

**BOARD OF EQUALIZATION**

Madison, Nebraska

November 9, 2010

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

Advance notice of meeting was published in the Thursday, November 4, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed.

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

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

Motion was made by McCallum and seconded by Uhlir to approve the minutes of the October 26, 2010 meeting. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

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

- |                                                                 |                                                                       |
|-----------------------------------------------------------------|-----------------------------------------------------------------------|
| Liberty Centre Services, Inc., 900 East Norfolk Avenue, Norfolk | 2010 Ford Van                                                         |
| United Methodist Church, P.O. Box 1283, Norfolk                 | 2007 Honda Accord 4 Door Sedan                                        |
| Orphan Grain Train, Inc., 601 West Phillip Avenue, Norfolk      | 2001 Cargo Mate Trailer, 2006 Shop Made Trailer, 2008 Chevrolet Sedan |

No one appeared at the hearing to offer verbal testimony. Chairman Klein closed the hearing at 9:03 A.M.

After discussion, it was moved by Uhlir and seconded by McCallum to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:03 A.M.

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County Clerk

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Chairman

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**COMMISSIONERS PROCEEDINGS**

Madison, Nebraska

November 9, 2010

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

Advance notice of meeting was published in the Thursday, November 4, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Jerry McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson joined the meeting at 9:52 A.M. Planning and Zoning Administrator John Johnson was present from 9:57 A.M. to 10:34 A.M.

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

- 1) Approval of minutes of the October 26, 2010 meeting
- 2) Contract with Nebraska Department of Roads for surveying services on Project RD-81-3 (1047)
- 3) Approval of Archer Daniels Midland Company's Lot Split located in SW1/4 SW1/4 Section 36-22-4
- 4) Authorization to advertise for bids for a used motor grader for Road District #3
- 5)

**RESOLUTION #2010-54**

WHEREAS, Check No. 10100083, dated October 13, 2010, and drawn on the General Fund in the amount of two hundred sixty nine dollars and eighty five cents (\$269.85), was made payable to Midtown Holiday Inn, 2503 S Locust Street, Grand Island, NE 68801, 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. 10100083, dated October 13, 2010, and drawn on the General Fund in the amount of two hundred sixty nine dollars and eighty five cents (\$269.85), is hereby cancelled.

6) RESOLUTION #2010-55

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

FNMA AGENCY	\$250,000.00	Federal Home Loan Bank
Rate 1.625%	Maturity 05/04/2012	of Topeka
Receipt Date: 12/14/2009	Cusip 3136FHNF8	Topeka, Kansas
Receipt No. 595079		

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

FFCB 1 1/8 04/20/12	\$250,000.00	FHLBank Topeka
Rate 1.125%	Maturity 04/20/2012	of Topeka
Receipt Date: 10/27/2010	Cusip 31331JLK7	Topeka, Kansas
Receipt No. 703488		

7) RESOLUTION #2010-56

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

FEDERAL NATIONAL MORTGAGE ASSOC		Union Bank & Trust Company
Maturity 11/10/2014	\$500,000.00	Lincoln, Nebraska
Dated 01/25/2010	Cusip 31398AZY1	Receipt No. 5672
Rate 3.125%		

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

FEDERAL HOME LOAN BANK	\$500,000.00	Union Bank & Trust Company
Rate 1.000%	Maturity 09/03/2013	Lincoln, Nebraska
Receipt Date: 03/03/2010	Cusip 3133XWZ51	Receipt No. 5686

8) RESOLUTION #2010-57

BE IT RESOLVED, that the withdrawal by Wells Fargo Bank Nebraska, N.A., Norfolk, Nebraska, of the following securities held in safekeeping by Wells Fargo Bank, N.A., Minneapolis, Minnesota, to secure deposits of the County in said bank, is hereby approved:

FEDERAL NATL MTG ASSN		Wells Fargo Bank, N.A.
POOL 919432		Minneapolis, Minnesota
Rate: 5.50000		Maturity Date: 05/01/2038
Cusip 31412APR9		
Receipt Number: 27078	Dated 09/07/10	\$15,000.00
Receipt Number: 27208	Dated 09/09/10	\$375,000.00
Receipt Number: 27314	Dated 09/10/10	\$35,000.00
FEDERAL NATIONAL MTG ASSN.		Wells Fargo Bank, N.A.
POOL AD9564		Minneapolis, Minnesota
Rate: 4.00000		Maturity Date: 08/01/2025
Dated: 09/03/10		Cusip 31418XTW8
Receipt Number: 27051		\$4,950,000.00

9) RESOLUTION #2010-58

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES

BE IT RESOLVED by the County Board and Chairperson, Madison County, Nebraska that:

1. The County shall enter into an Agreement with the Nebraska Department of Roads for the purpose of defining responsibilities in meeting the National Bridge Inspection Standards.
2. The Chairperson for the County Board is hereby authorized and directed to execute said agreement on behalf of Ma
3. This resolution will be marked Exhibit "A" and a copy attached to each original agreement.

