

# Commissioner's Record No. 27

MADISON COUNTY, NEBRASKA

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 30, 2024

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

Advanced notice of meeting was published in the Wednesday, July 24, 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, County Sheriff Todd Volk, Planning and Zoning Commissioner Heather McWhorter, County Attorney Joe Smith. Norfolk Daily News reporter Sawyer Belaire.

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

- 1) Approval of minutes of July 16, 2024
- 2) Adoption of Americans with Disabilities Act Policy and Title VI Implementation Plan as required by the Nebraska Department of Transportation (NDOT) Civil Rights for Local Public Agencies who receive federal financial assistance through NDOT
- 3) Approval of receipt of Official Bond and Oath of John Klein as Clerk/Treasurer of Battle Creek Rural Fire Protection District
- 4) Set public hearing date for Tuesday, September 17, 2024 at 6:00 P.M. at Northeast Community College Lifelong Learning Center to receive input regarding 2024-2025 fiscal year budget and adoption of property tax at an amount different than prior fiscal year
- 5) Authorization for County Board Chairman to execute Interlocal Agreement with City of Norfolk to share costs of improvement of Eisenhower Avenue from 25<sup>th</sup> Street to 37<sup>th</sup> Street and South 45<sup>th</sup> Street
- 6) Authorization to advertise for bids for Project No. C-59-891 Boone County Line
- 7) Approval of Agreement with Stanton County and Nucor for installation of streetlights at Northeast Industrial Highway and John A. Doherty Drive
- 8) Award of contract to the low bidder, Western Engineering Co., Inc. in the amount of \$3,324,838.45 for 2024-2025 Asphaltic Overlay projects
- 9)

### RESOLUTION #2024-36

WHEREAS, Check No. 24060530, dated June 18, 2024, and drawn on the Inheritance Tax Fund in the amount of seventeen hundred forty-eight dollars and eighty-eight cents (\$1,748.88), was made payable to Lamkli Locke & Beaudette Law Office, 100 North 34th Street, Ste. E, Norfolk, Nebraska 68701, and

WHEREAS, Lamkli Locke & Beaudette Law office requested cancellation of payment due to calculation error on law office,

NOW, THEREFORE, BE IT RESOLVED that Check No. 24060530, dated June 18, 2024, and drawn on the Inheritance Tax Fund in the amount of seventeen hundred forty-eight dollars and eighty-eight cents (\$1,748.88), is hereby cancelled.

Motion made by Schmidt and seconded by Stinson 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 the Thursday, July 11, 2024 edition of the Norfolk Daily News, Chairman Uhlir opened a public hearing at 9:36 A.M. to receive citizens' comments regarding Madison County's Comprehensive Development Plan updated July 2024. Bobbi Pettit, Planner/Founder of Five Rule Rural Planning was present and provide Madison County updated plan as of July, 2024. Ms. Pettit focused on issues as population growth, natural resources, and stakeholder balancing. Chairman Uhlir emphasized the importance of preserving natural resources, while Heather McWhorter, Planning and Zoning Administrator highlighted the plan's reliance on data and research.

No public comments were received in favor or opposed.

Chairman Uhlir closed the hearing at 9:44 A.M.

No action taken.

Pursuant to published legal notice in the Thursday, July 11, 2024 edition of the Norfolk Daily News, Chairman Uhlir opened a public hearing at 9:45 A.M. for approval of Madison County's Compressive Development Plan.

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No other public comments were received either for or against. Chairman Uhlir closed the hearing at 9:47 A.M.

The following resolution was introduced:

### RESOLUTION #2024-37

WHEREAS, the Madison County Planning Commission has worked to establish a Comprehensive Development Plan;

WHEREAS, the Madison County Planning Commission has duly held a Public Hearing on May 16, 2024, and made recommendation for adoption to the County Board of Commissioners for Madison County, Nebraska;

WHEREAS, the County Board of Commissioners for Madison County, Nebraska, has held the required Public Hearing on July 30, 2024, to collect public input on the proposed Comprehensive Development Plan;

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Commissioners of Madison County, Nebraska:

That the County Board of Commissioners for Madison County, Nebraska adopt Resolution No. #2024-37 approving and incorporating the Comprehensive Development Plan for Madison County, Nebraska, as recommended by the Madison County Planning Commission after the completion of the required Public Hearings.

Motion was made by Schmidt and seconded by Stinson to approve of Madison County's Comprehensive Development Plan. Roll call vote: Ayes, Stinson, Schmidt, and Uhlir. Nays, none. Motion carried.

