

# Commissioner's Record No. 27

MADISON COUNTY, NEBRASKA

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

August 27, 2024

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

Advance notice of meeting was published in the Wednesday, August 21, 2024 edition of The Norfolk Daily News and posted on the Madison County website. A copy of said notice was provided 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 Ronald Schmidt, Eric Stinson, and Troy Uhlir, County Clerk Anne Pruss, County Highway Superintendent Richard Johnson, Nebraska Extension Staff Amy Topp, and Wayne Ohnesorg. Norfolk Daily News reporter Austin Svehla was present.

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

- 1) Approval of minutes of July 2, 2024 and August 13, 2024
- 2) Approval of Interlocal Agreement with Village of Meadow Grove to provide Law Enforcement Services from October 1, 2024 through September 30, 2027
- 3) Approval of bathroom remodel project with ModernPro Construction, LLC for Planning and Zoning and Noxious Weed location in the amount of \$1,479.56
- 4) Approval of Darwin D. Blank's Lot Split in Section 19-21-2, which is located at the intersection of 547th Ave and 825th Rd Madison, Nebraska
- 5) Authorization for County Board Chairman to execute Change Order No. 4 for Project No. C-59-812 Norfolk North for installing street lighting at the intersection of Northeast Industrial Highway and North 1st Street, and Northeast Highway and John A. Doherty Drive, with a net increase of \$224,410.25
- 6) Set public hearing date for September 24, 2024 at 9:30 A.M. to receive input regarding 2024-2025 fiscal year budget and adoption of property tax at an amount different than prior fiscal year
- 7)

### RESOLUTION #2024-43

WHEREAS, Section §77-3443 Nebraska Revised Statutes provides that certain governmental entities must receive levy allocation authority from the County Board; and

WHEREAS, the Madison County Board of Commissioners has received levy allocation requests from various political subdivisions for the 2024-2025 fiscal year; and

WHEREAS the Battle Creek, Madison, Meadow Grove, Newman Grove, and Norfolk Rural Fire Districts are members of a Mutual Finance Organization, with each of the fire districts requesting that the levy rate be set at 3.5 cents per hundred dollars of valuation; and

WHEREAS, the Board of Commissioners has reviewed the submitted levy requests and determined that no parcel of property in the county will exceed the allowable levy limits as outlined in state statutes;

NOW, THEREFORE, BE IT RESOLVED, that the following levy allocations are hereby authorized for the 2024-2025 fiscal year:

SUBDIVISION	PROPERTY TAX AMOUNT	VALUATION	LEVY ALLOCATED
Battle Creek Rural Fire District All Funds			.035000
Madison Rural Fire District All Funds			.035000
Meadow Grove Rural Fire District All Funds			.035000
Newman Grove Rural Fire District All Funds			.035000
Norfolk Rural Fire District All Funds			.035000
Madison County Agricultural Society General Fund	\$513,290.00	5,731,284,948	.008956
Norfolk Sanitary District General Fund	\$123,102.00	2,657,462,217	.004632
Railroad Safety District General Fund	\$168,300.00	5,731,284,948	.002937

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.

# Commissioner's Record No. 27

MADISON COUNTY, NEBRASKA

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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.

Justin Freeman, representing The Village Bar, LLC, was present to request approval of a special designated license application. Mr. Freeman explained that a liquor license is requested for an anniversary reception scheduled on September 19, 2024 at Leon and Jean Weiland Farm, 55240 Highway 32, Madison. He explained the 2 security personnel will be using an app call "Age to Purchase" to scan driver's license to verify the age of individuals and then will place a wrist band of individuals. He stated that the bar will be in the corner with table and chairs throughout the building.

After discussion, a motion was made by Schmidt and seconded by Stinson to approve the special designated license application of The Village Bar, LLC for an anniversary event scheduled for September 19, 2024, at Leon and Jean Weiland Farm, 55240 Highway 32, Madison. Roll call vote: Ayes: Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Motion made by Stinson and seconded by Schmidt to recess and move to District Court Room #1 to discuss review zoning regulations addressing setbacks, noise, flicker, decommissioning, and tower height 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 District Court Room #1. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

Chairman Uhlir read the Board of Commissioners meeting guidelines that were adopted October 25, 2022. He advised that this is not a Public Hearing but the board would allow everyone would be allowed 3 minutes to speak, and if time remained, individuals would be given a second chance to speak. He reminded everyone that the overflow of individuals was being televised by Zoom Meeting in the Commissioners meeting room. If individuals wanting to speak would need to stand in line in the District Court room.

