

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 20, 2010

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

Advance notice of meeting was published in the Thursday, July 15, 2010 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 Jerry McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum and Rick Uhlir and County Clerk Nancy Scheer. Absent: Commissioner Lee Klein. Planning and Zoning Administrator John Johnson was present from 9:58 A.M. to 10:41 A.M. County Highway Superintendent Richard Johnson joined the meeting at 10:04 A.M.

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

- 1) Approval of minutes of the July 7, 2010 meeting
- 2) Approval of Vonk Lot Split located in E $\frac{1}{2}$  NE $\frac{1}{4}$  Section 35-24-2
- 3) Approval of Richard Tillotson Lot Split located in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 7-23-3
- 4) 

RESOLUTION #2010-33

BE IT RESOLVED, that the following securities held in safekeeping by Wells Fargo Bank, N.A., Minneapolis, Minnesota, to secure deposits of this county in Wells Fargo Bank Nebraska, N.A., Norfolk, Nebraska, be and the same hereby are approved:

FED HOME LOAN MTG CORP G04691D  
FREDDIE MAC GIANT  
Dated: 09/11/09  
Receipt Number: 14654  
Rate: 5.00000

Wells Fargo Bank, N.A.  
Minneapolis, Minnesota  
Maturity Date: 06/01/2038  
Cusip 3128M6RL4  
\$240,000.00

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

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

Pursuant to published legal notice in the Saturday, July 10, 2010 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 10:01 A.M. to receive public comments regarding the conditional use permit application of Mark Yover to construct a residence on less than 40 acres on property located in the E½ NE¼ and 1 acre in the Northeast Corner of W½ NE¼ Section 24-23-2. Three members of the Yover family were present during the hearing.

Planning and Zoning Administrator John Johnson reported that the Planning Commission approved the conditional use permit at its July 1, 2010 meeting. He explained that since the property is located within three miles of the Norfolk airport, the applicants must complete an application with the Federal Aviation Administration. He reported that there are no animal feeding operations close to the proposed home site. He stated that the property is very sandy which may require the applicants to have an elevated septic system.

The applicant, Mark Yover, explained that they are purchasing 20 acres near the intersection of 552nd Avenue and 837th Road, contingent upon applications being approved to build a house on the property. He reported that his family currently lives in Norfolk and they want to build a house in the country and involve their daughter in 4-H. He estimated that the cost of the house would be approximately \$200,000 and would have a walk-out basement. He stated that the 20 acre parcel should accommodate any drainage issues that may occur.

No one spoke in opposition to the conditional use permit. Chairman McCallum closed the hearing at 10:07 A.M.

After discussion, the following resolution was introduced:

#### RESOLUTION #2010-34

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, having given proper notice and holding a public hearing as provided by law and under the authority of and subject to the provision the 2003 Madison County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

#### Finding of Facts

1. The application is consistent with the Madison County Comprehensive Plan.
2. The application is consistent with the Madison County Zoning Regulations.
3. The proposed home site is within three miles of Stefan Field.
4. In addition to a Madison County Zoning Permit, the applicant must file a Form 7460-2, Notice of Actual Construction or Alteration with the Federal Aviation Administration (FAA).
5. There is no Animal Feeding Operation within 1,320 of the proposed home site.
6. There is a seasonal creek on the property, but there is no FEMA Floodplain delineated.

7. A Public Hearing was held before the Madison County Joint Planning Commission on July 1, 2010.
8. Notice of Hearing was published at least 10 days prior to the hearing, said date or publication being June 19, 2010. Said publication was in the Norfolk Daily News and as affidavit of publication is on file at the Madison County Joint Planning Department Office.
9. A list of all property owners within three-hundred feet (300') of the property were notified by U.S. Mail of the Planning Commission hearing ten days prior to the meeting.
10. The property is currently located in the AG1 Zoning District.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Mark Yover for a single family dwelling on less than forty acres Section 402: AG1 Intensive Agricultural District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

The East ½ of the Northeast ¼ and One Acre Situated in the Northeast corner of the West ½ of the Northeast ¼ all in Section 24, Township 23 North, Range 2 West of the 6th P.M., Madison County, Nebraska.

NOW, THEREFORE, BE IT ALSO RESOLVED, the below listed conditions must be complied with by all current and future owners of the property described above and failure to comply with said conditions may result in forfeiture of this Conditional Use Permit.

1. This Conditional Use Permit allows a single family home on less than 40 acres.
2. This Conditional Use Permit shall be permanent and will be transferred between owners.
3. With the passage of this permit, the applicant realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. A copy of the signed permit must be recorded with the Madison County Register of Deeds by the Yovers.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this Resolution, the above Conditional Use Permit shall be entered and shown of 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 was made by Uhlir and seconded by McCallum that the foregoing resolution be adopted. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, July 10, 2010 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 10:19 A.M. regarding proposed amendments to the Madison County Zoning and Subdivision Regulations to establish an Airport Overlay Zoning District and to clarify Agritourism and Home Occupation uses.

Planning and Zoning Administrator John Johnson reported that a bill was passed in 2010 Legislative Session that requires any entities who have public airports in their zoning jurisdictions to establish an airport zoning district. He reported that the county never had an airport zoning district; however, Norfolk City did. He reported that Norfolk Airport and Norfolk City both wanted the county to establish an airport zoning district.

Chairman McCallum questioned if the airport was currently under the jurisdiction of the City of Norfolk and Planning and Zoning Administrator John Johnson responded that the two mile zoning jurisdiction ends at the south end of the airport at South Airport Road. He stated that there is a three mile area around the airport that is governed by the Federal Aviation Administration. He explained that the proposed amendments establish height requirements inside the three mile area around the airport and it is an overlay district so the regulations are requirements in addition to the underlying zoning district. He reported that the zoning in the three mile area of the airport includes industrial, commercial, residential, and all three agricultural districts.

Daniel Geary, Chairman of the Norfolk Airport Authority, spoke in support of the proposed amendment to establish an Airport Overlay Zoning District. He stated that the airport has protected air space extending on a center line out from each of the runways and this needs to be protected. He explained that the Federal Aviation Administration (FAA) has a system to govern this by requiring completion of a Form 7460 application. He reported that a Form 7460 application was completed for the cranes that are currently working in the Elkhorn River. He explained that the FAA will review an application and advise the Norfolk Airport Authority if any activity within the three mile zone will restrict flight patterns. Daniel Geary reported that recently the Elkhorn Rural Public Power was planning to install some poles about three miles south of Norfolk and on the original Form 7460 application the FAA determined that the installation would interfere with airport activity based on the coordinates and height provided; however, after receipt of additional information, the FAA determined that no interference would occur. He stated that the FAA has a method to check heights that may affect the airport; however, the airport does not have any way to enforce restrictions. Dan Geary explained that the approaches from the north are in Norfolk City's zoning jurisdiction, but there is no control over the area south of the airport. He stated that an airport overlay district would allow enforcement of height restriction regulations. In addition, he explained that the three mile restricted area may be expanded to ten miles.

Planning and Zoning Administrator John Johnson stated that the Nebraska Department of Aeronautics has suggested airport overlay district language that would include regulations to control the height of trees and telephone poles. He stated that he removed this suggested language because he did not want to issue building permits for trees that exceed a certain height. He explained that the Norfolk Airport has traditionally taken care of any trees that are encroaching on the height restrictions. Mr. Johnson stated that there is currently one building located in the Airpark Industrial area that is too tall according to the regulations, but the trees and power lines are higher than the building. He reported that Madison County has a higher height restriction for re-building as a nonconforming use than the City of Norfolk. He explained that if a building is too high under the current zoning regulations and the building is destroyed more than 80%, it cannot be built at the previous height.

County Highway Superintendent Richard Johnson questioned how these regulations would be implemented and Planning and Zoning Administrator John Johnson responded that the overlay district will be added to the zoning map, which is a circumference around the south end of the airport. He stated that if anyone wants to build any type of structure within the airport zoning overlay district, the applicant must complete the FFA Form 7460 and the county building permit application. He stated that he must determine if the application meets the height requirements.