Charles Macy of Managed Services with Allo was introduced by Clint Bowland. Mr. Bowland announced that Allo has recently purchased Precision IT. Mr. Macy advised that Allo will provide that same services that the county is currently receiving.

No action taken.

County Attorney Joe Smith asked the Board of Commissioners to go into Executive Session to discuss potential litigation on planning and zoning reference commercial wind turbines regulations and discussion action on Planning and Zoning reference Commercial Wind Turbine regulations. At 9:51 A.M. the following were in attendance: County Attorney Joe Smith, Commissioners Eric Stinson, Ron Schmidt, Troy Uhlir, and County Clerk Anne Pruss.

At 10:29 A.M. Motion was made by Stinson and seconded by Schmidt to come out of Executive Session. Roll call vote: Ayes, Stinson, Schmidt, and Uhlir. Nays, none. Motion carried.

No action taken.

Madison County Planning and Zoning Administrator Heather McWhorter provided information from the town hall meeting that was held at the Northeast Community College Life Long Learning Center. She advised that both for and against individuals or companies provided their comments. She then stated that the Planning and Zoning recommendation was to keep the regulations as they stand. She further discussed regulation regarding wind towers and further explained that the Planning Commission, Chairman Uhlir, and Commissioner Stinson emphasized the importance for peer-reviewed information and reliable sources that effects the health, welfare and safety and to provide to the Planning Commission Board. Ms. McWhorter further explained the process, including public hearing for changes, after the board. Commissioner Schmidt advised that citizen were advised the day prior that they would have an opportunity to speak. County Clerk Anne Pruss stated that she had talked to County Attorney Joe Smith and he advised that they would be able to speak but that this was not a public hearing and the group would have 10 minutes to provide comments.

Motion made by Schmidt and seconded by Stinson to continue the moratorium until November 2, 2024 to review Zoning Regulations and make specific recommendation for changes dealing with wind energy before accepting, granting or recommending a conditional use permits for the construction of wind turbines. Roll call vote: Ayes, Schmidt, and Uhlir. Nays, none. Absent: Stinson. Motion carried.

Kris Huddle asked that even since the Planning Board voted unanimously not to change the regulation could this be changed by the Board of Commissioners, and Chairman Uhlir explained that the County Board makes the final decision based on the recommendations from the Planning Commission. Heather McWhorter advised that the Commissioner did send this back to the Planning Commission but no action could be taken unless you group would bring in documents that are peer reviewed and the Planning Commissioner makes a determination that there is something specific to needs to be changed. Once this has been determined that the Planning Commissioner has a recommendation for the Commissioners then there will have to be a public hearing, then it would be present to the Board of Commissioners, during a Public Hearing. Ms. McWhorter stated that what happened before was the Commissioners sent it back to the Planning board to review, it was not a public hearing and didn't follow Nebraska State Statutes. She further stated that if there is documents for a need to change, it would go to the Planning Commissioner for a Public Hearing and then after that would be returned to the Board of Commissioner for a Public Hearing. Commissioner Stinson stated that if this does go back to Planning and Zoning, whatever the Planning Commission recommendation is, we're not bound by that. Mr. Stinson stated that the final decision stands with the Board of Commissioners. Commissioner Schmidt realizes that there are a lot of citizens from the county in attendance that in the end that everyone can overcome when decisions are made and whatever difference that are had that

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everyone can go forward. He continued to say that he hope that this doesn't become a contentious issue and after a final decision is made that everyone can work together.

There were approximately 55 in attendance either in favor or opposition that were given a chance to discuss their concerns.

Motion made by Schmidt and seconded by Stinson to continue the moratorium until November 2, 2024 to review Zoning Regulations and make specific recommendation for changes dealing with wind energy before accepting, granting or recommending a conditional use permits for the construction of wind turbines. Roll call vote: Ayes, Schmidt, and Uhlir. Nays, none. Absent: Stinson. Motion carried.

The Budget Committee presented and updated schedule, department expenditures, and major road/bridge projects. The board reviewed documents and made suggestion to the 2024-2025 budget to present at the next Board of Commissioners meeting.

No action taken.

