

# Commissioner's Record No. 27

MADISON COUNTY, NEBRASKA

## BOARD OF EQUALIZATION

Madison, Nebraska

August 13, 2024

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

Advance notice of meeting was published in the Wednesday, August 7, 2024, 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 Eric Stinson 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 Ron Schmidt, Eric Stinson, and Troy Uhlir, County Treasurer Donna Primrose, County Assessor Jeff Hackerott, County Attorney Joe Smith, and County Clerk Anne Pruss.

Motion made by Uhlir and seconded by Schmidt to approve the minutes of the June 25, July 9, and July 23, 2024 meeting. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in Saturday, August 3, 2024, edition of the Norfolk Daily News, Chairman Stinson opened a public hearing at 9:00 A.M. to receive testimony regarding new permissive exemption application of Eldorado Hills Golf Club, Eldorado Hills Community Association.

County Assessor Jeff Hackerott explained new organizations are required to file a Form 451 exemption application form. He reported that organizations qualify for exemption if the property is:

- 1) Owned by educational, religious, charitable or cemetery organizations
- 2) Used exclusively for educational, religious, charitable or cemetery organizations
- 3) Not owned or used for financial gain or profit to either the owner or user
- 4) Not used for the sale of alcoholic beverage for more than 20 hours per week; and
- 5) Not owned or used by an organization which discriminates in membership or employment based on race, color, or national origin

Sue Fuchtman Secretary/Treasurer of Eldorado Hills Golf Club, Eldorado Hills Community Association and Tony Pruss, Auten, Pruss, and Beckmann CPA were present to provide testimony. Ms. Fuchtman stated that it was suggested that the organization apply for exemption due to the re-organization and was hoping to receive some reduction of the property taxes. Mr. Pruss asked how alcohol sales plays a part of this process of the application and County Assessor Jeff Hackerott explained that the cutoff of sales of alcohol is 20 hours. He advised that he had contact the Nebraska Department of Revenue attorney which stated that golf course don't meet the criteria for a charitable organization and that the courts have set a pretty high level for is deem charitable. County Attorney Joe Smith explained that there are current organizations that are being reviewed by the courts. He stated that there are two tests that need to be met to qualify, one is the charitably organization and secondly the activity on such premises. He further explained two cases in Antelope County, that were in questioned, as to if they qualified or purpose or use of the property. Mr. Hackerott advised that Madison County had 13 permissive applications for the 2024 year that were "red flagged" by the Department of Revenue; which, the county hadn't seen before and currently working through them. Mr. Pruss asked if the golf course could be separated from the clubhouse and Mr. Hackerott asked if there was some charitable services being provided such as free golf lesson or something along that lines to qualify. Mr. Smith stated that two parts need to be met; one, the nature of the organization, secondly, the nature of the use. He further explained that if the organization had three parcels of land and one of those parcel was only used for charitable purpose, that the one parcel could be considered for exemption. Mr. Hackerott suggested that the organization to continue to file and worst case would be that you would be turned down. He stated that in the meantime things could change.

Chairman Eric Stinson closed the hearing at 9:14 A.M.

Motion was made by Schmidt and seconded by Uhlir to deny application Reaffirmation of Tax Exemption filed by Eldorado Hills Golf Club, Eldorado Hills Community Association. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried

County Assessor Jeff Hackerott submitted the following tax list corrections:

TAX LIST CORR #	DATE	NAME	MAILING ADDR	REASON FOR CORRECTION	ADD TO TAX LIST	DEDUCT FROM TAX LIST	PROPERTY TYPE
4173	4/4/2024	LYLE D & DORIS E HOFFART	912 HEATHER LN, NORFOLK NE 68701	PER LETTER RECEIVED 3/29/2024 -STATE HAS APPR HE AT 100% (0% TO 100%)		3,472.38	RE (HE)
4174	8/6/2024	BOAT HOUSE RECREATION	301 E 3RD ST, YANKTON, SD 57078-4420	TAX ACCEL - SOLD BUSINESS 2/1/2024	1,554.06		PP-BUS
4175	8/6/2024	GLEN & CAROLYN OSBORN	2609 CASEMENT RD, MANHATTAN KS	TAX ACCEL - FARM SALE 5/25/2024	183.02		PP-AG
4176	8/6/2024	ROSBAN-DR COLLIGAN	143 S 92ND ST, LINCOLN, NE 68520	TAX ACCEL - CLOSED BUSINESS APR 2024	24.30		PP-BUS
4177	8/6/2024	TILLYS GAS N GROCERIS	PO BOX 309, BATTLE CREEK, NE 68715	TAX ACCEL - SOLD BUSINESS 5/31/2024	433.92		PP-BUS

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

County Assessor Jeff Hackerott presented an agreement with Vanguard Appraisals, Inc. for Reappraisal of Certain Real Property for 2024.