Planning and Zoning Administrator John Johnson explained the proposed amendments to the Zoning and Subdivision Regulations to clarify Agritourism and Home Occupation uses. He stated that when Arista Ranch completed an application for a conditional use permit there weren't any regulations that pertained to the application. He reported that the proposed regulations clarify what agritourism is and how to handle it. He stated that two examples of agritourism are Poppy's Pumpkin Patch and Arista Ranch. He stated that agritourism uses include corn mazes, petting zoos related to farm animals, hay rides, hunting lodges, guide services, wineries, concerts, gatherings of people of 100 or more attendees with a charged admission, and housing or sleeping quarters for paying guests.

Planning and Zoning Administrator John Johnson explained that a pow-wow event was held in Meadow Grove during Memorial Day weekend and a conditional use permit should probably been issued; however, the event did not fit under any of the current Village zoning regulations. He stated that it would also provide for temporary conditional use permits which could be used for weekend events such as concerts, swap meets, or flea markets. Mr. Johnson reported that the proposed amendment defines guest residences and nonfarm secondary housing for an accessory use. He explained that the proposed amendment will allow a secondary house to be located on a parcel of 40 acres or more or also on a parcel that is part of a conditional use permit less than 40 acres. He reported that the current regulations only allow one house on a parcel unless it is a farm and the secondary house is also farm related. In addition, he explained that the proposed resolution clarifies home occupations and adds new occupations, such as internet and web design, that weren't included in the original regulations.

No one spoke in opposition to the conditional use permit. Chairman McCallum closed the hearing at 10:37 A.M.

After discussion, the following resolutions were introduced:

#### RESOLUTION #2010-35

A RESOLUTION AMENDING CERTAIN LANGUAGE IN THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTIONS UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.01 THROUGH 223-114.05 AND 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, having received a recommendation for approval from the Madison County Joint Planning Commission and proper notice been given and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends the Madison County Zoning and Subdivision Resolution by amending the following language into the Zoning Regulations, specifically by adding to Article 4, a new Section 411; "AZOD" - Airport Zoning Overlay District.

## 411: AZOD Airport Zoning Overlay District

Purpose: This section is intended to provide for the safe operation of aircraft into and out of the Karl Stefan Memorial Field located in Sections 4 and 9, Township 23 North, Range 1 West, in Madison County, Nebraska. The areas located within the Airport Hazard Area as described in this Section are hereby zoned as follows:

### Airport Zoning Overlay District

The Airport Zoning Overlay District shall consist of Operation Zones, Approach Zones, Turning Zones and Transition Zones as described in this section.

### Zone Descriptions

1. The **Operation Zones** are longitudinally centered on each existing or proposed runway.
  - a. **Length.** For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.
  - b. **Width.** For existing and proposed instrument runways, the operation zones are 1,000 feet wide. For all other existing and proposed runways, the operation zones are 500 feet wide.
  - c. **Height.** The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.
2. The **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:
  - a. **Instrument Runways**
    - i. **Length and Width.** The approach zones extend from the Operation Zone to the limits of the Turning Zone, measured along the extended runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three (3) miles from the Operation Zone, the Approach Zone is 5,820 feet wide.
    - ii. **Height Limit.** The height limit of the approach zones begins at the elevation of the operation zone and rises one (1) foot vertically for every 50 feet horizontally (50:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.
  - b. **Visual Runways**
    - i. **Length and Width.** The approach zones extend from the Operation Zone to the limits of the Turning Zone, measured along the extended runway centerline. The approach zones are 500 feet wide at the end nearest the runway and expand uniformly so that at a point on the extended runway centerline three (3) miles from the Operation Zone, the Approach Zone is 3,700 feet wide.
    - ii. **Height.** The height limit of the approach zones begins at the elevation of the operation zone and rises one (1) foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.
3. The **Transition Zones** extend outward at right angles to the runway centerline and upward at a rate of one (1) foot vertically for every seven (7) feet horizontally (7:1). The height limit of these zones begins the height limit of the adjacent Operation Zones or Approach Zones. The Transition Zones end at a height of 150 feet above the nearest existing or proposed runway end.

4. The **Turning Zones** extends three (3) miles from the existing or planned airport property line, excluding the Operation Zones, Approach Zones, or Transition Zones. The height limit of the Turning Zones is 150 feet above the nearest existing or proposed runway end.

#### Height Restrictions

No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, or other object be allowed to grow, above the heights described in above in Zone Descriptions.

#### Location Sketch and Zoning Map

The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Zoning Map that accompanies and is hereby made a part of these regulations. A copy of the zoning shall at all times be on file in the office of the Zoning Administrator and County Clerk of Madison County, Nebraska.

#### Permit Required and Exceptions

1. It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Hazard Area without first obtaining a permit from the Madison County Zoning Administrator.
2. Within the Turning Zones, no permit shall be required for any construction or planting that is not higher than seventy-five (75) feet above the nearest existing or proposed runway end.

#### Nonconforming Height

Within the hazard area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be replaced, substantially reconstructed, repaired, or altered to a height above the heights permitted by these regulations, if such structures have been torn down, destroyed, have deteriorated or decayed to an extent of 80 percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.

#### Administrative Agency

The Zoning Administrator of the County of Madison, Nebraska shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319 R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.

#### Board of Adjustment

The Board of Adjustment of Madison County, Nebraska shall be the Board of Adjustment with respect to these regulations. Said board shall have and exercise the powers conferred by Section 3-320, R.R.S. 1943 and such other powers and duties as are conferred and imposed by law.

A duly advertised hearing was held by the Madison County Joint Planning Commission on July 1, 2010; and the Madison County Board of Commissioners on July 20, 2010 after a recommendation for approval by the said Joint Planning Commission.

NOW, THEREFORE, LET IT BE FURTHER RESOLVED, that this Resolution shall take effect and be in force no sooner than the 20th day of July, 2010.

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

#### RESOLUTION #2010-36

A RESOLUTION AMENDING CERTAIN LANGUAGE IN THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTIONS UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.01 THROUGH 223-114.05 AND 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, having received a recommendation for approval from the Madison County Joint Planning Commission and proper notice been given and public hearing held as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends the Madison County Zoning and Subdivision Resolution by amending the following language into the Zoning Regulations:

#### **402: AG1 Intensive Agriculture**

##### Permitted Principal Uses

2. Single family dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road. All dwellings shall meet the prescribed maximum density requirements of this district.

- a. Private guest house, not to exceed four hundred square feet as an accessory use to an existing dwelling,
- b. Non-farm secondary housing as an accessory use,
- c. The renting of one room within the dwelling,
- d. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, computer technician, computer programmer, dressmaker, draftsman, dentist, handicrafts, insurance, internet sales/services, internet service provider, photographer, physician, therapist, musician, teacher, web design and other similar occupations as determined by the Zoning Administrator to be normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;

7. Excavation of earth and the drilling of wells exclusively for agricultural or residential purposes on the premises;
8. Packing, processing and sale of agricultural products and edible byproducts grown on-site;
9. The packing, processing and sale of agricultural products grown off-site in conjunction with the processing or sale of products produced on site;

#### Permitted Conditional Uses

1. Agritourism Uses as defined within these regulations or as determined by the Zoning Administrator including but not limited to corn mazes, petting zoos related to farm animals, hay rides, hunting lodges and/or guide services, wineries, concerts, gatherings of people of 100 or more attendees with a charged admission, housing or sleeping quarters for paying guests and educational programs. Permit may be issued on a temporary basis covering a particular time period or issued as a regular conditional use.
2. Home Occupations not included as a permitted use.
- ~~3. Produce stands offering agricultural products for sale provided:
  - a. No parking or sales are allowed on the right-of-way of any State Highways or County Roads.
  - b. No signs are posted on the right-of-way of any State Highways or County Roads.
  - c. Adequate Parking is provided on the premises.
  - d. Any and all State permits are granted.
  - e. Products are limited to fruits, vegetables, annuals, perennials, trees and shrubs grown in the State of Nebraska.
  - f. The owner of the property assumes all liability.~~

#### Accessory Uses.

The following accessory buildings and uses are permitted in the AG1 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
- ~~2. Home occupations.~~
3. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

#### Lot Requirements and Intensity of Use.

4. Supplementary Regulations
  - c. Any land use listed as Permitted Principal or Conditional Uses that incorporates or utilizes a drive-in facility must have its site design plan and proposed traffic circulation and parking plan approved by the Madison County Zoning Administrator. Those plans must be approved prior to construction of the drive- in facility.

