02 Definitions:**

The following are defined for the specific use of this section.

Aggregate Project: Projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual wind turbines within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

Clustering: The grouping of wind turbines positioned or occurring closely together around a particular dwelling.

Developer: Any individual, corporation, or other organized entity that is planning, proposing, collecting easements/contracts from property owners, or anything other activity associated with a proposed WECS project, WECS project under construction, or operator of the completed WECS system including individual wind turbines, and/or their successors.

Daytime Hours shall mean a time beginning at sunrise and ending at sunset.

Fall Zone: The area, defined, as the furthest distance from the tower base, in which turbine will collapse in the event of a structural failure. This area is typically less than the total height of the structure.

Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Habitable Structure: See Article 2

Hub: The mechanical area sitting atop of a wind turbine structure containing the generation equipment and the point where the blades are connected to the system.

Hub Height: The overall height measured from grade of a wind turbine to the center point of the hub of the turbine.

Ice Braking: A means built into individual wind turbines that will shut the turbine down if ice build-up is detected.

Landowner, Non-participating: An individual or group of individuals not involved in the overall project via land leases, contracts, easements and other such means that may or may not be directly impacted by the WECS project.

Landowner, participating: An individual or group of individuals involved, directly or indirectly, in the overall project via land leases/contract and other such means.

Meteorological Tower: For purposes of this regulation, a tower that is erected primarily to measure wind speed and directions plus other data relevant to citing a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

Non-participating Landowner Impact Easement: Any easement given by a non-participating Landowner allowing a WECS project to be constructed. Said easement shall be negotiated between the properties and a release signed by the landowner.

Public Conservation Lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Rotor Diameter: The diameter of the circle described by the moving rotor blades shown in Figure 1.

Shadow Flicker: The shadow cast from the rotating blades of a WECS system, which moves, with the blades.

Small Wind Energy System A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Substations Any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35 kV) for interconnection with high voltage transmission lines.



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Total Height The highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower: The vertical structures that support the electrical, rotor blades, or meteorological equipment.

Tower Height: The total height of the Wind Energy Conversion System exclusive of the rotor blades.

Transmission Line The electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid. These may also be referred to in this Section as "system".

Wind Turbines: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

6.03.03 Requirements:

Commercial/Utility Grade wind energy systems Conditional Use Permit applications shall include the requirements below:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including; Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Certification by an Engineer competent in disciplines of wind turbines and WECS projects that the electrical, acoustics, and structural systems are compliant with all code.
7. Documentation of land ownership or legal control of the property through the presentation of all deeds, leases (less financial disclosures), affidavit or other instrument indicating a landowner is a willing participant in the project.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System not owned by the applicant, within 10 rotor diameters of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System (see table below)
11. Shadow flicker models indicating the total impact on nearby habitable structures.
12. FAA and FCC permit: Applicant shall submit permits from the appropriate agency prior to any power being produced.
13. Location of and evidence that there will be no interference with any commercial and/or public safety communication towers within two miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan as required by this regulation.
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties not owned/contractually obligated by the applicant.
16. Applicants shall be required to establish a separate road repair and maintenance agreement with the County Roads Department and County Board.

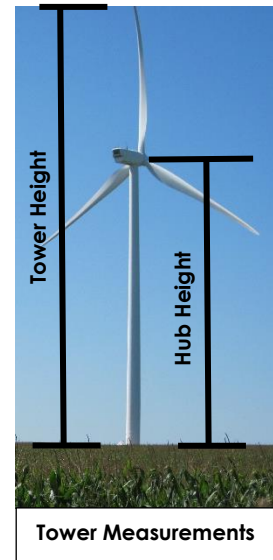
6.03.04 Aggregated Projects

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.
4. Locations of a proposed turbine may vary within a project boundary as long as all setbacks and other zoning requirements are met in order to find appropriate soils and/or to accommodate contracted landowner; however, in no case shall this variation encroach into any of the required separation distances.
5. Setbacks to property lines, not road rights-of-way, may be less when adjoining property owners are within the same aggregate project.
6. Approval of an aggregated project shall give the applicant the approval necessary to begin final site locations, if necessary, within any variations allowed by the Planning Commission and County Board.
7. Approval of an aggregated project shall provide authorization to the developer to commence on the project unless specific conditions are applied during the review and approval process.

6.03.05 Setbacks

The Madison County Planning Commission and County Board reserve the right to require greater separation distances or removal of individual turbines. All towers shall adhere to the setbacks as measured from the center of the base established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.1 times the length of a rotor blade.	1.1 times the total height
Dwelling Units (participating)	1,000 ft.	1.1 times the total height
Dwelling Units (non-participating) *	2,200 ft. These requirements may be exceeded; however, when an easement has been signed with said non-participating landowner.	1.1 times the total height
Road Rights-of-Way**	1.1 times the length of a rotor blade.	1.1 times the total height
Other Rights-of-Way	1.1 times the length of a rotor blade.	1.1 times the total height
Public Conservation Lands including Wildlife Management Areas and State Recreation Areas	1.1 times the length of a rotor blade or a distance established by any state or Federal agency.	600 ft. or a distance established by any State or Federal agency.
Wetlands, USFW Types III, IV, and V	1.1 times the total height or a distance established by any state or Federal agency.	600 ft. or a distance established by any State or Federal agency.
Other structures not on the applicant's site	1.1 times the total height from any structure larger than 100 square feet.	1.1 times the total height



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* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System. The distance requirements may be decreased or waived by a waiver signed by the property owners. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Madison County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-way is known.

