

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

December 17, 2013

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

Advance notice of meeting was published in the Wednesday, December 12, 2013 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 Lee Klein called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Lee Klein, Jerry McCallum, and Christian Ohl, County Highway Superintendent Richard Johnson, County Clerk Nancy Scheer, Norfolk Daily News reporter Jerry Guenther, and WJAG radio station reporter Susan Risinger.

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

- 1) Approval of minutes of December 3, 2013 meeting
- 2) Acknowledge receipt of the Official Bond of Paula Biehle as Treasurer of the City of Madison
- 3) Authorization for County Board Chairman to execute the 2014 State Juvenile Services Grant for a Bilingual Officer and 2014 State Juvenile Services Grant for Alternatives to Diversion Program
- 4) Authorization for the County Board Chairman to execute an agreement with the Nebraska Department of Roads for surveying services for Project No. RD-275-5(1033), in Norfolk and Rosalie Spur
- 5) Approval of agreement with Maximum Consulting Services, Inc. for completion of an Indirect Cost Allocation Plan for a three-year period from fiscal year 2013 through fiscal year 2015
- 6)

RESOLUTION #2013-55

INTERSECTION IMPROVEMENT AGREEMENT AT HIGHWAY US-275 AND 37TH STREET IN NORFOLK MADISON COUNTY

NDOR Project Number: HSIP-275-5(143)

NDOR Control Number: 31417A

Project Location: Intersection of U.S. Hwy. 275 and 37th Street, Norfolk

WHEREAS, the Nebraska Department of Roads desires to improve the intersection at Highway US-275 and 37th Street in Norfolk with the construction of a roundabout; and

WHEREAS, the intersection improvement will include work on an existing county road, namely 37th Street south of U.S. Hwy. 275; and

WHEREAS, the Nebraska Department of Roads will acquire all necessary right-of-way for the project; and

WHEREAS, there will be no cost to Madison County for the project;.

BE IT RESOLVED by the Board of Commissioners of Madison County, Nebraska that Lee Klein, Chairman of the Madison County Board of Commissioners, is hereby authorized to sign the attached agreement between Madison County and the Nebraska Department of Roads.

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

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

Chairman Klein reported that County Attorney Joseph Smith placed an item on the agenda to seek a refund from the Nebraska State Bar Association for dues paid by the County for years 2010 through 2014 based upon a recent Supreme Court decision. He explained that County Attorney Joseph Smith was unable to attend the meeting; however, he prepared a written report explaining the matter. Chairman Klein reported that the Supreme Court ruling was in response to a lawsuit brought by Senator Scott Lautenbaugh. He explained that in the court case titled "In Re Petition for a Rule Change to Create a Voluntary State Bar of Nebraska", the Supreme Court ruled that the State may require a lawyer to be a member of the mandatory or unified bar and pay a compulsory assessment; however, effective January 1, 2014 no portion of the "bar admissions assessment" would be available to fund any activities of the Nebraska State Bar Association. He stated that the Nebraska State Bar Association is required to collect the assessment and remit it directly to the Supreme Court to pay for the Court's expenses for Admissions, Discipline, and the Commission on the Unauthorized Practice of Law.

Chairman Klein explained that the assessment which the Nebraska State Bar Association collects for the Supreme Court has been reduced from the highest assessment of \$335 to \$98, depending upon the level of membership. He reported that County Attorney Joseph Smith outlined three options for the Commissioners to consider: 1) do nothing and there would be no refund to the County; 2) seek a refund for this year's dues; or 3) seek a refund for the past four years of dues paid. He stated that if a refund is sought, the amount would be the actual dues paid minus \$98 for each member.

Commissioner Ohl asked if a refund was sought for four years and denied, would the Bar Association still allow the County to seek a refund for one year. Chairman Klein responded that he would assume that consideration would be given to any portion of the dues paid by the County.

After discussion, a motion was made by McCallum and seconded by Ohl to seek a refund of four years of dues paid to the Nebraska State Bar Association. Roll call vote: Ayes, Klein, McCallum, and Ohl. Nays, none. Motion carried.

Chairman Klein stated that County Attorney Joseph Smith was unable to attend the meeting to provide an update on the Verschuur vs. Madison County lawsuit. Chairman Klein explained that the lawsuit involves loss of access to a cabin on property owned by Vershuurs when the Elkhorn River washed out a minimum maintenance road during the flooding in 2010.

