

BOARD OF EQUALIZATION

Madison, Nebraska

December 11, 2007

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

Advance notice of meeting was published in the Thursday, December 6, 2007 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 Rick Uhlir 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, County Treasurer Donna Primrose, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer.

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

Motion by Klein and second by McCallum to approve the minutes of the meeting held on November 27, 2007. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Chairman Uhlir opened a public hearing at 9:03 A.M. to consider the following motor vehicle exemption applications presented by County Treasurer Donna Primrose:

- | | |
|--|-------------------------------------|
| Community Concern of Norfolk, Inc., P.O. Box 302, Norfolk | 2001 Ford Econoline Bus |
| Heartland Baptist Church, 204 Madison Avenue, P.O. Box 2235, Norfolk | 1990 Chevrolet Van |
| Liberty Centre Services, Inc., 900 East Norfolk Avenue, Norfolk | 2007 Ford Taurus, 2008 Nissan Rogue |
| Mosaic, 105 East Norfolk Avenue, Suite 200, Norfolk | 1994 Ford Van, 1999 Dodge Van, |
| 2004 Chevrolet Van, 1998 Chevrolet Lumina (2), 1999 Dodge Caravan, 1992 Chevrolet Lumina | |
| Norfolk Catholic Schools, 2300 Madison Avenue, Norfolk | 2005 Chevrolet Pickup |

County Treasurer Donna Primrose reported that the County Board previously approved exemption applications for these organizations. No one appeared at the hearing to offer verbal testimony. Chairman Uhlir closed the hearing at 9:05 A.M.

After discussion, it was moved by Klein 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.

County Assessor Jeff Hackerott submitted tax list corrections #2341 through #2343. After discussion, it was moved by McCallum and seconded by Klein to approve the tax list corrections as submitted. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:08 A.M.

County Clerk

Chairman

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

December 11, 2007

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, December 6, 2007 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 McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

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

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

- 1) Approval of minutes of the November 27, 2007 meeting
- 2)

RESOLUTION #2007-59

WHEREAS, Check No. 07110301, dated November 27, 2007, and drawn on the General Fund in the amount of one hundred fifty four dollars and seventeen cents (\$154.17), was made payable to Faith Regional Health Services, P.O. Box 869, Norfolk, Nebraska 68702-0869, 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. 07110301, dated November 27, 2007, and drawn on the General Fund in the amount of one hundred fifty four dollars and seventeen cents (\$154.17), is hereby cancelled.

3)

RESOLUTION #2007-60

WHEREAS, Check No. 07110309, dated November 27, 2007, and drawn on the General Fund in the amount of five hundred dollars (\$500.00), was made payable to Mary Ann Goodell, 901 Syracuse Avenue Apartment #32, Norfolk, Nebraska 68701, 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. 07110309, dated November 27, 2007, and drawn on the General Fund in the amount five hundred dollars (\$500.00), is hereby cancelled.

4) Approval of the following 2008 Holiday Schedule:

January 21, 2008	Martin Luther King, Jr. Birthday
February 18, 2008	President's Day
April 25, 2008	Arbor Day
May 26, 2008	Memorial Day
July 4, 2008	Independence Day
September 1, 2008	Labor Day
October 13, 2008	Columbus Day
November 11, 2008	Veteran's Day
November 27, 2008	Thanksgiving Day
November 28, 2008	Day After Thanksgiving
December 24, 2008	Christmas Eve (Close at Noon)
December 25, 2008	Christmas Day
January 1, 2009	New Year's Day

5) Approval of the following 2008 County Board meeting schedule:

January 8, 2008	January 23, 2008
February 5, 2008	February 20, 2008
March 4, 2008	March 18, 2008
April 1, 2008	April 15, 2008
April 29, 2008	May 13, 2008
May 28, 2008	June 10, 2008
June 24, 2008	July 8, 2008
July 22, 2008	August 5, 2008
August 19, 2008	September 3, 2008
September 16, 2008	September 30, 2008
October 15, 2008	October 28, 2008
November 12, 2008	November 24, 2008 at 2:00 P.M.
December 9, 2008	December 22, 2008 at 2:00 P.M.

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

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

The Board reviewed the following reports:

- County Treasurer fund balance report
- County Treasurer distress warrant report
- Register of Deeds November fee report
- Clerk of the District Court November fee report
- County Sheriff November fee report
- County Sheriff distress warrant report
- September through November building permit reports

Pursuant to published legal notice in the Thursday, November 29, 2007 edition of The Norfolk Daily News, Chairman McCallum announced that a public hearing would be held to receive testimony regarding an affidavit filed by Orin Rinkel requesting Madison County to provide public access to property located in Section 29-24-2. County Attorney Joseph Smith, County Assessor Jeff Hackerott, Orin Rinkel, Marjorie Rinkel, Deb Praeuner, Mike Henn, Don Bauermeister, Bob Huntley, and attorney Thomas Brogan were present.

County Attorney Joseph Smith requested the County Clerk to report on the efforts used to advise the landowners of the hearing. County Clerk Nancy Scheer responded that Section 39-1715 requires that notice of the time and place of the hearing be given to all of the owners and occupants of land through which the access road may pass by personally serving the notice or by leaving a copy of the notice at the usual place of abode of each occupant and, whenever possible, by either registered or certified mail to the owners of such lands. She stated that Dick Johnson personally served a notice of the hearing to Don Bauermeister and Peggy Smith on November 27, 2007. She reported that she personally delivered notice of the hearing to Orin Rinkel and left a notice at the home of Mike Henn. In addition, she reported that she attempted to have a notice of the hearing personally delivered to Roger Henn by faxing a copy of the notice to the Knox County Sheriff; however, the Sheriff's return of service reflected that the house appears to be vacant and the phone service has been disconnected so they assume that Roger Henn is spending the winter out-of-state. She also reported that notice of the hearing was mailed to all the individuals by certified mail on November 27, 2007.

County Attorney Joseph Smith submitted the following documents, which were marked as follows and accepted into the record by the County Board:

Exhibit 1: Affidavit signed by Orin and Marjorie Rinkel requesting the county to provide public access to property located in Section 29-24-2

Exhibit 2: Letter signed by attorney James Egley stating objection to the establishment of the public road by Donald and Peggy Smith

Exhibit 3: Map with the relevant area of land highlighted

County Attorney Joseph Smith reported that the focus of the hearing is pursuant to Section 39-1716, Paragraph 1. County Assessor Jeff Hackerott reported the following property valuations for parcels of land that may be affected by an access road: Parcel owned by Roger Henn which is valued at \$1,310 per acre, Parcel owned by Donald Smith Jr. which is valued at \$868 per acre, Parcel owned by Donald Bauermeister which is valued at \$763 per acres, and the parcel owned by Orin Rinkel which is valued at \$599 per acre. He explained that the difference in the valuation between the various parcels is due to the soil types and the amount of acres which are valued as waste due to the river cutting through the two parcels owned by Donald Bauermeister and Orin Rinkel. County Attorney Joseph Smith questioned how much of the land was located in a flood plain and County Assessor Jeff Hackerott responded that he did not know how much of the land was located in a flood plain.

Chairman McCallum opened the public hearing at 10:08 A.M. to receive comments regarding the affidavit filed by Orin Rinkel requesting Madison County to provide public access to property located in Section 29-24-2.

Deb Praeuner spoke on behalf of her parents, Orin and Marjorie Rinkel, stating that there were several reasons for her parents' request to access their land. She stated that her parents desire to get permanent access and without permanent access, the property has no value. She explained that if the property has no value it hurts the land, her parents, and the county and by not having permanent access it commits the ground to waste and this would be a shame because it wouldn't be the highest and best use of the property.

County Attorney Joseph Smith asked what the acquisition date of the property was and Deb Praeuner responded that her parents purchased the land in the 1970s. County Attorney Joseph Smith questioned if the purchase date was prior to 1982 and Deb Praeuner responded in the affirmative. County Attorney Joseph Smith asked how the land was accessed at the time of purchase and Deb Praeuner responded that her dad went through Bauermeister's property to access his land. She explained that this is what her dad was told at the time he purchased the property and it was their understanding that this is how the property was accessed for many years. She stated that Mr. Flechner owned this property prior to ownership by Mr. Thompson. In addition, she reported that Mr. Flechner was a good friend with Bauermeister and that is how he gained access to the land and this is how the property was conveyed to Mr. Thompson and also how the land was conveyed to her dad. County Attorney Joseph Smith inquired if the access at the time her dad purchased the land was pursuant to any written easement, recorded or otherwise, and Deb Praeuner responded that it was prior to any written or verbal documentation.

County Attorney Joseph Smith questioned what happened to make it difficult for her dad to access his land. Deb Praeuner responded that her dad couldn't remember the exact years when Clarence Bauermeister approached him and suggested that they enter into an agreement because he was going to convey the property to his son, Don Bauermeister, and he didn't want there to be any trouble. She reported that her dad gave Clarence Bauermeister a dollar, which subsequently made her dad think that he had an easement across the Bauermeister property and, even though she was unsure, she thought it was probably still in effect. She stated that this transaction with Clarence Bauermeister was prior to Don Bauermeister acquiring the deed to his property. She explained that her dad thought it was an easement, but actually it was a license that an expiration date and this fact didn't come to light until several years later. Deb Praeuner stated that subsequently Don Bauermeister decided that he didn't want her dad to go through his pasture anymore and he locked the gate. She reported that at that time her dad applied to the county for access and the county said that they didn't need to provide access and this turned into a civil matter. She stated that her dad's attorney advised him to sue the county on a writ of mandamus and also Don Bauermeister and Roger Henn had to be named in the lawsuit. She explained that, prior to this case going to court, there was a plea agreement in which Don Bauermeister gave her dad a 20-year easement and this has expired and Mr. Bauermeister does not want to extend or renew the easement.

