

Commissioner's Record No. 26

MADISON COUNTY, NEBRASKA

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

November 25, 2019

The Board of County Commissioners of Madison County, Nebraska, met in regular session at 2:00 P.M.

Advance notice of meeting was published in the Thursday, November 21, 2019, 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 Ron Schmidt 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, Ron Schmidt, and Troy Uhlir, County Clerk Anne Pruss, and County Highway Superintendent Richard Johnson. Norfolk Daily News reporter Jerry Guenther and US92 reporter Cody Ronnfeldt were present until 2:40 P.M.

County Highway Superintendent Richard Johnson asked to add an emergency item to the regular agenda, i.e., authorizing TMS International to operate without a bond as they wait for the bond to be completed.

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

- 1) Approval of minutes of November 13, 2019 meeting
- 2) Approval of memorandum of understanding for permission to locate microwave dish in the City of Madison
- 3) Approval of an agreement with Maximus Consulting Services, Inc., for completion of an Indirect Cost Allocation Plan for a three-year period from fiscal year 2019 through fiscal year 2021

- 4) **RESOLUTION #2019- 57**

BE IT RESOLVED, that the withdrawal by the Bank of Newman Grove, Newman Grove, Nebraska of the following securities, held in safekeeping by Federal Reserve Bank, Boston, Massachusetts, to secure deposits of the county in said bank, to wit:

FNMA \$250,000.00 Federal Reserve Bank
Rate 1.75% Maturity 11/25/2020 Boston, Massachusetts
Cusip 3136G2ST5

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

FNMA \$630,000.00 Federal Reserve Bank
Rate 1.07% Maturity 11/25/2041 Boston, Massachusetts
Cusip 36225FAN9

- 5) **RESOLUTION #2019-58**

WHEREAS, Check No. 19100055, dated October 1, 2019, and drawn on the General Fund in the amount of twenty thousand eight hundred eighty one dollars and eleven cents (\$20,881.11), was made payable to the Nebraska Health & Human Services, P.O. Box 98936, Lincoln, Nebraska 68509-8936 83931, and

WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk,

NOW, THEREFORE, BE IT RESOLVED that, Check No. 19100055, dated October 1, 2019, and drawn on the General Fund in the amount of twenty thousand eight hundred eighty one dollars and eleven cents (\$20,881.11) is hereby cancelled.

- 6) **RESOLUTION NO. #2019-59**

A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF CAPITAL EXPENDITURES WITH THE PROCEEDS OF ONE OR MORE LEASE-PURCHASE OBLIGATION OF THE COUNTY, AND RELATED MATTERS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MADISON, IN THE STATE OF NEBRASKA:

RESOLVED, that The County of Madison, Nebraska (the "County") expects to make capital expenditures after the date of this Resolution in connection with acquisition of various pieces of road maintenance and other equipment (the "Equipment"), and the County intends to reimburse itself for such expenditures with the proceeds of one or more lease purchase agreements expected to be executed for the acquisition of such Equipment.

RESOLVED FURTHER, that the maximum principal amount of the lease-purchase agreements expected to be executed in connection with the Project is \$1,300,000.

Motion was made by Uhlir and seconded by Ohl to remove Resolution #2019-60 from the consent agenda, placing it on the regular agenda. There was no discussion. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Motion was made by Ohl and seconded by Uhlir to add the emergency item to the regular agenda which would allow TMS International to operate without the bond in order to ensure that the County road crews can focus on other priorities with the potential blizzard, assuming this will be accepted by TMS. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Motion was made by Uhlir and seconded by Ohl to approve the consent agenda after removal of Resolution #2019-60 to the regular agenda. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Commissioner Ohl read the regular agenda into the record with the additions as noted. Motion was made by Ohl and seconded by Uhlir to approve the regular agenda with the additions as noted. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Motion was made by Ohl and seconded by Uhlir that vice-chairman Uhlir act as the chairman of the Board of Commissioners for the items pertaining with TransCanada Keystone Pipeline as Chairman Schmidt has a conflict of interest. There was no discussion. Roll call votes: Ayes, Ohl, Uhlir. Nays, none. Abstain, Schmidt. Motion carried.

The first item from the regular agenda is the authorization for the County Highway Superintendent to execute driveway permits and underground utility crossing permits on behalf of Madison County for the TransCanada Keystone Pipeline LP pipeline project.