County Highway Superintendent Richard Johnson reported that he submitted a letter to NEMA requesting a deadline extension, but no response has been received. He explained that a recent audit was completed to close out all the small projects from the flood disaster. He reported that he is working with Mark Mainelli on a design for the Verschuur project so there would be minimal involvement with the Corp of Engineers. He stated that he updated the attorney representing Verschuurs several weeks ago and he also met with County Attorney Joseph Smith. He reported that it appears that the Verschuurs don't want to pay for any costs to re-establish access to their property.

Commissioner McCallum stated that when the road washed out, it isolated the Verschuur's cabin. He questioned if the County could have purchased some right-of-way from property owners so the Verschuurs could get access to the cabin from the east. County Highway Superintendent Richard Johnson responded that he looked at getting access from the east since there is a road going part way to the Verschuurs' property, but he is unsure where the road owned by the County ends and where the privately owned road begins. He explained that gaining access from the east would involve at least two major drainage structures. Chairman McCallum stated that he was looking at a solution that would not put a large amount of funds into re-building the road and then have it wash out again. County Highway Superintendent Richard Johnson explained that he would like to build the road following the existing riverbank and then bury rip rap so if the bank ever washes out the rip rap will launch into the river and hopefully stop the scour.

Chairman Klein explained that the project is located one mile north of Tilden on Main Street. He explained that when the river got so far, then the water got behind the wooden jetties that were in the river and the jetties forced the river to go further out of its banks. He stated that it is doubtful that the County will receive any federal funds for this project. Commissioner McCallum stated that it has been almost four years since the flooding occurred and may have been better if the County just fixed the problem. Chairman Klein stated that one landowner would not allow the County to take any of his land to re-build the road.

County Highway Superintendent Richard Johnson stated that the County did not cause the cabin to be isolated.
No action was taken.

Chairman Klein reported that County Attorney Joseph Smith prepared a written report to update Board members on the juvenile accountability program. He explained that the goal of LB 561 that was passed by the Legislature last year was to keep juveniles out of jail, especially first time offenders, and get them into ankle bracelets or into a home type setting. He reported that the Probation Office added seven more staff members to implement the requirements of LB 561. Chairman Klein stated that Mr. Smith's report reflects that the juvenile accountability program compliments the efforts of law enforcement, diversion, and the Probation office and the judiciary has relied on the program and the community of relevant professionals has been supportive. He stated that Mr. Smith report says that due to the success of the juvenile accountability program, it has spread into other counties and an accountability officer has been stationed in a local high school. In addition, he stated that the report states that as the program grows, more grants are received, sometimes in conjunction with schools and other agencies, and more part-time employees are added. Chairman Klein reported that the recent legislation moved many of the juvenile services to the Probation office and these services are essentially in place, but now the County Attorney is being asked to consider extending the program throughout the judicial district. In summary, he reported that County Attorney Joseph Smith feels that the juvenile accountability program is being funded by grants and it is important for the program to grow and survive.

No action was taken by the County Board.

Chairman Klein announced that the Board would delay a decision on setting County Officials' salaries for the next elective term of office until the meeting scheduled for December 31, 2013.

No action was taken.

County Highway Superintendent Richard Johnson reported that at the Highway Superintendents' meeting held during the annual NACO conference, the Nebraska Department of Roads presented an idea to take \$1 million of the counties' money out of the distribution of the federal funds surplus program and use the funds to build small bridges that would cost up to \$100,000. He stated that the Highway Superintendents Association voted unanimously to reject the proposal, so in the future the County Boards may be asked to support the position of the Highway Superintendents Association. He reported that the cost to build small bridges would be much greater if the Nebraska Department of Road is involved and a good example is the Battle Creek and Meadow Grove project which have been significantly delayed due to all the State requirements.

No action was taken.

The following written reports were reviewed:

- 1) County Clerk November fee report
- 2) County Treasurer fund balance report
- 3) Register of Deeds November fee report
- 4) Clerk of the District Court November fee report
- 5) Letter from Nebraska Jail Standards Division regarding evaluation of the Madison County Jail
- 6) Letter of thanks from Madison County libraries
- 7) Letter of thanks from Northeast Community College Foundation
- 8) Public notice from Timothy Campbell dated December 7, 2013

The following claims were audited:

GENERAL FUND

Total Net Payroll		124,173.18
Albracht Disposal Service Inc.	Garbage Service, Courthouse	94.00
American Family Life Assurance Company	Insurance Premiums	570.07
Ameritas Life Insurance Corporation	Insurance Premiums	375.52
Appeara	Mat Service, Courthouse	201.98
Appeara	Mat Service, Public Defender	52.86
Lucinda Bauer	Legal Services, County Court	794.81
BI Incorporated	Monitoring Services, Juvenile Diversion	2,251.48
Big Red Printing	Supplies, County Attorney	202.50
Black Hills Energy	Gas Service, Courthouse	281.75
Black Hills Energy	Gas Service, County Jail	367.77
Blue Cross Blue Shield of Nebraska	Insurance Premiums	961.70
Brady & Amy's Inc.	Fuel, Courthouse	41.63
Brady & Amy's Inc.	Fuel, County Sheriff	1,318.51
Brogan & Stafford, P.C.	Legal Services, County Court	2,317.14
Cableone	Internet Services, Public Defender	291.90
Cableone	Internet Services, County Sheriff	11.78
Cableone	Internet Services, Probation	169.96
Cableone	Internet Services, Courthouse	125.56
Cash-Wa Distributing	Supplies, County Jail	121.61
CBM Food Service	Meals, County Jail	3,424.75
Cedar County Court	Copies, Law Enforcement	2.25
Century Link	Telephone Service, Probation	298.22
Champs, Inc.	Maintenance Contract, County Jail	2,166.00
City of Madison	Utilities, Public Defender	210.67
City of Madison	Utilities, Courthouse	2,205.86
City of Madison	Utilities, County Jail	4,042.71
City of Norfolk	Utilities, Veterans' Service Office	33.51
Clerk of the Supreme Court	Court Costs, District Court	125.00
Colonial Life and Accident Insurance	Insurance Premiums	247.46
Comfort Inn	Lodging, Noxious Weed	154.00
Complete Floor Maintenance Company	Services, Probation	231.00
Complete Pest Elimination, Inc.	Services, County Jail	125.00
Connecting Point	Equipment, Software, Services, County Sheriff	5,659.00
Connecting Point	Repairs, Juvenile Diversion	45.00
Connecting Point	Repairs, Probation	64.00
Connecting Point	Internet Services, Veterans' Service Office	38.95
Connecting Point	Internet Services, Planning and Zoning	15.00
Connecting Point	Services, Storage, Service Contract, Courthouse	1,954.95
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, District Court	6,261.72
Copycraft Printing	Supplies, Reappraisal	279.95
County Assessors Association of Nebraska	Registration, County Assessor	23.00
Credit Management Services, Inc.	Garnish of Wages	175.50
Douglas County Treasurer	Morgue Room Fees, Law Enforcement	297.25
Eakes Office Plus	Supplies, County Clerk	43.60
Eakes Office Plus	Supplies, District Court	165.30
Eakes Office Plus	Supplies, County Court	316.49
Eakes Office Plus	Supplies, District Judge	42.42
Eakes Office Plus	Supplies, County Attorney	349.01
Eakes Office Plus	Supplies, County Jail	232.81
Ecolab	Supplies, County Jail	191.96
Egley, Fullner, Montag and Hockabout	Legal Services, County Court	1,869.25
Enviromaster, Inc.	Supplies, County Jail	60.00
Faith Regional Health Services	Medical Services, County Jail	9,900.90
Field's Hardware	Supplies, Courthouse	14.47
Field's Hardware	Supplies, County Jail	20.39
First Concord Benefits Group	Flexible Benefit Plan, Deductible Buy Down	3,321.69
Fitzgerald, Vetter & Temple	Legal Services, County Court	833.89
Fitzgerald, Vetter & Temple	Legal Services, District Court	4,926.91
Floor Maintenance	Supplies, Courthouse	28.80
Floor Maintenance	Supplies, County Jail	795.02
Floor Maintenance	Supplies, Probation	141.90
Food Express USA	Supplies, County Jail	118.08
Galls/Quartermaster	Equipment, Supplies, County Sheriff	441.97
Gordy's Towing & Repair	Repairs, County Sheriff	31.97
Great America Financial Services	Copier Maintenance, Public Defender	145.26
Hilliges and Associates, L.L.C.	Services, Law Enforcement	250.00
Jeffrey Hrouda	Legal Services, County Court	2,322.63
HyVee East Pharmacy	Prescriptions, County Jail	4.00
HyVee West Pharmacy	Prescriptions, County Jail	60.87
International Association of Assessing Officers	Dues, County Assessor	175.00
Interstate All Battery Center	Batteries, County Sheriff	301.34
Jack's Uniforms & Equipment	Uniforms, County Sheriff	353.99
Jerry's Sinclair	Supplies, County Sheriff	17.68