County Attorney Joseph Smith questioned what efforts her dad made to get a new easement and Ms. Praeuner responded that her dad has tried to purchase some land from Henn's for a permanent access and it hasn't worked out because it has been over a year since her dad started this process. She also reported that Don Bauermeister has previously told her dad that he will not grant another access. She explained that she didn't know if Don Bauermeister and her dad have talked, but she did know that Don Bauermeister declined to give her dad a new easement to his property. In addition, she stated that her dad was trying to do a trade of land and this failed a long time ago because of title issue problems with lot lines and questions regarding who owns what property. She further explained that there was a change from a warranty deed to a quitclaim deed because the price kept going up and her dad would have been required to pay all of Henn's expenses, including attorney fees. County Attorney Joseph Smith questioned what the dollar value was with respect to the option to acquire land from Henns and Deb Praeuner responded that the last offer was \$5,700 or \$5,800 for .88 acres of land. She stated that her dad was trying to acquire property off the highway access approach and then he wanted to go straight down the fence line between Bauermeister and Henn, which was basically waste ground with shrub trees, and had not been used. She explained that her dad was going to clean out the shrubs and make a minimum maintenance road to get back to his property. Ms. Praeuner stated that her dad wanted to do a turn around to get into his property and he planned to trade some of his ground to Donald Smith. She explained that the ground that her dad was trading was actually land that Mr. Smith claims was his property because a survey that he had completed showed that her dad's fence line was actually on Mr. Smith's property. She stated that her dad was planning to move his fence to the right location and let Mr. Smith have his ground back for a .5-acre turn around. She explained that there was no point in proceeding with any arrangements with Donald Smith if they could not get the property purchased from Henn for a road to access her dad's land.

County Attorney Joseph Smith stated that the County Board has to consider three things and the first item is that the land was not isolated at the time it was acquired and Deb Praeuner confirmed that the land was not isolated at the time her dad purchased it. Mr. Smith stated that Deb Praeuner reported that there was a verbal consent to access the land at the time of purchase and he asked if there was additional information that Ms. Praeuner wanted to add. Deb Praeuner responded that her dad only wants to get access to his ground and he doesn't want any hard feelings.

County Attorney Joseph Smith stated that the next item that the County Board needs to consider is whether the isolated land was not caused by the owner or by any other person with knowledge of the owner. He stated that Deb Praeuner reported that the adjoining land was deeded to Don Bauermeister and that her dad didn't get along with Don Bauermeister. He inquired if there was any additional information Deb Praeuner wanted to add to this issue and Deb Praeuner responded no.

County Attorney Joseph Smith stated that the third item that the County Board needs to consider is whether it is necessary for utilization of the land that there is access to it and he explained that Deb Praeuner reported that the land is valueless without access. Deb Praeuner reported that she was a licensed real estate sales person for 25 years and she let her license expire, but she told the Board that having the property landlocked basically makes the entire 154 acre parcel of ground worthless because no one is ever going to want to deal with the legal issue of title to the land. She stated that this would always be a title problem. County Attorney Joseph Smith questioned how the land is being utilized and Ms. Praeuner responded that the property is being used as a pasture as it always has been. County Attorney Joseph Smith questioned what aspects make it necessary to access the property and Deb Praeuner responded that it is necessary to access the property to graze cattle on the pasture. She further explained that an access road would not get a lot of traffic and a minimum maintenance road is all that her dad would require. She stated that the access road does not need to be very wide and they had a survey completed with a 30-foot wide road and this would be adequate for her dad to get a horse trailer to the pasture.

County Attorney Joseph Smith stated that if the county puts in a road it must be between two and four rods, which is between 33 feet and 66 feet. He asked Deb Praeuner what her input was on this matter and she responded that 33 feet would be fine because this is only three feet wider than the amount of property that they were trying to purchase. She stated that the road won't be used for industrial purposes and, even if some day someone would want to build a home or a cabin on her dad's property, this is all that would be needed. County Attorney Joseph Smith questioned if Deb Praeuner was speaking on behalf of her dad, because the law states that if the land is purchased prior to 1982, that the cost of putting in the road is paid by the county, but the cost of acquiring the land by the county through a condemnation process would be paid by the landowner. County Attorney Joseph Smith asked if Deb Praeuner was familiar with this statutory requirement and Ms. Praeuner responded that she and her parents were aware of this requirement. County Attorney Joseph Smith asked what type of road is needed as far as utilization of her dad's property for cattle and Deb Praeuner responded that a dirt road is all that is necessary and no gravel is required. Deb Praeuner stated that during her research she has found that the county is not required to put in a road that meets state specs and it can be a minimum maintenance path because this is all her dad needs.

Chairman McCallum questioned if anyone else present at the hearing wanted to speak in favor of the request filed by Orin Rinkel requesting Madison County to provide public access to property located in Section 29-24-2 and no other individuals spoke.

Chairman McCallum requested individuals opposed to the request filed by Orin Rinkel requesting Madison County to provide public access to his property to offer testimony. Mike Henn stated that he appeared to represent his father, Roger Henn, and he stated that there were several points of interest that the County Board needs to understand. He stated that the history of the property was never anything his dad was involved with, but they became involved the first time Mr. Rinkel requested access from the county. He reported that his dad has a sour taste in his mouth now because it cost him some attorney's fees that last time this matter was discussed. He stated that the first time this matter was brought forward they were never approached by Orin Rinkel or by anyone about using their property to get into Mr. Rinkel's pasture. Mr. Henn clarified that his dad was never approached 20 years ago in 1987. He explained that back then they made it plain and clear that they didn't have an issue with Orin Rinkel using their property to access his and that didn't stop the court proceedings; therefore, his dad got an attorney involved because where the road would have been installed would have split his dad's land into two parcels and he didn't want that to happen. Mr. Henn stated that as of the present date they still haven't been approached nor asked whether or not the Rinkels could cross their property. He stated that he spoke to his dad who still doesn't have a problem with Rinkels crossing his land. He stated that in regard to what they offered to the Rinkels to sell land there are several things that have not happened. He explained that he wished his attorney was present at the hearing, but he is not, but according to the conversations between his attorney and Rinkels' attorneys, the Rinkels didn't have a problem with the price of the land, but the fact that he wanted to retain an easement on the right-of-way. Mr. Henn stated that the reason for him wanting to retain an easement is because they have been down this path before with Orin Rinkel and it has been difficult to negotiate with Mr. Rinkel and they didn't want to have a question of where the property lines are located or who had the right to use what. He stated that he can't speak to what is going on with the access or where it is going to be placed, but he is assuming that it will need to go to the west along the property line between Don Bauermeister and himself because of the layout of the bridge and where the state is doing the remainder of the highway work. Chairman McCallum requested Mike Henn to mark the map where he thinks the access road would be established. Mr. Henn marked a map reflecting the path he assumed would be used for access and this map was marked as Exhibit #4 and accepted into the record by the Board. Mr. Henn stated that this is the area that they offered to sell to Orin Rinkel and there was an issue about how they would access an area of their land. Chairman McCallum questioned where the Donald Smith property was located and Mr. Henn pointed out this property on the map and the area where a turn around would be needed. Mr. Henn reported that they never received a counter offer and, to his knowledge, there has never been any discussion about a counter offer. Chairman McCallum questioned if \$5,700 was the amount offered to the Rinkels for the sale of property and Mike Henn responded that he didn't know the numbers, but he thought 1.3 acres was the amount of land involved. Mr. Henn stated that according to attorney Tim Brogan there was no counter offer made by Orin Rinkel. He reported that his dad planted a shelterbelt on his property and the particular corner in question is extremely sandy and blows. He pointed out the location of the row of trees on the map and stated that they understand that they will lose the trees. He stated that if the county would pursue condemnation of the land they would request that the road be located on the property line and split equally between the owners. He stated that the neighbors need to get along and that is why they didn't oppose the Rinkels using their property to access their pasture. Chairman McCallum questioned if the price they proposed included the loss of the trees and Mr. Henn responded that it did include the cost for loss of the trees.

County Attorney Joseph Smith questioned how placement of the road on the lot line would affect the trees and Mr. Henn responded that he would have to look at the property again because he doesn't know exactly where the property line is located. He stated that he knows that the property line is south of the fence line, but he doesn't know how many feet. County Attorney Joseph Smith questioned if it would be possible to go around the trees and stated that this decision would be made at a later time.

Chairman McCallum questioned if the survey completed by Dick Johnson showed the location of the trees. County Highway Superintendent Richard Johnson reported that he met with Commissioner Rick Uhlir and Don Bauermeister at the site on November 27, 2007. He explained that Mike Henn has a row of evergreen trees along the south property line and Don Bauermeister has a windmill and corral on the east end and these are things that typically are avoided when determining the location of a road because of cost. He stated that somewhere close to the property line he anticipated would be the center of the road. He stated that the county would not want to remove trees or mess with relocation of a windmill or corral so there may be some curvature to the road.

County Attorney Joseph Smith questioned if there was a written easement between Henn and Rinkel and Mike Henn responded that there never was an easement between them. Chairman McCallum questioned if the county would need to relocate the windmill if it is in the middle of the road and County Highway Superintendent Dick Johnson responded that the county would need to replace it. Chairman McCallum questioned who would pay the relocation costs and County Attorney Joseph Smith responded that the county would pay for the cost of building the road, but the case law says that the landowner pays damages.

Commissioner Uhlir stated that, in his opinion, the county could build the road around the trees and angle back over onto Mike Henn's property to stay away from the windmill and make the turn around. County Attorney Joseph Smith stated that if the windmill had to be moved, the county would be charged with moving it.

County Attorney Joseph Smith stated that the County Board is hearing evidence today and then whatever happens will probably be decided at the next meeting. He questioned if there was any chance that the landowners would get together with some written easements so the County Board doesn't need to address the issue every 20 years. Mike Henn responded that he could pick up the phone and talk to his dad, but it would probably be advantageous to keep his dad out of the discussion.

County Highway Superintendent Richard Johnson questioned if the road south from the highway is a Department of Roads easement to Don Bauermeister's land and Mike Henn responded that it is a Department of Roads easement. Mike Henn stated that he and Don Bauermeister have separate accesses to their land and he was unsure if there is any space between the two accesses. County Highway Superintendent Richard Johnson questioned if the easement was right on the property line and Mike Henn responded that the easement is not right on the property line because the state took between 7 and 9 acres of his dad's land. Mike Henn questioned if the depositions presented by the other landowners were in favor or opposed. County Attorney Joseph Smith advised that one letter was submitted on behalf of Donald Smith who was in opposition to the establishment of a public road.

County Highway Superintendent Richard Johnson questioned what Mike Henn's feelings were on the establishment of a public road and Mr. Henn responded that it wouldn't bother him, but he didn't know what his dad's feelings were regarding a public access. He stated that putting in a public access opens it up to anybody traveling on it and also opens up liability for the county regardless of how the county maintains it. Chairman McCallum questioned if the road automatically becomes public regardless of what type of road surface is involved and County Highway Superintendent Richard Johnson responded that it becomes public access. Mike Henn reported that, in his opinion, all avenues have not been exhausted to solve this problem. County Attorney Joseph Smith stated that the landowners only have a couple weeks to solve the issue.

Commissioner Lee Klein stated that the Henn family thought about selling access as long as they could receive a right-of-way back and Mike Henn responded that his family wanted to retain an easement. He explained that attorney Tim Brogan stated that the issue with the Rinkels was the request by him to retain an easement. County Highway Superintendent Richard Johnson questioned why Henn wanted to retain an easement and Mike Henn responded that due to the past history and relationship with Orin Rinkel, he didn't want any distinctions to be made regarding who was on what ground and who had the right to be there.