The following written report and correspondence were reviewed:

- 1) Fund balance report
- 2) County Sheriff fee report, June 2024
- 3) County Treasurers 6-month report ending June 30, 2024
- 4) Planning and Zoning 2nd Quarter report, 2024

The following claims were audited:

### GENERAL FUND

Total Net Payroll		200,093.81
Advanced Correctional Healthcare	Medical Treatment, County Jail	676.68
Airdata UAV Inc.	Subscription Service, County Sheriff	720.00
Albracht Disposal Inc.	Garbage, County Jail	185.40
Allstate Benefits	Insurance Premium	521.35
American Family Life Assurance Co.	Insurance Premium	820.48
Appeara	Towel Service, Public Defender	49.66
Arkfeld Lock & Security LLC	Repairs, County Treasurer	264.95
B & B Repair & Towing	Vehicle Towing, County Sheriff	474.75
Battle Creek Enterprise	Publication Costs, Election Commissioner	2,166.00
Best Western Plus - North Platte	Lodging, County Assessor	214.00
Black Hills Energy	Heating Fuels, Planning & Zoning	20.05
Black Hills Energy	Heating Fuels, Noxious Weed	20.04
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	186,358.59
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	6,166.54
Bob Barker Company Inc.	Supplies, County Jail	1,192.14
Bomgaars Supply Inc.	Equipment Repair, Noxious Weed	18.47
Brogan Lammler PC LLO	Legal Services, Juvenile Court	1,461.06
Champs Inc.	Maintenance Contract, Office Equipment, and Repairs, County Jail	2,500.00
City Of Madison	Utilities, Building & Grounds	203.39
City Of Norfolk	Utilities, Planning & Zoning	25.37
City Of Norfolk	Utilities, Extension Office	144.54
City Of Norfolk	Utilities, 911/Communication Center	102,500.00
City Of Norfolk	Utilities, Noxious Weed	25.36
City Of Norfolk	Utilities, Veterans Service Office	25.15
Colonial Life & Accident Insurance	Insurance Premiums	179.35
Comm Sprinklers	Repairs, Buildings & Grounds	3,095.00
Consolidated Management Company	Meals, County Jail	357.10
Constellation Newenergy Gas Div. LLC	Heating Fuels, Courthouse	8.38
Cooperative Extension Division	Subscription, Extension Office	499.50
Copple Rockey Schlecht & Mason PC LLO	Legal Services, Juvenile Court	3,276.43
Courtesy Ford Lincoln Mercury	Repairs, County Sheriff	47,173.10
Culligan	Contract Services, Juvenile Accountability	22.50
D & L Towing & Recovery LLC	Towing, County Sheriff	257.00
DAS State Accounting-Central Finance	Data Processing, County Clerk	150.00
Dent Specialists LLC	Repairs, County Sheriff	436.99
Eakes Inc.	Supplies, Extension Office	118.50
Egley Fullner Montag Morland & Easland PC	Legal Services, Juvenile Court	149.05
Egley Fullner Montag Morland & Easland PC	Legal Services, Juvenile Court	1,268.73
Egley Fullner Montag Morland & Easland PC	Legal Services, Juvenile Court	453.70
Bishop Business Equipment	Office Equipment Rental-Extension Office	451.76
Elkhorn Valley Bank & Trust	Health Savings Account	2,055.00
Ewalt Law Office Pc LLO	Contract Legal Services	14,166.67
Farm & Home Publishers Ltd.	Plat Map Books	270.00