Approximately 153 individuals were in attendance.

Chad Korth, David Fowlkes, Kurt Bruning, Larry Moenning, Jane Murray, John Dittrich, Tammy Dittrich, Keith Dittrich, Kevin Murray, Chad Hemmer, Richard Grant, Don Gasper, Josh Moenning, Rick Kuchar, Jean Dittrich, Lee Greenwald with Baird Holm, Carleigh Houghtling with Invenergy, Kendall Merkel and Jerry Moritz with Orsted, Mike Degan with Rock Law, Dustin Marvel with OPPD, Barry Harper, Steve Abler with Madison County Planning and Zoning spoke in favor of the current regulations.

Roger Volk, Nick Schafer, Mindy Tegeler, Diane Koenig, Steve Kane, Aaron Shelene, Darwin Blank, Vanessa Ash, Laurel Wilken, Rose Wiese, Jeff Freudenburg, Curtis Daniels, Kris Hake, Bobbie McCormick, Nina Martinez, Troy McCormick, Jeff Veskrna, Jennifer Schutt, Dick Huddle, Mary Haschke, Steve Jessen, Katie Daniels, Kris Huddle, Lisa Wolken, Kyley Lingenfelter, Mike Schutt, Cecile Karabel, Mike Freudenburg, Cindy Arens, Sheena Beiermann, Mark Miller, ViVi Freudenburg and Scott Gropp with Gropp Law spoke in opposition to the current regulations.

Janet Pfeifer spoke neutral to the current regulations.

Commissioner Stinson emphasized the flexibility in the Conditional Use Permits and the importance of following legal procedures. He agreed and stated that Steve Abler, Planning & Zoning Board member, mention that whatever rules are put into place need to be followed, even though there are individuals that would disagree with these rules. He further stated that Planning & Zoning Administrator Heather McWhorter and County Attorney Joe Smith are protecting the interest of Madison County even though neither of them spoke today.

Commissioner Schmidt advised that the lawyer from Invenergy does not know Madison County regulations when commenting on the prorated height and the setback for nonparticipating members and hoped that he had a better understanding on the county's regulations.

Chairman Uhlir highlighted the extensive research he had conducted, expressing a need for more time to gather answers. Commissioner Schmidt expressed the importance of respect and discourse on this topic. He advised that he was not against wind turbines but is concerned about the health, safety, and welfare on the nonparticipants.

Motion made by Stinson to cease the moratorium. No second was made, motion failed.

Chairman Uhlir advised that at the next meeting there won't be a lot of discussion and that the discussion will be amongst the Commissioners only.

Motion made by Uhlir and seconded by Schmidt to table wind turbine energy regulations until regular agenda for the Tuesday, September 10, 2024 Board of Commissioners meeting. Roll call vote: Ayes, Schmidt, and Uhlir. Nays, Stinson. Motion carried.

Motion made by Schmidt and seconded by Uhlir to recess to the Commissioners meeting room. Roll call vote: Ayes, Schmidt, Stinson, and Uhlir. Nays, none. Motion carried.

The budget committee which consists of Troy Uhlir, Chairman of the Board of Commissioners, County Clerk Anne Pruss, and County Highway Superintendent Richard Johnson met and presented and explained the documents pertaining to the Madison County budget of fiscal year 2023-2024.

# Commissioner's Record No. 27

MADISON COUNTY, NEBRASKA

The following written reports and correspondence were reviewed:

- 1) Fund Balance report
- 2) County Sheriff's fee report, July, 2024
- 3) ARPA Quarterly report from City of Newman Grove
- 4) NENEDD 2023-2024 Annual Report

Motion was made by Schmidt and seconded by Ohl to disallow a claim payable to Norfolk Family YMCA in the amount of \$5,000.00 for YMCA membership for current participants and graduates for Drug Court, Probation office. Roll call vote: Ayes, Ohl, Prauner, and Schmidt. Nays, none. Motion carried.