6.03.06 Special Safety and Design Standards and Additional Requirements

Special safety and design standards for all towers and additional listed requirements are stated below, which shall be adhered to and are specifically written for this Section 8.08:

1. Clearance of rotor blades or airfoils must maintain a minimum of 25 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on each tower, transformer and substation, warning of high voltage. Other signs shall be posted at the entrance to the site with the 911 address and emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
5. **Color and finish**
All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing; Finishes shall be matte or non-reflective.
6. **Lighting**
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA and NEDOT permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
7. **Shadow Flicker**
Shadow flicker on any dwelling of a non-participating landowner shall be considered minimal with the 2,200 foot setback due to shadow diffusion.
8. **Other signage**
All other signage shall comply with the sign regulations found in these regulations.
9. **Feeder Lines**
All communications and feeder lines installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
10. **Waste Disposal**
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal rules and regulations.
11. **Removal of Abandoned Wind Turbine Generators or Anemometer Towers.**
Applicants shall submit a decommissioning plan, prior to commencing construction of any approved project to the Madison County Zoning Administrator, and the applicant or owner of the WECS shall be solely responsible for decommissioning and removal of the tower and all equipment. At such time that an on-site wind turbine is scheduled to be abandoned or discontinued, the owner of said wind turbine shall notify the Madison County Zoning Administrator of the proposed date of abandonment or discontinuance of said operation.
A wind turbine and/or WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the wind turbine and/or WECS to service.
B. Upon abandonment or discontinuation of use, the owner of the on-site wind turbine and/or WECS shall physically dismantle all above ground components, as well as the concrete foundation to a minimum of four feet below grade of said wind turbine or system within twelve months from the date of abandonment or discontinuation of use.
C. If an owner of said wind turbine or system fails to give Notice of abandonment or discontinuation of use, the WECS shall be considered abandoned and discontinued if the system is out-of-service for a period of three years. The Madison County Zoning Administrator shall issue a written Notice of Abandonment by certified mail to the owner of said wind turbine and/or system at the address indicated for the site in the County Treasurer's Office. The owner shall have 30 days to reply to such notice. The owner will then have twelve months to remove the wind turbine and/or system or anemometer tower. The owner shall restore the site to its original condition and will be required to remove the foundation to a depth of four feet from existing grade. Any of the transmission equipment, buildings, or fences shall also be removed. If the owner does not comply with such order; the owner will be in violation of this regulation and the removal of the wind turbine and/or system or anemometer tower will be paid for as stated in #12 of this section.
12. **Damages**
If such structures are not removed within the required time limits, Madison County may have them removed at the owners of the wind turbine and/or system expense, and Madison County may sell any salvageable material subject to the requirements of items #11.
13. **Interference**
The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any wind turbine. The applicant shall notify all communication tower operators within five miles of the proposed wind turbines location upon application to the county for permits.
14. **Drainage System**
The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
15. **Noise**
Noise requirements under these regulations will be handled through separation distances.
16. **Permit Fees**
Applicant shall remit an application fee set by the County Board.

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

Commissioner Ohl thanked everyone for the comments presented during the hearing, individuals who called, and sent letters. He said that the way everyone communicated was admirable. He stated that the Board appreciates all the input, testimony, and information.

Mayor Josh Moenning commended the Board for handling the wind energy regulation amendments in a very responsible way compared to some other counties.

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The Board discussed a request received from the District 7 Probation Reporting Center to execute a statement of acceptance for ownership and future responsibility of inventory purchased by the Nebraska Supreme Court.

Commissioner Schmidt explained that the inventory list includes approximately \$33,000 worth of furniture and equipment. He asked if the County would be responsible for paying for replacement of this inventory in the future. He said that if the total cost of the inventory was approximately \$33,000 when purchased, it is now worth about \$5,000. Commissioner Ohl stated that it would be easy for the County Board to assume that the cost of purchasing replacements for the inventory would be shared; but, it would be best to make sure. Commissioner Schmidt stated that he would like to visit with the District 7 Probation Office staff before making a decision.

Motion was made by Schmidt and seconded by Ohl to table a decision on acceptance of ownership and future responsibility of inventory purchased by the Nebraska Supreme Court for District 7 Probation Reporting Center. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The Board discussed options for replacement of the Courthouse boiler. Kurt Sock, building and grounds maintenance, reported that quotes were received in June from Johnson's Inc., Nedrow's, and Volkman Plumbing & Heating, Inc. for furnishing the necessary material and labor for replacement of the Courthouse boiler.