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First Concord Benefits Group	Administration Fees, Deductible Buy-Down, Dependent Care, and Flex Plan	6,795.50
Fitzgerald Vetter Temple Bartell & Henderson	Legal Services, Juvenile Court	685.84
Fitzgerald Vetter Temple Bartell & Henderson	Legal Services, District Court	2,023.40
Pamela A Foltz	Mileage, Extension Office	18.76
Frontier Bank	Office Supplies, County Treasurer	382.38
Galls LLC	Uniforms, County Jail	77.56
Galyen Boettcher Baier PC LLO	Legal Services, Juvenile Court	2,059.24
Leonardo Gonzalez	Mileage, Extension Office	75.04
Goshen County Sheriff	District Court Costs	50.00
Guaranteed Lawn Care	Lawn Service, Extension Office	294.00
Guaranteed Lawn Care	Lawn Service, Veteran's Office	196.00
Jeffery Hackerott	Meals, County Assessor	16.80
Jeffery Hackerott	Fuel & Vehicle Maintenance, Reappraisal	208.59
Kelcie Hall	Mileage, Extension Office	168.17
Heartland Fire Protection Company	Inspections, County Sheriff	93.50
Naomi Hemphill	Janitorial Agreements, Public Defender	90.00
Hi-Way Service	Repairs, Noxious Weeds	51.14
Hollman Media	Domain Hosting, County Sheriff	50.00
Hollman Media	Domain Hosting, County Offices	250.00
Home For Funerals	Coroner/Autopsy Costs, Law Enforcement	1,145.00
Jack's Uniforms & Equipment	Law Enforcement Supplies, County Sheriff	106.94
Erin Kampbell	Mileage, Extension Office	37.52
Britney Kreikemeier	Mileage, Extension Office	37.52
Michelle Kroupa	Mileage & Janitorial Agreements, Extension Office	445.04
Patricia Lacroix	Witness Fees, Law Enforcement	3,249.48
Lumen Interpreting & Translation	Interpreter, Public Defender	2,475.00
Madison County Clerk	Tax Deposit and Retirement	105,455.04
Madison County Sheriff	Civil Process Fees, County Court	596.80
Madison County Sheriff	Civil Process Fees, District Court	337.80
Madison County Sheriff	Civil Process Fees, Mental Health	184.60
Madison County Treasurer	Reimbursement of Blue Cross Blue Shield	376.42
Madison National Life Insurance Co.	Insurance Premiums	207.31
Madison National Life Insurance Co.	Insurance Premiums	257.34
Mahoney Fire Sprinkler Inc.	Inspection, County Jail	390.00
Christal K McDonald	Transcription, Mental Health	50.00
Menards	Supplies, Buildings & Grounds	151.07
MIPS Inc.	Data Processing Costs, County Treasurer	1,588.45
Moyer Moyer	Legal Services, District Court	1,511.50
Moyer Moyer & Lafleur	Legal Services, Juvenile Court	2,714.45
Nationwide Retirement Solutions	Deferred Compensation	1,413.85
Nebraska Child Support Pymt Center	Garnish of Wages	257.08
Nebraska Criminal Defense Atty. Assn.	Dues, Subscriptions, Registrations, Training, Fees, Public Defender	150.00
Nebraska Health & Human Services	Institutional Costs, State Institutions	840.00
Nebraska Law Enforcement	Training, County Jail	125.00
Nebraska Public Power District	Utilities, Planning & Zoning	62.02
Nebraska Public Power District	Utilities, Extension Office	458.38
Nebraska Public Power District	Utilities, Noxious Weed	93.67
Nebraska Public Power District	Utilities, Veterans Service Office	305.58
Norfolk Daily News	Subscription, County Jail	870.00
Norfolk Daily News	Publication Costs, County Offices	362.79
Northeast Community College	Meeting Space, Planning & Zoning	240.00
Northeast NE Juvenile Services Inc.	Board of Prisoners Costs, Juvenile Detention	8,960.00
Wayne J Ohnesorg	Mileage, Extension Office	75.04
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, District Court	126.99
One Office Solution	Office Supplies, Public Defender	77.19
One Office Solution	Office Supplies, Extension Office	19.18
One Office Solution	Office Supplies, Noxious Weed	588.75
Physicians Laboratory Services Inc.	Coroner/Autopsy Costs, Law Enforcement	767.00
Sarah Polacek	Mileage, Extension Office	56.28
Precision Technology Inc.	Data Processing Equipment, County Sheriff	216.00
Precision Technology Inc.	Contract Services, Probation Office	209.00
Redwood Toxicology Laboratory Inc.	Contract Services, Probation Office	475.00
Relx Inc. DBA Lexis Nexis	Subscription, County Attorney	1,095.00
Jayd Roberts	Mileage, Extension Office	28.14
Scrub's Repairs	Fuel & Vehicle Maintenance, County Sheriff	62.50
Security Shredding Services	Shredding Services, County Clerk	20.00
Security Shredding Services	Shredding Services, Election Commissioner	20.00
Security Shredding Services	Shredding Services, District Court	40.00
Security Shredding Services	Shredding Services, County Court	40.00
Security Shredding Services	Shredding Services, County Attorney	40.00
Stealth Broadband	Internet and Phone Service, Planning & Zoning	146.25