The following claims were audited:

	GENERAL FUND	
Total Net Payroll		196,993.07
Mark D Albin	Legal Services, Juvenile Court	4,351.81
Mark D Albin	Legal Services, County Court	1,178.13
Alpha Workforce Health	Medical Exams, County Jail	416.00
Appearra	Towel Agreement, Public Defender	49.66
Arkfled Lock & Security LLC	Repairs, Courthouse	125.00
Big Red Printing Inc.	Printing, County Attorney	96.00
Bishop Business Equipment	Copier Contract, Extension Office	91.00
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	186,350.03
Brogan Lammler PC LLO	Legal Services, Juvenile Court	635.53
Champs Inc.	Maintenance Agreement, County Jail	2,500.00
City Of Madison	Utilities, Courthouse	117.00
Clerk Of The Supreme Court	District Court Costs	130.00
CM Supplies	Law Enforcement Supplies, County Sheriff	110.44
Colonial Research Chemical Corp	Janitorial Supplies, Courthouse	131.60
Columbus Cardiology Clinic	Medical Exams, County Jail	77.78
Consolidated Management Company	Meals, County Sheriff	22.70
Consolidated Management Company	Meals, County Jail	225.45
Constellation Newenergy Gas Div. LLC	Heating Fuels, Courthouse	19.86
Constellation Newenergy Gas Div. LLC	Heating Fuels, County Jail	46.31
Credit Management Services Inc.	Garnish of Wages	266.15
Cubby's Inc.	Fuel, Extension Office	62.73
Culligan	Contract Services, Juvenile Accountability	13.75
Custom Sports	Uniforms, County Jail	80.00
Wendy C Cutting	Transcript, County Court	36.20
DAS State Accounting-Central Finance	Data Processing, County Clerk	150.00
Diamond Drugs Inc.	Prescriptions, County Jail	1,676.87
Douglas County Sheriff	District Court Costs	6.70
Eakes Inc.	Copier Contract, County Court	74.53
Eakes Inc.	Office Supplies, District Judge	24.60
Eakes Inc.	Office Supplies, Probation Office	75.32
Egley Fullner Montag Morland & Easland	Legal Services, Juvenile Court	2,296.86
Elkhorn Valley Bank & Trust	Health Savings Account	55.00
Ewalt Law Office PC LLO	Legal Services, Juvenile Court	743.50
Ewalt Law Office PC LLO	Contract Legal Services	14,166.67
Field's Hardware	Supplies, County Jail	580.63
Firespring Inc.	Printing, Election Commission	3,163.64
First Concord Benefits Group	Insurance Premiums	4,891.07
Fitzgerald Vetter Temple Bartell & Henderson	Legal Services, Juvenile Court	1,081.06
Floor Maintenance and Paper Supply	Janitorial Supplies, Courthouse	251.08
Garcia Clinical Laboratory Inc.	Medical Exams, County Jail	94.00
Guaranteed Lawn Care	Lawn Service, Extension Office	210.00
Guaranteed Lawn Care	Lawn Services, Veterans Service Office	140.00
Heartland Fire Protection Company	Inspection, Extension Office	224.61
Heartland Fire Protection Company	Inspection, Veterans Service	149.74
Naomi Hemphill	Cleaning Services, Probation Office	95.00
Ronald J Hilliges	Polygraph Exam, Probation Office	250.00
Hofmann Plumbing Inc.	Repairs, Courthouse	685.40
Megan E Hoins	Mileage, Public Defender	309.54
Hollman Media	Domain Hosting, County Offices	250.00
Carey Hopkins	Mileage, Community Based Grant	60.97
Interstate All Battery Center	Supplies, County Sheriff	108.00
Jack's Uniforms & Equipment	Uniforms, County Sheriff	458.74
Jack's Uniforms & Equipment	Uniforms, County Jail	146.84
Justice Works	IT Consultant Services, Public Defender	175.00
Matthew Kiernan	Mileage, Law Enforcement	20.10
Scott Lambrect	Witness Fees and Mileage, County Court	80.20
Lotus Behavioral Health LLC	Contract Services, Community Based Grant	671.00
Madison County Clerk	Tax Deposit and Retirement	103,621.20
Madison County Sheriff	Civil Process Fees, County Court	501.95