After discussion, the Board directed Mr. Sock to contact Johnson's Inc. to confirm prices on the quotes submitted by the company in June, the timeframe for installation of a new boiler, and report back to the Commissioners.

Mr. Sock also reported that there are two variable frequency drives in the Courthouse chiller and that one variable frequency drive needs to be repaired or replaced. He reported that the service repair technician recommended replacing both variable frequency drives. He explained that the service technician stated that the County doesn't run the chiller in such a way that would require use of a new variable frequency drive since it doesn't run below 50 degrees. He stated that the service technician could hard wire around the variable frequency drive at an estimated cost of \$1,200.00 instead of replacing both variable frequency drives at an estimated cost of \$12,000.00. The Board directed Mr. Sock to proceed with repairs to hard wire around the variable frequency drive of the Courthouse chiller.

The following written reports and correspondence were reviewed.

- 1) Fund balance report
- 2) County Clerk October, 2018 fee report
- 3) Clerk of the District Court October, 2018 fee report
- 4) County Sheriff October, 2018 fee report
- 5) Register of Deeds October, 2018 fee report
- 6) County Treasurer report of delinquent taxes on personal property and improvements on leased land
- 7) Letter from Douglas Volk dba D & B Yard Services regarding acceptance of responsibility for any injuries, or damage to his equipment, when providing mowing services at Alberry Cemetery

The following claims were audited:

GENERAL FUND

Total Net Payroll		157,650.28
Account Control Technology, Inc.	Garnish of Wages	179.34
Advanced Correctional Healthcare	Medical Contract Services, County Jail	16,400.74
Aladtex Inc.	Software Subscription, Courthouse	12,960.00
Mark D. Albin	Legal Services, District Court	465.51
American Family Life Assurance Co.	Insurance Premiums	1,094.39
Appeara	Rug Service, Supplies, Public Defender	28.84
Baxter Chrysler Dodge Jeep Ram	Vehicle, County Jail	21,565.00
BI Incorporated	Monitoring Services, Juvenile Accountability	209.25
BI Incorporated	Monitoring Services, Law Enforcement	222.75
Black Hills Energy	Utilities, Zoning Department	15.07
Black Hills Energy	Utilities, Courthouse	144.85
Black Hills Energy	Utilities, County Jail	282.95
Black Hills Energy	Utilities, Noxious Weeds	15.07
Black Hills Energy	Utilities, Veteran Office	39.06
Blue Cross Blue Shield of Nebraska	Insurance Premiums	4,518.56
Boulder County Sheriff	Civil Process Fees, District Court	34.72
Brady & Amy's	Fuel, Election Commissioner	48.14
Brady & Amy's	Fuel, Courthouse	121.66
Brady & Amy's	Fuel, County Assessor	168.73
Brady & Amy's	Fuel, County Sheriff	1,560.57
Brady & Amy's	Fuel, Noxious Weeds	139.09
Brogan & Stafford	Legal Services, County Court	1,467.22
Bruening Landscapes and Turf	Lawn Care Services, County Extension	90.00
Cableone	Internet Service, County Sheriff	148.94
Cableone	Internet Service, Courthouse	227.49
Carney Law PC	Legal Services, District Court	5,944.45
CBM Managed Services	Inmate Meals, County Jail	7,938.15
Century Link	Telephone Services, Probation Office	636.80
Christ Lutheran Church	Polling Place Rent, Election Commissioner	75.00
City of Crofton	Contract Services, Community Based Grant	228.63
City of Madison	Utilities, Public Defender	216.04
City of Madison	Utilities, Courthouse	2,028.30
City of Madison	Utilities, County Jail	4,599.76
Clerk of the Supreme Court	Filing Fees, District Court	252.00
Gail Collins	Meals, County Attorney	37.63
Colonial Life and Accident Insurance	Insurance Premiums	246.53
Community Bible Church	Polling Place Rent, Election Commissioner	50.00