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Motion was made by Uhlir and seconded by Schmidt to approve agreement with Vanguard Appraisals, Inc. for Reappraisal of Certain Real Property for 2024. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried

Chairman Stinson opened a public hearing at 9:16 A.M. to receive testimony regarding the following motor vehicle exemption applications:

Behavioral Health Specialists, Inc.	2018 Chevy Cruze LT, 2020 Nissan Versa, 2020 Nissan Versa, 2022 Nissan Versa, 2005 Chevy Sliverado, (2) 2007 Chrysler T&C Van, (2) 2013 Dodge Grand Caravan, 2019 Dodge Grand Caravan, 2014 Dodge Grand Caravan, (2) 2018 Chevy Malibu LT, 2014 Chevy Cutaway, 2022 Nissan Versa, 2018 Chevy Cruze LT, and 2024 Chevy Trax
Midtown Health Center, Inc.	2021 Ford Van, 2021 Nissan Versa, and 2020 Ram Promaster
Mosaic	2011 Toyota Sienna, 2012 Ford E350 Van, 2015 Dodge Caravan, 2015 Chevy Express, 2011 Toyota Sienna, (2) 2020 Ford Transit T350, (2) 2023 Toyota Sienna, 2010 Dodge Caravan, 2019 Chev Malibu, 2019 Dodge Caravan, 2010 Toyota Sienna, 2019 Chev Malibu, 2016 Toyota Prius, 2008 Chev G3500, (2) 2023 Toyota Sienna, 2015 Chevrolet Cruze, 2011 Chevy Express, 2015 Dodge Caravan, 2011 Chev Express, 2019 Dodge Caravan, 2013 Dodge Caravan, 2014 Chevy Express, 2023 Toyota Sienna, 2016 Chevy Impala, 2023 Toyota Camry, 2008 Chevy Express, 2018 Dodge Ram Promaster, (2) 2011 Chevy 3500, and 2019 Dodge Grand Caravan
Orphan Grain Train, Inc.	1993 Great Dane, 1993 Ford F350, 1996 Ford E-30, 1997 Trailer, 1998 Intl 4700, 2002 Cargo Mate, 2002 Trailer, 2005 HHT, 2006 Hallmark Trailer, (2) 2006 S&W Trailer, 2007 Intl. Trailer, (2) 2007 S&W Flatbed, 2007 Ford Freestar, 2007 S&W Trailer, 2009 Haulmark, 2010 Shower Trailer, 2001 Flatbed Trailer, (3) Bunkhouse Trailers, 2014 Trailer, and 2006 Kitchen Trailer
The Norfolk Restoration Branch of the Church of Jesus Christ	2024 Cynergy Garco Trailer
Women's Empowering Life Line, Inc.	2015 Chevy Maliba

County Treasurer Donna Primrose reported that the vehicle exemption applications are for renewals. No public comments were received during the hearing. Chairman Stinson closed the hearing at 9:16 A.M.

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

County Assessor Jeff Hackerott reported that letters were received from the following people who requested extensions of the homestead exemption filing deadline. He reported that all letters requesting extension of the filing deadline were received in the Clerk's office prior to the statutory deadline of June 30th as established in §77-3512 Nebraska Revised Statutes. He explained that none of the applicants filed a request for extension in the prior year. Applications submitted by:

- a) Steven Hansen
- b) Evangelina Heredia
- c) Terry and Norma James
- d) Wendell and Lelice Newcomb
- e) Patrick and Janice Robinson

After discussion, a motion was made by Uhlir and seconded by Schmit to approve extension of the homestead exemption filed. Roll call vote: Ayes, Stinson, Schmidt, and Uhlir. Nays, none. Motion carried.

Chairman Stinson adjourned the meeting at 9:22 A.M.

ATTEST:



County Clerk Anne M. Pruss

Eric Stinson, Chairman  
County Board of Equalization

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### COMMISSIONERS PROCEEDINGS

Madison, Nebraska

August 13, 2024

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

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Advanced notice of meeting was published in the Wednesday, August 7, 2024 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.

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

Present: Commissioners Ron Schmidt, Eric Stinson, and Troy Uhlir, County Clerk Anne Pruss, County Highway Superintendent Richard Johnson, Zoning Administrator Heather McWhorter, and County Sheriff Todd Volk. Norfolk Daily News reporters Austin Svehla and Sawyer Belaire were present.

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

- 1) Approval of minutes of July 30, 2024
- 2) Approval of 2024 inventory statements
- 3) Approval of Road Use and Maintenance Agreement with Boulevard Associates, LLC to access project and deliver equipment and materials for construction of project
- 4) Approval of LIM Family (Larry Moenning) Lot Split in Section 36-23-3, which is located at 54511 834th Road, Battle Creek, Nebraska
- 5) Approval of purchase of 2024 John Deere 624 P Tier Wheel loader in the amount of \$222,800.00 for Road District #3
- 6) Approval of UPS Maintenance agreement for Sheriff's department
- 7) Authorization for the County Board Chairman to execute an engagement letter with MDT, LLC for audit services for the fiscal year ending June 30, 2024
- 8) Acknowledge receipt of levy allocations requests for rural fire districts of Battle Creek, Madison, Meadow Grove, Newman Grove, and Norfolk, Madison County Agricultural, Norfolk Sanitary District, and Railroad Transportation Safety District
- 9) Acknowledge the following petty cash amounts on June 30, 2024 in county offices:

County Assessor	\$ 85.00
County Attorney	\$ 50.00
County Clerk	\$ 25.00
County Court	\$ 500.00
County Sheriff	\$3,273.44
County Treasurer	\$1,187.94
Public Defender	\$ 50.64
Register of Deeds	\$ 239.00
- 10)

### RESOLUTION #2024-38

#### SIGNING OF THE COUNTY ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2024

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

Be it resolved that the County Board Chairperson of Madison County is hereby authorized to sign the County Annual Certification of Program Compliance.