### **403: AG2 General Agriculture**

#### Permitted Principal Uses

2. Single family dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road. All dwellings shall meet the prescribed maximum density requirements of this district.

- a. Private guest house, not to exceed four hundred square feet as an accessory use to an existing dwelling,
  - b. Non-farm secondary housing as an accessory use,
  - c. The renting of one room within the dwelling,
  - d. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, computer technician, computer programmer, dressmaker, draftsman, dentist, handicrafts, insurance, internet sales/services, internet service provider, photographer, physician, therapist, musician, teacher, web design and other similar occupations as determined by the Zoning Administrator to be normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;
- ~~6. Roadside stands offering agricultural products for sale on the premises.~~
6. Excavation of earth and the drilling of wells exclusively for agricultural or residential purposes on the premises;
  7. Packing, processing and sale of agricultural products and edible byproducts grown on-site;
  8. The packing, processing and sale of agricultural products grown off-site in conjunction with the processing or sale of products produced on site;

#### Permitted Conditional Uses

1. Agritourism Uses as defined within these regulations or as determined by the Zoning Administrator including but not limited to corn mazes, petting zoos related to farm animals, hay rides, hunting lodges and/or guide services, wineries, concerts, gatherings of people of 100 or more attendees with a charged admission, housing or sleeping quarters for paying guests and educational programs. Permit may be issued on a temporary basis covering a particular time period or issued as a regular conditional use.
2. Home Occupations not included as a permitted use.

#### Accessory Uses.

The following accessory buildings and uses are permitted in the AG2 District.

1. Buildings and uses customarily incidental to the permitted and conditional uses.
- ~~2. Home occupations.~~
3. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

#### Lot Requirements and Intensity of Use.

##### 3. Supplementary Regulations

- c. Any land use listed as Permitted Principal or Conditional Uses that incorporates or utilizes a drive-in facility must have its site design plan and proposed traffic circulation and parking plan approved by the Madison County

Zoning Administrator. Those plans must be approved prior to construction of the drive- in facility.

#### **404: AT Agricultural Transition**

3. Single family dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are single-family dwellings permitted on tracts without legal access to an improved road. All dwellings shall meet the prescribed maximum density requirements of this district.
  - a. Private guest house, not to exceed four hundred square feet as an accessory use to an existing dwelling,
  - b. Non-farm secondary housing as an accessory use,
  - c. The renting of one room within the dwelling,
  - d. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, computer technician, computer programmer, dressmaker, draftsman, dentist, handicrafts, insurance, internet sales/services, internet service provider, photographer, physician, therapist, musician, teacher, web design and other similar occupations as determined by the Zoning Administrator to be normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;
20. Excavation of earth and the drilling of wells exclusively for agricultural or residential purposes on the premises;
21. Packing, processing and sale of agricultural products and edible byproducts grown on-site;
22. The packing, processing and sale of agricultural products grown off-site in conjunction with the processing or sale of products produced on site;

#### Permitted Conditional Uses

8. Agritourism Uses as defined within these regulations or as determined by the Zoning Administrator including but not limited to corn mazes, petting zoos related to farm animals, hay rides, hunting lodges and/or guide services, wineries, concerts, gatherings of people of 100 or more attendees with a charged admission, housing or sleeping quarters for paying guests and educational programs. Permit may be issued on a temporary basis covering a particular time period or issued as a regular conditional use.
9. Home Occupations not included as a permitted use.

#### Accessory Uses.

The following accessory buildings and uses are permitted in the AT District.

10. Buildings and uses customarily incidental to the permitted and conditional uses.

~~11. Home occupations.~~

12. Temporary buildings and uses incidental to construction work which shall be removed upon the completion or abandonment of the construction work.

#### Lot Requirements and Intensity of Use.

#### 4. Supplementary Regulations

- c. Any land use listed as Permitted Principal or Conditional Uses that incorporates or utilizes a drive-in facility must have its site design plan and proposed traffic circulation and parking plan approved by the Madison County Zoning Administrator. Those plans must be approved prior to construction of the drive-in facility.

#### **405: RR Rural Residential**

##### Permitted Principal Uses.

1. Single-family dwellings.
  - a. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, computer technician, computer programmer, dressmaker, draftsman, dentist, handicrafts, insurance, internet sales/services, internet service provider, photographer, physician, therapist, musician, teacher, web design and other similar occupations as determined by the Zoning Administrator to be normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;

#### **603 Home Occupations.**

Home occupations shall comply with the following Supplemental Regulations:

1. ~~In all residential districts the RR - Rural Residential District:~~
  - a. No commodities shall be displayed or sold on the premises except that which are produced on the premises.
  - b. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.
  - c. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
  - d. No alteration of the principal residential building shall be made which changes the character thereof as a residence
  - e. The home occupation shall be carried on entirely within the principal residential structure and under no circumstances shall the home occupation be carried on within a detached accessory building.
  - f. No sign shall be permitted unless required by State Statute, and if so required, shall not exceed two (2) square feet in area; shall not be illuminated and shall be placed flat against the main wall of the building.
  - g. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his/her residence.
2. ~~Particular Home Occupations Permitted: Customary home occupations include; but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements subsections 1 and 2 of this Section.~~
  - ~~h. Dressmakers, seamstresses, tailors.~~
  - ~~i. Music teachers, provided that instruction shall be limited to five (5) pupils at one time.~~

- ~~j. Dance and drama instructors, provided that instruction shall be limited to not more than ten (10) pupils at one time.~~
- ~~k. Artists, sculptors and authors or composers.~~
- ~~l. Offices for architects, engineers, lawyers, realtors, insurance agents, brokers, computer programmers, computer-based occupations and members of similar professions.~~
- ~~m. Ministers, rabbis, and priests.~~
- ~~n. Offices for salespersons, sales representatives, manufacturer's representatives, when no retail or wholesale transactions are made on the premises~~
- ~~o. Home crafts, such as model building, rug weaving, sewing, gunsmithing, cabinet making, etc., provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or vocation.~~
- ~~p. Day care centers, child care homes or babysitters. Said occupation may include the caring for not more than (6) unrelated children at one time for hire or for compensation in accordance with Nebr. R. R. S. 1943, Sec. 71-1902, wherein caring for 7 or more children requires licensing as a Child Care Center.~~
- ~~q. Barber shops and beauty parlors.~~

2. *One unlighted sign located on-site advertising authorized activities. The sign's display area shall not exceed sixteen square feet on either sign face with a total no greater than thirty-two square feet for a double-faced sign. Freestanding signs shall not exceed twelve feet in height. Grower association signs, such as Farm Trails, Apple Hill, Winery, Farm Bureau, 4-H or any other grower associations representing a group of growers, shall be exempt from these provisions.*

## **201 Definition of Terms.**

### **A**

**Agritourism:** The act of visiting a bona fide farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation. Agritourism uses may include but are not limited to corn mazes, petting zoos related to farm animals, hay rides, and educational programs. Accessory uses to the agritourism enterprise may include refreshments and concessions being served, entertainment on a scale not to exceed intent of other districts under this Article, sale of farm or agricultural related products not produced on site.