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Connecting Point	Supplies, County Clerk	121.00
Connecting Point	Supplies, Public Defender	159.99
Connecting Point	Equipment, Probation Office	1,470.00
Connecting Point	Internet Services, Veteran Office	38.95
Connecting Point	Internet Services, Community Based Grant	59.95
Connecting Point	Contract Services, Courthouse	3,106.25
Consolidated Management Company	Meals, County Jail	194.72
Credit Management Services Inc.	Garnish of Wages	225.62
Cubby's	Fuel, Noxious Weeds	387.90
Culligan of Norfolk	Supplies, Courthouse	492.00
Culligan of Norfolk	Supplies, Probation Office	70.00
Culligan of Norfolk	Supplies, Community Based Grant	23.50
DAS State Accounting	Data Processing, County Clerk	41.60
DAS State Accounting	Data Processing, County Treasurer	96.16
DAS State Accounting	Data Processing, County Jail	32.00
DAS State Accounting	Telephone Services, Zoning Department	27.55
DAS State Accounting	Telephone Services, County Attorney	232.90
DAS State Accounting	Telephone Services, Noxious Weeds	27.55
DAS State Accounting	Telephone Services, Veteran Office	62.74
Dick Day	Supplies, Data Processing	224.85
Digital Ally Inc.	Supplies, County Sheriff	150.00
Doerr & Klein PC	Legal Services, County Court	367.90
Duesman Funeral Chapel	Transportation Costs, Law Enforcement	525.00
Eakes Office Solutions	Supplies, Zoning Department	5.25
Eakes Office Solutions	Supplies, District Court	135.28
Eakes Office Solutions	Supplies, Courthouse	36.48
Eakes Office Solutions	Supplies, County Assessor	3.41
Eakes Office Solutions	Supplies, County Sheriff	31.98
Eakes Office Solutions	Copier Maintenance, County Attorney	1,029.70
Eakes Office Solutions	Supplies, County Jail	114.77
Eakes Office Solutions	Copier Maintenance, Furniture, Probation Office	2,406.35
Eakes Office Solutions	Supplies, Noxious Weeds	5.24
Egan Supply Co.	Supplies, County Jail	59.30
Election Workers		
Joyce Koziol	Election Worker, Election Commissioner	131.50
Donna Kiely	Election Worker, Election Commissioner	64.00
William Tichota	Election Worker, Election Commissioner	141.50
Lois Braesch	Election Worker, Election Commissioner	131.50
Leonard Koziol	Election Worker, Election Commissioner	131.50
Donna Rector	Election Worker, Election Commissioner	73.00
Yvonne Lichtenberg	Election Worker, Election Commissioner	131.50
Carol Arment	Election Worker, Election Commissioner	131.50
Richard Jenson	Election Worker, Election Commissioner	131.50
Mary Ann Jenson	Election Worker, Election Commissioner	131.50
Darlene Sunderman	Election Worker, Election Commissioner	141.50
Janice Goff	Election Worker, Election Commissioner	131.50
Dana Larson	Election Worker, Election Commissioner	131.50
Gene Marshall	Election Worker, Election Commissioner	131.50
Susan Askew	Election Worker, Election Commissioner	131.50
Sharyn Nore	Election Worker, Election Commissioner	141.50
Ruth Matthews-Mott	Election Worker, Election Commissioner	131.50
Carol Andrews	Election Worker, Election Commissioner	131.50
Colin Andrews	Election Worker, Election Commissioner	131.50
Elaine Moschenross	Election Worker, Election Commissioner	131.50
Lynne Rowan	Election Worker, Election Commissioner	131.50
Robert Mather	Election Worker, Election Commissioner	131.50
Cheryl Baumann	Election Worker, Election Commissioner	141.50
Connie Johnson	Election Worker, Election Commissioner	129.25
Linda Weich	Election Worker, Election Commissioner	129.25
Kathleen Arends	Election Worker, Election Commissioner	64.00
Patricia Jenny	Election Worker, Election Commissioner	129.25
Charlene Anderson	Election Worker, Election Commissioner	139.25
Lonnie Behmer	Election Worker, Election Commissioner	129.25
Elaine Halferty	Election Worker, Election Commissioner	82.00
James Halferty	Election Worker, Election Commissioner	57.25
Sally Wurtele	Election Worker, Election Commissioner	75.25
Terrie Schaecher	Election Worker, Election Commissioner	131.50
Pat Monson	Election Worker, Election Commissioner	131.50
Donna Kortje	Election Worker, Election Commissioner	131.50
Ardene Peitzmeier	Election Worker, Election Commissioner	131.50
Larry Kortje	Election Worker, Election Commissioner	141.50
Mary Whealy	Election Worker, Election Commissioner	131.50
Susan Burns	Election Worker, Election Commissioner	131.50
Norbert Widhalm	Election Worker, Election Commissioner	58.50
Maralyn Reznecik	Election Worker, Election Commissioner	126.50
Joy Carney	Election Worker, Election Commissioner	136.50
Mary Bruckner	Election Worker, Election Commissioner	131.50
Aaron Walter	Election Worker, Election Commissioner	127.00