Motion was made by Ohl and seconded by Uhlir to approve authorization for the County Highway Superintendent to execute

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driveway permits and underground utility crossing permits on behalf of Madison County for the TransCanada Keystone Pipeline LP project. Mr. Robert Latimer with TransCanada then explained acquisition of workspace. He stated that from all landowners with whom TransCanada has secured voluntary pipeline easements, they will also seek a construction completion agreement, which is an understanding of terms and conditions that have been paid for to facilitate future use of temporary workspace as needed. He stated that this agreement is made including an associated payment. Roll call vote: Ayes, Ohl, Uhlir. Nays, none. Abstain, Schmidt. Motion was carried.

The next item discussed was authorization for the County Board Chairman to execute Haul Road Agreement for roads in Madison County for TransCanada Keystone Pipeline LP pipeline project.

Motion was made by Ohl and seconded by Uhlir to approve authorization for the County Board Chairman to execute Haul Road Agreement for roads in Madison County for TransCanada Keystone Pipeline LP pipeline project. Commissioner Uhlir stated this subject had also been discussed at the last meeting. It was noted that this is on this meeting's agenda as the commissioners wanted to be sure that anything damaged is fixed and that roads are brought up to their original condition when the project is finished. Roll call vote: Ayes, Ohl, Uhlir. Nays, none. Abstain, Schmidt. Motion carried.

Motion was made by Ohl and seconded by Uhlir to reinstate Ron Schmidt as Chairman of the Board of Commissioners for the remainder of the meeting. Roll call vote: Ayes, Ohl, Uhlir. Nays, none. Abstain, Schmidt. Motion carried.

Sheriff Todd Volk then reported on the communication tower for radio equipment. Sheriff Volk referred to an email he had forwarded to the commissioners through County Clerk Anne Pruss that explained issues that were being experienced with the communication tower. He stated that the tower has had consistent weather damage and is not safe for climbing. Sheriff Volk stated that Motorola, through the engineers, is changing up the antennae to be used with the new equipment. He stated they are looking at mounting on the building rather than the tower. If that works, nothing will have to go back on the tower. He stated that doing it in such a way would save up to \$200,000. He stated that according to the insurance company's adjustor, the County would be covered if something came off the tower, and it will be requested to put that in writing by the insurance company. Chairman Schmidt asked what the timeline for this is, and Sheriff Volk stated he expected by the end of the year. No action was taken.

County Highway Superintendent Richard Johnson then reported on the right-of-way acquisition on 841st Road between Sections 30 and 31, Township 24 North, Range 2 West. Mr. Johnson stated that both landowners seem to agree with the turnaround. He stated that regarding the additional right-of-way, Mr. Bauermeister does not want a ditch along his property. He recalled that at the last meeting, Mr. Becker stated that they would require a new ditch with plans for such to be placed in writing. Commissioner Uhlir stated that the elevation drop needs to be determined. He stated that talks need to continue and that it would be good to get the turnaround done yet this fall. No action was taken

Mr. Johnson had asked for the addition of an emergency item to the regular agenda to authorize TMS International to operate without a bond in order to assist with snow removal on industrial roads and highways northeast of Norfolk in Madison County. Commissioner Ohl stated the key industries north of Norfolk operate 24 hours a day, and it is important that the roads remain open. The district 2 road crew also has two school districts to serve making the demand on them high. There are 1,200 miles to cover in the county, and it is impossible for the road crews to be everywhere at once. Commissioner Ohl stated that the main priority is safety for those traveling the roads, and that is the first concern. In anticipation of the impending weather, he would like to allow TMS International to operate without the bond. It was noted that Mr. Johnson will be communicating with TMS International to ensure they are willing to assist without a bond.

Motion was made by Ohl and seconded by Uhlir to temporarily allow TMS to operate and honor the contract made without the bond requirement the County had put in place to this point. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

Chairman Schmidt then opened discussion regarding approval of a resolution prohibiting possession of firearms on certain county-owned properties. After having spoken with Terry Baxter from NIRMA, Chairman Schmidt recommended postponing this resolution to ensure it is drafted correctly.

Motion was made by Uhlir and seconded by Ohl to table Resolution #2019-60. It was noted that the commissioners want to be sure the correct language is used in the resolution. Commissioner Uhlir clarified the current State law regarding concealed carry permits and public spaces, which is defined in Statute 69-2441. Roll call vote: Ayes, Ohl, Schmidt, Uhlir. Nays, none. Motion carried.