Attorney Tom Brogan appeared on behalf of Don Bauermeister. Mr. Brogan submitted an affidavit and objections signed by Donald Bauermeister, which was marked as Exhibit #5 and accepted into the record by the County Board. Mr. Brogan stated that one of the points of objections that he wanted to make during the hearing was the fact that Mr. Bauermeister did not receive the 15 day legal notice which statute requires. He explained that Mr. Bauermeister's notice was on November 29, 2007. County Highway Superintendent Richard Johnson responded that he personally delivered the notice of the hearing to Don Bauermeister on November 27, 2007. Mr. Brogan stated that the notice of the hearing was dated November 29, 2007. County Highway Superintendent Richard Johnson explained that the date on the notice is the date that the notice is published in the newspaper. Mr. Brogan reported that the certified mail was received on Saturday. County Clerk Nancy Scheer clarified that the date on the notice of the public hearing is the date that the notice is published. County Attorney Joseph Smith questioned when the notice was personally served to Don Bauermeister and County Clerk Nancy Scheer responded that the notice was personally served to Don Bauermeister on November 27, 2007. Tom Brogan requested to see the certified receipt card and County Clerk Nancy Scheer responded that she did not request return receipts because the statute does not require return receipt, but only requires that the notice be sent by certified mail and she reported that the mailing receipts are postmarked November 27, 2007. County Attorney Joseph Smith directed County Clerk Nancy Scheer to mark the document reflecting information regarding personal delivery of the notice of public hearing and sending the notice by certified mailing. The document reflecting information regarding the personal service of the notice of hearing with attached certified mail receipts which was marked as Exhibit #6 and accepted into the record. County Attorney Joseph Smith stated that Mr. Brogan and Don Bauermeister did appear at the hearing and Tom Brogan stated that he understands; however, he wants to preserve objections to the notice of the hearing. County Attorney Joseph Smith questioned if Mr. Brogan was making a special appearance and Mr. Brogan responded that this hearing is not a court proceeding and he is going by the state statutes. Chairman McCallum questioned if there was still a question regarding the notice of the hearing and County Attorney Joseph Smith responded that this issue has been discussed and Tom Brogan has presented the affidavit about notice and County Clerk Nancy Scheer has indicated personal service was made on November 27, 2007 and the documentation has been marked as Exhibit #6, which is documentation about personal service of the hearing notice. County Attorney Joseph Smith reported that the affidavit also cites in Paragraph 5 something that is an issue and that is whether or not the land was isolated at the time the current owners acquired the real estate. Tom Brogan submitted a copy of the warranty deed reflecting that Orin and Marjorie Rinkel purchased the land in 1975 and said deed was marked as Exhibit #7. Mr. Brogan reported that in 1987 there were court proceedings and there was a stipulation for easement for ingress and egress and that confirms the fact that the land was isolated at the time it was purchased. He explained that if the county grants the request, the road becomes public. He stated that statute also says that the road must be at least two rods and no more than four rods wide. He stated that another part of the discussion confirms what access there is from the four-lane highway. Mr. Brogan reported that there was another lease for ingress and egress from and to this land.

Chairman McCallum asked for an explanation of Section 39-1716 because he wanted to know what happens if the land was landlocked when it was purchased. County Attorney Joseph Smith responded that if the property was landlocked when it was purchased then one of the facts that the Board needs to find is that the property was not landlocked when it was purchased. He explained that he provided a copy of the case Young versus Dodge County Board of Supervisors, which is 242 Nebraska 1. He explained that the position is that if there is no written easement at the time, then the property would be landlocked because that is how real estate works. He reported that in the Supreme Court case of Young versus Dodge County Board of Supervisors, the Youngs purchased some property and there was no written easement, but they had access over a dike located on other property by a verbal agreement. He explained that a public entity purchased the property where the dike was located and told the Youngs that they couldn't drive across it anymore. He reported that this evidence was presented to the Dodge County Board of Supervisors and they declined the request stating that the land was not landlocked. In addition, he explained that the Supreme Court said that the property was not landlocked because they had verbal consent.

Tom Brogan stated that there was no evidence presented that there was any oral agreement for access and County Attorney Joseph Smith stated that there was testimony by Deb Praeuner. Mr. Brogan stated that there was no testimony regarding knowledge of prior access. County Attorney Joseph Smith stated that Deb Praeuner testified that when Don's dad transferred land over that they couldn't get along anymore.

Don Bauermeister explained that this issue started a long time ago; however, several months ago there was a meeting with a publication in The Norfolk Daily News. He explained that at that time he thought it would have been nice to know that there was going to be a meeting. Chairman McCallum stated that when Don Bauermeister called him after the meeting he apologized that notice was not sent. Mr. Bauermeister stated that he feels that this matter has been going on for a long time. He reported that originally his dad had a written lease, which the Board has a copy of and he was charging one dollar a year and then the lease was crossed through and changed to five dollars a year. He reported that he continued this lease when Rinkel bought the land, but he made a new agreement and carried on from what his dad charged, but it wasn't a 20-year lease. He

reported that after two or three years he approached Mr. Rinkel and requested him to sign a new agreement. He explained that he didn't indicate that there was to be any increase in pay for going across the land and Mr. Rinkel stated that he wouldn't sign it. Mr. Bauermeister stated that this is when they had attorneys involved and it was also the time when they came up with the 20 year agreement in the amount of \$500 for 20 years, which equates to \$25 a year. He reported that the agreement states that any damage that was done to his property when Mr. Rinkel crossed it would have to be repaired by him. He stated that at one point during the spring Mr. Rinkel traveled across his land and took out the entire corner of his ground to get to his pasture and it was real wet, leaving deep ruts from the trailer. He stated that he asked Orin Rinkel to repair it and Mr. Rinkel responded that he didn't have any dirt to repair it. He reported that things like that incident kept continuing and if Mr. Rinkel's bull was on Bauermeister's land it was never Rinkel's fault. He stated that harmony doesn't exist, so he would like Mr. Rinkel to have a different route to his pasture so he wouldn't continue to have problems every year. Mr. Bauermeister stated that he never had any association with an offer to buy any land. He stated that Deb Praeuner made a statement that there was just an oral agreement and that is not true because his dad had a written agreement and he also had a written agreement. Deb Praeuner asked what the date was on the written agreement and County Attorney Joseph Smith stated that it doesn't make any difference.

Don Bauermeister reported that as far as the trees are concerned, Mr. Johnson reported that they are evergreen trees; however, they are actually cedar trees although they are in the same class as evergreen trees they are not quite as high priced as Austrian pine or blue spruce trees. He stated that his recollection is that if the county tried to go along the edge they would probably be ruining some tree roots. County Highway Superintendent Richard Johnson stated that if the county needs to take the trees out they would be the most expensive evergreens. Don Bauermeister stated that he should have gotten together with Mike Henn before he came to the meeting. He reported that he did see Mike Henn watering these trees several times and he concurred that this property is very sandy. He stated that if a public road is established he has some concern regarding an area that the state dug as a pond, which is not too far from the public access road. He stated that he is concerned about liability if someone goes in this area and drowns.

County Attorney Joseph Smith stated that statutes with the county are mandatory and that is what the case law said and an Attorney General's opinion concurs that it should be construed legally. He stated that this is a problem that the county has because the county is bound by a statute that says if the county addresses the issues then it becomes a public road and a person could drive a public road that goes through the middle of someone else's pasture. He also stated that arguably someone could go down a 33 foot road all they wanted to and be able to do anything like drink beer or put dead bodies. He stated that the county would rather have a private easement with a gate on one end. In addition, he stated that a 20-year easement on an issue that has been festering a long time is not good.

Don Bauermeister said that it was stated that no offers have been made and none have been made to him. He stated that Mike Henn reported that he would be willing to negotiate and it seems like this matter is more of a grudge thing. County Attorney Joseph Smith and Board Chairman Jerry McCallum agreed.

County Attorney Joseph Smith stated that he has spoken to all the individuals involved and none are criminals, but everyone needs to try to get along. Don Bauermeister stated that when the 20-year agreement was being negotiated he said that he would think about an agreement but it would have to be for agricultural use only by the Rinkels. He stated that he didn't want people to come across his land with that type of agreement and put up a cabin or house on the Rinkel property. He stated that Mr. Rinkel stated that Bauermeister couldn't put up a cabin on his property either and he thought that for the privilege of going across his land common sense says that was a little out of line. County Attorney Joseph Smith stated that this is one reason they addressed the land utilization and utilization is listed in the statute and this is one reason there was an emphasis on utilization because this could involve recreation or pasture. Tom Brogan stated that he didn't think there was compliance with the statute.

Deb Praeuner clarified that she tried really hard to get something going with Mike Henn for a purchase agreement and her phone calls were not returned. She explained that she was not met kindly on her personal visit with Henn. She stated that as far as the easement is concerned, her dad bears the costs of the easement for the rest of eternity. She stated that her concern on the easement is that the highest and best use of that land in 20 years is not going to be farming. In addition, she stated that she doesn't want her dad or his children to be forced to pave the road or have a liability for whatever is the best use of that ground. Ms. Praeuner stated that she still doesn't see the reason for an easement because the state highway department told her that as far as the access roads are concerned, they have no problem giving people access. She stated that she didn't see why there is a need to an easement.

Chairman McCallum stated that there weren't going to be any arguments during the hearing and if any of the individuals wanted to argue they could go back to their farms and have their arguments. County Attorney Joseph Smith pointed out that the Board should only consider the items that the statute states must be considered.

Chairman McCallum closed the public hearing at 10:56 A.M. He stated that the County Board would not make a decision on this issue until a future meeting. County Attorney Joseph Smith recommended that the Board members think about the testimony presented until the next meeting and this will also give him an opportunity to speak to some of the lawyers involved. Chairman McCallum stated that from the counties point of view this matter has festered a long time and there are a lot of hard feelings and he suggested that the neighbors try to heal because it will continue to cause a lot more problems in the future. He thanked the individuals for their testimony and opinions.

The Board took no action.

Pursuant to published legal notice in the Saturday, December 1, 2007 edition of The Norfolk Daily News, Chairman McCallum announced that a public hearing would be held to receive testimony regarding a conditional use permit application of Joan Rees to construct a residence on less than 40 acres of property located in Section 17-23-1.