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Carolyn Apland	Election Worker, Election Commissioner	131.50
Polly Timperley	Election Worker, Election Commissioner	141.50
Brandy Herian	Election Worker, Election Commissioner	131.50
Shirley Klaffer	Election Worker, Election Commissioner	131.50
Peggy Tjaden	Election Worker, Election Commissioner	131.50
Walter Haberman	Election Worker, Election Commissioner	131.50
James Miller	Election Worker, Election Commissioner	131.50
Liz Miller	Election Worker, Election Commissioner	141.50
Ray Volk	Election Worker, Election Commissioner	131.50
Teri Wendel	Election Worker, Election Commissioner	131.50
Anne Carter	Election Worker, Election Commissioner	131.50
Richard Pfeifer	Election Worker, Election Commissioner	55.00
Jean Brodecky	Election Worker, Election Commissioner	64.00
Paul Ignowski	Election Worker, Election Commissioner	131.50
Walter Sunderman	Election Worker, Election Commissioner	141.50
Gary Drahota	Election Worker, Election Commissioner	131.50
Melva Kube	Election Worker, Election Commissioner	86.50
Gary Brodecky	Election Worker, Election Commissioner	73.00
Verlye Winter	Election Worker, Election Commissioner	129.25
Mary McCormick	Election Worker, Election Commissioner	129.25
Ron Hilkeman	Election Worker, Election Commissioner	129.25
Dennis Miller	Election Worker, Election Commissioner	129.25
Allene Johnson	Election Worker, Election Commissioner	139.25
Joyce Munson	Election Worker, Election Commissioner	131.50
Bernita Ebel	Election Worker, Election Commissioner	131.50
Sharon Plugge	Election Worker, Election Commissioner	131.50
Carolyn Crippen	Election Worker, Election Commissioner	131.50
Leo Moschenross	Election Worker, Election Commissioner	141.50
Marvis Rix	Election Worker, Election Commissioner	131.50
Joan Sonnenschein	Election Worker, Election Commissioner	131.50
Carol Wachter	Election Worker, Election Commissioner	131.50
Jane Reuss	Election Worker, Election Commissioner	63.00
Judith Otten	Election Worker, Election Commissioner	141.50
Frank Oviedo	Election Worker, Election Commissioner	64.00
Lorri Porn	Election Worker, Election Commissioner	129.25
Judith Yoch	Election Worker, Election Commissioner	129.25
Ruth Kment	Election Worker, Election Commissioner	129.25
Theresa Folkers	Election Worker, Election Commissioner	129.25
Loren Kment	Election Worker, Election Commissioner	139.25
Rhonda Collins	Election Worker, Election Commissioner	131.50
Karen Wright	Election Worker, Election Commissioner	131.50
Gloria Hatterman	Election Worker, Election Commissioner	137.00
Jeanne Dittrich	Election Worker, Election Commissioner	131.50
Joy Griffith	Election Worker, Election Commissioner	131.50
Janice Heggemeyer	Election Worker, Election Commissioner	134.25
Kathy Brown	Election Worker, Election Commissioner	64.00
Robert Brown	Election Worker, Election Commissioner	54.00
Arlene Hofmann	Election Worker, Election Commissioner	129.25
Shirley Warneke	Election Worker, Election Commissioner	129.25
Chelsey Mero	Election Worker, Election Commissioner	77.00
Janet Myhre	Election Worker, Election Commissioner	77.50
Shirley Staver	Election Worker, Election Commissioner	129.25
Patricia Seelmeyer	Election Worker, Election Commissioner	129.25
LaDonna Roewert	Election Worker, Election Commissioner	129.25
Sharon Bierman	Election Worker, Election Commissioner	129.25
Suzanne Buckendahl	Election Worker, Election Commissioner	139.25
Midge Hedrick	Election Worker, Election Commissioner	141.50
Mary Feyerherm	Election Worker, Election Commissioner	131.50
Bruce Cheney	Election Worker, Election Commissioner	131.50
Patricia Reznicek	Election Worker, Election Commissioner	129.25
Kathleen Acklie	Election Worker, Election Commissioner	129.25
Janet Albracht	Election Worker, Election Commissioner	139.25
Catherine Frisch	Election Worker, Election Commissioner	127.00
Sandy Scheer	Election Worker, Election Commissioner	127.00
Dawn Kucera	Election Worker, Election Commissioner	137.00
Beverly Seier	Election Worker, Election Commissioner	137.00
Jodeen Kleveland	Election Worker, Election Commissioner	55.00
Kathryn Wynn	Election Worker, Election Commissioner	127.00
Nancy Landen	Election Worker, Election Commissioner	127.00
Laura Nelson	Election Worker, Election Commissioner	127.00
Lorraine Walahoski	Election Worker, Election Commissioner	82.00
Deborah Helmick	Election Worker, Election Commissioner	209.25
Marvella Borgmann	Election Worker, Election Commissioner	131.50
Laree Kubes	Election Worker, Election Commissioner	131.50
Sharon Dohmen	Election Worker, Election Commissioner	121.50
Diane Keifer	Election Worker, Election Commissioner	219.25
Stacy Kampschnieder	Election Worker, Election Commissioner	74.75
Robert Hekrdle	Election Worker, Election Commissioner	39.00