11)

### RESOLUTION #2024-39

WHEREAS, Section 13-519 Nebraska Revised Statutes provides that a governmental unit may adopt a budget which exceeds the statutory limit of restricted funds for the fiscal year by an additional one percent upon the affirmative vote of at least 75% of the governing body; and

WHEREAS, the Board of Commissioners has received the preliminary budget reports prepared by the budget committee; and

WHEREAS, the Board of Commissioners finds that an additional 1% of restricted funds authority is necessary to provide funding for anticipated expenditures for the 2024-2025 fiscal year;

NOW, THEREFORE, BE IT RESOLVED, that the restricted funds for the 2024-2025 fiscal year be increased by an additional one percent as provided by law.

12)

### RESOLUTION #2024-40

WHEREAS, Seventh Judicial District Mental Health Board of the State of Nebraska, which encompassing counties of Antelope, Cuming, Knox, Madison, Pierce, Stanton, and Wayne, hereby sets the rate of payment for stenographers and court recorders at \$100.00 per hour minimum, and

WHEREAS, thereafter to be billed in 15 minute increments for the Mental Health Board, and

WHEREAS, such rates increase will go into effect during the October 1st pay period, and

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NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Commissioners acknowledges the wages will be submitted by the Madison County Clerk of the District Court.

Motion made by Stinson and seconded by Schmidt to approve the consent agenda for the meeting. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Motion made by Stinson and seconded by Schmidt to approve the regular agenda for the meeting. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Pursuant to published legal notice in Wednesday, July 31, 2024, edition of the Norfolk Daily News, Chairman Troy Uhlir opened a public hearing at 9:47 A.M. to receive public comments concerning the application of Dale Frisch for a Swine Animal Feeding Operation on property described as the Pt of the E ½ of the SE ¼ of Section 22, Township 21 North, Range 4 West of the 6th P.M., Madison County, Nebraska. This property is located at 82421 538th Avenue Newman Grove, Madison County Nebraska, Parcel ID #590133381.

Planning and Zoning Administrator Heather McWhorter stated Mr. Frisch has an existing barn with 749 head of swine, over 55 pounds and would like to add 351 head for a total of 1100 head (440 H.E.) The location is a deep pit barn, and the addition of livestock requires a permit as a medium AFO operation. The matrix score was 365, above the required 350. The property is in an Ag-Intensive district. I received a phone call from a neighboring landowner that stated Mr. Frisch has been doing an excellent job keeping the odor down and he is not opposed to the expansion. The finding facts are: the property is zoned A-1 Agricultural Intensive, permit is for up to 1,100 (440 H.E.), and has Matrix score is 365, Passing score is 350.

No one spoke in favor of the application.

No one spoke in opposition to the application

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

After discussion, the following resolution was introduced:

## RESOLUTION #2024-41

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

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

WHEREAS notice of public hearing was published in the July 6, 2024, edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. The application is consistent with the Madison County Comprehensive Plan.
2. The application is consistent with the Madison County Zoning and Subdivision Regulations.
3. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 365 points, and 350 points are needed to pass.
4. The property is zoned AG1 Agriculture Intensive.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Dale Frisch for a Swine Animal Feeding Operation as provided under Article Four, Section 403 "AG2" General Agriculture District, Madison County, 2003 Zoning and Subdivision Regulations on the following described land:

**Pt of the E ½ of the SE ¼ of Section 22, Township 21 North, Range 4 West of the 6th P.M., Madison County, Nebraska. (see attached)**

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

1. This is a Medium Animal Feeding Operation Conditional Use Permit for an operation of up to 1100 swine, 440 head equivalent of feeder cattle.
2. This conditional use permit shall be for a period of 20 years subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix, implementing the additional conditions of this permit, and will become effective with the adoption of this resolution.
3. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska and the United States Government
4. NDEE permits shall be made part of the file and an approved NDEE permit must be obtained before beginning the expansion.
5. 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.
6. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by the applicant.

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

Motion made by Stinson and seconded by Schmidt to approve the of Dale Frisch for a Swine Animal Feeding Operation on property described as the Pt of the E ½ of the SE ¼ of Section 22, Township 21 North, Range 4 West of the 6th P.M., Madison County, Nebraska. This property is located at 82421 538th Avenue Newman Grove, Madison County Nebraska, Parcel ID #590133381. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried

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Pursuant to published legal notice in Wednesday, July 31, 2024, edition of the Norfolk Daily News, Chairman Troy Uhlir opened a public hearing at 9:50 A.M. to receive public comments concerning the Conditional Use Permit application of Shannon Kurpgeweit to construct a home on less than 40 acres on Elly's Lot Split on property described as a part located in the SE ¼ of the NE ¼ of Section 21, Township 22 North, Range 2 West of the 6th P.M., Madison County, Nebraska. This property is located northwest of the City of Madison, Nebraska ½ a mile north of the intersection of 549th Avenue and 830th Road, Parcel ID #590138456.