Planning and Zoning Administrator John Johnson reported that the County Board said that when an application came before the Board and the applicant was not in attendance, the public hearing would be opened and recessed to allow an opportunity for the applicant to appear. He reported that he called Schroeder Land Surveying in an attempt to contact the applicant and he has also double checked the address and verified that the notice is being mailed to the address listed on the application. Chairman McCallum stated that the County Board has set a precedent that if the applicants were not present to represent themselves, the hearing would be delayed. Planning and Zoning Administrator John Johnson recommended that the Chairman open the hearing and recess it so that as soon as he contacts Joan Rees the hearing can be placed back on the agenda so that the county does not need to re-advertise the hearing.

Chairman McCallum opened the public hearing at 11:06 A.M. regarding a conditional use permit application of Joan Rees to construct a residence on less than 40 acres of property located in Section 17-23-1. He reported that as a result of the applicant not being in attendance at the hearing, the application would be tabled to a future date until contact can be made with the applicant. County Clerk Nancy Scheer clarified that it would be best if the notice of the hearing were re-published so the public is notified.

Motion by Klein and second by Uhlir to recess the public hearing regarding a conditional use permit application of Joan Rees to a future date. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, December 1, 2007 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 11:09 A.M. to receive testimony regarding an amendment to the Madison County Zoning and Subdivision Regulations to establish setbacks to dwellings for certain land uses that could be considered dangerous or a nuisance to dwellings.

Planning and Zoning Administrator John Johnson reported that this proposed amendment is a result of a request from County Attorney Joseph Smith and County Sheriff Vern Hjorth to protect shooting ranges. He explained that he would like to see these proposed regulations approved by the state legislature in the future. He reported that most Madison County law enforcement agencies practice at the Pierce shooting range. He stated that the proposed amendment requires shooting ranges be one-quarter mile from a residence, which is the same protection as livestock operations. In addition, he explained that the amendment establishes setbacks for commercial chemical and hazardous waste manufacturing and storing flammable items, and some areas where people congregate, such as athletic fields, private airstrips, and schools, in an effort to keep the nuisance factor to a minimum. He reported that he spoke with Captain Hecker and Sergeant Schmitz and they testified that one-half mile would be ideal, but a quarter mile setback would be acceptable. He stated that noise and an occasional flyer are the main concerns.

County Attorney Joseph Smith reported that he received a phone call from Norfolk City law enforcement officials requesting a change because of statutory requirements for law enforcement officials to meet certain obligations to annually certify to fire weapons and this requires them to have regular shooting practice. He explained that he suggested a change in the zoning regulations because there are other hazardous activities. He stated that a quarter mile setback does not guarantee safety.

No one appeared at the hearing to offer testimony in support of or in opposition to the proposed amendment. Chairman McCallum closed the hearing at 11:15 A.M.

After discussion, the following resolution was introduced:

RESOLUTION #2007-61

A RESOLUTION AMENDING BY REFERENCE 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 from the Madison County Planning Commission and proper notice been given and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends by adding the below underlined sections to the Madison County Zoning and Subdivision Resolution.

Amended areas of the Madison County Zoning Regulations

402: AG1 Intensive Agriculture
Lot Requirements and Intensity of Use.

4. Supplementary Regulations

Table 4: Setbacks for the below listed uses to dwellings and dwellings to the below listed uses

Shooting Ranges	1,320 ft.
Landfills (all types)	1,320 ft.
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	2,640 ft.
Schools, colleges, trade schools, and/or athletic fields	1,320 ft.
Private Air Strips	2,640 ft.
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	1,320 ft.
Commercial storage of hazardous waste or hazardous products including manufacturing of such	2,640 ft.

403: AG2 General Agriculture
Lot Requirements and Intensity of Use.

3. Supplementary Regulations

Table 5: Setbacks for the below listed uses to dwellings and dwellings to the below listed uses

Shooting Ranges	1,320 ft.
Landfills (all types)	1,320 ft.
Race Tracks including horse race tracks, auto and motorcycle race tracks and courses, off road courses or tracks	2,640 ft.
Schools, colleges, trade schools, and/or athletic fields	1,320 ft.
Private Air Strips	2,640 ft.
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	1,320 ft.
Commercial storage of hazardous waste or hazardous products including manufacturing of such	2,640 ft.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Amendment to the Zoning and Subdivision Resolution shall be entered into the Official Zoning and Subdivision Regulations of Madison County, previously adopted by reference, and reincorporated as a part of the Madison County, Nebraska Zoning and Subdivision Resolution as amended.

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

Pursuant to published legal notice in the Saturday, December 1, 2007 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 11:17 A.M. to receive testimony regarding a proposed amendment to Article 6 of the Madison County Zoning and Subdivision Regulations regarding changes to wind energy regulations.

Planning and Zoning Administrator John Johnson reported that Boone County Commissioner Hank Thieman invited him to meet with Boone County officials as they were attempting to draft more detailed regulations to better meet commercial wind energy towers. He reported that Boone County adopted the regulations submitted for the Board's consideration. He stated that a meteorological tower has been located in Madison County and there is a good chance that a wind energy tower will follow in the future. He explained that there are concerns about the potential for ice falling off the towers and the setbacks that are

currently established for placement of wind energy towers. Mr. Johnson explained that when Madison County conducted a hearing on the meteorological tower placement, Nebraska Public Power District sent a representative to testify and they recommended that the setback be established at two rotor lengths. He stated that the blades could range between 70 and 120 feet. He explained that the proposed regulations that the Board will consider are based on the diameter of the blade measured on the ground from the center of the tower, which would establish the setback at one additional blade length longer than the actual blade. He stated that smaller wind energy towers, which people want to locate on a farm or acreage, would require shorter setback requirements. In addition, he reported that the proposed amendment includes setback requirements from other buildings, property lines, and roads.

Steve Arwood, Vice-President of Third Planet Windpower, project developer Steve Boyer, and Nebraska project manager Mary Forman, were present during the hearing. Mr. Arwood stated that they support approximately 80% of the proposed regulations; however, he recommended some changes to the amendment. He stated that the county is proposing diameter plus the applicable building setback in the setback requirements and he suggested adding language that says "the setback may be less when adjoining property owners are within the aggregate project." He stated that as a matter of practice, they would not put a wind turbine closer than 1,000 feet to an occupied dwelling and this would allow the use of standard rotor diameter potentially 400 feet from an occupied dwelling. He stated that they would support increasing this distance to 1,000 feet if the county wanted to make a bigger setback from an occupied dwelling. Commissioner Uhlir questioned if the wind turbines generated a lot of noise and Mr. Arwood responded that there is not much noise with a setback of 1,000 feet.

Mr. Arwood reported that the proposed amendment requires a 600-foot setback from wetlands and river bluffs and in paragraph 10 under the requirements it requires a minimum of 1,320 foot setback and these requirements are inconsistent. Planning and Zoning Administrator John Johnson responded that this is not a setback requirement and the county only wants to know the actual location from wetlands and river bluffs. Mr. Arwood explained that they have an issue with the setback language under wind energy conversion systems under different ownership and the final Boone County resolution struck this section. He explained that ability of two separate projects to work in the same area will be primarily dictated by the ability of what the utility transmission system can handle in terms of capacity. He also stated that the wake effect, which is commonly associated with the back side of the wind turbines, is generally of a very limited distance and without a specific distance requirement in the zoning regulations, there may be instances where neighboring wind projects may have a right to oppose another wind project. In addition, he stated that the subjective nature of the material that may be presented on the zoning regulations may put the Board in a position to make a decision on two competing wind energy projects. He explained that this issue came up in Boone County and it was decided to let the developers and the industry make development selections based on engineering.

Mr. Arwood reported that the proposed regulations have a reference in the feeder lines section that the feeder line is a non-essential service and he assumed that this related to condemnation and a private developer does not have the power of eminent domain or condemnation. He stated that the regulations require 90 days for removal of the wind energy turbines and accessory facilities and they are requesting that this regulation be changed to 180 days because of agricultural operations and weather. He recommended that the county add language requiring the facilities to be removed four feet below ground level to ensure a complete return of the property to its primary use. He stated that another issue is noise and they agree with the noise levels; however, he suggested that additional language be added to allow for short-term periods in excess of the level when severe weather occurs. He stated that he felt that the noise language was good; however, he felt that there should be some delineation for a dwelling occupied by humans. He stated that there are many abandoned houses and remote barns throughout the county.

Planning and Zoning Administrator John Johnson recommended incorporating these recommendations into the proposed regulations and this would require the proposals to be returned to the Planning Commission.

Richard Grant reported that he measured pivot corners and, in his opinion, the setbacks are too far. He explained that an engineer from the Nebraska Public Power District stated that a 150 foot setback would be much more workable. Steve Arwood responded that they will be dealing with many pivot corners and they want to make sure that they are far enough back from the road in the event of a catastrophic failure. He questioned what the potential fall zone would be for the turbine. He stated that they were back 400 feet in a pivot corner and in many pivot corners this distance won't work. He stated that Nebraska Public Power District recommended establishing setbacks based on rotor size and this will allow the tower to be placed closer to the pivot corner. He stated that developers will need to look at that and made decisions based on whether the pivot corner can even be used based on the number of available acres. He stated that each developer needs to decide how close the tower can be placed to the road based on potential ice thrown onto the road.

Planning and Zoning Administrator stated that the Nebraska Public Power District representatives equated ice buildup on the rotors to ice buildup on power lines. He explained that ice built up on power lines occasionally falls onto the road, but rarely falls onto a vehicle. He stated that ice coming off a rotor has more momentum than ice built up on power lines. He stated that the way the setbacks are designed, a rotor with a 90 foot blade will have a setback of 140 feet from the edge of the blade to the edge of the right-of-way. He reported that the regulations do not allow for the tower tipping over because the average height is 225 feet. He stated that the county will want to maximize the number of towers located in areas where there is good wind. Richard Grant expressed concerns about farmers not wanting the towers so far into their fields and Planning and Zoning Administrator John Johnson stated that there needs to be a minimum setback requirement.

Chairman McCallum closed the public hearing at 11:40 A.M.

After discussion, it was moved by Klein and seconded by Uhlir to send the proposed amendment to Article 6 of the Madison County Zoning and Subdivision Regulations regarding changes to wind energy regulations back to the Joint Planning Commission for consideration of the recommendations submitted by Third Planet Windpower. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, December 1, 2007 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 11:42 A.M. to receive testimony regarding the rezoning application of Lawrence and Nancy Sinclair to rezone property located in the W1/2 SW1/4 Section 12-24-4 from "AG2" Primary Agricultural Zoning District to "RR" Rural Residential District.