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

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

Pursuant to published legal notice in the October 21, 2010, October 28, 2010, and November 4, 2010 editions of The Norfolk Daily News, Chairman McCallum opened a public hearing at 10:01 A.M. to receive citizens' comments regarding an application filed by Geary Investment Company for removal of property located in Section 36-24-1 from a County Industrial Tract.

Daniel Geary spoke in support of the application and explained that the City of Norfolk advised that he can't proceed with his plans until the tract is removed from the County Industrial Tract. He presented a map reflecting the location of the property, which he explained could be accessed by driving east of Norfolk on Highway 275 and taking the Highway 24 spur east to Stanton and then taking the first driveway access off this curve. He reported that he purchased this property to remodel the house located on the parcel and then found out that he can't make changes to the house because it is located in a County Industrial Tract.

Daniel Geary explained that after he appeared before the County Planning Commission with the Wolf property, the Planning Commission stated that they would change the county planning ordinance so that if a house has been located in an industrial tract since 2003, then it would be a conforming use. He stated that he went to the City of Norfolk and told them about the county changes; however, the City of Norfolk would not approve any zoning changes before the property is removed from the County Industrial Tract. Mr. Geary reported that he owns a lot of property that is located in County Industrial Tracts and he doesn't understand why every time he wants to make improvements the City of Norfolk requires him to remove the property from the County Industrial Tract. He stated that he doesn't even know why property is located in a County Industrial Tract. Chairman McCallum responded that the purpose of a County Industrial Tract is to prevent residential properties from being in an industrial area.

Daniel Geary reported that he is trying to change the zoning of the property from I-3 to I-1 and the property must be removed from the County Industrial Tract to make this change. He stated that I-1 zoning allows a special use permit to be obtained for a residence, but this is not permitted on property zoned as I-3. He explained that he doesn't plan to change the zoning to residential or agricultural, but he wants it to remain zoned as industrial because the area around the property is all zoned as industrial. He reported that he plans to have the zoning changed to I-1 and obtain a special use permit for remodeling the residence at the location. He explained that the application before the County Board asks for removal of the property from the County Industrial Tract.

Matt Gilmore, spoke in favor of the application, and stated that he has a purchase agreement with Dan Geary for the property.

Lori Miller stated that she and her husband, Mike Miller, are opposed to the application. She reported that they own industrial property around the subject residence. She stated that the reason they purchased the property was for industrial development and they don't feel that the property fits a good residential use. She explained that the entire area is industrial and commercial, which is the purpose of why the property was put into an industrial tract and not for spot zoning of houses in an area where clearly everything around it is not residential. Mrs. Miller stated that having a residence at this location takes away from trying to get someone to develop the industrial area. She reiterated that the entire area is commercial or industrial. She explained that when the property sold they attended and it was made very clear that the house was a nonconforming use, so the house shouldn't have been sold as a residence.

Chairman McCallum questioned if the house was sold with the agreement that it wouldn't be sold as a residence. Lori Miller responded that an open house was held when bids were taken on the property and the sellers made it very clear that the house was a nonconforming use. She stated that they inquired about the house because they are interested in keeping the remainder of the property as industrial. She stated that she can't believe that somebody bought the property and didn't know it was a nonconforming use because the sellers definitely knew. She explained that this is something that must be disclosed when selling a property. Mike Miller stated that they contacted Planning and Zoning Administrator John Johnson to discuss this matter.

Chairman McCallum momentarily recessed the hearing until Planning and Zoning Administrator John Johnson joined the hearing. Chairman McCallum requested Daniel Geary to explain his application for withdrawing the property from the County Industrial Tract. Daniel Geary reiterated the location of the property and his plan to change the zoning of the property from I-3 to I-1. He further explained that under I-1 zoning he could obtain a special use permit to keep a house at its current location. He explained that the hearing before the Board is to remove the property from the County Industrial Tract so that he can submit an application to the City of Norfolk and change the zoning. He explained that his intent for the rezoning is to remodel the house.

Lori Miller reiterated that she is opposed to removing the property from the County Industrial Tract because the house is a nonconforming use and the entire area is an industrial tract. She reported that the purpose of nonconforming uses is that they eventually go away, notwithstanding that applicants try to change regulations or offer a special use permit to allow it to stay. She stated that the entire area across the road on both sides is all zoned industrial and commercial. She stated that they own the industrial land to the front and the reason why they purchased the land was because it was in a County Industrial Tract and the purpose is to develop it. She stated that if this application is approved, there will be a little residence plopped in the middle that will be amongst all the industrial businesses. Mrs. Miller stated that she thought that this was the reason that the City of Norfolk does planning and zoning so there is a big industrial area to attract industry. She explained that people don't want to deal with residences in an industrial area. She reported that she sees it all the times at public meetings when people complain about building structures, sites, smells, and whatever else goes along with an industrial tract. She stated that this is the purpose of doing a big zoned area instead of spot zoning to allow a residential house.

Planning and Zoning Administrator John Johnson questioned if the City of Norfolk sent anything for the hearing. County Clerk Nancy Scheer responded that a letter was received from Norfolk City Clerk Beth Deck on October 20, 2010, which reflects that the Norfolk City Council approved the request of Daniel Geary to exclude the subject property from the designated industrial tract.