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Stealth Broadband	Internet and Phone Service, Public Defender	545.68
Stealth Broadband	Internet and Phone Service, Extension Office	280.00
Stealth Broadband	Communication Equipment, County Sheriff	479.90
Stealth Broadband	Internet Service, Probation Office	360.00
Stealth Broadband	Internet and Phone Service, Noxious Weed	146.25
Stealth Broadband	Phone Service, Veterans Office	176.22
Stealth Broadband	Internet and Phone Service, County Offices	2,273.56
Stratton Delay Doele Carlson Buettner & Stover PC LLO	Attorney Fees, District Court	6,621.81
Streicher's - Minneapolis	Law Enforcement Supplies, County Jail	329.36
US Bank	Mailings, Subscription, Meals, County Attorney	394.25
US Bank	Certified Copies, Law Enforcement	111.25
US Bank	Office Supplies, Juvenile Accountability	39.38
Verizon Wireless	Cellular Phone, County Sheriff	1,991.35
Verizon Wireless	Cellular Phone, Law Enforcement	52.95
Vision Service Plan	Insurance Premiums	699.63
	Total General Claims with Payroll	<u>748,951.02</u>

### ROAD BRIDGE FUND

Total Net Payroll		36,486.90
Albracht Disposal Inc.	Garbage	28.00
Allstate Benefits	Insurance Premiums	76.37
American Family Life Assurance Co.	Insurance Premiums	391.96
Battle Creek Light & Power	Utilities	285.49
Black Hills Energy	Heating Fuels	77.68
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	52,317.29
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	1,559.75
Bomgaars Supply Inc.	Shop Supplies	565.04
Cave Crushing Inc.	Crushed Concrete	42,240.00
Central Sand & Gravel	Gravel	3,550.29
City Of Norfolk	Utilities	43.50
Colonial Life & Accident Insurance	Insurance Premiums	379.02
Constellation Newenergy Gas Div. LLC	Heating Fuels	51.94
Credit Management Services	Garnish of Wages	211.36
Dale R Johnson Ent. Inc.	Gravel	53,384.29
Deere Credit, Inc.	Grader Purchase	49,607.13
First Concord Benefits Group	Insurance Premiums	774.13
First Concord Benefits Group	Deductible Buy-Down	1,159.43
Hotsy Equipment Company	Road Equipment Repair	90.00
Johnson's Heating & Plumbing	Building & Grounds Repair	338.25
Lawson Products	Shop Supplies	229.10
Loup Power District	Utilities	61.75
Madison County Clerk	Tax Deposit and Retirement	18,477.42
Madison National Life Insurance Co.	Insurance Premiums	26.89
Madison National Life Insurance Co.	Insurance Premiums	84.11
Matteo Sand & Gravel Co. Inc.	Gravel	6,275.20
Nationwide Retirement Solutions	Deferred Compensation	1,225.00
Nebraska Public Power District	Utilities	402.45
K & S Door Co. Inc.	Building Repairs	32.00
Parkway Performance LLC	Road Equipment Repair & Labor	361.96
Renner Auto Body	Road Equipment Repair & Labor	300.00
Stealth Broadband	Internet and Phone Service	885.31
Village Of Meadow Grove	Utilities	74.00
Vision Service Plan	Insurance Premiums	157.78
	Total Road Bridge Claims with Payroll	<u>272,210.79</u>

### FEDERAL AID SECONDARY FUND

A & R Construction Inc.	Capital Outlay Contracts	536,195.51
Barco Municipal Products Inc.	Traffic Control	1,163.59
	Total Federal Aid Secondary Fund	<u>537,359.10</u>

### VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administration Fees	3,140.20
	Total Visitors Promotion Fund	<u>3,140.20</u>

### VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administration Fees	2,170.50
	Total Visitors Improvement Fund	<u>2,170.50</u>

### INHERITANCE TAX FUND

Estate Of Jeanette Reeves	Refund	3,566.98
Madison County Treasurer	Prior year voided check	1,748.88
	Total Inheritance Tax Fund	<u>5,315.86</u>

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## LAW ENFORCEMENT OPERATING FUND

Horwath Laundry Equipment	Maintenance & Repairs	915.40
K & S Door Co Inc.	Jail Building Repair	78.00
Pettitt Plumbing Heating & A/C Inc.	Jail Building Repair	1,977.38
Sterling Commissary LLC	Commissary	106.85
	Total Law Enforcement Operating Fund	<u>3,077.63</u>

## DRUG COURT FUND

Matthew McManigal	Incentives	85.00
Redwood Toxicology Laboratory Inc.	Drug & Alcohol Test	60.00
	Total Drug Court Fund	<u>145.00</u>

Total Claims with Payroll 1,572,370.10

Motion was made by Schmidt and seconded by Stinson 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 1:33 P.M. to Tuesday, August 13, 2024, at 9:30 A.M.

ATTEST:



County Clerk Anne M. Pruss

Troy Uhlir, Chairman  
County Board of Commissioners