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MADISON COUNTY, NEBRASKA

William Tichota	Mileage, Election Commissioner	21.80
Sharyn Nore	Mileage, Election Commissioner	17.44
Cheryl Baumann	Mileage, Election Commissioner	16.35
Charlene Anderson	Mileage, Election Commissioner	16.35
Larry Kortje	Mileage, Election Commissioner	16.35
Maralyn Reznecik	Mileage, Election Commissioner	16.35
Polly Timperley	Mileage, Election Commissioner	16.35
Liz Miller	Mileage, Election Commissioner	16.35
Walter Sunderman	Mileage, Election Commissioner	19.62
Allene Johnson	Mileage, Election Commissioner	17.99
Leo Moschenross	Mileage, Election Commissioner	17.44
Judith Otten	Mileage, Election Commissioner	19.08
Loren Kment	Mileage, Election Commissioner	19.08
Gloria Hatterman	Mileage, Election Commissioner	38.15
Chelsey Mero	Mileage, Election Commissioner	43.60
Suzanne Buckendahl	Mileage, Election Commissioner	21.80
Midge Hedrick	Mileage, Election Commissioner	10.90
Janet Albracht	Mileage, Election Commissioner	1.09
Dawn Kucera	Mileage, Election Commissioner	3.27
Beverly Seier	Mileage, Election Commissioner	27.25
Diane Keifer	Mileage, Election Commissioner	1.64
Elite Court Reporting Service	Reporting Services, Law Enforcement	299.45
Embassy Suites	Lodging, Public Defender	158.55
Faith Regional Health Services	Medical Services, Juvenile Detention	1,273.50
Fastenal Company	Repairs, Courthouse	45.26
Field's Hardware	Supplies, Election Commissioner	24.89
Field's Hardware	Supplies, Courthouse	24.72
Field's Hardware	Supplies, County Jail	17.77
First Concord Benefits Group	Administration Fees, Deductible Buy-Down, Flex Plan	7,053.29
Fitzgerald, Vetter, Temple, & Bartell	Legal Services, County Court	663.53
Floor Maintenance & Paper Supply	Supplies, County Jail	222.64
Galls, LLC	Uniforms, County Jail	23.36
Yvonne Gerrard	Cleaning Services, Probation Office	450.00
Goodlife Counseling	Professional Services, Community Based Grant	731.25
Gordy's Towing & Repair	Repairs, County Sheriff	113.82
Megan Hanefeldt	Mileage, Community Based Grant	59.95
Harrison County Sheriff	Civil Process Fees, District Court	41.45
Matthew Headley	Mileage, Public Defender	119.90
Hometown Leasing	Copier Lease, Probation Office	772.71
Khu Htoo	Interpreting Fees, Public Defender	35.00
Interstate All Battery Center	Supplies, County Sheriff	273.65
Jack's Uniforms & Equipment	Uniforms, County Jail	126.89
Jerry's Sinclair	Repairs, County Sheriff	20.00
Nancy Jochum Schramm	Court Reporting, Law Enforcement	57.75
John's Disposal Inc.	Garbage Service, Probation Office	74.00
John's Disposal Inc.	Garbage Service, Veteran Office	28.00
Lafleur Seed Mills	Lawn Seed, Courthouse	37.50
Lancaster County Sheriff	Civil Process Fees, District Court	7.73
Leaf	Copier Lease, Public Defender	4,520.85
Kathryn Liebers	Supplies, Probation Office	109.56
Madison County Clerk	Tax Deposit, Retirement	84,715.78
Madison County Clerk of District Court	Civil Process Fees, District Court	1,538.00
Madison County Court	Civil Process Fees, County Court	2,636.00
Madison County Sheriff	Supplies, County Jail	11.68
Madison County Sheriff	Civil Process Fees, County Court	466.72
Madison County Sheriff	Civil Process Fees, District Court	681.97
Madison County Sheriff	Civil Process Fees, Mental Health	108.91
Madison County Sheriff	Civil Process Fees, Public Defender	43.56
Madison National Life Insurance Company	Insurance Premiums	170.92
Major Refrigeration Company Inc.	Repairs, County Jail	138.00
Marathon	Supplies, District Court	1,366.80
James Marshall	Contract Services, Community Based Grant	420.00
Dustin Martin	Contract Services, Community Based Grant	38.08
Christal K McDonald	Court Report Services, Public Defender	178.18
Med Tox Laboratories	Medical Testing, Law Enforcement	56.26
Menards	Supplies, Extension Office	67.90
Microfilm Imaging Systems Inc.	Equipment Rental, County Court	218.00
Midtown Health Center	Professional Services, Community Based Grant	893.75
MIPS Inc.	Data Processing Costs, County Clerk	637.01
MIPS Inc.	Data Processing Costs, County Treasurer	1,341.39
MIPS Inc.	Equipment Lease, Data Processing Costs, Deeds Office	534.00
Andrew Mohr	Mileage, Community Based Grant	12.54
Morland Easland and Lohrberg	Legal Services, County Court	3,863.40
Mount Olive Lutheran Church	Rental Polling Place, Election Commissioner	100.00
Jacob Mrsny	Contract Services, Community Based Grant	237.25
NACO	Membership Dues	698.00
NACO	Registration Fee, County Board	50.00
Nationwide Retirement Solutions	Deferred Compensation	3,145.00