Lori Miller stated that the only notice they received was from the County of Madison and they own the land next to the subject property. Daniel Geary responded that the hearing before the Commissioners is the first hearing. He reported that the next step is to go to the City of Norfolk and change the zoning from I-3 to I-1. Commissioner Klein stated that the only decision that the county is considering is the industrial tract withdrawal, and if approved, the zoning will still remain industrial. He explained that a County Industrial Tract doesn't permit retail businesses and no city sales tax is involved in a County Industrial Tract. He stated that when a property is removed from a County Industrial Tract, then it is eligible to earn sales tax. He reiterated that the county doesn't have anything to do with the zoning on this parcel.

Planning and Zoning Administrator John Johnson stated that if the property is rezoned to I-1 it would still be an industrial use, but it would be light industrial instead of heavy industrial. He explained that if the Millers wanted to develop the area in front, they could still do that as industrial. In addition, he explained that Daniel Geary could do some industrial on his property if he chose to sell the property in the future. He explained that it would be similar to a situation where there is a feedlot and the landowners next door complain. Mr. Johnson stated that in this case there is an area of heavy industrial, with a parcel that is zoned light industrial with a house located on it. He stated that the current owner is aware of the situation; however, someone in the future could complain. He stated that if a heavy industrial use was placed in this area, such as a chemical plant or paper mill that may have a lot of odors, there may be ramifications from the occupants in the house. He stated that the good thing is that the property would still be zoned industrial. Mr. Johnson explained that in county industrial areas, the county allows a caretaker's residence, so any homes that were already established in industrial zoned property where allowed to stay and become a conforming use, so if the property was ever developed, there would be a caretaker's residence.

Chairman McCallum questioned if this situation puts property at a selective market. Planning and Zoning Administrator John Johnson responded that the county would only be releasing the small parcel owned by Daniel Geary from the County Industrial Tract, not the entire area. Daniel Geary explained that the parcel he is requesting to be removed from the County Industrial Tract is approximately 18 acres. Lori Miller stated that if an ADM plant is developed in this area, then there is a residence located next to it, which is not attractive to a company coming into a heavy industrial area. Planning and Zoning Administrator John Johnson explained that it could create an opportunity for the occupants of the house to use the "not in my back yard" testimony. Lori Miller reiterated that she thought the reason that large tracts were designated as industrial was to attract businesses to an area that is designated for industry and zoned as I-3. She stated that now the county wants to plop a little house in the middle of an area like Vulcraft or Sherwood Industries. Mrs. Miller stated that the nonconforming use allows the house to stay until it is no longer useful, but what it doesn't allow is what the applicant wants to do by modifying and building it into a residence that keeps it a residence forever. She stated that the purpose of the industrial tract designation is to allow the house to stay until it goes away and conforms to the remainder of the area.

Matt Gilmore stated that when they met with the City of Norfolk there were certain restrictions on what could be done with the house as far as additional square footage. He explained that the restrictions would not allow them to double or triple the size of the house. He reported that he didn't remember what the percentage was that the City Council agreed that the square footage of the house could be increased in order to keep it conforming. In addition, he explained that this subject property sits behind the Millers property, so it isn't like the property is in the forefront.

Lori Miller explained that their driveway is used to access the subject property. She stated that the property was not supposed to be a residence and someday it was suppose to go away. Matt Gilmore responded that they intend to keep the property zoned as I-1. Lori Miller stated that the zoning would be changed to I-1 for the purpose of keeping the house as a residence, not for industry. Matt Gilmore stated that the zoning change would be for any purpose found in the I-1 zoning regulations. He stated that grain dryers or a shop would also fit into the I-1 zoning.

Planning and Zoning Administrator John Johnson stated that the entire area would all be industrial. He explained that if the property is allowed to be removed from the County Industrial Tract it would allow the property to be expanded and improved. He stated that the owner still needs to obtain a special use permit from the City of Norfolk to make any improvements. Commissioner Klein explained that the zoning change doesn't have anything to do with the County Board, so the only thing the Board will consider is whether to remove the property from a County Industrial Tract. He stated that if the owner wants to change the zoning, it doesn't have anything to do with the county, but must be considered by the City of Norfolk.

County Highway Superintendent Richard Johnson explained that whatever the County Board does today, the land will still be zoned as I-3. Planning and Zoning Administrator John Johnson stated that if the County approves removal of the property from the County Industrial Tract, there will be at least one, and maybe two opportunities, for the City of Norfolk to make a decision on how they want to handle the rezoning and/or issuance of a special use permit. He explained that the Millers would probably have a more valid argument when rezoning or special use permit applications are considered by the City of Norfolk. He further explained that some stipulations could be added on the special use permit to protect the Millers' investment.

Chairman McCallum closed the hearing at 10:24 A.M.