# Commissioner's Record No. 27

## MADISON COUNTY, NEBRASKA

Madison County Sheriff	Civil Process Fees, District Court	396.45
Madison County Sheriff	Civil Process Fees, Mental Health	252.20
Madison County Treasurer	Blue Cross Blue Shield Reimbursement	200.00
Madison County Treasurer	Vehicle Title	15.00
Major Refrigeration Company Inc.	Repairs, County Jail	577.32
Medtox Laboratories Inc.	Drug Testing, County Attorney	7.00
Menards	Supplies, Courthouse	76.96
Microfilm Imaging Systems Inc.	Microfilming Costs, County Attorney	258.50
Midwest Ob/Gyn Clinic PC	Medical Exams, County Jail	308.70
Barnhill Enterprises LLC	Equipment Installation, County Board	494.00
MIPS Inc.	Data Processing, Register of Deeds	1,588.45
Moyer & Moyer	Legal Services, County Court	1,549.55
NACO	Registration, County Board	90.00
NACO	Registration, County Clerk	15.00
NACO	Registration, County Treasurer	30.00
NACO	Registration, Register of Deeds	30.00
NACO	Registration, County Assessor	30.00
NACO	Registration, Election Commission	15.00
NACO	Registration, Planning and Zoning	30.00
NACO	Registration, District Court	30.00
NACO	Registration, County Sheriff	30.00
NACO	Registration, Noxious Weeds	30.00
NACO	Registration, Veterans Service Office	30.00
Nance County Sheriff Office	County Court Costs	43.20
Nationwide Retirement Solutions	Deferred Compensation	1,413.85
Nebraska Child Support Payment Center	Garnish of Wages	257.08
Nebraska Health & Human Services	Institutional Costs	1,110.00
Nebraska Law Enforcement	Lodging and Training, County Sheriff	185.00
Nebraska Notary Association	Notary, County Jail	37.00
Nebraska Public Power District	Utilities, Planning and Zoning	71.92
Nebraska Public Power District	Utilities, Extension Office	316.16
Nebraska Public Power District	Utilities, Noxious Weeds	103.56
Nebraska Public Power District	Utilities, Veterans Service Office	210.77
Norfolk Daily News	Printing and Publishing, County Offices	286.91
Northeast Nebraska Shooting Association	Annual Renewal, County Sheriff	500.00
Novavision LLC	Voting Supplies, Election Commission	60.22
Brian Nykodym	Lawn Services, Probation Office	355.00
One Office Solution	Supplies, County Treasurer	885.00
One Office Solution	Supplies, County Court	55.28
One Office Solution	Supplies, Public Defender	474.15
Pettitt Plumbing Heating & A/C Inc.	Repairs, County Jail	4,830.00
Phillips 66 Co./Synco	Fuel, County Sheriff	142.77
Physicians Laboratory Services Inc.	Autopsy, Law Enforcement	6,100.00
Pitney Bowes Global Finance Service	Postal Service, Planning and Zoning	65.97
Precision Technology Inc.	Data Processing, County Treasurer	29.00
Precision Technology Inc.	Equipment, County Jail	2,498.00
Precision Technology Inc.	Equipment, Probation Office	943.00
Precision Technology Inc.	Data Processing and Security Costs, County Offices	8,071.40
Redwood Toxicology Laboratory Inc.	Contract Services, Probation Office	570.00
Relx Inc. dba Lexis Nexis	Subscription, County Attorney	1,095.00
Renner Auto Body	Repairs, County Sheriff	2,781.70
Real Estate Solutions Team LLC	Rental Expense, Juvenile Accountability	2,570.00
Scrub's Repair	Repairs, County Sheriff	120.50
Seps Inc.	Maintenance Agreement, County Jail	5,297.61
Matthew Soltys	Mileage, Public Defender	167.50
Sound Works Inc.	Law Enforcement Supplies, County Sheriff	186.00
Stealth Broadband	Internet and Phone Service, Planning and Zoning	146.25
Stealth Broadband	Internet and Phone Service, Public Defender	545.68
Stealth Broadband	Internet and Phone Service, Extension Office	285.40
Stealth Broadband	Internet, Probation Office	420.80
Stealth Broadband	Internet and Phone Service, Noxious Weeds	146.25
Stealth Broadband	Phone Service, Veterans Service	176.22
Stealth Broadband	Internet and Phone Service, County Offices	2,273.56
Stonacek Funeral Chapel	Autopsy, Law Enforcement	560.00
Stratton Delay Doele Carlson Buettner & Stover	Legal Services, Juvenile Court	2,731.00
Stratton Delay Doele Carlson Buettner & Stover	Legal Services, District Court	2,298.38
Stratton Delay Doele Carlson Buettner & Stover	Legal Services, County Court	3,331.88
Summit Food Service LLC	Meals, County Jail	19,419.82
Tamni Sundling	Interpreting Fees, Public Defender	250.00
US Corporate Bank System	Fuel, Supplies, and Uniforms, County Sheriff	2,844.93
US Corporate Bank System	Supplies and Uniforms, County Jail	3,480.94
US Corporate Bank System	Supplies, Juvenile Accountability	36.87
US Corporate Bank System	Postage and Subscription, County Attorney	190.41
US Corporate Bank System	Certified Copies, Law Enforcement	8.28