Planning and Zoning Administrator Heather McWhorter that the applicant is requesting a permit to build a home on a 3.3-acre lot split in an Ag Intensive District. Some of the property is in the floodplain, however they have provided a surveyed map to indicate the area that the home will be in is not in the floodplain. She provided Statement of Finding of Facts: This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map, the property is zoned A1 Agriculture Intensive and meets the density requirements for the Zoning district. Ms. McWhorter recommended the following conditions: that this Conditional Use Permit is permanent and may be transferred between owners, that the Conditional Use Permit allows a single-family home on less than 40 acres, with the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska, that the applicant should be aware it is their responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners, a zoning permit must be obtained from the Zoning Office before construction of the home begins, and a copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

Ms. Shannon Kurpgeweit spoke in favor of the application

No one spoke in opposition to the application.

Chairman Uhlir closed the hearing at 9:56 A.M.

After discussion, the following resolution was introduced:

### RESOLUTION #2024-42

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

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

WHEREAS notice of public hearing was published in the July 6, 2024, edition of The Norfolk Daily News, and a public hearing was held by law.

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

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned A1 Agriculture Intensive and meets the density requirements for the Zoning district.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grant a Conditional Use Permit to Shannon Kurpgeweit to construct a home on less than 40 acres on ELLY'S LOTSPLIT described as:

**Located in the SE ¼ of the NE ¼ of Section 21, Township 22 North, Range 2 West of the 6th P.M., Madison County, Nebraska.**  
**(See attached)**

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

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is his responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.
6. A zoning permit must be obtained from the Zoning office before construction begins on the residence.

NOW, THEREFORE, BE IT REFERENCED, 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 made by Stinson and seconded by Schmidt to approve Conditional Use Permit application of Shannon Kurpgeweit to construct a home on less than 40 acres on Elly's Lot Split on property described as a part located in the SE ¼ of the NE ¼ of Section 21, Township 22 North, Range 2 West of the 6th P.M., Madison County, Nebraska. This property is located northwest of the City of Madison, Nebraska ½ a mile north of the intersection of 549th Avenue and 830th Road, Parcel ID #590138456. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Chief Crystal Hestekind District 7 Probation office was present and introduced herself and advised that she was recently appointed as Chief Probation Officer and recently replaced Kathryn Liebers who recently retired as of April 30, 2024. She advised that District 7 is comprised of the following counties: Antelope, Cuming, Madison, Knox, Pierce, Stanton, and Wayne. She introduced other staff members: Deputy Chief Bob Lowe, Reporting Center Coordinator Staci Gaes, and Office Manager Candace Downey.

Ms. Hestekind provided update on staffing and the number of caseload, discussed the high volume of drug tests, and reporting center clients with varying results and follow-up actions.

No action taken.

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Motion made by Uhlir and seconded by Stinson to recess and move to Court Room #1 to discuss review zoning regulations and if necessary update such regulation for Wind Turbines and Wind Turbine Moratorium. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Motion made by Schmidt and seconded by Uhlir to reconvene in Court Room #1. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Chairman Uhlir advised that Commissioner Schmidt requested that the zoning regulations be reviewed and update if necessary and asked Mr. Schmidt to further explain. Mr. Schmidt explained that there are citizens wanting to hold a public hearing with the Planning and Zoning Board and discussed the process of holding such hearing with Planning and Zoning Administrator Heather McWhorter. She explained that this recommendation would have to come from the Board of Commissioners along with a resolution of the proposed changes in order for the planning board to have a hearing. Mr. Schmidt stated that this is why he placed this items on the agenda. Mr. Schmidt stated that he spoke with a couple of the planning and zoning board members, one stated that the board voted unanimously to keep the regulation as they stand. Mr. Schmidt stated that the second member of the board advised the same thing. Mr. Schmidt stated that if the Planning and Zoning Board would have a hearing and make recommendations then the Board of Commissioners could hold a public hearing. This can go to the Planning and Zoning Board for a hearing only if the commissioners find reason to adopt changes.

Planning and Zoning Administrator Heather McWhorter stated that a public meeting was held on July 18, 2024 at the Northeast Community College Life Long Learning Center. The Planning and Zoning committee was asked to review zoning regulations and determine if necessary to hold a public hearing to update such regulation for Wind Turbines. She advised that after numerous citizens expressed their opinions either in favor or against the current regulations, that the planning commission heard no reason to change the current regulations for wind turbines.

County Attorney Joe Smith presented a flow chart along with Nebraska State Statutes. Mr. Smith explained the process for creating, implementing and changing zoning regulations, citing state statutes. He further explained the process to the Board of Commissioners, highlighting the role of the Planning Commission and Board of Commissioners. Commissioner Schmidt asked for clarification on the county board's role after the Planning and Zoning Board denies any changes and Mr. Smith provided legal insights. Mr. Smith explained the wind tower regulation process in detail again. Chairman Uhlir disagreed with Mr. Smith on the potential for a hearing and the commissioner could consider holding a hearing to update regulations on noise, setbacks, and tower height and highlighted his concerns. Mr. Smith along with David Levy both again stated that the moratorium is illegal and you are not holding a public hearing for citizens to present their findings.