After discussion, the following resolution was introduced:

#### RESOLUTION #2010-59

WHEREAS, there has been filed with the County Clerk of Madison County, Nebraska, an application requesting the County Board of Madison County, Nebraska, to withdraw the following described real estate from a designated industrial tract:

A tract of land lying wholly in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 36, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska and more particularly described as follows: Beginning at the C $\frac{1}{4}$  Corner of said Section 36; thence proceeding north, along the North/South  $\frac{1}{4}$  Section line in said Section 36, on an assumed bearing of N00°01'15"W, 1137.84 ft.; thence S90°00'00"W, 222.26 ft.; thence S01°46'59"W, 30.00 ft.; thence S90°00'00"W, 63.63 ft.; thence S53°36'38"W, 785.50 ft. to a point on the northerly bank of the North Fork of the Elkhorn River where a witness pipe was set; thence continuing S53°36'38"W, 73 ft., more or less to the centerline of the North Fork of the Elkhorn River; thence southeasterly along said centerline to a point on the East/West  $\frac{1}{4}$  Section line in said Section 36; thence N89°25'36"E, along said quarter section line, 85 ft., more or less, to a point on the northerly bank of the North Fork of the Elkhorn River, said point being 405.98 ft. West of the C $\frac{1}{4}$  corner of said Section 36; thence N 80°25'36"E along said Quarter Section line 405.98 ft. to the point of beginning.

WHEREAS, the County Clerk designated and endorsed upon the application the 9th day of November, 2010 at 10:00 A.M. in the meeting room of the County Board of Commissioners of Madison County, Nebraska, at the Courthouse in Madison, Nebraska, as the time and place of hearing and determination of said application by the Board of County Commissioners of Madison County, Nebraska, and

WHEREAS, notice of said hearing containing the description of the above described tract and the time, place, and purpose of the hearing was published once a week for three successive weeks on October 21, 2010, October 28, 2010, and November 4, 2010, in The Norfolk Daily News, a newspaper published, and of general circulation, in Madison County, and

WHEREAS, notification was mailed to each property owner within said County Industrial Tract, and

WHEREAS, said hearing was held at the time and place aforesaid, at which time it was found that the tract is suitable for exclusion from the designated industrial tract and that withdrawal will be generally beneficial to the community and the industrial area, and

WHEREAS, the Norfolk City Council consented to the withdrawal of the above described tracts of land from the County Industrial Tract at its meeting on October 18, 2010,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the above described real estate shall be excluded from a designated industrial tract as provided in Section 13-1119 Nebraska Revised Statutes, and that a copy of this Resolution shall be filed in the offices of the Register of Deeds and County Assessor of Madison County, Nebraska, and with the City Clerk of the City of Norfolk, Nebraska.

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

Alan Mittan, RC & D Coordinator, and Dick Wozniak, Madison County representative on the RC&D Council, met with the County Board to provide an update report. Mr. Mittan submitted a copy of the PrairieLand RC&D Area Plan for 2010 through 2014. In addition, he submitted a document listing project highlights from the past several years. He reported that they have been working on the Shell Creek Watershed Improvement project. He explained that every year in November the Lower Platte North Natural Resources District has their monthly Board meeting in Newman Grove and the Newman Grove high school students give a presentation on their water testing results. He reported that the students present very interesting data and it is a great experience for the students.

Mr. Mittan reported that 94 tons of tires were collected in Madison in 2010 during the collection project. Commissioner Klein questioned if the RC&D ever collected used paint and Mr. Mittan responded that if they can obtain grant funding they would like to collect household hazardous waste. He explained that some of the other RC&Ds in Nebraska are collecting household hazardous waste, but it is a lot of work and also a messy undertaking. In addition, he stated that Waste Cap is a new company that has started and they have funding that may be used to work on collection of fluorescent light bulbs. He reported that there is a kit that is available from Waste Cap to collect CFLs that are used in households and Hanks Hardware store may put in a collection bin for these. In addition, he explained that the transfer station in Norfolk has agreed to be a consolidation site when the kit is full. Mr. Mittan reported that the linear bulbs used in offices have more mercury in them, but they can't be disposed of except in a landfill because a recycler charges to pick them up. He stated that if they are able to obtain funds from Waste Cap, they plan to have a fluorescent bulb collection along with the used electronic collection.

Mr. Mittan reported that the Nebraska Weed Management Associations are scattered around the state and four of the six counties in the PrairieLand RC&D aren't connected to one of the weed management areas. He explained that he attended the tour conducted by the Northeast Weed Management Area and saw results from their test plot and some really good things are occurring on leafy spurge, purple leaf stripe, Canada thistle, and some other evasive weeds. He encouraged the County Board to consider joining the Northeast Weed Management Area to take advantage of some of the grant money available to fight invasive plants. He reported that Jan Jorgensen, coordinator from Northeast RC&D, would be glad to meet with the County Board to present an overview of what is being accomplished and how it is working. Mr. Mittan reported that the Missouri River Watershed Coalition established a new database that people can use to report sightings of noxious weeds and new invasive plants. He expressed appreciation to the Board members for the financial support given to PrairieLand RC&D.