# Commissioner's Record No. 27

## MADISON COUNTY, NEBRASKA

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Verizon Wireless	Cell Phone, Extension Office	308.45
Verizon Wireless	Cell Phone, County Sheriff	1,865.46
Verizon Wireless	Cell Phone, Law Enforcement	78.33
Vigilnet America LLC	Contract Services, Community Based Grant	517.50
Workeasy Software LLC	Data Processing, County Offices	3,900.00
	Total General Claims with Payroll	<u>625,350.11</u>

### ROAD BRIDGE FUND

Total Net Payroll		39,364.11
B's Enterprises Inc.	Culverts and Grader Blades	22,292.00
Barco Municipal Products Inc.	Traffic Control	1,100.61
Lillian Bierman	Gravel	5,880.00
Black Hills Energy	Heating Fuels	94.96
Blue Cross Blue Shield Of Nebraska	Insurance Premiums	54,891.20
Central Sand & Gravel	Gravel	11,513.46
Chumly's Welding & Stuff LLC	Repairs	2,685.00
Cintas	Shop Supplies	71.07
City Of Madison	Utilities	436.91
Constellation Newenergy Gas Div. LLC	Heating Fuels	39.36
Credit Management Services	Garnish of Wages	211.36
Dale R Johnson Ent Inc.	Gravel	7,003.87
First Concord Benefits Group	Insurance Premiums	959.97
Floor Maintenance and Paper Supply	Shop Supplies	115.78
Lawson Products	Shop Supplies	219.53
Loup Power District	Utilities	82.58
Madison County Clerk	Tax Deposit and Retirement	19,592.79
Matteo Sand & Gravel Co. Inc.	Gravel	872.80
Menards	Shop Supplies	28.98
NACO	Registration	30.00
Nationwide Retirement Solutions	Deferred Compensation	1,225.00
Nebraska Public Power District	Utilities	381.78
Norfolk Specialists	Repairs	125.00
Prime Inc.	Garbage	67.50
Quick Serve Oil Co. Inc.	Fuel	2,482.21
Road Builders Machinery & Supply Co.	Repairs	417.05
Stealth Broadband	Internet and Phone Service	911.41
Verizon Wireless	Cell Phone	125.81
Village Of Meadow Grove	Utilities	73.00
Rex Volk	CDL License	31.00
	Total Road Bridge Claims with Payroll	<u>173,326.10</u>

### FEDERAL AID SECONDARY FUND

Elkhorn Rural Public Power District	Capital Outlay Contracts	731.72
Johnson Electric	Capital Outlay Contracts	1,772.56
Johnson Underground Utility LLC	Capital Outlay Contracts	2,100.00
	Total Federal Aid Secondary Fund	<u>4,604.28</u>

### VISITORS PROMOTION FUND

Norfolk Area Visitors Bureau	Administration Fees	13,959.76
	Total Visitors Promotion Fund	<u>13,959.76</u>

### VISITORS IMPROVEMENT FUND

Norfolk Area Visitors Bureau	Administration Fees	12,394.76
	Total Visitors Improvement Fund	<u>12,394.76</u>

### COVID AMERICAN RESCUE PLAN

City Of Newman Grove	Contract Services	4,327.90
Trane	Heating and Air Conditioning	4,513.77
	Total Covid American Rescue Fund	<u>8,841.67</u>

### LAW ENFORCEMENT OPERATING FUND

US Corporate Bank System	Utilities	166.74
	Total Law Enforcement Operating Fund	<u>166.74</u>

### DRUG COURT FUND

Jay B Putters	Incentives	35.00
Redwood Toxicology Laboratory Inc.	Drug Testing	105.00
	Total Drug Court Fund	<u>140.00</u>

Total Claims with Payroll 838,783.42

# Commissioner's Record No. 27

MADISON COUNTY, NEBRASKA

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

The Board adjourned at 1:53 P.M. to Tuesday, September 10, 2024 at 9:30 A.M.

ATTEST:



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County Clerk Anne M. Pruss

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Troy Uhlir, Chairman  
County Board of Commissioners