Planning and Zoning Administrator John Johnson reported that this rezoning application is for property located approximately two miles north of Meadow Grove. He stated that the county's comprehensive plan requires residential development to occur in certain areas of the county and this application is consistent with the comprehensive plan. He stated that the Planning Commission unanimously recommended approval of this application. He stated that there were concerns regarding sewer flow, which were addressed by Lawrence Sinclair at the Planning Commission meeting.

Nancy Sinclair appeared before the Board and stated that the conservation development concept will be used in this development versus a normal lakeside development plan. She stated that their development plan will not include a large number of homes or jet skis, which will cause a lot of noise. She reported that they will be emphasizing sustainability and the green vision used by some of the newer developers. Mrs. Sinclair reported that she made a trip to Minnesota and spoke with university representatives who directed her to a project that impressed her and they will be following this design concept, which used wetlands to solve septic problems. She stated that the design concept is oriented towards preserving curb appeal of natural vegetation and they will follow a 40 page design guideline book. She explained that they would like to develop six lots and the homes will be top dollar homes. She reported that the home in this development will not be as large or visible as the homes located across the road to the west.

No one appeared at the hearing to submit comments in opposition to the rezoning application.

Chairman McCallum closed the hearing at 11:48 A.M. After discussion, the following resolution was introduced:

RESOLUTION #2007-62

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, having received a request to and a positive recommendation from the Madison County Joint Planning Commission, proper notice having been given, and public hearings held by said Commission and the Madison County Board of Commissioners as provided by law and under the authority of and subject to the provisions of Article 1, General Provisions, Section 114, page 1-2, of the Madison County Zoning and Subdivision Resolution.

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

"AG2" Agricultural Primary to "RR" Rural Residential - District on the following tract of land described as the West Half of the Southwest Quarter of Section 12, Township 24 North, Range 4 West of the Sixth Principal Meridian, Madison County, Nebraska.

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. This Resolution shall take effect and be in force from and after its adoption.

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

Pursuant to published legal notice in the Saturday, December 1, 2007 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 11:51 A.M. to receive testimony regarding the conditional use permit application of Scott Nelson to operate a Confined Animal Feeding Operation of no more than 4,000 head of finishing pigs on property located in the E1/2 NE1/4 Section 23-21-4.

Planning and Zoning Administrator John Johnson entered by reference the following exhibits:

Exhibit #1: Comprehensive Plan

Exhibit #2: Zoning Regulations

Exhibit #3: Zoning Map

Exhibit #4: Livestock Feeding Operation Siting Matrix

Exhibit #5: Scott Nelson's application file, including all exhibits entered at the Planning Commission hearing

He read the Statement of Finding of Facts, which the Planning Commission established, and he also read the conditions recommended by the Planning Commission. He reported that the applicant scored 462 points on the Livestock Feeding Siting Matrix.

The applicant, Scott Nelson, explained that he plans to construct a 4,000 head finishing barn, which will be completed in two phases. He explained that he does not have a time line on the completion of the second phase. He reported that his goal is to raise hogs and continuing farming with his dad. He stated that the hog operation will provide inexpensive fertilizer for the farming operation. He explained that he and his dad have a great number of acres within one mile of the site where the waste can be injected into the soil. Mr. Nelson stated that the long side of the buildings will be running east and west and the buildings are a double curtain structure with ventilation. He explained that he plans to plant trees on the north and west sides for wind breaks and odor control and grass will be planted all around the buildings. He also reported that the pits will be 8 feet deep and will be fully slatted for containment for one year. He stated that he wants to build this facility for himself and he has an 8-year old son who would like to farm and live in the community.

Commissioner Uhlir questioned if Mr. Nelson was planning to use a chemical to reduce the odor in the pits and Mr. Nelson responded that he does not plan to use chemicals unless it is necessary. Commissioner Uhlir questioned how close the nearest neighbor was in relationship to the facility and Mr. Nelson responded that he lives the closest to the operation and then his dad lives the next closest. Planning and Zoning Administrator John Johnson clarified that other neighbors are located west and southeast of the proposed operation between 2,100 and 2,300 feet. Scott Nelson reported that Association For Agriculture in Nebraska completed a study and he was the only residence that fell within the setback requirements. He explained that the proposed site is bare property located on his dad's property. Planning and Zoning Administrator John Johnson reported that Mr. Nelson has room to expand before the setback requirements increase because this is a 1980 setback requirement as opposed the one-quarter mile setback, so the applicant can increase the animal units to 5,000 head before the setback requirements increase. Commissioner Uhlir questioned how many animals the applicant was planning to start with and Mr. Nelson responded that he plans to start with 2,000 head.

Chairman McCallum stated that he is happy to see a young farmer get started in the agricultural business. He encouraged Mr. Nelson to get along with his neighbors and follow the zoning regulations and he would have a successful operation.

Ross Nelson testified in support of the condition use permit application. He stated that aside from Scott Nelson and his dad he would be the closest neighbor to the operation. He stated that the number of people in attendance at the hearing says everything that needs to be said about Scott Nelson's work habits and his character as an individual. He explained that this is an opportunity for a young person to farm and stay in the community.

Verdell Nelson, the applicant's father, spoke in support of the conditional use permit application. He stated that his son wanted to come back to farming and the price of buying land or paying cash rent is getting out of site; so, his son felt that a hog finishing operation would provide better cash flow. Commissioner Uhlir questioned if his son is planning to buy and own the hogs and Verdell Nelson responded that his son will custom feed hogs for other owners.

Chairman McCallum requested a show of hands of individuals in attendance at the hearing who supported the conditional use permit application. Seventeen individuals indicated that they supported the application.

No one appeared at the hearing to express opposition to the conditional use permit.

Chairman McCallum closed the public hearing at 12:02 P.M.

After discussion the following resolution was introduced:

RESOLUTION #2007-63

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, the Madison County Joint Planning Commission and the Madison County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provision the Madison County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

WHEREAS, the Madison County Planning Commission and the Madison County Board of Commissioners have established the following Statement of Finding of Facts for the Conditional Use Permit application of Scott Nelson:

1. The application is consistent with the Madison County Comprehensive Plan.
2. The application is consistent with the Madison County Zoning and Subdivision Regulations.
3. Nelson passed the Madison County Livestock Feeding Siting Matrix.
4. The proposed hog barn would be outside of the 1,980 ft. setbacks to the nearest homes with the exception of the applicant's residence and the applicant's father's farmstead. This meets the setbacks requirements.
5. No pigs are currently raised on the site.
6. The project will consist of two phases with each phase consisting of a 2,000 head finishing barn.
7. Several area residents spoke in favor of Nelson's project.
8. Craig Nelsen and his wife, who live about a mile northwest of the proposed facility, spoke against the facility due to the fact they spend a lot of time outdoors in the summer months.
9. Odor footprints submitted by the applicant and completed by AFAN show only the applicant's residence within the 94% odor annoyance areas.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Scott Nelson to operate a Confined Animal Feeding Operation under Section 402, Subsection A, Part 26, "AG-1" Intensive Agricultural District, Madison County Zoning and Subdivision Resolution, on the following described land:

E½ of the NE¼ of Section 23, Township 21 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 is a Large Livestock Feeding Operation Conditional Use Permit after implementation of both phases for an operation of up to 4,000 head of swine in addition to any farm animals currently housed, raised, bred, or in outdoor confine or pastured on the property.
2. This conditional use permit shall be for an unlimited amount of time subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix and will become effective with the adoption of this resolution. This permit is subject to all of the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska, and shall be operated to meet both groups.
3. Any new owner/operator of this operation must give notice to the Madison County Zoning Administrator 30 days prior to the closing date of the sale.
4. This conditional use permit shall become null and void if construction of a finishing barn is not begun within one year of adoption of this resolution.

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

County Treasurer Donna Primrose, Register of Deeds Nancy Gross, Clerk of the District Court Marjorie Schaffer, County Assessor Jeff Hackerott, County Attorney Joseph Smith, County Sheriff Vern Hjorth, Planning and Zoning Administrator, John Johnson and Extension Educator Lee Sherry were present to discuss revisions to the Employee Policy and Procedure Manual. Chairman McCallum explained that he appointed a committee to review the personnel manual and the proposed changes were distributed to each office and discussed with the elected and appointed officials at a meeting on November 28, 2007. County Clerk Nancy Scheer reported that several portions of the manual have two options for the County Board to consider, with one option proposed by the personnel handbook committee and another option recommended by officials who attended the November 28, 2007 meeting.

Chairman McCallum stated that the first revision is to add the following preface on Page 3 of the employee policy: *The Madison County Sheriff's Office is subject to the rules and regulations of the Sheriff's Merit Commission and the applicable state laws establishing the Sheriff's Merit Commission. Said rules, regulations, and applicable state law supersede any conflicting provisions of the Madison County Employee and Procedure Manual.* No one expressed opposition to this proposal.

Chairman McCallum announced that the second revision was to make the following change to paragraph 5 on Page 7 for Temporary and Seasonal Employees and #6 for Intermittent Employees by combining these two categories as follows: *Temporary, Seasonal, and Intermittent Employees - Persons hired for specific short-term positions or on an irregular or occasional basis and are paid for actual hours worked. They Do Not receive any county benefits.* No one expressed opposition to this proposal.

Chairman McCallum reported that the third revision was a change on Page 10 to PAY DAYS to "Pay day for all county employees will be biweekly." He explained that the current manual states that employees will be paid on a semi-monthly basis. No one expressed opposition to this proposal.

Chairman McCallum reported that the next revision was a proposal to change the work week as listed on Page 10 of the manual. He stated that this issue has caused a lot of controversy, but the County Board has to consider the following options: Option 1 which was recommended by Handbook Committee: All full-time county employees must work five 8-hour days, subject to the hours established by the elected or appointed official. He reported that the other proposal was Option 2 recommended by officials at November 28, 2007 meeting: All full-time county employees must complete a 40-hour workweek, subject to the hours established by the elected or appointed official. He stated that option 2 would allow each department to set the working hours for staff members, such as working four 10 hour work days, or five 8-hour work day, or whatever other schedule the official decides. He stated that his recommendation is to make no change to the current policy until the budget process in 2008 and then determine what it would cost to convert to option 1. Commissioner Klein and Commissioner Uhlir stated that they were also in favor of adopting option 2. County Attorney Joseph Smith stated there has been so much controversy on this issue and he would also recommend to make no change at this time. Chairman McCallum stated that this issue was about continuity between offices and he questioned if it was the Board's decision to determine what is fair and what isn't fair regarding the working hours and the Board needs to give this issue further consideration before making a change. He suggested that the offices that have staff members working four 10-hour days come before the Board prior to the next budget year and explain why this option is more efficient and how it works and prove that the office is not overstaffed. He stated that no further discussion would be held on this matter at the current time.