No action was taken on Resolution #2019-60.

County Attorney Joe Smith then spoke regarding the staffing requirements for grants from the State of Nebraska for Juvenile Accountability. The noted staffing will include three individuals. Two of those individuals are full-time employees of another county. Previously, when those employees were working for Juvenile Accountability as contractors for their own county, those hours would push them into overtime. Mr. Smith stated that this arrangement actually helps the other county as it puts the Juvenile Accountability hours under a different employer.

No action was taken.

The following written report and correspondence were reviewed:

- 1) Fund balance report
- 2) City of Norfolk notice of setting public hearing regarding the Arbor View Redevelopment Plan
- 3) Sale of surplus property report

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The following claims were audited:

GENERAL FUND	
Total Net Payroll	158,416.08
Advanced Correctional Healthcare	Medical Services, County Jail 10,559.20
Aladtec Inc.	Software Subscription, Law Enforcement 5,292.00
Mark Albin	Legal Services, County Court 740.67
Albracht Disposal	Garbage Disposal Services, County Jail 155.00
Adam Anderson	Witness Fees, Mileage, County Court 36.82
Apex Therapy Services LLC	Professional Services, Community Based Grant 162.50
Appera	Rug Service, Supplies, Public Defender 29.64
Arkfeld Lock & Security	Supplies, Repair Services, Courthouse 3,810.44
Arkfeld Lock & Security	Repairs, County Jail 133.00
BI Inc.	Electronic Monitoring, Community Based Grant 378.00
Big Red Printing	Supplies, Public Defender 42.30
Big Red Printing	Supplies, County Sheriff 69.10
Bob Barker Company, Inc.	Supplies, County jail 440.43
Bomgaars	Supplies, Courthouse 39.72
Brady & Amy's Inc.	Fuel, Courthouse 129.09
Maria Izabel Chavez	Interpreting, Public Defender 560.00
City Directory, Inc.	Publication, County Sheriff 288.00
City Directory, Inc.	Publication, County Attorney 177.00
City of Madison	Utilities, County Jail 3,415.44
City of Norfolk	Utilities, Extension Office 141.24
Complete Pest Elimination, Inc.	Pest Control Services, County Jail 125.00
Copple, Rockey, McKeever & Schlecht PC, LLO	Legal Services, County Court 900.90
Cuming County Clerk	Contract Services, Community Based Grant 1,024.22
Custom Sports	Uniform Embroidery, County Sheriff 75.00
DAS State Accounting Central Finance	Data Processing Costs, County Clerk 41.60
DAS State Accounting Central Finance	Data Processing Costs, County Treasurer 96.16
DAS State Accounting Central Finance	Data Processing Costs, County Jail 19.00
Eric Derby	Witness Fees, Mileage, County Court 44.36
Douglas County Sheriff	Civil Process Services, Public Defender 21.44
Eakes Office Solutions	Supplies, Clerk of District Court 71.94
Eakes Office Solutions	Supplies, County Sheriff 10.99
Eakes Office Solutions	Supplies, County Jail 93.94
Eakes Office Solutions	Supplies, Probation Office 259.88
Ewalt Law Office, PC	Contracted Legal Services 12,500.00
First Concord Benefits Group	Flex Plan 2,112.02
Floor Maintenance & Paper Supply	Supplies, County Jail 1,765.27
Daniel Fullner	Mileage, Mental Health 22.04
Galls LLC	Uniforms, County Jail 211.97
Naomi Hemphill	Cleaning Services, Public Defender 70.00
Hilliges & Associates LLC	Professional Services, Public Defender 250.00
Home for Funerals	Cremation Services, General Assistance 2,200.00
Hometown Auto Repair	Repairs, Courthouse 576.00
Hometown Leasing	Equipment Lease, Probation Office 544.02
Trent Howard	Meals, County Sheriff 45.01
Jeffrey L. Hrouda	Legal Services, County Court 2,409.62
Jack's Uniforms & Equipment	Uniforms, County Sheriff 210.58
Jack's Uniforms & Equipment	Uniforms, County Jail 508.03
Jerry's Service Center	Repairs, Extension Office 235.68
Lancaster County District Court	Garnish of Wages 282.32
Lancaster County Sheriff	Civil Process Fees, County Court 6.61
Lynn Peavey Company	Supplies, County Sheriff 221.70
Madison County Clerk	Tax Deposit, Retirement 84,401.96
Madison County Sheriff Inmate Fund	Medical Services, Uniforms, Repairs, Supplies, County Jail 452.16
Madison County Sheriff	Civil Process Fees, County Court 327.56
Madison County Sheriff	Civil Process Fees, District Court 804.98
Madison County Sheriff	Civil Process Fees, Mental Health 6.00
Madison County Sheriff	Medical Testing Services, County Sheriff 10.00
Medtox Laboratories Inc.	Drug Testing Services, Juvenile Accountability 87.47
Menards	Building Repairs, Zoning Department 47.50
Menards	Building Repairs, Noxious Weed Department 47.48
NACO	Conference Registration Fees, County Officials 1,250.00
Nationwide Retirement Solutions	Deferred Comp 3,485.00
Nebraska Child Support Payment Center	Garnish of Wages 563.54
Nebraska Department of Agriculture	License Renewal, Noxious Weed Department 25.00
Nebraska Department of Revenue	Garnish of Wages 50.00
Nebraska Health & Human Services	State Institution Costs 1,177.00
Nebraska Public Power District	Utilities, Zoning Department 56.24
Nebraska Public Power District	Utilities, Noxious Weed Department 198.84
Nebraska Weed Control Association	Membership Dues, Noxious Weed Department 135.00
Norfolk Area Shopper	Advertising, County Jail 384.60
Norfolk Daily News	Publication Costs 141.29
Norfolk Daily News	Publication Costs 514.00
Norfolk GM Auto Center	Repairs, County Sheriff 254.41
Norfolk NAPA	Supplies, Courthouse 21.72