### **N**

**Non-Farm Secondary Housing:** Housing made available to non-paying guests and/or family on a temporary or permanent basis and may include a guest house, apartment or second single family residence. Must have minimum lot size allotted if using separate sewer/water, but not required if septic/sewer is shared with primary dwelling.

A duly advertised hearing was held by the Madison County Joint Planning Commission on July 1, 2010; and the Madison County Board of Commissioners on July 20, 2010 after a recommendation for approval by the said Joint Planning Commission.

NOW, THEREFORE, LET IT BE FURTHER RESOLVED, that this Resolution shall take effect and be in force no sooner than the 20th day of July, 2010.

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

Kim Kwapnioski, Executive Director of Norfolk Community Health Care Clinic, presented an update report on the operations of the clinic. She submitted a handout listing information regarding the functions of health centers and reported that federally qualified health centers reduce expenses for in-patient and specialty care services as well as lowering the emergency room visits saving billions of tax payer dollars each year. She submitted a listing of the patients served in 2009 at the health care clinics that was organized by zip codes. She also presented a report listing the top five zip codes served with a breakout of the patients that used Medicare, Medicaid, had insurance, or self paid. Ms. Kwapnioski presented a colored graph that reflected the medical coverage from 2008 to 2009 provided at the clinics. She reported that in 2008, 54% of the patients were uninsured and, in 2009, 62% of the patients were uninsured. She stated that many people are not receiving health care and the clinics provide an avenue for them. She reported that in 2008, approximately 2,500 patients received care at the clinics compared to almost 7,000 patients in 2009. She stated that the number of patients will continue to grow because they added dental services and soon another day will be added in the Madison clinic, so a provider will be available in the Madison clinic five days per week.

Kim Kwapnioski showed a video to Board members that reflected patients sharing their stories about using the health centers. Chairman McCallum questioned if there were any comments regarding dissatisfaction of services provided and Ms. Kwapnioski responded that they have quality assurance surveys that patients could complete and these surveys are reviewed on a monthly basis to improve services.

Chairman McCallum commended Ms. Kwapnioski on the establishments of the clinics. Kim Kwapnioski stated that the funding provided by the county was very instrumental in getting the Madison clinic started and providing the services that are needed. She thanked the Board members for the funding.

No action was taken by the Board.

The Board reviewed the following reports and correspondence:

- 1) County Clerk June fee report
- 2) Fund balance report
- 3) Register of Deeds June fee report
- 4) Clerk of District Court June fee report
- 5) Minutes of the June 15, 2010 meeting of PrairieLand RC&D and July newsletter
- 6) 2nd Quarter report for CASA of Northeast Nebraska
- 7) Building permit report for 2nd Quarter 2010
- 8) Letter from the Village of Meadow Grove regarding maintenance of road within village limits and response from County Attorney

The following claims were audited:

GENERAL FUND

Total Net Payroll		114,215.90
Mark Albin	Legal Services, County Court	315.25
American Family Life Assurance Company	Insurance Premiums	652.75
Ameritas Life Insurance Corporation	Employee Share Retirement	7,268.02
Ameritas Life Insurance Corporation	Employer Share Retirement	10,684.43
Ameritas Life Insurance Corporation	Insurance Premiums	380.56
Appeara	Mat Service, Public Defender	35.68
Appeara	Mat Service, Courthouse	168.78
Aramark Correctional Services	Meals, County Jail	16,621.63
Aspen Publishers, Inc.	Publication, Public Defender	304.66
Assembled Products Corporation	Equipment, County Sheriff	94.82
Battle Creek Farmers Coop	Fuel, County Sheriff	43.83
Telma Becerra	Jury Fees, District Court	50.00
BI Inc.	Monitoring Services, Juvenile Diversion	1,306.29
Black Hills Energy	Gas Service, Courthouse	56.75
Black Hills Energy	Gas Service, County Jail	84.11
Black Hills Stage Lines Inc.	Transportation Costs, County Relief	179.00
Bomgaars Supply Inc.	Repairs, County Sheriff	11.99
Brady & Amy's Inc.	Fuel, County Sheriff	331.63
Al Brandl	Repairs, County Jail	35.88
Brogan & Gray, P.C., L.L.O.	Legal Services, County Court	3,226.20
Buck's Specialty	Uniforms, County Jail	156.04
Cableone	Cable Services, Public Defender	125.95
Central United Life Insurance Company	Insurance Premiums	37.21
City of Madison	Utilities, Public Defender	126.47
City of Madison	Utilities, Courthouse	3,077.16
City of Madison	Utilities, County Jail	3,451.46
Clerk of the Supreme Court	Postage, Public Defender	3.39
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Complete Pest Elimination Inc.	Services, County Jail	125.00
Connecting Point	Services, Supplies, District Judge	95.94
Connecting Point	Equipment, County Sheriff	235.00

Connecting Point	Equipment, Juvenile Diversion	772.00
Connecting Point	Internet Services, Veterans' Service Office	35.95
Constellation Energy	Gas Service, Courthouse	150.09
Constellation Energy	Gas Service, County Jail	350.22
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	9,254.68
Credit Bureau Services	Garnish of Wages	131.41
Credit Management Services, Inc.	Garnish of Wages	124.95
Cummins Central Power, L.L.C.	Generator Maintenance, County Jail	2,130.03
Custom Heating & Air Conditioning	Building Repair, Planning and Zoning	3,030.00
Dakota Business Systems	Copier Maintenance, Probation	72.00
Douglas County Sheriff	Service Fees, District Court	9.18
Eakes Office Plus	Supplies, County Sheriff	358.92
Eakes Office Plus	Supplies, County Attorney	106.18
Eakes Office Plus	Supplies, Copier Maintenance, County Jail	1,042.85
Eakes Office Plus	Supplies, Probation	362.66
Jan Einspahr, P.C.	Legal Services, County Court	1,518.00
Enviromaster, Inc.	Supplies, County Jail	42.00
Faith Regional Health Services	Medical Services, County Jail	8,047.25
Farm & Home Publishers LTD	Publications, Courthouse	604.00
First Concord Benefits Group	Flex Plan, Deductible Buy-Down	4,356.98
Floor Maintenance & Paper Supply	Supplies, County Jail	559.21
Frontier	Telephone Services, Public Defender	292.84
Gall's Inc.	Uniforms, County Jail	499.85
Gasrite Inc.	Fuel, County Sheriff	5,284.17
Sandy Habrock	Supplies, County Jail	8.43
Hartford Life Insurance Company	Deferred Compensation	50.00
Matthew Headley	Postage, Public Defender	44.00
Heartland Fire Protection	Maintenance, Courthouse	70.00
Heartland Fire Protection	Maintenance, County Jail	83.50
Jeffrey Hrouda	Legal Services, County Court	2,183.16
IHC/Group Link	Insurance Premiums	495.69
Institutional Eye Care	Supplies, County Jail	41.85
Jack's Uniforms & Equipment	Uniforms, County Jail	7.95
JCD & Co.	Repairs, County Jail	134.20
John's Disposal	Garbage Service, Probation	38.00
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, District Court	1,312.50
Johnson, Morland, Easland & Lohrberg, P.C.	Legal Services, County Court	945.00
K & S Door Company Inc.	Repairs, County Jail	848.00