Nancy Jochum-Schramm	Court Reporting, Mental Health	100.00
John's Disposal	Garbage Service, Probation	55.00
John's Disposal	Garbage Service, Veterans' Service Office	19.50
JS Wurm & Associates	Transcript, County Court	243.05
K & S Door Co. Inc.	Repairs, Planning and Zoning	40.00
Keya Paha County Sheriff	Service Fees, County Court	41.72
Lancaster County Court	Copies, Law Enforcement	4.00
Linsali, Inc.	Reappraisal Services, Reappraisal	4,020.00
Louderback Drug	Prescriptions, County Jail	5,137.55
Madison County Clerk	Tax Deposit	48,240.81
Madison County Clerk of District Court	Fees, District Court	1,270.00
Madison County Court	Court Costs, County Court	2,403.75
Madison County Sheriff Inmate Fund	Supplies, County Jail	231.66
Madison County Sheriff	Fees, County Court	622.39
Madison County Sheriff	Fees, District Court	1,015.84
Madison County Sheriff	Service Fees, Mental Health	162.59
Madison County Sheriff	Registration, County Jail	154.23
Madison County 7 th Judicial District Bar Association	Dues, Registration, Public Defender	330.00
Madison National Life	Insurance Premiums	118.62
Marathon	Supplies, County Court	559.42
Kyle Melia	Supplies, Public Defender	84.53
Menards	Supplies, Noxious Weed	18.14
Microfilm Imaging Systems Inc.	Equipment Rental, County Court	218.00
Microfilm Imaging Systems Inc.	Equipment Rental, Law Enforcement	70.00
Midwest Plumbing & Heating	Repairs, County Jail	565.25
Mimick Motor Company	Repairs, County Sheriff	61.19
MIPS Inc.	Computer Support, County Clerk	581.02
Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	2,704.20
Nationwide Retirement Solutions	Deferred Compensation	1,005.00
Nebraska Association of County Officials	Dues	2,291.25
Nebraska Child Support Payment Center	Garnish of Wages	276.92
Nebraska Health and Human Services	State Institution Costs	714.00
Nebraska Public Power District	Utilities, Probation	570.48
Norfolk Auto Center	Repairs, County Sheriff	32.64
Norfolk Daily News	Publication Costs, Courthouse	258.68
Northeast Nebraska Juvenile Services	Board of Juveniles, Juvenile Detention	362.50
Valorie Olson	Court Reporting, Mental Health	50.00
Pengad, Inc.	Supplies, District Court	78.76
Pierce County Leader	Subscription, Planning and Zoning	30.00
Platte County Sheriff	Service Fees, Mental Health	18.50
Presto-X	Services, Courthouse	84.19
Redwood Toxicology Lab	Testing, Probation	744.00
Reigle Implement Co. Inc.	Repairs, Courthouse	950.00
Retirement Plans Division of Ameritas	Employee Share Retirement	8,254.95
Retirement Plans Division of Ameritas	Employer Share Retirement	12,092.77
Reynoldson's Inc.	Fuel, Planning and Zoning	51.15
Reynoldson's Inc.	Fuel, Noxious Weed	153.43
RR Donnelley Co.	Supplies, County Sheriff	153.14
RS Electric	Repairs, Courthouse	72.32
Schaben Industries	Repairs, Equipment, Noxious Weed	1,625.67
Schroeder Land Surveying	Services, County Surveyor	1,520.00
Secretary of State	Publication, Law Enforcement	20.00
Security Shredding	Services, Probation	595.00
Shell Fleet Plus	Fuel, Reappraisal	157.91
Short Stop	Fuel, County Sheriff	198.85
Joseph Smith	Mileage, Law Enforcement	1,215.31
The Farner Company	Supplies, County Jail	57.27
Thibault, Suhr, & Thibault, Inc.	Transcript, Law Enforcement	40.52
Thomson Reuters	Subscription, Public Defender	48.00
Thomson Reuters	Publication, Law Library	331.00
UPS	Shipping, Courthouse	24.71
US Bank Corporate Payment System	Equipment, County Attorney	149.00
US Bank Corporate Payment System	Meals, Law Enforcement	113.13
US Bank Corporate Payment System	Fuel, Supplies, County Sheriff	217.85
Verizon Wireless	Telephone Services, Planning and Zoning	104.35
Verizon Wireless	Telephone Services, Noxious Weed	62.87
Verizon Wireless	Telephone Services, District Judge	46.48
Verizon Wireless	Telephone Services, Juvenile Diversion	365.91
James Vrbsky	Supplies, County Sheriff	37.44
Western Office Technologies	Copier Maintenance, County Clerk	862.04
Western Office Technologies	Supplies, Register of Deeds	41.16
Western Office Technologies	Copier Maintenance, County Assessor	28.42
Western Office Technologies	Supplies, Noxious Weed	42.98
Western Office Technologies	Supplies, Planning and Zoning	42.98
Western Office Technologies	Supplies, Copier Maintenance, County Court	132.22
Western Office Technologies	Supplies, Public Defender	61.38
Western Office Technologies	Supplies, Copier Maintenance, County Attorney	390.93