Commissioner Schmidt and Uhlir both agreed on the importance of a hearing for the community to provide input on zoning regulations. Both commissioners discussed wind turbine collapse in Colorado and potential bird strikes, with Mr. Schmidt expressing concerns about lack of official reporting. Mr. Uhlir highlighted various regulatory agencies involved in the project, including the U.S. Fish and Wildlife Service and Nebraska Parks Commission as well as the use of conditions in the Conditional Use Permit to address public concerns. Commissioner Stinson disputed claims of the lack of knowledge, and citing the two-year process done by the Planning and Zoning Board members and personal research. Mr. Stinson emphasized that he is committed to representing all citizens in the county, despite opposition from those who want greater setbacks for the wind turbines. Commissioner Schmidt stated the need for a public meeting to address new information on wind towers and wants to ensure that any decision is based on up-to-date information.

Chairman Uhlir and Commissioner Schmidt further discussed public input on wind energy regulations with Mr. Uhlir expressing skepticism and Mr. Schmidt advocating for listening to people with expertise. Commissioner Schmidt stated if the public is allowed an additional public meeting to voice concerns, and no credible information is presented that shows cause to change the regulations, he will agree to end the moratorium at that time.

Mr. Scott Gropp with Gropp Law and Mediation LLC stated he represents landowners in Madison County. He stated his opinion on inconsistency in adopting the new comprehensive plan without reviewing zoning regulations. He also asked the procedures for posting meetings for the county and County Clerk Anne Pruss advised the Public Notices are published in the Wednesday addition of the Norfolk Daily News prior to the hearing date. She stated that the NDN will only let the County publish such notices in the Wednesday or Saturday addition and submission of such notices need to be to the NDN's no later than noon on Monday or Thursday. Mrs. Pruss also advised that changes to the agenda could occur 24 hours prior to the meeting according to Nebraska State Statute and this is what occurred for the July meeting when Commissioner Schmidt added an agenda item at 9:10 A.M.

Commissioner Uhlir advised that another meeting would be held with the publics input and that the public would be allowed to offer/submit suggestions regarding the specific issues to be addressed pertaining to regulations on wind turbines at that meeting from the audience.

Approximately 78 individuals were in attendance.

Scott Gropp with Gropp Law and Mediation LLC, Kris Huddle, Dick Huddle, Lori Pfeifer, and Roy Swoboda spoke in opposition to the current regulations.

Alex Chandler with Invenergy Development Team, David Levy with Baird Holm LLC, John Dittrich, Steve Abler with Madison County Planning Commission, and Jerry Moritz with Orsted spoke in favor of the current regulations.

Motion made by Schmidt and seconded by Stinson to place wind turbine energy regulations on the regular agenda for the Tuesday, August 27th Board of Commissioners meeting and will address setbacks, noise, flicker, decommissioning, and tower height. Information will need to be submitted to the County Clerk by noon on Friday, August 23rd to allow time for the Commissioners to review documents. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Motion made by Uhlir and seconded by Stinson to recess and move to the Commissioners meeting room to discuss 2024-2025 Fiscal Year Budget. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Motion made by Schmidt and seconded by Uhlir to reconvene in Commissioner meeting room. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Budget Committee members provided updated document for the 2024-2025 Fiscal Year Budget. Chairman Uhlir announce good news about the budget and that he hoped the valuations, that will be certified by the County Assessor no later than August 20th, would reduce the levy along with the dollars asked. Commissioner Stinson discussed issues with current road condition an asked if the budget committee has considered all the projects that would like to be completed in this fiscal year, Mr. Uhlir stated that these projects have been added to the budget. Mr. Uhlir advised that he has

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taken time to discuss each budget with the elected, appointed, or department head to reduce the amount of expenses being asked for. Chairman Uhlir and County Highway Superintendent Dick Johnson explain how the lid exception items from the 2023-2024 were not taken into consideration when preparing the budget since there wasn't a complete understanding on how the new budget program worked. So, for the 2024-2025 the numbers will be inputted to correct the issue.

Chairman Uhlir and County Clerk Pruss provided a list of Capital improvement that are being considered. Some of these projects would include the repair or replacement of the Extension/Veteran's Service roof, storage building, and fire suppression system in the large storage building to protect the important documents, improving the north entrance parking lot with an island and signs to direct traffic properly, and replacing the air condition unit for the storage building.

County Clerk Anne Pruss reminded the Board of Commissioners of the Public Hearing for the 2024-2025 Fiscal Year budget is set for Tuesday, August 27, 2024 at 6:00 P.M. in the Commissioners meeting room and this hearing will be open to the public.

No action taken.

The following written report and correspondence were reviewed:

- 1) Fund Balance report
- 2) Clerk's fee report, July 2024
- 3) District Court fee report, July 2024
- 4) Register of Deeds fee report, July, 2024
- 5) Sale of Surplus report
- 6) Village of Meadow Grove quarterly report, July 2024
- 7) Notice of Public Hearing for City of Norfolk regarding North State Highway 35 and Benjamin Avenue and Substandard Study
- 8) Notice of Public Hearing for City of Norfolk regarding 25<sup>th</sup> Street and Benjamin Avenue and Substandard Study

Review and process claims:

### GENERAL FUND

Total Net Payroll		203,639.34
Advanced Correctional Healthcare	Medical Treatment, County Jail	12,835.54
Mark D Albin	Legal Services, District Court	4,245.16
Mark D Albin	Legal Services, County Court	940.26
Albracht Disposal Inc.	Garbage, Courthouse	57.68
Albracht Disposal Inc.	Garbage, County Jail	92.70
Allstate Benefits	Insurance Premium	521.47
American Family Life Assurance Co.	Insurance Premium	820.48
Appear	Towel and Mop Service, Courthouse	113.30
Appear	Towel and Mop Service, County Jail	165.69
Arkfeld Lock & Security LLC	Law Enforcement Supplies, County Sheriff	21.89
Axon Enterprise Inc.	Law Enforcement Supplies, County Sheriff	8,267.40
Axon Enterprise Inc.	Law Enforcement Supplies, County Jail	8,267.40
Black Hills Energy	Heating Fuels, Courthouse	104.46
Black Hills Energy	Heating Fuels, County Jail	312.15
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	6,180.40
Bob Barker Company Inc.	Law Enforcement Supplies, County Jail	403.94
Brady & Amy's Inc.	Fuel, Courthouse	104.75
Brady & Amy's Inc.	Fuel, Reappraisal	199.18
Brady & Amy's Inc.	Fuel, County Sheriff	2,532.14
Brady & Amy's Inc.	Fuel, Noxious Weeds	1,175.02
Century Link	Telephone Service, Probation Office	479.13
Cintas	Law Enforcement Supplies, County Jail	44.07
City Of Madison	Utilities, Public Defender	178.52
City Of Madison	Utilities, Courthouse	3,202.66
City Of Madison	Utilities, County Jail	5,598.75
City Of Norfolk	Utilities, Probation Office	308.99
Cleanest by Farr	Janitorial, Probation Office	450.00
Colonial Life & Accident Insurance	Insurance Premiums	179.35
Columbus Community Hospital	Medical Treatment, County Jail	725.73
Complete Pest Elimination Inc.	Pest Control, County Jail	125.00
Consolidated Management Company	Meals, County Jail	207.80
Copple Rocky Schlecht & Mason PC LLO	Legal Services, Juvenile Court	346.04
Cornhusker Auto Center Inc.	Repairs, County Sheriff	842.55
Courtesy Ford Lincoln Mercury	Repairs, County Sheriff	1,212.60
Cubby's Inc.	Fuel, Planning and Zoning	70.76
Cubby's Inc.	Fuel, Noxious Weeds	250.84
Culligan	Contract Services, Juvenile Accountability	12.00
Culligan	Contract Services, Probation Office	82.00
Custom Sports	Uniforms, County Jail	80.00
Das State Accounting-Central Finance	Data Processing, County Sheriff	268.80
Das State Accounting-Central Finance	Data Processing, County Jail	268.80
Dent Specialists LLC	Repairs, County Sheriff	1,282.51
Department Of Correctional Services	Health Related & Board of Prisoners Costs, County Jail	679.00
Dwb Inc.	South Entry Enclosure, Capital Acquisitions	62,671.00
Eakes Inc.	Office Supplies, County Clerk	97.19