Lancaster County Sheriff	Service Fees, District Court	12.00
Lee Electric, Inc.	Repairs, County Jail	44.00
Louderback Drug	Prescriptions, County Jail	2,848.20
Madison County Clerk	Tax Deposit	39,323.68
Madison County Clerk of District Court	Court Costs, District Court	1,623.00
Madison County Sheriff	Supplies, County Jail	70.55
Madison County Sheriff	Fees, County Court	561.23
Madison County Sheriff	Fees, District Court	1,119.77
Madison County Sheriff	Fees, Mental Health	752.75
Madison County Treasurer	Insurance Reimbursement	25.00
Madison County Veterinary Clinic	Impound Fees, County Sheriff	35.00
Madison National Life	Insurance Premiums	129.36
Christal McDonald	Court Reporting, Mental Health	100.00
Microfilm Imaging Systems Inc.	Equipment Rental, County Clerk	45.00
Microfilm Imaging Systems Inc.	Equipment Rental, County Court	227.00
Microfilm Imaging Systems Inc.	Equipment Rental, County Surveyor	45.00
Midwest Plumbing & Heating	Repairs, County Jail	1,345.12
Morrissey Motor Company	Repairs, County Sheriff	34.49
Moyer & Moyer	Legal Services, County Court	588.00
Nationwide Retirement Solutions	Deferred Compensation	370.00
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Health and Human Services	State Institution Costs	312.00
Nebraska Public Power District	Utilities, Probation	464.90
Nebraska Workforce Development	Unemployment Insurance	210.17
NESCA	Certification, County Jail	15.00
Nore's Design Center	Building Repairs, Planning and Zoning	2,915.00
Norfolk Cleaning Service	Services, Probation	140.00
Norfolk Community Health Care Clinic	Quarterly Funding	22,500.00
Norfolk Daily News	Publication Costs, Courthouse	383.89
Northeast Nebraska Juvenile Services Inc.	Board of Prisoners, Juvenile Detention	10,053.75
Norm Nykodym	Lawn Service, Public Defender	147.00
Olson Tree Service	Supplies, Courthouse	30.00
Valorie Olson	Court Reporting, Mental Health	150.00
Sherry Peterson	Mileage, Juvenile Diversion	359.50
Pioneer Telephone	Telephone Service, Courthouse	242.58
Postmaster	Box Rent, District Judge	110.00
Qwest	Telephone Services, County Jail	17.66
Qwest	Telephone Services, Probation	434.75

Racom Corp	Repairs, County Jail	500.00
Reigle Implement Company Inc.	Repairs, Courthouse	259.60
William Rusk	Uniforms, County Sheriff	69.97
Nancy Scheer	Postage, Election Commissioner	149.91
Schroeder Land Surveying	Services, County Surveyor	1,304.00
Sears	Shipping, Courthouse	196.55
Short Stop	Fuel, County Sheriff	84.91
Signal 88 Security	Guard Services, County Jail	1,618.75
Stratton, DeLay & Doele, P.C., L.L.O.	Legal Services, District Court	7,593.04
Stratton, DeLay & Doele, P.C., L.L.O.	Legal Services, County Court	6,206.69
Michelle Sullivan	Mileage, Juvenile Diversion	165.00
Super 8 Motel	Rent, County Relief	250.00
T.O. Haas Tire	Tires, County Sheriff	432.46
Dale Taylor	Interpreting Services, Public Defender	247.50
Trane US Inc.	Maintenance Agreement, Courthouse	435.75
David Uher	Legal Services, County Court	1,220.00
U.S. Bank Corporate Payment System	Telephone Services, Law Enforcement	182.85
Verizon Wireless	Telephone Services, Planning and Zoning	57.40
Voigt Locksmith	Supplies, County Sheriff	23.20
Walmart Community	Supplies, Assessor	25.79
Western Office Plus	Supplies, County Assessor	53.24
Western Office Plus	Supplies, District Court	189.34
Western Office Plus	Supplies, Public Defender	175.25
Western Office Plus	Supplies, County Sheriff	11.90
Western Office Plus	Supplies, County Attorney	49.89
Western Roofing	Repairs, County Jail	456.84
White Star Oil Company	Fuel, County Sheriff	111.66
WJAG/KEXL	Equipment Rental, County Jail	1,200.00
Maria Izabel Zepeda	Interpreting Services, Public Defender	372.75

#### ROAD/BRIDGE FUND

Total Net Payroll		27,951.28
Ace Industrial Supply Inc.	Repairs, District #1	477.85
Ag Specialties Welding & Repair	Repairs, District #2	20.00
American Family Life Assurance Company	Insurance Premiums	297.25
Ameritas Life Insurance Corporation	Employee Share Retirement	1,644.51

Ameritas Life Insurance Corporation	Employer Share Retirement	2,466.50
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
Appeara	Towel Services, District #1, #2	189.17
Battle Creek Farmers Coop	Fuel, District #3	6,703.98
Bauer Built Inc.	Repairs, District #1, #2	172.00
Black Hills Energy	Gas Service, District #1	48.98
Andy Brabec	Equipment Lease, District #1	7,644.00
Carquest Auto of Norfolk	Parts, District #2	105.63
Central Sand & Gravel	Gravel, District #1	5,841.57
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation NewEnergy	Gas Service, District #1	23.27
D & M Machinery	Parts, District #3	8.66
Jason Dahlberg	Repairs, District #1	52.50
Ennis Paint	Road Striping Paint, District #1, #2, #3	21,179.40
Fastenal Company	Parts, District #2	25.80
First Concord Benefits Group, L.L.C.	Flexible Benefit Plan, Deductible Buy Down	1,070.73
IHC/Group Link	Insurance Premiums	15.22
J's Auto Repair & Storage LLC	Repairs, District #1	123.00
Kimball Midwest	Repairs, District #2	221.23
Linweld Inc.	Supplies, District #1, #3	125.16
Loup Power District	Utilities, District #1	109.10
Madison County Clerk	Tax Deposit	9,073.09
Madison National Life	Insurance Premiums	37.81
Matteo Sand & Gravel Company Inc.	Gravel, District #1, #3	11,410.49
Mead Lumber & Rental	Tools, District #2	82.34
Medical Enterprises Inc.	Drug Testing, District #1, #2	119.60
Meisinger Oil Company Inc.	Fuel, District #1	13,252.61
Nebraska Child Support Payment Center	Garnish of Wages	245.70
Nebraska Public Power District	Utilities, District #2	153.50
NMC Exchange LLC	Repairs, District #1, #2, #3	30,950.21
NMG LLC	Drug Testing, District #1, #2	77.00
Pioneer Telephone	Telephone Services, District #1, #3	56.06
Prime Sanitation	Garbage Services, District #2	53.75
Quick Service Oil Company Inc.	Fuel, District #3	935.39
Reigle Implement Company Inc.	Shop Supplies, District #1	82.00
Transamerica Life Insurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Repairs, District #3	326.17
United Rentals	Signs, District #3	68.72

Verizon Wireless	Telephone Services, District #2	327.39
WJAG	Utilities, District #1, #2, #3	235.00

FEDERAL AID SECONDARY FUND

Elkhorn Paving Construction Company Inc.	Contract Services	507,202.73
Mainelli, Wagner & Associates, Inc.	Contract Services	26,985.24

911 EMERGENCY FUND

Frontier	Telephone Services	160.41
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DRUG COURT FUND

Menards	Supplies	6.64
On Call Employee Health	Testing	70.00
Putters	Supplies	39.90

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

The Board adjourned at 10:52 A.M. to Tuesday, August 3, 2010 at 9:30 A.M.

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County Clerk

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Chairman

## BOARD OF EQUALIZATION MEETING

Madison, Nebraska

July 20, 2010

The Board of Equalization of Madison County, Nebraska met at 12:30 P.M., in continuation of the June 22, 2010 meeting, to conduct hearings on property valuation protests.

Advance notice of meeting was published in the Thursday, July 15, 2010 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgement of receipt of notice of meeting as published was executed. Vice-Chairman Rick Uhlir called the meeting to order and notified the public of the location of the Open Meeting Act information posted in the meeting room.

Present: Commissioners Jerry McCallum and Rick Uhlir, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer. Absent, Commissioner Lee Klein.