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MADISON COUNTY, NEBRASKA

NE DOL/Boiler Inspection Program	Inspection Fees, Courthouse	60.00
NE DOL/Boiler Inspection Program	Inspection Fees, County Jail	60.00
Nebraska Child Support Payment Center	Garnish of Wages	726.62
Nebraska Law Enforcement Training Center	Training Fees, County Jail	300.00
Nebraska Notary Association	Notary Fees, County Attorney	156.18
Nebraska Public Power District	Utilities, Probation Office	485.24
Maria Nievas Salavera	Mileage, Community Based Grant	67.04
Norfolk Area Shopper	Publication Costs, County Sheriff	501.00
Norfolk Daily News	Publication Costs, County Clerk	4,252.55
Norfolk Family Coalition	Contract Services, Community Based Grant	900.00
Norfolk GM Auto Center	Repairs, Noxious Weeds	31.87
Norfolk Public Schools	Meals, Community Based Grant	240.95
Northeast NE Juvenile Services	Board Juveniles, Juvenile Detention	942.50
NPZA	Registration Fees, Zoning Administration	190.00
Norm Nykodym	Lawn Care Services, Public Defender	168.00
Valorie Olson	Court Reporting, District Court	187.50
One Office Solution	Equipment, Supplies, Register of Deeds	102.65
One Office Solution	Copies Maintenance, Supplies, County Court	141.75
One Office Solution	Supplies, Public Defender	62.51
One Office Solution	Equipment Maintenance, County Assessor	102.11
One Office Solution	Supplies, County Sheriff	343.31
One Office Solution	Supplies, County Jail	60.10
Michael D Petersen	Contract Services, Community Based Grant	120.00
Pierce County Court	Copies, Law Enforcement	2.50
Pierce County Sheriff	Civil Process Fees, Public Defender	52.50
Susan Pohlman	Contract Services, Community Based Grant	265.00
Presto-x	Pest Control, Public Defender	142.00
Presto-x	Pest Control, Courthouse	97.00
Racom Corp	Equipment, County Sheriff	93.60
Reigle Implement Company Inc.	Repairs, Courthouse	58.90
Relx Inc. dba Lexis Nexis	Subscription Costs, County Attorney	494.00
Reserve Account	Postage, Zoning Department	200.00
Reynoldsons	Fuel, Zoning Department	81.23
Monica Rotherham	Mileage, Clerk of District Court	35.43
Schroeder Land Surveying	Equipment Rent, Surveying Services, County Surveyor	1,208.00
Security Shredding Services	Shredding Services, County Attorney	2,187.50
Short Stop	Fuel, County Sheriff	95.34
Joseph M Smith	Mileage, Law Enforcement	324.28
St Patrick Catholic Church	Polling Place Rental, County Clerk	65.00
Theresa Stange	Mileage, Clerk of District Court	35.43
Stratton, Delay, Doele, Carlson, Buettner & Stover, PC LLO	Legal Services, District Court	3,682.20
Stratton, Delay, Doele, Carlson, Buettner & Stover, PC LLO	Legal Services, County Court	6,325.10
Donald Svitak	Registration, Noxious Weeds	15.00
Tilden American Legion Post#170	Polling Place Rent, County Clerk	50.00
Tilly's	Fuel, County Sheriff	161.99
Transunion Risk & Alternative	Record Checks, County Sheriff	25.00
Trinity Episcopal Church	Polling Place Rental, County Clerk	50.00
US Bank Corporate Payment System	Travel Cost, County Sheriff	385.19
US Bank Corporate Payment System	Subscription, County Jail	49.95
US Bank Corporate Payment System	Fuel, Juvenile Accountability	30.75
US Bank Corporate Payment System	Lodging, County Attorney	1,209.00
Verizon Wireless	Telephone Service, Extension Office	458.19
Verizon Wireless	Telephone Service, Community Based Grant	373.26
Verizon Wireless	Telephone Service, Noxious Weeds	59.87
Vision Service Plan	Insurance Premiums	353.64
Wakefield and Associates, Inc.	Garnish of Wages	150.21
Waste Connections of NE Inc.	Garbage Services, Extension Office	36.90
Winsupply of Norfolk	Supplies, Courthouse	47.04
Zee Medical Services	Supplies, County Sheriff	33.45
Zodiac Properties, LLC	Office Rent, Probation Office	12,059.54

ROAD/BRIDGE FUND

Total Net Payroll		32,236.67
American Family Life Assurance Company	Insurance Premiums	601.67
Appeara	Towel and Uniform Service	223.58
Asphalt And Concrete Materials	Asphaltic Materials	620.98
Battle Creek Farmers Pride	Repairs	1,950.30
Bauer Built Tire	Parts	318.76
Beller And Backes Inc.	Repairs	228.90
Black Hills Energy	Utilities	246.44
Blackstrap Inc.	Road Salt	2,592.56
Blue Cross Blue Shield of Nebraska	Insurance Premiums	1,035.94
Brady & Amy's Inc.	Fuel	611.81
Carhart Lumber Company	Supplies	31.49
Central Electrical Service Inc.	Parts	1,337.41
City of Madison	Utilities	544.33
City of Newman Grove	Utilities	61.00
Colonial Life and Accident Insurance Company	Insurance Premiums	115.53