Chairman McCallum explained that the next proposed revision was on Page 10, Paragraph 2 for OVERTIME which would be the following change: *For the purpose of computing overtime, the workweek will commence at 12:01 A.M. Sunday and end at 12:00 midnight on Saturday. Days off, such as vacation, sick leave, compensatory time, and holidays, shall be included in the accumulation of overtime hours.* No one expressed opposition to this proposal.

Chairman McCallum reported that the next proposal would be a change on Page 12 regarding Health Insurance to: 1. *Only full-time employees are eligible for health insurance benefits on the group's next due date after such employees have served a probationary period of 90 consecutive days.* County Clerk Nancy Scheer explained that the handbook currently states that regular employees are eligible for health insurance benefits and the committee recommended changing this to only full-time employees would be eligible for health insurance and the last sentence would be removed which has allowed employees working a minimum of 25 hours per week on a regular calendar basis to receive health insurance. Chairman McCallum explained that when the committee met the members all agreed that the county does not currently have any part-time employees on the health insurance plan. No one expressed opposition to this proposal.

Chairman McCallum explained that the next proposal was on Page 13 regarding Yearly Flu Shots to add the following sentence for clarification purposes: *The county will not provide flu shots for employees' spouses and/or dependents.* No one expressed opposition to this proposal.

Chairman McCallum reported that the committee recommended to revise paragraph 3 on Page 14 of the Sick Leave to the following: *An employee may use sick leave for regular doctor and dental appointments at the discretion of the elected official. Sick leave is intended for the employee's personal illness and medical and/or dental appointments. It cannot be used to attend to the illness of family members, or for the medical and/or dental appointments of dependents or other family members. Sick leave may not be used as vacation leave.* He explained that this proposal was recommended for clarification in the handbook. Chairman McCallum stated that this will benefit employees by protecting their sick leave for their own use. No opposition was expressed to this proposal.

Chairman McCallum reported that the next revision was to paragraph 1 on Page 14 of Sick Leave for Accrual and Accumulation to change to the following: *Full-time employees will accrue sick pay benefits at a rate of eight (8) hours per month or ninety-six (96) hours per year.* No opposition was expressed to this proposal.

Chairman McCallum explained that the next proposed revision was paragraph 2, Page 14 for Sick Leave Accrual and Accumulation. He reported that the Board must consider the following proposals: Option 1 which was recommended by the Handbook Committee: Other Employees - Sick leave shall not be accrued by part-time, temporary, or seasonal employees. He reported that Option 2 was recommended by officials at November 28, 2007 meeting: Other Employees – Part-time employees working a minimum of 25 hours per week will accrue sick leave benefits on a pro-rated basis based upon the total number of hours worked. County Clerk Nancy Scheer clarified that there is no clarification in the current employee manual regarding sick leave for employees who are not working full-time and what benefits they receive and the offices were not uniform on how this benefit was administered. She explained the purpose of the proposed revision was to clarify sick leave benefits for part-time employees so that these employees would be treated equitably. Commissioner Uhlir recommended adopting option 2. Commissioner Klein stated that it would be difficult to estimate a cost to the option 2 benefit. Extension Educator recommended that the current part-time employees be grandfathered if the Board adopted option 1 since her part-time staff members are currently receiving prorated sick leave benefits. County Treasurer Donna Primrose questioned if part-time employees could work alternate days to make up for days when they are scheduled to work but are sick. Extension Educator Lee Sherry stated that if a part-time employee has surgery or an extended illness it would be difficult to work alternate days. County Clerk Nancy Scheer explained that the purpose for the committee recommending a change to the policy is to achieve uniformity between offices because each office was offering different sick leave benefits to part-time employees. County Attorney Joseph Smith stated that the industrial average for employees being sick is one day per month. Commissioner Uhlir stated that part-time employees should not receive the same sick leave benefit as full-time employees. County Clerk Nancy Scheer explained that, with option 2, the time and attendance payroll system would pro-rate sick leave accumulation based on the number of hours worked each work. She clarified that if a part-time employee does not work 25 hours during a one week period no sick leave would be accrued during that week. County Attorney Joseph Smith stated that, in his opinion, most offices are currently pro-rating sick leave benefits based on the number of hours worked. County Clerk Nancy Scheer stated that part-time employees would probably use this benefit if they need a major surgery or have an extended illness because if employees are sick on a day when they are scheduled to work they probably work an alternate day to get their work completed. County Attorney clarified that, under option 2, the sick leave accruals would be proportionate to the number of hours worked. Commissioner Klein recommended approval of option 2 and Commissioner Uhlir agreed.

Chairman McCallum reported that the next proposed revision was to amend paragraph 3 on Page 14 for Sick Leave Accrual and Accumulation to the following: *Sick pay benefits may be accumulated by employees to a maximum of nine hundred sixty (960) hours or one hundred twenty (120) working days.* He explained that the current policy allows employees to accumulate sick leave to a maximum of 45 working days and the proposal is similar to other counties' policies. No opposition was expressed to this proposal.

Chairman McCallum stated that the following revision to paragraph 1, page 15 for Vacation Leave was to add hours to the current chart listed in the handbook for vacation accrual as follows:

<u>Years of Service</u>	<u>Days of Vacation</u>	<u>Hours or Vacation</u>
1 to 10	10 days	80 hours
11 to 20	15 days	120 hours
21 +	20 days	160 hours

Chairman McCallum reported that the next revision proposed was to paragraph 3, page 15 for Vacation Leave with the following options for the Board to consider: Option 1 recommended by Handbook Committee: Part-time employees working a minimum of 25 hours per week shall accrue 50% of what full-time employees accrue. He reported that Option 2 recommended by officials at November 28, 2007 meeting is: Part-time employees working a minimum of 25 hours per week shall accrue vacation leave on a pro-rated basis, based upon the total number of hours worked. County Attorney Joseph Smith stated that, in his opinion, once part-time employees reach a threshold of 25 hours, option 2 would allow accrual of vacation on a pro-rated basis. Board members agreed to approve option 2. No opposition was expressed.

Chairman McCallum reported that the next proposal is to amend paragraph 5, page 15 for Vacation Leave to the following: *No more than forty (40) hours or five (5) days of unused vacation time may be carried over to the next year. Employees may take no more than fifteen (15) consecutive days of vacation during the year, unless pre-approved by their supervisor.* No opposition was expressed.

Chairman McCallum reported that the next proposed revision was to paragraph, page 15 for Vacation Leave as follows: *For new employees vacation time shall accrue from the date of employment.* County Clerk Nancy Scheer reported that the committee recommended removal of the statement that required employees to complete one year of service prior to using any earned vacation. Chairman McCallum further reported that the committee also recommended this change because of a court case, which resulted in an opinion that vacation had to be paid if it was earned. No opposition was expressed to this proposed change.

Chairman McCallum explained that the next revision was to paragraph 7, page 15 for Vacation Leave and the proposal was to delete the following language: *Vacation time must be used in increments of at least four hours.* County Attorney Joseph Smith stated that this proposal removes the restriction to assess vacation leave in four hour time slots. No opposition was stated to the proposal.

Chairman McCallum reported that the next revision was to change paragraph 6 on page 19 for Family & Medical Leave Act to the following: No paid holidays, vacation, or sick leave is accumulated during FMLA leave. County Clerk Nancy Scheer explained that FMLA is typically unpaid leave and the committee proposed a clarification the no pay would be received for holidays during FMLA. No one objected to the proposed revision.

Chairman McCallum stated that the next proposal was deletion of the entire Grievance Procedures section on pages 24 and 25. He stated that, in his opinion, no one will be opposed to removal of this section of the policy. He stated that employees who have a grievance need to proceed to the legal system to resolve the issue. No opposition was expressed to this proposal.

Chairman McCallum reported that the committee recommended clarification on holiday pay and the Board needs to adopt one of the following proposals: Option 1 which was recommended by Handbook Committee: Full-time employees will receive paid holidays as approved by the County Board on an annual basis. Part-time employees who are regularly scheduled to work at least 25 hours per week and less than 40 hours per week will not receive pay for holidays. He explained that officials recommended the following Option 2 at November 28, 2007 meeting: Full-time employees will receive paid holidays as approved by the County Board on an annual basis. Part-time employees working a minimum of 25 hours per week shall be paid for holidays on a pro-rated basis, based upon the total number of hours worked. Commissioner Uhler recommended adopting option 2 which is identical to vacation leave and sick leave for part-time employees. The other Board members concurred.

County Clerk Nancy Scheer reported that Veterans' Service Officer Mike Smith was unable to attend the meeting and he sent a fax with his opinions regarding the proposals recommended for the handbook. She reported that he suggested that any time the handbook refers to elected officials the word appointed officials should also be included. She also reported that Mr. Smith stated that sick leave for employees should be given at the discretion of the elected or appointed official. She reported that in the matter of the exempt or non-exempt employee, Mr. Smith stated that this has been covered in a previous draft and during meetings on discussion of the Fair Labor Standard Act, which shows that the Veterans' Service Officers are exempt. In addition, she reported that Mr. Smith stated that in regard to the four 10-hour work days this would not apply to the Veterans' Service Office because they work five 8-hour days and keep time sheets and he is salaried so he is on-call. Mrs. Scheer reported that Mr. Smith also thanked the officials who have been involved in revising the handbook and the hard task of changing things and that the statement that "if it's not broke, don't fix it" may not be appropriate in all situations. She also stated that his fax reflected that Mr. Smith's opinion is that during his 20 years in serving as Veterans' Service Office the Commissioners respect and consider anything that is done by elected and appointed officials.

Motion by Klein and second by Uhler to adopt the following revisions to the handbook effective January 1, 2008:

Page 3 – Add the following preface to policy:

The Madison County Sheriff's Office is subject to the rules and regulations of the Sheriff's Merit Commission and the applicable state laws establishing the Sheriff's Merit Commission. Said rules, regulations, and applicable state law supercede any conflicting provisions of the Madison County Employee and Procedure Manual.

Page 7 – #5 Temporary and Seasonal Employees and #6 Intermittent Employees

Combine these two categories as follows: Temporary, Seasonal, and Intermittent Employees - Persons hired for specific short-term positions or on an irregular or occasional basis and are paid for actual hours worked. They DO NOT receive any county benefits.

Page 10 – PAY DAYS

Pay day for all county employees will be biweekly.

Page 10 – OVERTIME – Paragraph 2

For the purpose of computing overtime, the workweek will commence at 12:01 A.M. Sunday and end at 12:00 midnight on Saturday. Days off, such as vacation, sick leave, compensatory time, and holidays, shall be included in the accumulation of overtime hours.