# Commissioner's Record No. 27

## MADISON COUNTY, NEBRASKA

Eakes Inc.	Office Supplies, Election Commissioner	97.19
Eakes Inc.	Office Supplies, Planning & Zoning	288.01
Eakes Inc.	Office Supplies, District Judge	152.20
Eakes Inc.	Office Supplies, Courthouse	373.73
Eakes Inc.	Office Supplies, County Attorney	504.46
Eakes Inc.	Office Supplies, County Jail	68.30
Eakes Inc.	Office Supplies, Probation Office	526.15
Election Systems & Software	Voting Supplies, Data Processing, Election Commission	128.56
Elite Court Reporting Service	Court Reporter Costs, District Court	986.70
Elkhorn Rural Public Power District	Utilities, Communication Center	125.86
Elkhorn Valley Bank & Trust	Health Savings Account	55.00
Ewalt Law Office PC LLO	Legal Services, Juvenile Court	5,949.95
Ewalt Law Office PC LLO	Legal Services, District Court	3,780.00
Faith Regional Health Services	Medical Treatment, County Jail	18,748.77
Battle Creek Farmers' Cooperative	Fuel, County Sheriff	2,337.86
Firespring Inc.	Printing, Election Commissioner	3,175.17
First Concord Benefits Group	Admin. Fees, Deduct Buy-Down, Dependent Care, and Flex Plan	11,601.86
Fitzgerald Vetter Temple Bartell & Henderson	Legal Services, Juvenile Court	2,224.84
Floor Maintenance and Paper Supply	Janitorial Supplies, County Jail	684.92
Galls LLC	Uniforms, County Sheriff	103.94
Galls LLC	Uniforms, County Jail	133.83
Garcia Clinical Laboratory Inc.	Medical Treatment, County Jail	480.00
Generation Consultants LLC	Code Messaging, Communications	89.97
Global Industrial	Office Equipment, County Jail	234.94
Gordy's Towing & Repair	Repairs, County Sheriff	134.73
Kelcie Hall	Mileage, Extension Office	18.76
Hollman Media	Web Services, Election Commissioner	28.75
Hometown Leasing	Rental Expense, Probation Office	558.55
Jack's Uniforms & Equipment	Law Enforcement Supplies, County Jail	210.99
Jerry's Sinclair (Use # 2991)	Vehicle Towing, County Sheriff	250.00
John's Disposal Inc.	Garbage, County Extension	21.90
John's Disposal Inc.	Garbage, Veterans Office	14.60
Michelle Kroupa	Cleaning Services, County Extension	370.00
Madison County Clerk	Tax Deposit and Retirement	109,589.88
Madison County Clerk Of District Court	Court Costs, District Court	1,473.00
Madison County Court (Fees)	Court Costs, County Court	2,438.00
Madison County Sheriff	Civil Process Fees, County Court	261.80
Madison County Sheriff	Civil Process Fees, District Court	468.80
Madison County Sheriff	Civil Process Fees, Mental Health	31.90
Madison County Treasurer	Reimbursement of Blue Cross Blue Shield	200.00
Madison National Life Insurance Co.	Insurance Premiums	637.78
Christal K. Mcdonald	Transcription, Law Enforcement	621.60
Menards	Supplies, Planning & Zoning	14.65
Menards	Supplies, County Extension	128.74
Menards	Supplies, County Sheriff	59.19
Menards	Supplies, Veterans Service Office	89.80
Microfilm Imaging Systems Inc.	Data Processing Costs, District Court	12.00
MIPS Inc.	Data Processing Costs, County Clerk	682.01
MIPS Inc.	Data Processing Costs, Register of Deeds	243.94
Modernpro Construction LLC	Bathroom Remodel, Planning & Zoning	739.78
Modernpro Construction LLC	Bathroom Remodel, Noxious Weeds	739.78
Motorola Solutions	Safety Equipment, County Sheriff	34,753.00
Moyer & Moyer	Legal Services, District Court	1,081.15
Nationwide Retirement Solutions	Deferred Compensation	1,413.85
Nebraska Child Support Payment Center	Garnish of Wages	257.08
Nebraska Public Power District	Utilities, Probation Office	570.06
Norfolk Daily News	Publication Costs, Law Enforcement	49.99
Norfolk Daily News	Publication Costs, County Offices	682.37
Northeast NE Juvenile Services Inc.	Board of Prisoners Costs, Juvenile Detention	5,985.00
Olson's Pest Technicians	Pest Control, Extension Office	41.40
Olson's Pest Technicians	Pest Control, Veterans Service	27.60
One Office Solution	Office Supplies, County Clerk	137.66
One Office Solution	Office Supplies, Election Commissioner	157.03
One Office Solution	Contract Services, County Sheriff	1,217.50
One Office Solution	Office Supplies, County Jail	120.00
One Office Solution	Contract Services, Veterans Service Office	24.30
Osborne Motors Inc.	Repairs, County Sheriff	267.94
Pathology Medical Services	Medical Treatment, County Jail	507.20
Perez Interpreting LLC	Interpreting Services, Public Defender	300.00
Michael D Petersen	Contract Services, Community Based Grant	162.50
PIP Marketing Signs and Print	Office Supplies, Election Commissioner	381.58
Poan Of Nebraska	Office Supplies, County Sheriff	149.00
Postmaster	Postal Services, County Attorney	146.00
David J. Prather	Reimbursement of Health Insurance	80.00
Precision Technology Inc.	Data Processing, County Attorney	141.00

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## MADISON COUNTY, NEBRASKA

Precision Technology Inc.	Equipment & Subscription, Probation Office	239.00
Precision Technology Inc.	Computer Consultant, County Office	3,744.00
Precision Technology Inc.	Security Services, Courthouse	300.00
Priority Communications & Solutions	Telephone Service, Probation Office	90.00
Radiology Consultants PC	Medical Treatment, County Jail	22.95
Reigle Implement Company Inc.	Equipment Repair, Courthouse	37.45
Renner Auto Body	Vehicle Repair, County Sheriff	1,000.00
Maria Nieves Salavera	Mileage, Community Based Grant	38.86
Security Shredding Services	Shredding Services, Public Defender	40.00
Short Stop	Fuel, County Sheriff	128.48
Joseph M Smith	Mileage, Law Enforcement	464.31
Stratton Delay Doele Carlson Buettner & Stover PC LLO	Attorney Fees, Juvenile Court	15,273.73
Stratton Delay Doele Carlson Buettner & Stover PC LLO	Attorney Fees, County Court	679.60
Summit Food Service LLC	Inmate Meals, County Jail	26,553.50
Teeco Inc.	Contract Services, Planning and Zoning	4.48
Teeco Inc.	Contract Services, Noxious Weeds	4.47
Thomson Reuters West	Law Library, Public Defender	475.76
U-Save Pharmacy Of Norfolk Inc.	Health Related Costs, County Jail	2,760.24
Unified Power	Maintenance Agreement, County Jail	5,297.61
US Bank Corporate Payment System	Garbage, Juvenile Accountability	12.00
Verizon Wireless	Cell Phone, Noxious Weeds	58.89
Verizon Wireless	Cell Phone, Community Based Grant	86.69
Vision Service Plan	Insurance Premiums	699.97
Waste Connections of NE INC.	Garbage, Probation Office	175.30
Wex Bank(Shell) County Sheriff	Fuel, County Sheriff	4,068.70
Wex Bank(Sinclair) County Sheriff	Fuel, County Sheriff	818.51
Zelle LLC	Contract Services, County Offices	5,000.00
Zodiac Properties LLC Midwest Bank	Rental Fee, Probation Offices	12,253.21
	Total General Claims with Payroll	632,538.50