Chairman McCallum stated that it is amazing how many tires are collected in Madison. Mr. Mittan reported that in 2009 270 tons of used tires were collected in two days. Chairman McCallum asked where the used tires are taken and Mr. Mittan responded that the used tire industry has some problems that must be resolved. He explained that most of the used tires are going to David City to be ground up and spread into landfills. He stated that they would like to see more of the tires go to crumb rubber; however, the problem is that when a collection is organized, three bids must be obtained and if bids are only received from the companies that are making crumb rubber, the bids are so high that the funds don't go very far. He stated that DEQ funding was also cut, so they may be unable to conduct a used tire collection in each county next year.

Mr. Mittan reported that Dick Wozniak resigned as PrairieLand RC&D Treasurer and Darol Ellwanger has agreed to take over these responsibilities. He stated that Dick Wozniak will continue to represent Madison County on the PrairieLand RC&D Council. Chairman McCallum expressed thanks for the work accomplished by PrairieLand RC&D.

No action was taken by the Board.

The Board discussed the vacation of the East ½ of 825th Road between Sections 18 and 19, Township 21, Range 2. Ray and Dan Korth were present for discussion on this matter.

Chairman McCallum explained that a public hearing was conducted on October 26, 2010 in reference to a petition that was filed on the closure of the road. He reported that during the hearing no testimony was received in favor or closing the road, but several people testified to keep the road open. He stated that the person who petitioned the county to close the road said that he didn't care one way or the other if the road was left open or closed. In addition, he stated that the County Highway Superintendent recommended that there is adequate usage of the road to keep the road open.

The following resolution was introduced:

RESOLUTION #2010-60

WHEREAS, The Board of Commissioners of Madison County received a report from the County Highway Superintendent recommending that the East ½ of 825 Road between Sections 18 and 19, Township 21 North, Range 2 West of the 6th P.M., Madison County, Nebraska known as 825th Road between 546th Avenue and 547th Avenue, remain open, and

WHEREAS, adjacent landowners were notified by certified mail and a duly advertised public hearing was held as prescribed by law, and

WHEREAS, several land owners expressed support for allowing continued use of the road at the public hearing held on October 26, 2010, and

WHEREAS, the Board of Commissioners of Madison County feels that it is in the best interest of the public that said road remain open,

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Madison County, Nebraska that the East 1/2 mile of 825 Road between Sections 18 and 19, Township 21 North, Range 2 West of the 6th P.M., Madison County, Nebraska remain open to the use of the public.

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

The following claims were audited:

GENERAL FUND		
Total Net Payroll		114,656.39
Afternooners	Meals, County Jail	297.80
Mark Albin	Legal Services, County Court	2,640.45
Ronald Albin	Legal Services, County Court	568.88
Ronald Alfs	Jury Fees, District Court	100.00

American Broadband CLEC	Internet Services, Probation	72.69
American Family Life Assurance Company	Insurance Premiums	688.86
Ameritas Life Insurance Corporation	Employee Share Retirement	7,318.26
Ameritas Life Insurance Corporation	Employer Share Retirement	10,765.47
Ameritas Life Insurance Corporation	Insurance Premiums	363.74
Apex Therapy	Expert Witness Fees, Law Enforcement	490.00
Appearra	Mat Service, Public Defender	40.18
Appearra	Mat Service, Courthouse	176.79
Aramark Correctional Services	Meals, County Jail	12,753.91
AS Central Finance	Telephone Services, Planning and Zoning	46.33
AS Central Finance	Telephone Services, County Sheriff	262.29
AS Central Finance	Telephone Services, County Jail	441.71
AS Central Finance	Telephone Services, Veterans' Service Office	50.72
Michael Bamsey	Jury Fees, District Court	100.00
Robert Barry	Jury Fees, District Court	55.00
Susan Battershaw	Jury Fees, District Court	100.00
Battle Creek Enterprise	Publication Costs, Election Commissioner	390.00
Joan Baumgart	Rent, County Relief	125.00
Christy Bayne	Jury Fees, District Court	270.00
Big Red Printing	Supplies, District Court	1,603.54
Jennifer Birmingham	Mileage, Registration, Public Defender	200.00
Black Hills Energy	Gas Service, Planning and Zoning	18.60
Black Hills Energy	Gas Service, Courthouse	136.77
Black Hills Energy	Gas Service, County Jail	269.23
Black Hills Energy	Gas Service, Veterans' Service Office	19.21
Bob Barker Company Inc.	Supplies, County Jail	604.24
Terry Boecker	Jury Fees, District Court	110.00
Anthony Borchers	Jury Fees, District Court	100.00
Bessie Bove	Prior Service Benefits	12.00
Brady & Amy's Inc.	Fuel, Courthouse	60.77
Brady & Amy's Inc.	Fuel, County Sheriff	156.33
BTS Inc.	Telephone Services, District Court	500.00
Buck's Specialty Printers	Uniforms, County Jail	125.59
Cableone	Internet Services, Planning and Zoning	59.00
Cartridge World	Supplies, County Assessor	54.49
Central United Life Insurance Company	Insurance Premiums	37.20
Champs Inc.	Maintenance Agreement, Repairs, County Jail	2,866.16
Maria Izabel Chavez	Interpreting Services, Public Defender	35.00
City of Madison	Utilities, Public Defender	196.80
City of Madison	Utilities, Courthouse	3,597.40
City of Madison	Utilities, County Jail	3,592.57
Ashley Cleveland	Jury Fees, District Court	100.00
Colonial Life and Accident Insurance	Insurance Premiums	148.72
Complete Pest Elimination Inc.	Services, County Jail	125.00
Connecting Point	Internet Services, District Judge	20.95
Connecting Point	Equipment, County Sheriff	6,344.00
Connecting Point	Equipment, County Attorney	736.00
Connecting Point	Internet Services, Veterans' Service Office	35.95
Connecting Point	Internet Services, Contract Services, Courthouse	1,322.85
Constellation Energy	Gas Service, Planning and Zoning	29.09
Constellation Energy	Gas Service, Veterans' Service Office	1.79
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	1,311.80
Credit Bureau Services	Garnish of Wages	131.41
Ann Dendinger	Jury Fees, District Court	102.00
Dental Distributors, Inc.	Supplies, County Jail	145.80
Nancy Doolittle	Jury Fees, District Court	100.00
Douglas County District Court	Copies, Law Enforcement	12.50
Eakes Office Plus	Supplies, County Court	49.99
Eakes Office Plus	Supplies, County Jail	255.79
Eakes Office Plus	Supplies, Probation	97.84
Elkhorn Logan Valley Public Health Department	Administrative Expense, County Relief	5,203.08
Adam Ellenberger	Jury Fees, District Court	150.00
Enviromaster Inc.	Supplies, County Jail	42.00
Richard Ernst	Jury Fees, District Court	165.00
Field's Hardware	Supplies, Election Commissioner	20.26
Field's Hardware	Supplies, Courthouse	381.82
Field's Hardware	Supplies, County Sheriff	58.90
Field's Hardware	Supplies, County Jail	381.43
First Concord Benefits Group	Deductible Buy-Down, Administrative Fees	5,426.19
Floor Maintenance & Paper Supply Company	Supplies, Courthouse	68.20
Floor Maintenance & Paper Supply Company	Supplies, County Jail	518.69
Sandra Freudenburg	Jury Fees, District Court	200.00
Frontier	Telephone Services, Public Defender	301.97
Gall's Inc.	Equipment, Uniforms, County Sheriff	283.62
Gall's Inc.	Uniforms, County Jail	42.28
Renee Gilsdorf	Jury Fees, District Court	80.00
Leonardo Gonzalez	Jury Fees, District Court	100.00