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Norfolk Public Schools	Meals, Community Based Grant	220.10
Northeast Nebraska Juvenile Services Inc.	Boarding Juveniles, Juvenile Detention	8,990.00
Norm Nykodym	Lawn Care Services, Public Defender	146.00
Oasis Counseling International	Professional Services, Community Based Grant	553.05
Wayne Ohnesorg	Meals, Lodging, Extension Office	69.67
Valorie Olson	Court Reporting Services, Mental Health Board	50.00
Olson's Pest Technicians	Pest Control Services, Extension Office	65.00
Omaha World Herald	Publication Costs, County Court	980.10
One Office Solution	Supplies, Clerk of District Court	78.78
One Office Solution	Supplies, Public Defender	169.08
One Office Solution	Supplies, County Sheriff	19.94
One Office Solution	Supplies, County Jail	23.97
Sherry Peterson	Supplies, Juvenile Accountability	57.89
Phillips 66 Company	Fuel, County Sheriff	64.43
Physicians Laboratory PC	Autopsy Services, Law Enforcement	605.00
Precision IT	Equipment, County Attorney	385.00
PT Holdings LLC	Rent, Utilities, Community Based Grant	2,150.00
Ramada Inn Kearney	Lodging, Noxious Weed Department	152.00
Redwood Toxicology Lab, Inc.	Medical Testing, Probation Office	720.26
Road Builders Machinery & Supply Co	Equipment Repairs, Courthouse	921.94
Sirchie	Medical Supplies, County Sheriff	39.18
Sparklight	Internet Service, Public Defender	64.97
Sparklight	Internet Service, County Sheriff	160.76
Sparklight	Internet Service, Probation Office	263.99
State of Nebraska, Dept. of Correctional Services	Medical Costs, County Jail	687.30
Stealth Broadband	Telephone Service, Courthouse	1,225.68
Stratton, DeLay, Doe, Carlson, Buettner & Stover	Legal Services, County Court	5,911.51
Summit Food Services LLC	Inmate Meals, County Jail	7,798.91
T.O. Haas Tire	Tires, Repairs, County Sheriff	1,493.32
Tax Valuation, Inc.	Contract Services, Reappraisal	15,000.00
The Change Companies	Supplies, Community Based Grant	374.91
The Windshield Doctors	Repairs, County Sheriff	80.00
Thompson Reuters-West	Publications, Public Defender	322.83
T & I Enterprises, LLC	Garnish of Wages	47.35
Top Quality Glove	Supplies, County Jail	55.70
US Bank Corporate Payment System	Fuel, Supplies, County Sheriff	455.24
US Bank Corporate Payment System	Fuel, Juvenile Accountability	82.32
US Bank Corporate Payment System	Meals, Supplies, Equipment, County Attorney	336.63
Verizon Wireless	Telephone Service, Courthouse	56.15
Verizon Wireless	Telephone Service, Reappraisal	40.01
Verizon Wireless	Telephone Service, County Sheriff	2,033.31
Verizon Wireless	Telephone Service, Law Enforcement	59.70
James Vrbsky	Supplies, County Sheriff	31.49
Wentling Law Office	Legal Services, County Court	1,770.10
Wex Bank	Fuel, Reappraisal	30.13
Wex Bank	Fuel, County Sheriff	2,690.39
Elizabeth Wilke	Contract Services, Community Based Grant	615.00
Zodiac Properties, LLC	Rent, Probation Office	12,075.08
	Total General Claims with Payroll	376,636.89