Page 12 – HEALTH INSURANCE

1. Only full-time employees are eligible for health insurance benefits on the group's next due date after such employees have served a probationary period of 90 consecutive days.

Page 13 – YEARLY FLU SHOTS

Add: The county will not provide flu shots for employees' spouses and/or dependents.

Page 14 – SICK LEAVE –Revise paragraph 3 as follows:

An employee may use sick leave for regular doctor and dental appointments at the discretion of the elected official. Sick leave is intended for the employee's personal illness and medical and/or dental appointments. It cannot be used to attend to the illness of family members, or for the medical and/or dental appointments of dependents or other family members. Sick leave may not be used as vacation leave.

Page 14 – SICK LEAVE – Accrual and Accumulation - Paragraph 1

Full-time employees will accrue sick pay benefits at a rate of eight (8) hours per month or ninety-six (96) hours per year.

Page 14 – SICK LEAVE – Accrual and Accumulation – Paragraph 2

Other Employees – Part-time employees working a minimum of 25 hours per week will accrue sick leave benefits on a pro-rated basis based upon the total number of hours worked.

Page 14 – SICK LEAVE – Accrual and Accumulation – Paragraph 3

Sick pay benefits may be accumulated by employees to a maximum of nine hundred sixty (960) hours or one hundred twenty (120) working days.

Page 15 – VACATION LEAVE – Paragraph 1 (Add hours of vacation to handbook)

<u>Years of Service</u>	<u>Days of Vacation</u>	<u>Hours of Vacation</u>
1 to 10	10 days	80 hours
11 to 20	15 days	120 hours
21 +	20 days	160 hours

Page 15 – VACATION LEAVE – Paragraph 3

Part-time employees working a minimum of 25 hours per week shall accrue vacation leave on a pro-rated basis, based upon the total number of hours worked.

Page 15 – VACATION LEAVE – Paragraph 5

No more than forty (40) hours or five (5) days of unused vacation time may be carried over to the next year. Employees may take no more than fifteen (15) consecutive days of vacation during the year, unless pre-approved by their supervisor.

Page 15 – VACATION LEAVE – Paragraph 2

For new employees vacation time shall accrue from the date of employment.

Page 15 – VACATION LEAVE – Paragraph 7

Delete the following: Vacation time must be used in increments of at least four hours.

Page 19 – FAMILY & MEDICAL LEAVE ACT

6. No paid holidays, vacation, or sick leave is accumulated during FMLA leave.

Pages 24 and 25 – GRIEVANCE PROCEDURES

Delete entire section.

Add the following section: PAID HOLIDAYS

Full-time employees will receive paid holidays as approved by the County Board on an annual basis. Part-time employees working a minimum of 25 hours per week shall be paid for holidays on a pro-rated basis, based upon the total number of hours worked.

Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Chairman McCallum reported that Bryan LGH mailed a letter to County Attorney Joseph Smith regarding an outstanding balance owed by Madison County for emergency protective custody services provided to Madison County prisoners at the medical center. He reported that Madison County has an arrangement with Region 4 for payment of the emergency protective custody costs incurred by the county; however, Bryan LGH is not accepting the Medicaid rate being paid by Region 4. He explained that Region 4 has requested an opportunity to review the outstanding balance and submit a report prior to the Board rendering a decision.

After discussion, it was moved by Klein and seconded by Uhlir to table a decision on payment of the emergency protective custody costs to Bryan LGH Medical Center. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The following claims were audited:

GENERAL FUND

Total Net Payroll		103,274.14
Adams County Sheriff	Service Fees, County Court	7.50
Mark Albin	Legal Services, County Court	4,417.51
Mark Albin	Legal Services, District Court	2,416.06
Albracht Disposal Services Inc.	Garbage Service, Courthouse	94.00
Alltel	Telephone Services, Planning and Zoning	61.18
American College of Forensic Examiners	Dues, County Attorney	250.00
American Family Life Assurance Co.	Insurance Premiums	623.91
Ameritas Life Insurance Corporation	Employee Share Retirement	6,674.91
Ameritas Life Insurance Corporation	Employer Share Retirement	9,810.58
Ameritas Life Insurance Corporation	Insurance Premiums	281.13
Apartment Company	Rent, County Relief	500.00
Appeara	Mat Service, Courthouse	178.70
Aquila	Gas Service, Planning and Zoning	62.19
Aquila	Gas Service, Courthouse	208.90
Aquila	Gas Service, Veterans' Service Office	79.88

Aramark Correctional Services	Meals, County Jail	13,675.42
A T & T	Telephone Service, Public Defender	155.20
Auto Zone	Repairs, County Sheriff	10.48
Bankers United Life Assurance Company	Insurance Premiums	9.00
Bargain Hunters	Furniture, Juvenile Diversion	392.40
Battle Creek Enterprise	Publication Costs, Planning and Zoning	14.27
Battle Creek Farmers Coop	Fuel, Supplies, County Sheriff	78.32
Beckman's Service Center	Repairs, County Sheriff	330.00
BHS Inc.	Services, Juvenile Diversion	1,964.68
BI Inc.	Monitoring Service, Juvenile Diversion	98.27
Big Red Printing	Supplies, Public Defender	42.75
Big Red Printing	Supplies, Juvenile Diversion	85.00
Bessie Bove	Prior Service Benefits	12.00
Broadwing Communications	Telephone Services, Courthouse	278.73
Brogan & Stafford P.C.	Legal Services, County Court	1,408.50
BTS Inc.	Repairs, County Assessor	124.00
Buck's Specialty	Uniforms, County Jail	99.70
Cableone	Internet Services, Public Defender	91.50
Cableone	Internet Services, Courthouse	59.00
Carney Law, P.C.	Legal Services, County Court	1,946.43
Carney Law, P.C.	Legal Services, District Court	461.10
Central United Life Insurance Company	Insurance Premiums	55.01
Champs Inc.	Maintenance Agreement, County Jail	2,166.00
Charles Balsiger	Legal Services, District Court	382.09
Children's Hospital	Copies, District Court	20.00
City of Madison	Utilities, Public Defender	390.19
City of Madison	Utilities, Courthouse	1,256.26
City of Madison	Utilities, County Jail	3,034.13
City of Norfolk	Utilities, Parking, Veterans' Service Office	71.09
Clerk of the Supreme Court	Court Costs, County Court	122.00
Colonial Life and Accident Insurance	Insurance Premiums	92.79
Connecting Point	Equipment, Services, District Judge	1,296.00
Connecting Point	Maintenance Agreement, County Sheriff	1,256.00
Connecting Point	Internet Service, Probation	18.95
Connecting Point	Internet Service, Equipment, Courthouse	10,868.90
Continental Research Corporation	Chemicals, Courthouse	1,319.30
Credit Bureau Services	Garnish of Wages	128.27
Credit Management Services Inc.	Garnish of Wages	102.29
Cummins Central Power, LLC	Repairs, County Jail	504.40
Dakota Business Systems	Copier Maintenance, Probation	72.00
DAS Central Finance	Telephone Service, Planning and Zoning	45.26
DAS Central Finance	Telephone Service, County Sheriff	262.29
DAS Central Finance	Telephone Service, County Jail	441.71
DAS Central Finance	Telephone Service, Veterans' Service Office	64.75
DDSS Inc.	Services, County Sheriff	677.40
DDSS Inc.	Services, Juvenile Diversion	167.40
DDSS Inc.	Services, Courthouse	1,226.84
Dental Distributors Inc.	Supplies, Juvenile Diversion	78.52
Dental Distributors Inc.	Supplies, County Jail	704.99
Department of Labor	Rent, County Relief	694.23
Don's Auto Repair Inc.	Repairs, County Sheriff	40.39
Douglas County Treasurer	Coroner Services, Law Enforcement	210.00
Eakes Office Plus	Supplies, County Treasurer	22.84
Eakes Office Plus	Supplies, County Attorney	388.81
Eakes Office Plus	Supplies, Juvenile Diversion	139.00
Eakes Office Plus	Supplies, County Jail	169.09
Enviromaster Inc.	Supplies, County Jail	42.00
Fields Hardware	Supplies, Public Defender	17.88
Fields Hardware	Supplies, Courthouse	25.46
Fields Hardware	Supplies, Juvenile Diversion	5.07
Fields Hardware	Supplies, County Sheriff	10.99
Fields Hardware	Supplies, County Jail	76.74
Fields Hardware	Supplies, County Clerk	41.13
First Concord Benefits Group	Flexible Benefit Plan	2,115.47
Fitzgerald, Vetter and Temple	Legal Services, District Court	2,088.26
Floor Maintenance	Supplies, County Jail	1,220.16
Frontier	Telephone Service, Public Defender	302.50
Frontier	Telephone Service, Courthouse	1,415.10
Daniel Fullner	Mileage, Mental Health	19.40
Gordy's Towing & Repair	Repairs, County Sheriff	41.83
Graham Tire Company of Norfolk	Repairs, County Sheriff	569.85
Vickie Green	Postage, Planning and Zoning	19.19
Hartford Life Insurance Company	Deferred Compensation	280.00
Matthew Headley	Mileage, Public Defender	115.43
Jeffrey Hrouda	Legal Services, County Court	935.80
Doug Huttman	Rent, County Relief	275.00
Jack's Uniforms	Uniforms, Supplies, County Sheriff	142.74
Jack's Uniforms	Uniforms, County Jail	24.95
Jerry's Standard Inc.	Fuel, County Sheriff	512.42
Jewell Collins Delay & Flood	Legal Services, County Court	2,267.93