Western Office Technologies	Supplies, Veterans' Service Office	243.98
Window World	Repairs, Planning and Zoning	940.00
Zodiac Properties, L.L.C.	Rent, Probation	8,060.67

ROAD/BRIDGE FUND

Total Net Payroll		29,404.00
Advance Auto Parts	Parts	63.77
Albracht Disposal Service Inc.	Garbage Service	40.00
American Family Life Assurance Company	Insurance Premiums	306.75
Ameritas Life Insurance Corporation	Insurance Premiums	123.52
Appera	Towel Service	227.41
B's Enterprises	Signs	1,050.00
Battle Creek Farmers Coop	Fuel	9,155.76
Bauer Built Tire	Repairs, Tires	12,336.53
Black Hills Energy	Gas Service	193.60
Blue Cross Blue Shield of Nebraska	Insurance Premiums	79.87
Bob Boldt	Parts	18.18
Brady & Amy's Inc.	Fuel	660.92
Bryant Home Comfort L.L.C.	Shop Heaters	7,105.00
Carquest Auto of Norfolk	Parts	17.99
City of Madison	Utilities	655.62
City of Newman Grove	Utilities	54.00
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Connecting Point	Internet Services	15.00
Contech Engineered Solutions, L.L.C.	Bridge Materials	47,129.70
D-Ware Inc.	Supplies	1,000.00
Dinkel Implement Company	Parts	192.65
Eastern Nebraska Telephone	Telephone Service	50.83
Electrical Engineering & Equipment Co.	Lighting	3,825.39
Elkhorn Valley Sand & Gravel	Gravel	1,407.21
Field's Hardware	Shop Supplies	102.29
Filter Care of Nebraska	Services	117.45
First Concord Benefits Group	Flexible Benefit Plan, Administrative Fees	611.14
Graham Tire Company	Tires	633.72
Island Supply Welding Co.	Shop Supplies	259.53
Johnson Engineering Company	Bookkeeping and Engineering Services	2,340.00
Kelly Supply Company	Parts	293.63
Kimball Midwest	Shop Supplies	65.93
M & M Farm Supply	Shop Supplies	43.27
Madison County Clerk	Tax Deposit	10,567.70
Madison National Life Insurance Co., Inc.	Insurance Premiums	42.50
Matheson Tri-Gas Inc.	Shop Supplies	109.70
Matteo Sand & Gravel Company Inc.	Gravel	2,911.75
Meisinger Oil Company	Fuel	18,492.75
Menards	Shop Supplies	49.05
Myers Tire Supply	Repairs	71.48
Nebraska Child Support Payment Center	Garnish of Wages	93.24
Nebraska Public Power District	Utilities	274.23
NMC Exchange, L.L.C.	Parts	810.61
Norfolk Auto Supply	Parts	759.13
Norfolk NAPA	Parts	674.78
Peterbilt of Norfolk	Equipment	19,000.00
Pioneer Telephone	Telephone Services	47.97
Quick Serve Oil Co. Inc.	Repairs	15.00
Red Bud Hardware Inc.	Shop Supplies	177.64
Reigle Implement Co. Inc.	Parts	36.25
Retirement Plans Division of Ameritas	Employee Share Retirement	1,801.50
Retirement Plans Division of Ameritas	Employer Share Retirement	2,702.17
Scheer's Ace Hardware	Shop Supplies	53.35
Telebeep Wireless	Internet Services	119.85
The Pit Stop	Fuel	801.04
Truck Center of Norfolk	Parts	244.87
Verizon Wireless	Telephone Services	186.43
Vic's Engine Service Inc.	Supplies	64.95
Weldon Parts Inc.	Parts	667.98
White Star Oil Company	Fuel	212.35
Zippy Lube	Repairs	46.79

FEDERAL AID SECONDARY FUND

D.P. Sawyer Inc.	Signs	570.00
Johnson Engineering Company	Engineering Services	18,080.00
Mainelli Wagner & Associates, Inc.	Engineering Services	99,340.10

VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administrative Expense, Advertising	3,766.54
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911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Services	127.86
Frontier	Telephone Services	164.10

LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff Inmate Fund	Supplies	38.94
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Motion was made by McCallum and seconded by Ohl to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, Klein, McCallum, and Ohl. Nays, none. Motion carried.

The Board adjourned at 9:58 A.M. to Tuesday, December 31, 2013 at 9:30 A.M.

County Clerk Nancy Scheer

Lee Klein, Chairman
County Board of Commissioners