Graham Tire Company	Repairs, County Sheriff	799.97
Hank's Front End Service	Repairs, County Sheriff	760.10
Hartford Life Insurance Company	Deferred Compensation	25.00
Matthew Headley	Postage, Mileage, Meals, Public Defender	363.91
Hilliges & Associates, L.L.C.	Services, County Sheriff	250.00
Jason Hogancamp	Jury Fees, District Court	150.00
Holt County Treasurer	Transcript, County Court	15.51
Jeremy Hoskinson	Jury Fees, District Court	200.00
Carol Howard	Jury Fees, District Court	300.00
IHC/Group Link	Insurance Premiums	542.12
Rodney Isom	Jury Fees, District Court	100.00
Ron Jarecki	Jury Fees, District Court	150.00
JCD & Company	Repairs, County Jail	93.70
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	405.00
Jungle Jim's	Jury Meals, District Court	81.00
Marva Kiefer	Jury Fees, District Court	150.00
Raschelle Kirkpatrick	Jury Fees, District Court	100.00
Madison County Clerk	Tax Deposit	39,512.15
Madison County Clerk of District Court	Fees, District Court	2,137.00
Madison County Court	Court Costs, County Court	1,338.00
Madison County Sheriff	Supplies, County Jail	68.15
Madison County Sheriff	Fees, County Court	607.53
Madison County Sheriff	Court Costs, District Court	555.84
Madison County Sheriff	Fees, Mental Health	12.00
Madison County Sheriff	Registration, County Jail	154.23
Madison County Veterinary Clinic	Impound Fees, County Sheriff	35.00
Madison National Life	Insurance Premiums	118.45
Madison Star Mail	Publication Costs, Election Commissioner	730.56
Major Refrigeration Co. Inc.	Repairs, County Jail	222.10
James Marr	Jury Fees, District Court	55.00
Veronica Martinez	Interpreting Services, Juvenile Diversion	30.00
Mayhew Signs & Awnings Inc.	Supplies, Election Commissioner	46.50
Mary Leavitt	Jury Fees, District Court	50.00
Patricia Leckron	Jury Fees, District Court	150.00
Lee Electric Inc.	Repairs, County Jail	97.85
Louderback Drug	Prescriptions, County Jail	6,208.54
Louderback Drug	Jury Meals, District Court	83.40
Christal McDonald	Court Reporting, Mental Health	50.00
Camron Means	Jury Fees, District Court	150.00
Menards	Supplies, County Sheriff	38.31
Menards	Supplies, Probation	41.20
Medtox Diagnostics	Drug Testing, Juvenile Diversion	248.79
Microfilm Imaging Systems	Equipment Rental, County Clerk	45.00
Microfilm Imaging Systems	Equipment Rental, Register of Deeds	31.50
Microfilm Imaging Systems	Equipment Rental, County Court	227.00
Microfilm Imaging Systems	Equipment Rental, County Surveyor	45.00
Midwest Plumbing & Heating	Repairs, County Jail	983.71
Linda Mintken	Jury Fees, District Court	86.00
MIPS Inc.	Computer Support, County Clerk	535.81
Morrissey Motor Company	Repairs, County Sheriff	165.06
Jason Muehlmeier	Jury Fees, District Court	250.00
Nationwide Retirement Solutions	Deferred Compensation	395.00
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Law Enforcement Training Center	Training, County Jail	100.00
Nebraska Real Property Appraiser Board	Registration, County Assessor	300.00
Laura Nelson	Jury Fees, District Court	232.00
Newman Grove Reporter	Publication Costs, Election Commissioner	318.38
Newman Grove Reporter	Publication Costs, Planning and Zoning	12.27
Norfolk Cleaning Service	Services, Probation	140.00
Norfolk Community Health Care Clinic	Quarterly Funding	22,500.00
Norfolk Daily News	Publication Costs, Courthouse	204.73
Norfolk Winnelson Company	Supplies, Courthouse	176.76
Northeast Medical Imaging P.C.	Medical Expenses, County Jail	1,101.00
Linda Novacek	Jury Fees, District Court	100.00
Norm Nykodym	Lawn Services, Public Defender	93.00
Sherry Peterson	Mileage, Juvenile Diversion	245.00
Simon Peterson	Jury Fees, District Court	100.00
Tabetha Petsche	Jury Fees, District Court	100.00
Pizza Hut	Jury Meals, District Court	63.95
Postmaster	Postage, Veterans' Service Office	124.60
Cas Prather	Jury Fees, District Court	70.00
Roger Prauner	Jury Fees, District Court	175.00
Qwest	Telephone Service, District Judge	145.87
Reigle Implement Company Inc.	Repairs, Courthouse	99.90
Reynoldson's Inc.	Car Washes, County Sheriff	7.00
Amy Sanchez	Witness Fees, County Court	20.00
Michelle Sanchez	Witness Fees, County Court	36.00