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

Motion made by McCallum and seconded by Uhlir to approve the minutes of the July 13, 2010 meeting. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

County Assessor Jeff Hackerott presented the following tax list corrections:

#2622: Curves for Women, 701 Benjamin Avenue, Norfolk  
Deduction from the tax rolls in the amount of \$14.36 for correction to the 2009 personal property taxes due to double taxing the same piece of equipment

After review, motion was made by McCallum and seconded by Uhlir to approve the tax list correction as submitted. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Hearings were conducted on property valuation protests as follows:

Protest #2010-94: Cynthia Behrens, 55314 JoAnn Drive, Norfolk  
Jo-D's Subdivision Lot 4, Block 3 (20-23-1)

Vice-Chairman Uhlir opened a hearing at 12:33 P.M. Cynthia Behrens appeared at the hearing and submitted the valuations for comparable properties. She explained that most of the comparable properties have more square footage than her house. She reported that she tried to get a firm to complete an independent appraisal; however, none of the firms wanted to do the work because they said that they all work for the County Assessors. She reported that the house next door sold in October 2008 for \$154,000 and it was valued at \$134,000. In addition, she explained that the same contractor built her house and the adjacent property located at 55312 JoAnn Drive. She stated that the original garage on her house was converted to an entryway and storage area. County Assessor Jeff Hackerott reported that he inspected the property. Vice-Chairman Uhlir closed the hearing at 12:42 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$144,578. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-95: Patrick Hintz, P.O. Box 314, Battle Creek  
Zimmerman's Second Addition Lot 10, Block 2

Vice-Chairman Uhlir opened a hearing at 12:45 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that the lot sales in the subdivision ranged between \$10,000 and \$19,000 per lot. He explained that the land values in this subdivision increased due to the sale prices. Vice-Chairman Uhlir closed the hearing at 12:48 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-96: Don Meinke, 1108 West Park Avenue, Norfolk  
Center 58.8 Ft in Lots A and B Block 1, Ruhlows and Busseys Addition

Vice-Chairman Uhlir opened a hearing at 12:55 P.M. No one appeared at the hearing to offer verbal testimony. The written protest form was reviewed. County Assessor Jeff Hackerott reported that in April 2008 he spoke with the owner who advised that the City of Norfolk required upgrades before the property could be rented. He presented pictures that were taken in February 2010. In addition, he reported that a recent inspection confirms that the building is gone and the lot is leveled. He explained that the assessment date is January 1st and that the building was still on the parcel at that time. Vice-Chairman Uhlir closed the hearing at 12:57 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-97: Savage & Browning/Perkins Delaware LLC, 8676 West 96, Suite 100, Overland Park, KS 66212  
Market Square Subdivision Lots 1, 3, and 4

Vice-Chairman Uhlir opened a hearing at 12:58 P.M. Dick Millsbaugh, tax consultant with Savage & Browning, appeared at the hearing and testified that the subject property is a 70,900 square foot building. He reported that the county has valued the property on the cost approach and he submitted an analysis which was completed using an income and cost approach. He reported that the analysis was originally completed in 2008 for valuation protest purposes and was updated with current information. He reported that the building sold in 2005 for \$1.4 million and that the building is currently being leased for \$2.51 per square foot. County Assessor Jeff Hackerott stated that the property sales of this parcel since 2005 were not arms length sales transactions. Vice-Chairman Uhlir closed the hearing at 1:15 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the property valuation protest form. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-98: Savage & Browning/Perkins Delaware LLC, 8676 West 96, Suite 100, Overland Park, KS 66212  
Market Square Subdivision Lots 1, 3, and 4

Protest #2010-99: Savage & Browning/Perkins Delaware LLC, 8676 West 96, Suite 100, Overland Park, KS 66212  
Market Square Subdivision Lot 5

Protest #2010-100: Savage & Browning/A & T Enterprises Inc., 8676 West 96, Suite 100, Overland Park, KS 66212  
Tax Lots SW $\frac{1}{4}$  SW $\frac{1}{4}$  27-24-1 Pt Tax Lot 3-Pt Tracts 2 and 3

Protest #2010-101: Savage & Browning/Norfolk County Inn Inc., 8676 West 96, Suite 100, Overland Park, KS 66212  
Tax Lots SW $\frac{1}{4}$  SW $\frac{1}{4}$  27-24-1 PT Tax Lot 3 PT Tract 1 Less Pt To State 3.45 AC

Vice-Chairman Uhlir opened a hearing at 12:58 P.M. Dick Millsbaugh, tax consultant with Savage & Browning, appeared at the hearing and testified that the foregoing protests were being withdrawn. Vice-Chairman Uhlir closed the hearing at 12:59 P.M. Motion was made by McCallum and seconded by Uhlir to accept the withdrawal of the property valuation protest forms. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-102: Margaret Arter, 55311 JoAnn Drive, Norfolk  
Jo-D's Subdivision Lot 9, Block 2 (20-23-1)

Vice-Chairman Uhlir opened a hearing at 1:26 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott stated that he reviewed the appraisal that was completed in March 2009. In addition, he stated that he could not make contact with the owner to inspect the interior of the house. Vice-Chairman Uhlir closed the hearing at 1:28 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$105,430. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-103: Roger Kudera, 5404 West South Airport Road, Norfolk  
SE $\frac{1}{4}$  33-23-4 160 AC

Vice-Chairman Uhlir opened a hearing at 1:20 P.M. Roger Kudera appeared at the hearing and testified that the Meadow Grove Fire Department will burn down the house in the fall. He submitted two pictures reflecting the deteriorated condition of the house. He requested that the building site value be removed from the county assessment record. He reported that there is approximately one acre of grassland by the old house and barn. County Assessor Jeff Hackerott reported that the valuation on the old barn is \$851. Vice-Chairman Uhlir closed the hearing at 1:25 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$305,205. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-104: Wihelmine Finkral, 2275 Thunderbird Lane, Lansing IA 52151  
S $\frac{1}{2}$  Lot 5 21 Ft and W 59 Ft S $\frac{1}{2}$  Lot 6, Block 24 Original Town

Vice-Chairman Uhlir opened a hearing at 1:42 P.M. No one appeared at the hearing to offer verbal testimony. The written protest form and attachments were reviewed. County Assessor Jeff Hackerott reported that the valuation on this property did not change from 2009. He reviewed the assessment record with the Board members and reported that he could not make contact with the owner to complete an interior inspection. Vice-Chairman Uhlir closed the hearing at 1:45 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-105: Neal Neidig, 83080 553 $\frac{1}{2}$  Avenue, Madison  
Pt N $\frac{1}{2}$  NW $\frac{1}{4}$  20-22-1 76.39 AC

Vice-Chairman Uhlir opened a hearing at 1:29 P.M. Neil Neidig appeared at the hearing and testified that the 2009 taxes on this parcel were \$28.16 per acre in 2009 and the projected taxes will increase to approximately \$29.79 per acre in 2010 using the same tax rate and the new valuation. He stated that approximately 30 acres on the parcel are irrigated and that a railroad track and creek run through the property. County Assessor Jeff Hackerott reported that the assessed valuation of the parcel is \$1,806 per acre and that the assessment record reflects 59 irrigated acres. He requested Mr. Neidig to contact the Farm Service Agency to verify the number of irrigated acres because he can't obtain this information. Vice-Chairman Uhlir closed the hearing at 1:34 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-106: Neal Neidig, 83080 553½ Avenue, Madison  
N½ N½ SE¼ 20-22-1 40 AC

Vice-Chairman Uhlir opened a hearing at 1:34 P.M. Neil Neidig appeared at the hearing and testified that the 2009 taxes on this parcel were \$32 per acre in 2009 and the projected taxes will increase to approximately \$36 per acre in 2010 using the same tax rate and the new valuation. He reported that this parcel is all dry land. County Assessor Jeff Hackerott reported that the assessed valuation of the parcel is \$2,194 per acre and that 5.2 acres have Class III soils and the remaining portion is all Class I soil. Vice-Chairman Uhlir closed the hearing at 1:37 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-107: John Volk, 84180 545th Avenue, Battle Creek  
Pt NW¼ NW¼ 25-24-3 29.26 AC