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MADISON COUNTY, NEBRASKA

Connecting Point	Internet Service	15.00
Constellation Newenergy	Gas Service	278.40
Cornhusker International Trucks Inc.	Parts, Repairs	3,501.35
Courtesy Ford Lincoln Mercury	Parts	72.58
Credit Bureau Services Inc.	Garnishment of Wages	299.36
D & D Welding & Repair	Repairs	1,050.00
Dale R. Johnson Ent. Inc.	Gravel	25,187.90
Dinkel Implement Co	Equipment Rental, Parts	2,745.40
Eastern Nebraska Telephone Co	Telephone Service	52.51
Eisenmann Supplies Inc.	Parts	27.41
Field's Hardware	Supplies	31.46
Filter Care of Nebraska LTD	Repairs	101.10
First Concord Benefits Group	Administration Fees, Deductible Buy-Down, Flex Plan	1,418.59
Green Line Equipment	Parts	22.56
Hank's Front End Service	Repairs	50.00
Island Supply Welding Company	Supplies	9.30
Kelly Supply Company	Supplies	14.68
Ken's Trailer Sales	Parts	704.00
Kimball Midwest	Parts	849.24
Kohlhof Truck Repair Inc.	Parts	624.14
Lawson Products	Parts	78.86
M & M Farm Supply	Supplies	77.50
Madison County Clerk	Tax Deposit, Retirement	16,979.18
Madison National Life Insurance Company	Insurance Premiums	57.46
Matheson Tri-Gas Inc.	Supplies	145.84
Matteo Sand & Gravel Company	Gravel	5,776.94
Mead Lumber Company Inc.	Supplies	39.90
Meisinger Oil Company	Fuel	12,869.77
Menards	Supplies	9.99
Midwest Service and Sales Co.	Bridge Materials	54,219.08
Nationwide Retirement Solutions	Deferred Compensation	1,505.00
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Harvestore Systems	Parts	903.94
Nebraska Public Power District	Utilities	129.29
NMC Exchange, LLC	Parts	1,159.58
Norfolk Auto Supply Inc.	Parts	6.69
Omaha Slings Inc.	Parts	347.16
Pinkelman Truck & Trailer	Parts, Repairs	1,526.44
Pioneer Telephone Company	Telephone Service	50.98
RDO Truck Centers	Equipment, Parts, Repairs	51,325.01
Reigle Implement Co. Inc.	Parts	17.95
Road Builders Machinery & Supply	Repairs	655.04
Rose Equipment Inc.	Asphaltic Materials	1,408.71
Sanne Repair, LLC	Parts	720.00
Sapp Bros Norfolk	Supplies	114.79
Schaeffer Mfg. Co.	Supplies	1,806.75
Scheer's Ace Hardware	Supplies	15.98
T-Bone North	Tire Repairs	8,445.10
Truck Center Companies	Repairs	1,157.28
Vic's Engine Service Inc.	Parts	511.99
Vision Service Plan	Insurance Premiums	70.09
Weldon Parts Inc.	Parts	1,419.15
White Star Oil Co.	Fuel	70.17
	FEDERAL AID SECONDARY FUND	
Mainelli Wagner & Associates	Consulting Services	4,597.50
Mid-State Engineering & Testing Inc.	Testing Services	1,344.00
	VISITORS PROMOTION FUND	
Norfolk Area Visitor Bureau	Administration Fees	403.21
	VISITORS IMPROVEMENT FUND	
Norfolk Area Visitor Bureau	Administration Fees	1,630.08
	ROD PRESERVATION & MODERNIZATION FUND	
Bear Graphics Inc.	Supplies	2052.36
MIPS Inc.	Data Processing Costs	518.64
	DRUG TESTING FUND	
Premier Biotech	Drug Testing Services	639.00
	911 EMERGENCY FUND	
Eastern Nebraska Telephone	Telephone Services	127.88
Frontier	Telephone Services	164.10
Racom Corporation	Equipment Maintenance	791.67

Commissioner's Record No. 25

MADISON COUNTY, NEBRASKA

LAW ENFORCEMENT FUND

Encartle Inc.	Phone Cards	3600
Madison County Sheriff	Supplies	412.84
Menards	Supplies	66.80

DRUG COURT FUND

Yvonne Gerrard	Supplies	196.48
Matthew McManigal	Supplies	182.26

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 1:15 P.M. to Tuesday, November 27, 2018 at 9:30 A.M.

ATTEST:

Nancy Scheer
Madison County Clerk

Jim Prauner, Chairman
County Board of Commissioners