ROAD/BRIDGE FUND

Total Net Payroll		34,594.32
Advance Auto Parts	Parts	52.95
Barco Municipal Products Inc.	Signs	1,053.85
Bauer Built Tire	Tire Repairs	147.00
Bomgaars	Shop Supplies	296.00
Brandl Electric	Electrical Repairs	30.00
City of Norfolk	Utilities	31.15
Courtesy Ford Lincoln Mercury	Parts, Repairs	250.70
Dale R. Johnson Ent Inc.	Gravel	4,926.83
Roger Ellenberger	Clay	130.00
Fastenal Company	Shop Supplies	31.37
First Concord Benefits Group	Flex Plan	712.28
Frontier	Telephone Service	192.93
GI Trailer Inc	Parts	76.35
Island Supply Welding Co	Shop Supplies	115.31
Kelly Supply Company	Parts	123.61
Loup Power District	Utilities	116.17
Madison County Clerk	Tax Deposit, Retirement	18,228.59
Matheson Tri-Gas Inc.	Shop Supplies	357.67
Menards	Shop Supplies	354.11
NACO	Conference Registration Fee	125.00
Nationwide Retirement Solutions	Deferred Compensation	1,505.00
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Public Power District	Utilities	194.28
Nicholas Nielsen	Reimbursement for CDL Permit	14.50
Norfolk Iron & Metal Company	Bridge Materials	494.20
Norfolk Specialties Inc.	Repairs	170.00

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One Office Solution	Shop Supplies	64.99
Pavers Inc.	Asphaltic Materials	795.02
Powerplan	Parts	835.98
RDO Truck Centers	Parts, Repairs	3,289.46
Rise Broadband	Internet Service	131.70
Road Builders Machinery & Supply	Parts, Repairs, Equipment Rent	8,118.17
Stanley Petroleum Maintenance Inc.	Repairs	170.00
T-Bone North	Fuel	441.11
Truck Center Companies	Parts	21.47
Verizon Wireless	Telephone Service	164.39
West Lumber Company	Shop Supplies	39.17
White Star Oil Company	Fuel	85.00
Z & Z Sales LLC	Parts	89.90
Zoubek Oil Company Inc.	Fuel	8,267.17
	Total Road/Bridge Claims with Payroll	86,930.94

VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administration Fees	12,873.18
	Total Visitors Promotion Fund	12,873.18

VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administration Fees	12,163.05
	Total Visitors Improvement Fund	12,163.05

INHERITANCE TAX FUND

Madison Public Library	Subscriptions, Supplies, Equipment	4,044.18
	Total Inheritance Tax Fund	4,044.18

LAW ENFORCEMENT OPERATING FUND

Encartele Inc.	Telephone Cards	3,600.00
Madison County Sheriff Inmate Fund	Cable TV Services	146.15
	Total Law Enforcement Operating Fund	3,746.15

DRUG COURT FUND

Precision IT	Computer Equipment	912.00
Redwood Toxicology Lab	Medical Testing	20.00
Sunny Meadow Medical Clinic	Medical Services	142.00
	Total Drug Court Fund	1,074.00

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

The Board adjourned at 3:05 P.M. to Tuesday, December 10, 2019, at 9:30 A.M.

ATTEST:

County Clerk Anne M. Pruss

Ronald Schmidt, Chairman
County Board of Commissioners