Vice-Chairman Uhlir opened a hearing at 2:10 P.M. John Volk and Mark Bierman appeared at the hearing. John Volk testified that the hog building on this property is no longer in use and the big bunker silo is not used and is being torn down. Vice-Chairman Uhlir closed the hearing at 2:12 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-108: Volk Farms Inc., 84180 545th Avenue, Battle Creek  
Pt NW¼ 25-24-3 127.28 AC

Vice-Chairman Uhlir opened a hearing at 2:12 P.M. John Volk and Mark Bierman appeared at the hearing. John Volk testified that the property sustained flooding damage and is subject to overflow from the river. He stated that crops were re-planted after the flooding this year. County Assessor Jeff Hackerott reviewed the various soil classifications on the parcel and reported that the property is irrigated farm ground. Vice-Chairman Uhlir closed the hearing at 2:14 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-109: Volk Farms Inc., 84180 545th Avenue, Battle Creek  
N½ NW¼ 3-23-3 78.3 AC

Vice-Chairman Uhlir opened a hearing at 2:14 P.M. John Volk and Mark Bierman appeared at the hearing. John Volk testified that about 15 acres on this property drowns out each year because the county refuses to clean out a county road ditch along this property. Mark Bierman stated that he used to farm all but about one acre on this parcel, but now it takes several days for water to drain off this property and the crops drown out. John Volk explained that he cleaned out the road ditch about 30 years ago and it lasted for about 15 years, but now the water drains too slowly. He stated that the water drains to the east and that there is between five feet and eight feet drop in elevation within one mile, which is adequate to provide drainage for his property. Vice-Chairman Uhlir closed the hearing at 2:18 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-110: Dean and Marcie Sextro, 83290 Hwy 121, Madison  
Pt NW $\frac{1}{4}$  NW $\frac{1}{4}$  7-22-2 2.76 AC

Vice-Chairman Uhlir opened a hearing at 2:25 P.M. Marcie Sextro appeared at the hearing and testified that her family purchased this modular home in October 2005 for \$85,000 and that no improvements have been made to the house. She stated that the modular home was placed on the property in 1979. County Assessor Jeff Hackerott reported that the valuation change was a 7% increase that was applied to all rural residences in the county. Vice-Chairman Uhlir closed the hearing at 2:28 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-111: Lance and Erin Moore, 83691 555 Avenue, Norfolk  
Pt NE $\frac{1}{4}$  NE $\frac{1}{4}$  21-23-1 1 AC

Vice-Chairman Uhlir opened a hearing at 2:32 P.M. Lance Moore appeared at the hearing and testified that their house is small compared to other homes in the neighborhood. He stated that the house does not have a basement, only a crawl space and that there is persistent water damage in the crawl space of their home and the sub-pump runs continually. He reported that the drain tile in the area always has problems and it affects eight lots. He explained that the house has a single car garage and they have limited opportunities to add onto the house. County Assessor Jeff Hackerott reviewed the assessment record. Vice-Chairman Uhlir closed the hearing at 2:39 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$88,132. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-112: Heath Henery, 912 West Omaha Avenue, Norfolk  
CB Durlands Second Addition Lots 7, 8, 17, 18, Block 6

Vice-Chairman Uhlir opened a hearing at 2:52 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that he reviewed the property with the owner on May 6, 2010. He stated that the previous owner lost the property to foreclosure in December 2007. He stated that the bank sold all the personal property, kitchen equipment, and fixtures from the building before the current owner took possession. He stated that the building is extremely deteriorated. Vice-Chairman Uhlir closed the hearing at 2:55 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$60,000. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-113: Violet Tiedtke, 404 North Boyer Street, Battle Creek  
Tax Lots NE $\frac{1}{4}$  NW $\frac{1}{4}$  6-23-2 Tax Lots 9 and 10

Vice-Chairman Uhlir opened a hearing at 3:05 P.M. No one appeared at the hearing to offer verbal testimony. The written protest form was reviewed. County Assessor Jeff Hackerott reported that he was unable to contact the owner to complete an interior inspection. He explained that on March 23, 2010 the owner requested that this property be combined with an adjacent lot for assessment purposes. He reported that both lots were combined for the 2010 assessment; however, the valuation did not change from 2009. Vice-Chairman Uhlir closed the hearing at 3:08 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-114: Todd Scheer, 54408 Highway 32, Madison  
Pt NE $\frac{1}{4}$  NW $\frac{1}{4}$  and Pt NW $\frac{1}{4}$  NW $\frac{1}{4}$  2-21-3 2.87 AC (Eugene's Lot Split)

Vice-Chairman Uhlir opened a hearing at 3:00 P.M. Todd Scheer appeared at the hearing and testified that the house was destroyed by fire on January 31, 2010 and that estimated re-construction costs were \$212,000. He showed pictures to the Board of the fire damage. Commissioner McCallum explained that the assessment date is January 1st and that an adjustment could not be made to the 2010 valuation. He requested the owner to remove the damaged house prior to January 1, 2011 for the next assessment. Vice-Chairman Uhlir closed the hearing at 3:03 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-115: Benjamin and Stephanie Sukup, 108 West Spruce Avenue, Norfolk  
Mathewsons Second Addition Replat Lot 1

Vice-Chairman Uhlir opened a hearing at 3:19 P.M. Benjamin Sukup appeared at the hearing and testified that he purchased the property on June 30, 2010 for \$40,000. He stated that the property was re-possessed and there was extensive damage to the house from the prior owners. He stated that an appraisal was completed by Skyline Appraisal Service for loan purposes. County Assessor Jeff Hackerott reported that he inspected the house with the owner. Vice-Chairman Uhlir closed the hearing at 3:22 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$40,000. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-116: Michael and Julie Kielty, 84346 536th Avenue, Tilden  
W $\frac{1}{2}$  NW $\frac{1}{4}$  and N $\frac{1}{2}$  SW $\frac{1}{4}$  and NW $\frac{1}{4}$  SE $\frac{1}{4}$  and S $\frac{1}{2}$  SE $\frac{1}{4}$  Less 1 AC 16-24-4 279 AC

Vice-Chairman Uhlir opened a hearing at 3:30 P.M. Michael Kielty appeared at the hearing and testified that flooding damaged the property and destroyed approximately 20 to 30 acres. He reported that a number of acres are also covered with deep sand due to the flood. Vice-Chairman explained that the assessment is based on the condition of the property on January 1st of each year and the flooding occurred after that date. County Assessor Jeff Hackerott recommended that the owner request Farm Service Agency to measure the number of acres and report this information to the county for the next assessment. Vice-Chairman Uhlir closed the hearing at 3:33 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-117 Stanley Petersen, 53571 843rd Road, Tilden  
Pt E $\frac{1}{2}$  SE $\frac{1}{4}$  17-24-4 79.3 AC

Vice-Chairman Uhlir opened a hearing at 3:35 P.M. Stanley Petersen appeared at the hearing and testified that flooding damaged the property and destroyed approximately 15 to 20 acres located along the Elkhorn River. He reported that the center pivot irrigation system can't make a complete circle because the end towers are in the river. Vice-Chairman explained that the assessment is based on the condition of the property on January 1st of each year and the flooding occurred after that date. County Assessor Jeff Hackerott recommended that the owner request Farm Service Agency to measure the number of acres and report this information to the county for the next assessment. Vice-Chairman Uhlir closed the hearing at 3:38 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes,

McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-118 Stanley Petersen, 53571 843rd Road, Tilden  
Pt NW $\frac{1}{4}$  18-24-4 153.37 AC