### ROAD BRIDGE FUND

Total Net Payroll		37,680.25
Advanced Auto Parts	Parts	4.90
Akrs Equipment Solutions, Inc.	Parts	1,109.54
Albracht Disposal Inc.	Garbage	28.00
Allstate Benefits	Insurance Premiums	76.40
Travis J. Amen	CDL License	31.00
American Family Life Assurance Co.	Insurance Premiums	391.96
Appeara	Towel and Uniform Service	693.07
B's Enterprises Inc.	Culvert, Traffic Control	33,397.00
Bauer Built Inc.	Tires and Repairs	2,708.40
Beaver Bearing Company	Repairs	72.70
Black Hills Energy	Heating Fuels	233.19
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	1,559.78
Brady & Amy's Inc.	Fuel	654.95
City Of Madison	Utilities	452.02
City Of Newman Grove	Utilities	74.25
Colonial Life & Accident Insurance	Insurance Premiums	379.03
Cornhusker International Trucks Inc.	Parts	152.04
Credit Management Services	Garnish of Wages	211.36
Culligan	Contract Services	93.90
Dale R Johnson Ent Inc.	Gravel	22,175.66
Elkhorn Rural Public Power District	Utilities	26.00
Battle Creek Farmers' Cooperative	Fuel	1,586.90
Filtercare Of Nebraska LLC	Repairs	140.40
First Concord Benefits Group	Admin Fees, Deduct Buy-Down, Dependent Care, and Flex Plan	1,729.06
Floor Maintenance and Paper Supply	Shop Supplies	168.64
Grubb Grinding LLC	Repairs & Labor	525.00
Island Supply Welding Company	Shop Supplies	29.76
Jebro Inc.	Asphalt	5,089.80
Kelly Supply Company	Supplies	138.52
Lawson Products	Shop Supplies	7.79
M & M Farm Supply	Shop Supplies	19.00
Madison County Clerk	Tax Deposit and Retirement	19,041.64
Madison National Life Insurance Co.	Insurance Premiums	26.93
Madison National Life Insurance Co.	Insurance Premiums	84.14
John Manning	Gravel	6,387.50
Matheson Tri-Gas Inc.	Shop Supplies	45.47
Meisinger Oil Co Inc.	Repairs	13,349.59
Menards	Shop Tools	311.47
Nationwide Retirement Solutions	Deferred Compensation	1,225.00
Nebraska Harvestore Systems	Parts and Repairs	251.13
Nextlink Internet	Internet	15.00
NMC Exchange LLC	Parts and Repairs	1,443.85
Norfolk Motor Company	Parts and Repairs	1,782.67

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## MADISON COUNTY, NEBRASKA

Norfolk Transmission & Muffler Inc.	Repairs	37.42
Pinkelman Truck & Trailer	Parts and Repairs	7,094.68
Powerplan	Parts and Repairs	1,123.45
Prime Sanitation	Garbage	67.50
Quick Serve Oil	Fuel & Tire Repairs	11,819.92
RDO Truck Centers LLC	Parts	14,115.98
Sapp Bros Norfolk	Machinery and Equipment Grease and Oil	107.20
Jesse W Stueckrath	Road Equipment Rental	3,740.00
T-Bone North	Fuel	2,471.22
Teeco Inc.	Contract Services	62.45
The Windshield Doctors Inc.	Repairs	230.00
TooFast Supply	Shop Tools	1,875.99
Truck Center Co.	Fuel & Parts	242.76
Vision Service Plan	Insurance Premiums	157.82
Weldon Parts Inc.	Parts	182.22
Zoubek Oil Co Inc.	Fuel	5,102.91
	Total Road Bridge Claims with Payroll	204,036.18

### FEDERAL AID SECONDARY FUND

Barco Municipal Products Inc.	Traffic Control	6,300.00
Elkhorn Rural Public Power District	Capital Outlay Contracts	2,385.71
	Total Federal Aid Secondary Fund	8,685.71

### VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administration Fees	4,868.12
	Total Visitors Promotion Fund	4,868.12

### VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administration Fees	1,962.57
	Total Visitors Improvement Fund	1,962.57

### ROD PRESERVATION & MODERNIZATION FUND

MIPS Inc.	Data Processing	582.24
	Total ROD Preservation & Modernization Fund	582.24

### 911 EMERGENCY MANAGEMENT FUND

City Of Norfolk	Contract Services	17,800.00
	Total 911 Emergency Management Fund	17,800.00

### LAW ENFORCEMENT OPERATING FUND

Department Of Correctional Services	Subscription Service	5,421.00
Eakes Inc.	Commissary	57.28
Egan Supply Co.	Supplies	2,205.66
Appeara	Janitorial Supplies	1,181.38
	Total Law Enforcement Operating Fund	8,865.32

### DRUG COURT FUND

Tamni Sundling	Interpretation Services	100.00
Sunny Meadow Medical Clinic PC	Clinic Services	238.00
Us Bank	Mileage	16.00
	Total Drug Court Fund	354.00

Total Claims with Payroll 879,692.64

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

The Board adjourned at 2:03 P.M. to Tuesday, June 27, 2024, at 9:30 A.M.

ATTEST:



County Clerk Anne M. Pruss

Troy Uhlir, Chairman  
County Board of Commissioners