John's Disposal	Garbage Service, Probation	44.00
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	344.10
Kelly Supply Company	Repairs, County Jail	22.90
Pam Kesting	Mileage, County Extension	33.47
Kay Knapp	Mileage, County Extension	18.43
Kathleen Laughlin	Garnish of Wages	76.62
Louderback Drug	Prescriptions, County Jail	1,364.64
Madison County Clerk	Federal Tax Deposit	32,887.26
Madison County Clerk of District Court	Filing Fees, District Court	876.00
Madison County Court	Transcripts, Public Defender	336.00
Madison County Court	Court Costs, County Court	1,251.00
Madison County Sheriff	Supplies, County Jail	111.41
Madison County Sheriff	Court Costs, Mental Health	334.56
Madison County Sheriff	Court Costs, District Court	487.42
Madison County Sheriff	Court Costs, County Court	1,367.41
Madison County Treasurer	Insurance Reimbursement	240.92
Madison County Veterinary Clinic	Impound Fees, County Sheriff	73.10
Madison Star Mail	Publication Costs, Planning and Zoning	16.20
Richard Marsceau	Rent, County Relief	200.00
Sue Martinez	Rent, County Relief	250.00
Maximus Inc.	Cost Allocation Plan	984.42
Christal McDonald	Court Reporting, Mental Health	150.00
Mead Lumber & Rental	Supplies, Courthouse	53.72
Medtox Diagnostics Inc.	Supplies, Juvenile Diversion	247.03
Menards	Supplies, County Sheriff	19.97
Menards	Supplies, Equipment, Probation	117.26
Microfilming Imaging Systems	Supplies, Register of Deeds	15.75
Midwest Plumbing & Heating	Repairs, County Jail	664.73
Midwest Radar & Equipment	Equipment, County Sheriff	175.00
MIPS Inc.	Services, County Clerk	483.18
MIPS Inc.	Services, County Treasurer	1,618.14
Morcomm	Internet Services, Probation	44.99
Morrissey Motor Company	Repairs, County Sheriff	47.25
Moyer, Egley, Fullner, Montag & Keenan	Legal Services, County Court	219.15
Nebraska Association of County Officials	Dues, Courthouse	1,573.36
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Department of Revenue	State Income Tax	4,404.79
Nebraska Public Power District	Utilities, Veterans' Service Office	50.06
Nebraska Public Power District	Utilities, County Relief	404.61
Sarah Nelson	Mileage, County Extension	105.25
Norfolk Daily News	Publication Costs, County Extension	6.17
Norfolk Daily News	Publication Costs, Courthouse	415.55
Norfolk Printing Company	Supplies, Register of Deeds	79.25
Northeast Community College	Administrative Expense, County Extension	3,613.65
Northeast Medical Imaging P.C.	Medical Services, County Jail	2,134.00
Northeast Research & Extension Center	Telephone Service, Postage, County Extension	829.61
Oasis Counseling International	Services, Juvenile Diversion	440.89
Pathology Medical Services	Medical Services, County Jail	244.70
Pengad Inc.	Supplies, District Court	67.05
Sherry Peterson	Mileage, Telephone Services, Juvenile Diversion	367.68
Pierce County Court	Copies, Law Enforcement	3.75
Pizza Hut	Jury Meals, District Court	91.47
Platte County Sheriff	Service Fees, District Court	15.50
Postmaster	Postage, County Attorney	41.00
Postmaster	Postage, Courthouse	175.00
David Prather	Equipment, County Sheriff	128.35
Michael Prather	Uniforms, County Sheriff	106.95
Progas LLC	Fuel, County Sheriff	29.01
Puppy Love	Impound Fees, County Sheriff	75.00
Qwest	Telephone Services, District Judge	103.92
Qwest	Telephone Services, Probation	200.49
R.W. Investments Inc.	Rent, County Relief	550.00
Reigle Implement Company Inc.	Repairs, Courthouse	42.20
Reynoldson's Inc.	Fuel, County Sheriff	553.48
Scheer's Ace Hardware	Tools, Courthouse	59.99
John Schlomer	Rent, County Relief	200.00
Justin Schnebel	Mileage, District Court	544.27
SD Computer Support Service	Repairs, County Attorney	177.50
Secretary of State	Publication, Law Enforcement	20.00
Shell Fleet Plus	Fuel Planning and Zoning	128.84
Lee Sherry	Mileage, Lodging, County Extension	423.56
Sherwin Williams	Supplies, County Jail	52.92
Shopko	Supplies, Planning and Zoning	38.49
Stanton County Sheriff	Service Fees, District Court	60.42
State of Nebraska DAS IMServices	Services, County Sheriff	2.42
Michelle Sullivan	Mileage, Juvenile Diversion	60.14
Target Bank	Equipment, County Sheriff	100.96
Dale Taylor	Interpreting Services, Public Defender	202.50
Telebeep	Pager Service, County Jail	34.22
J.A. Thomsen, M.D.	Autopsy, Law Enforcement	860.00

U.S. Cellular	Telephone Service, Law Enforcement	60.73
Volkman Plumbing & Heating	Repairs, Probation	95.92
James Vrbsky	Uniforms, County Sheriff	172.96
Brett Walker	Mileage, Juvenile Diversion	70.33
Walmart Community	Supplies, County Attorney	41.43
Melissa Wentling	Supplies, Public Defender	193.95
West Payment Center	Publication, Public Defender	126.00
Western Office Plus	Supplies, Copier Maintenance, County Clerk	631.77
Western Office Plus	Supplies, County Treasurer	35.90
Western Office Plus	Supplies, County Assessor	54.86
Western Office Plus	Supplies, County Court	423.57
Western Office Plus	Supplies, District Court	290.57
Western Office Plus	Copier Maintenance, County Attorney	51.58
White Star Oil Company	Fuel, County Sheriff	147.63
Vlasta Whyte	Prior Service Benefits	16.00
Zippy Lube	Repairs, County Sheriff	32.53

ROAD/BRIDGE FUND

Total Net Payroll		24,575.02
Albracht Disposal Service	Garbage Service, District #1	40.00
Alltel	Telephone Service, District #3	20.13
American Family Life Assurance Company	Insurance Premiums	187.77
Ameritas Life Insurance Corporation	Employee Share Retirement	1,511.98
Ameritas Life Insurance Corporation	Employer Share Retirement	2,268.00
Ameritas Life Insurance Corporation	Insurance Premiums	60.34
Appeara	Towel Service, District #1, #2	209.10
Aquilla	Gas Service, District #2, #3	198.40
B & A's Welding	Repairs, District #2	62.20
B's Enterprises	Culverts, Signs, District #1, #2	2,363.70
Bankers United Life Assurance Company	Insurance Premiums	44.58
Bankfirst	Repairs, District #3	175.52
Battle Creek Farmers Cooperative	Fuel, District #1, #3	5,982.14
Battle Creek Municipal Light & Power	Utilities, District #3	137.08
Bauer Built Inc.	Repairs, District #2, #3	2,253.04
BC Pit Stop LLC	Fuel, District #3	50.00
Brandl Electric	Repairs, District #1	305.45
Broadwing Communications	Telephone Services, District #1, #3	44.13
Carhart Lumber Company	Supplies, District #3	206.40
Caterpillar Financial Services	Equipment Rental, District #2	1,913.64
City of Madison	Utilities, District #1	420.06
City of Newman Grove	Utilities, District #1	50.00
Colonial Life and Accident Insurance	Insurance Premiums	90.11
Cornhusker Auto Center	Repairs, District #2	80.50
Cornhusker International Trucks Inc.	Repairs, District #1, #2	1,104.43
D & M Machinery	Repairs, District #3	259.95
DW Kohlhof Truck Repair	Repairs, District #1, #2	1,244.45
DAS Central Finance	Telephone Service, District #2	27.14
Diamond Vogel Paint Center	Supplies, District #2	208.29
Don's Auto Repair Inc.	Repairs, District #1	11.95
Eastern Nebraska Telephone	Telephone Services, District #3	317.42
Eisenmann Supplies Inc.	Supplies, District #1	101.31
Electric Fixture & Supply Company	Supplies, District #2	24.15
Fastenal Company	Repairs, District #1	23.64
Field's Hardware	Supplies, District #1	83.35
Filter Care of Nebraska	Services, District #2	22.65
First Concord Benefits Group	Flexible Benefit Plan	582.73
Frontier	Telephone Services, District #1, #3	202.01
Green Line Equipment	Repairs, District #2	126.20
Hartford Life Insurance Company	Deferred Compensation	40.00
Hauge Associates Inc.	Garnish of Wages	138.80
Jerry's Trailers & Campers	Repairs, District #2	30.32
Johnson Engineering Company	Engineering Services, District #1, #2, #3	1,900.00
Kayton International Inc.	Repairs, District #2	2.50
Kelly Supply Company	Repairs, District #3	5.93
Kimball Midwest	Repairs, District #1, #3	317.87
Ervin Klentz	Prior Service Benefits, District #2	13.00
Knox County Sheriff	Service Fees, District #2	18.39
Lafleur Seed Mills	Supplies, District #1	46.25
Laker Chemical Inc.	Repairs, District #2	4,125.00
M & M Farm Supply	Repairs, District #1	38.90
Madison County Clerk	Federal Tax Deposit	7,671.44
NAPA Auto & Truck Parts	Repairs, District #2	124.81
Nebraska Child Support Payment Center	Garnish of Wages	230.77
Nebraska Department of Revenue	State Income Tax	981.70
Nebraska Machinery Company	Repairs, District #2	276.96
Nebraska Public Power District	Utilities, District #3	121.75
Nebraska Truck & Equipment Co. Inc.	Repairs, District #3	240.95
Norfolk Auto Supply	Repairs, District #3	241.20

Norfolk Implement Inc.	Repairs, District #2	73.60
Pollock Redi Mix	Gravel, District #3	2,166.22
Power Station	Repairs, District #2	19.95
Prime Sanitation	Services, District #2	53.75
Progas LLC	Fuel, District #3	750.94
Quick Serve Oil Co. Inc.	Supplies, Tire Repair, District #3	554.70
Reigle Implement Co. Inc.	Supplies, District #1	411.00
Scheer's Ace Hardware	Repairs, District #2	58.57
Telebeep Wireless	Repairs, District #1, #2	141.96
The Grove	Fuel, District #1	220.96
US Cellular	Telephone Service, District #1, #2, #3	252.62
Vic's Engine Service Inc.	Repairs, District #2	23.70
Donald Volk	Lawn Services, District #2	850.00
Weldon Industries Inc.	Repairs, District #2	28.38
Ronald Wolfgram	Commercial Drivers License, District #1	55.00

FEDERAL AID SECONDARY FUND

Johnson Engineering Company	Services	18,610.00
United Rentals	Blades	106.80

CDBG #2 FUND

Northeast Nebraska Economic Development District	Loan Proceeds	166,190.00
--	---------------	------------

LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff	Supplies	460.88
------------------------	----------	--------

DRUG COURT FUND

Redwood Toxicology Laboratory, Inc.	Drug Testing	448.20
Pamela Wells	Supplies	78.01

NOXIOUS WEED FUND

Total Net Payroll		1,674.97
Ameritas Life Insurance Corporation	Employee Share Retirement	61.88
Ameritas Life Insurance Corporation	Employer Share Retirement	92.83
Madison County Clerk	Federal Tax Deposit	461.87
Nebraska Department of Revenue	State Income Tax	58.48

911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Services	119.55
Frontier	Telephone Services	160.56
Qwest	Telephone Services	517.80

Motion by Uhlir and second by Klein that the claims be approved as audited and that checks be drawn for payment. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board adjourned at 12:40 A.M. to Wednesday, December 26, 2007 at 2:00 P.M.

County Clerk

Chairman