Vice-Chairman Uhlir opened a hearing at 3:35 P.M. Stanley Petersen appeared at the hearing and testified that flooding damaged the property and destroyed approximately 15 to 20 acres located along the Elkhorn River. He reported that there is a big horseshoe on the property due to the flood damage. Vice-Chairman explained that the assessment is based on the condition of the property on January 1st of each year and the flooding occurred after that date. County Assessor Jeff Hackerott recommended that the owner request Farm Service Agency to measure the number of acres and report this information to the county for the next assessment. Vice-Chairman Uhlir closed the hearing at 3:38 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-119 Donald and Laura Rutjens, 84270 536th Avenue, Tilden  
Pt S $\frac{1}{2}$  NW $\frac{1}{4}$  and Pt NE $\frac{1}{4}$  SW $\frac{1}{4}$  less Highway and RR 21-24-4 71.83 AC

Vice-Chairman Uhlir opened a hearing at 3:57 P.M. No one appeared at the hearing to offer verbal testimony. The letter submitted with the protest form was reviewed. County Assessor Jeff Hackerott reported that he spoke with the owner in June. He stated that he did not make a physical inspection of the property because there have been no changes to the property since the county compiled the information for the assessment record. Vice-Chairman Uhlir closed the hearing at 4:00 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-120 Martin Clausen, 1900 South 37th Street, Norfolk  
E  $\frac{1}{2}$  SE  $\frac{1}{4}$  Except N 18 ft 31-24-1 79.45 AC

Vice-Chairman Uhlir opened a hearing at 3:45 P.M. Martin Clausen appeared at the hearing and presented an aerial photo of the property after the June flooding. He pointed out the location of the river bank prior to the flood and the current river bank. He reported that the leech fields for the property are now in the Elkhorn River. In addition, he stated that he has no idea what he will do with the property. Vice-Chairman explained that the assessment is based on the condition of the property on January 1st of each year and the flooding occurred after that date. Vice-Chairman Uhlir closed the hearing at 3:50 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-121 Jennifer Prothman, 104 20th Drive, Norfolk  
Sunset Addition Lot 4, Block 2

Vice-Chairman Uhlir opened a hearing at 4:11 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that the current owner purchased the property on June 23, 2010 for \$43,000. He stated that he could not contact the owner for an interior inspection of the property. He verified that the paint is faded on the bottom portion of the house. Vice-Chairman Uhlir closed the hearing at 4:13 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$43,000. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-122 Thomson Reuters PTS, c/o Matthew Poling, 1125 17th Street, Suite 1575, Denver, CO 80202  
Pt NW $\frac{1}{4}$  NW $\frac{1}{4}$  34-24-1 Tract 561 ft X 160 ft 2.06 AC

Vice-Chairman Uhlir opened a hearing at 4:18 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that he spoke with Ian James, a representative from Thomson Reuters, several times on the telephone regarding the valuation of the subject property. He explained that he reviewed the valuation analysis and income and operating statements submitted with the protest form. Vice-Chairman Uhlir closed the hearing at 4:20 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-123 Thomson Reuters PTS, c/o Ian James, 1125 17th Street, Suite 1575, Denver, CO 80202  
Gordon Moritz Addition Lots 2 and 3

Vice-Chairman Uhlir opened a hearing at 4:20 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that he spoke with Ian James, a representative from Thomson Reuters, several times on the telephone regarding the valuation of the subject property. He explained that he reviewed the valuation analysis and income and operating statements submitted with the protest form. Vice-Chairman Uhlir closed the hearing at 4:22 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-124 J.W. Chatam and Associates, 7301 West 129th Street, Suite 150, Overland Park, Kansas 66213  
Tax Lots NW $\frac{1}{4}$  NW $\frac{1}{4}$  26-24-1 Pt Tax Lot 1 0.605 AC (Tract 1 – Isaacson's Lot Boundary Norfolk Change)

Protest #2010-125 J.W. Chatam and Associates, 7301 West 129th Street, Suite 150, Overland Park, Kansas 66213  
Park Addition Lots 6, 7, 8, 9, 10, 11, 12, and 13, Block 16 and VAC Alley

Protest #2010-126 J.W. Chatam and Associates, 7301 West 129th Street, Suite 150, Overland Park, Kansas 66213  
Park Addition Lots 14 and 15, Block 16 and VAC Alley

Protest #2010-129 J.W. Chatam and Associates, 7301 West 129th Street, Suite 150, Overland Park, Kansas 66213  
N E A D 4th Addition Lot 2, Block 1

Vice-Chairman Uhlir opened a hearing at 4:35 P.M. Gabe Noller, consultant with J.W. Chatam and Associates, appeared at the hearing and testified that the foregoing protests were being withdrawn. Vice-Chairman Uhlir closed the hearing at 4:36 P.M. Motion was made by McCallum and seconded by Uhlir to accept the withdrawal of the property valuation protest forms. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-127 J.W. Chatam and Associates, 7301 West 129th Street, Suite 150, Overland Park, Kansas 66213  
Hy-Vee Addition Lot 1 (Base Value For Tax Increment Financing)

Vice-Chairman Uhlir opened a hearing at 4:36 P.M. Gabe Noller, consultant with J.W. Chatam and Associates, appeared at the hearing and testified that the subject building is 55,496 square feet according to the County Assessor's records. He submitted and reviewed documents listing comparable properties that are currently being leased by Hy-Vee, comparable properties for lease, comparable properties for sale, and an income and analysis which supported the proposed property valuation. County Assessor Jeff Hackerott reported that the county used the cost approach to establish the property valuation. Vice-Chairman Uhlir closed the hearing at 4:42 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the property valuation protest form. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-128 J.W. Chatam and Associates, 7301 West 129th Street, Suite 150, Overland Park, Kansas 66213  
N E A D 4th Addition Lot 1, Block 1

Vice-Chairman Uhlir opened a hearing at 4:42 P.M. Gabe Noller, consultant with J.W. Chatam and Associates, appeared at the hearing and testified that the subject building is 60,529 square feet according to the County Assessor's records. He submitted and reviewed documents listing comparable properties that are currently being leased by Hy-Vee, comparable properties for lease, comparable properties for sale, and an income and analysis which supported the proposed property valuation. County Assessor Jeff Hackerott reported that the county used the cost approach to establish the property valuation. Gabe Noller responded that he disagreed with the cost approach because it takes into consideration what another company would be willing to pay for the specific features of a building. Vice-Chairman Uhlir closed the hearing at 4:48 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the property valuation protest form. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

Protest #2010-130 Rowland Welch, Jim Schwalls & Associates, Inc., PO Box 3075, McKinney, TX 75070  
Mathewsons Addition Lots 7 and 8, Block 3

Vice-Chairman Uhlir opened a hearing at 4:52 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that he reviewed the documentation and property summary submitted with the protest form. Vice-Chairman Uhlir closed the hearing at 4:54 P.M. Motion was made by McCallum and seconded by Uhlir to make no change to the property valuation protest form. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board reviewed evidence and took action on the following property valuation protest heard on June 22, 2010:

Protest #2010-8: Central Nebraska Pizza Hut, PO Box 1866, Grand Island  
Virginia's Addition Lot 3, Block 1 less pt. to state

County Assessor Jeff Hackerott reported that he reviewed the information submitted during the protest hearing. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board reviewed evidence and took action on the following property valuation protest heard on July 7, 2010:

Protest #2010-17: Steve Ball, 3509 Golf View Drive, Norfolk  
Eldorado Hills 7th Addition Lot 5, Block 3

County Assessor Jeff Hackerott reported that he reviewed valuations for comparable properties and recommended an adjusted valuation for 2010. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$282,598. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board reviewed evidence and took action on the following property valuation protest heard on July 13, 2010:

Protest #2010-51: Michael and TyLynne Bauer, 2120 East Coolidge Avenue, Norfolk  
Pt N $\frac{1}{2}$  NE $\frac{1}{4}$  1-23-1 12.7 AC

County Assessor Jeff Hackerott reported that the damage to the subject property occurred during the June flooding and the assessment is based on the condition of the property on January 1st. Motion was made by McCallum and seconded by Uhlir to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum and Uhlir. Absent, Klein. Nays, none. Motion carried.

The Board of Equalization adjourned at 4:56 P.M.

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County Clerk

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Chairman