Scott Sanne	Jury Fees, District Court	250.00
Marjorie Schaffer	Mileage, District Court	127.00
Schroeder Land Surveying	Services, County Surveyor	1,358.00
Judy Schroeder	Prior Service Benefits	11.00
Daniel Schulz	Jury Fees, District Court	275.00
Steven Severson	Jury Fees, District Court	150.00
Shell Fleet Plus	Fuel, Planning and Zoning	248.77
Short Stop	Fuel, County Sheriff	119.15
Jennifer Showalter	Jury Fees, District Court	200.00
Joseph Smith	Mileage, Law Enforcement	320.00
Stratton, DeLay & Doele, P.C.	Legal Services, County Court	1,201.00
Kelly Swallow	Jury Fees, District Court	106.50
T.O. Haas Tire	Repairs, County Sheriff	569.70
Target Bank Business Card Services	Supplies, County Sheriff	27.77
Dale Taylor	Interpreting Services, Public Defender	506.25
Jennifer Thompson	Jury Fees, District Court	100.00
Tilden Citizen/Meadow Grove News	Publication Costs, Election Commissioner	420.00
Tiburon Financial	Garnish of Wages	124.95
US Cellular	Telephone Service, Law Enforcement	110.40
U Save Pharmacy	Prescriptions, County Jail	4.00
David Uher	Legal Services, County Court	827.50
U.S. Bank Corporate Payment System	Supplies, Repairs, County Sheriff	53.72
David Dela Vega	Witness Fees, County Court	36.00
Verizon Wireless	Telephone Services, County Sheriff	1,764.43
Voigt Locksmith	Supplies, County Sheriff	4.05
Andrea Weich	Jury Fees, District Court	150.00
Cheryl Wienrich	Jury Fees, District Court	200.00
Kathleen Wemhoff	Jury Fees, District Court	100.00
Melissa Wentling	Equipment, Furniture, Public Defender	1,200.00
Western Office Plus	Supplies, County Assessor	90.90
Western Office Plus	Supplies, Election Commissioner	28.68
Western Office Plus	Supplies, County Court	205.55
Western Office Plus	Supplies, County Sheriff	20.28
Western Office Plus	Supplies, Copier Maintenance, County Attorney	280.24
Western Office Plus	Furniture, Probation	3,300.00
Western Office Plus	Supplies, Veterans' Service Office	106.83
White Star Oil Company	Repairs, County Sheriff	47.45
Melissa Wortmann	Jury Fees, District Court	95.00
Zee Medical Service	Supplies, County Assessor	17.95
Zee Medical Service	Supplies, County Sheriff	92.95

#### ROAD/BRIDGE FUND

Total Net Payroll		26,897.85
American Family Life Assurance Company	Insurance Premiums	355.00
Ameritas Life Insurance Corporation	Employees Share Retirement	1,608.81
Ameritas Life Insurance Corporation	Employers Share Retirement	2,413.26
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
Appeara	Towel Service, District #1, #2	208.13
AS Central Services	Telephone Services, District #2	25.21
Asphalt and Concrete Materials Company	Asphaltic Materials, District #2, #3	9,693.02
Avenue Muffler	Parts, District #1	103.48
B's Enterprises Inc.	Culverts, Signs, District #1, #3	6,687.20
Battle Creek Farmers Coop	Fuel, District, #1, #2, #3	7,245.12
Battle Creek Municipal Light and Power	Utilities, District #3	142.00
Bauer Built Inc.	Repairs, District #2, #3	4,142.66
Black Hills Energy	Gas Service, District #1, #2, #3	97.96
Brady & Amy's Inc.	Fuel, District #1	708.69
Capital One	Garnish of Wages	248.69
Carhart Lumber Company	Supplies, District #3	130.52
City of Madison	Utilities, District #1	515.81
City of Newman Grove	Utilities, District #1	50.00
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Newenergy Gas Division	Gas Service, District #2	29.09
Dinkel Implement Company	Equipment Rental, District #1, #2	6,661.30
Eastern Nebraska Telephone	Telephone Services, District #3	88.29
Eisenmann Supplies Inc.	Shop Supplies, District #1	33.49
Field's Hardware	Shop Supplies, District #1	36.43
Filter Care of Nebraska	Services, District #1, #2	62.35
First Concord Benefits Group	Administrative Fees, Deductible Buy-Down	618.81
Floor Maintenance and Paper Supply	Shop Supplies, District #3	72.14
Full Throttle Service	Repairs, District #2	29.00
Gerhold Concrete Company Inc.	Bridge Materials, District #2	30.00
Hank's Front End Service Inc.	Repairs, District #2	345.90
Henkel Oil Company	Shop Supplies, District #2	50.75
IHC/Group Link	Insurance Premiums	15.21
Island Supply Welding Company	Shop Supplies, District #2	40.00
J & J Auto Repair	Repairs, District #1	541.58

Kolterman Farm Equipment Inc.	Parts, District #2	26.42
Lafleur Seed Mills	Seed, District #1	29.25
Linweld Inc.	Supplies, District #1, #2, #3	384.85
Luedeke Oil Company Inc.	Fuel, District #1	392.00
Madison County Clerk	Tax Deposit	9,025.69
Madison National Life	Insurance Premiums	37.72
Matteo Sand & Gravel Company Inc.	Gravel, District #1, #2, #3	3,437.80
Menards	Shop Supplies, District #2	280.55
Morrissey Motor Company	Parts, District #1	50.58
NAPA Auto Parts of Norfolk	Parts, District #1, #2	275.00
Nebraska Child Support Payment Center	Garnish of Wages	419.70
Nebraska Harvestore Systems Inc.	Equipment, District #1	12,616.48
Nebraska Public Power District	Utilities, District #3	87.77
NMC Exchange LLC	Repairs, District #1, #2, #3	7,565.78
Norfolk Auto Supply	Parts, District #3	357.84
Prime Sanitation	Garbage Service, District #2	53.75
Quick Serve Oil Company Inc.	Fuel, Repairs, District #3	115.00
Red Bud Hardware Inc.	Shop Supplies, District #3	120.53
Reigle Implement Company Inc.	Repairs, District #1	29.00
Telebeep Wireless	Internet Services, Pager Services, District #2, #3	141.96
The Pit Stop	Fuel, District #3	242.43
Tire Associates	Repairs, District #1	50.11
Transamerica Life Insurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Parts, District #1, #3	410.67
US Cellullar	Telephone Services, District #1, #2, #3	257.79
Vic's Engine Service Inc.	Shop Supplies, District #2	85.40
Donald Volk	Services, District #2	825.00
White Star Oil Company	Fuel, District #1	214.30
Wick's Sterling Trucks Inc.	Parts, District #3	454.33
Andrew Willer	Commercial Drivers License, District #2	57.50
Zippy Lube	Repairs, District #3	44.79

#### FEDERAL AID SECONDARY FUND

B's Enterprises Inc.	Signs	434.00
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#### DRUG TESTING FUND

Nebraska Public Health Environment Lab	Testing	84.00
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#### INHERITANCE TAX FUND

Battle Creek Public Library	Funding	7,500.00
Madison Public Library	Funding, Subscription	8,595.00
Meadow Grove Public Library	Funding	7,500.00
Newman Grove Public Library	Funding	7,500.00
Northeast Community College	Funding	100,000.00
Tilden Public Library	Funding	7,500.00

#### 911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Services	127.86
Frontier	Telephone Services	160.41
Qwest	Telephone Services	1,096.34

#### LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff	Supplies	247.53
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#### DRUG COURT FUND

On Call Employee Health	Testing	140.00
Verizon Wireless	Equipment	61.55

#### ROAD/BRIDGE BOND FUND

Frontier Bank	Interest Payment	27,913.88
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Motion was made by Uhlir and seconded by Klein to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board adjourned at 10:37 A.M. to Monday, November 22, 2010 at 2:00 P.M.

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County Clerk

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Chairman