

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 7, 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 1, 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, Rick Uhlir, and Lee Klein and County Clerk Nancy Scheer. County Highway Superintendent Richard Johnson joined the meeting at 9:54 A.M. Planning and Zoning Administrator John Johnson was present from 10:15 A.M. to 10:53 A.M.

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

- 1) Approval of minutes of the June 22, 2010 meeting
- 2) Approval of Maxine M. Weidner Trust's Lot Split located in Section 13-22-2
- 3) Authorization for Board Chairman to execute a Service Level Agreement and the 4th Amendment to the Sub Lease Agreement with the Nebraska Department of Labor for office space to administer the General Assistance program

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

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

County Attorney Joseph Smith, Road District #3 foreman Dave Heggemeyer, and thirteen residents of the Village of Meadow Grove were present to discuss maintenance and flooding on 4th Street in Meadow Grove. Glen Leffers reported that during the heavy rains in June the Village of Meadow Grove received 2.2 inches of rain. He showed Board members photos of flood waters and a map and explained that from a hill south of the Village water came down into the field on the west side of the county road. He reported that about half way down the field is a driveway that acts like a diversion dam, which goes into the field approximately 150 feet. He stated that there is a culvert under the county road at this location, but the water couldn't get to the culvert, so it went around the diversion dam, went down the field, and came out onto the street in the northeast corner of the field, and went down 4th Street about 1½ feet deep and flooded the entire sewer system. Mr. Leffers stated that the water should flow down the east side of the street, but it was flowing on the west side. He stated that he and Brent Rystrom were both at the location when it was flooding and a definite pattern could be seen where the water was not flowing into the ditch where it was designed to go. Commissioner Klein questioned if there was a plugged culvert and Mr. Leffers responded that the high elevation of the ground is causing the water to run around. He explained that water couldn't get to the road ditch because the ditch is actually higher than the discharge location. Commissioner Klein questioned if there is a box culvert in this area and Mr. Leffers responded affirmative. He reiterated that the water is going into the field south of town, going around the diversion dam, and coming into the Village rather than staying in the east ditch. He reported that the east side of the road has a ditch and the west side is curbed and guttered. He stated that the water was approximately 1½ feet deep and all the sewer system is at this location. Mr. Leffers questioned if the ditch could be cleaned out or if the County Board had an alternate solution.

Commissioner Uhler questioned how full the west ditch was during the flooding and Mr. Leffers responded that the west ditch was fairly full. He stated that if all the water is diverted to the east side of the road, the ditch won't handle the water either; but, he stated that it would probably prevent flooding of 4th Street. He stated that the path of the water was right down the middle of the street and getting rid of the water at this location is a major problem. In addition, he explained that the water runs down to the Cowboy Trail and then it makes a 90 degree bend before going out of the Village. Mr. Leffers also explained that there a number of trees along the path of the water and the Village has obtained an estimate on cleaning out the trees and digging the ditch deeper. He stated that the main concern is to keep all the water south of town from coming through town.

Road District #3 foreman Dave Heggemeyer reported that he looked at the Rodney Suckstorf property and he concurs that the driveway is a problem, but the lay of the land is also so flat that even if the ditch is dug out, the water would probably still filter out onto the Suckstorf property. He stated that if the ditch is dug out about 4 foot deeper, the embankment would be very steep on that side of the road.

Chairman McCallum questioned if the county would need to acquire additional right-of-way if the ditch is dug out an additional four feet. Road District #3 foreman Dave Heggemeyer stated that additional right-of-way may be necessary just because of the depth of the ditch to keep water from entering into the Suckstorf property. He also stated that any work on the ditch needs to be completed so that the water flows north. Commissioner Klein stated that County Highway Superintendent Richard Johnson needs to examine the area and make a recommendation.

Glen Leffers stated that sediment has filled in the ditch through the years and if the ditch was dug out the water may stop flowing around the driveway. County Highway Superintendent Richard Johnson asked if there was a culvert under the driveway and Mr. Leffers responded that there was not. Commissioner Klein stated that the county could look at the situation to determine what could be changed.

County Highway Superintendent Richard Johnson inquired if the Village had any permanent damage to the sewer system and Mr. Leffers responded that there was not permanent damage, but the bypass system had to be used. He explained that normally two pumps are running, but five pumps were running during this flooding just to keep residents' basements from flooding. He explained that shortly after that the ground water level came up.

Road District #3 foreman Dave Heggemeyer stated that another dike located along the Suckstorf ground could possibly be re-built, but it may be necessary to obtain an easement from Suckstorf to work on the dike. Mr. Leffers recommended starting at the south end with the process of cleaning out ditches. He reported that he spoke with the Natural Resources District about helping clean up and dig out the area and they won't assist.

County Highway Superintendent Richard Johnson asked what the cost estimate was for digging out the ditch and clearing out the trees out along the Cowboy Trail. Mr. Leffers responded that the last estimate was from Shannon Kurpgewit in the amount of \$11,000 for cleaning out the area from 4th Street going east along the Cowboy Trail.

County Highway Superintendent Richard Johnson reminded the residents that representatives from the Federal Emergency Management Association were in the area assessing flood damage if there was any permanent damage they want to report. Mr. Leffers responded that they spoke to FEMA representatives on other projects and he was unsure if this project would qualify for funds. He reiterated that his main concern is to keep the water from flowing down 4th Street. He advised that many of the citizens in attendance at the meeting live along 4th Street. Commissioner Klein responded that it would be necessary to start at the bottom, but the county would do what it could. Mr. Leffers stated that if the area that was silted in could be opened up so that the water would go into the ditch and through the culvert that would help the situation a lot.

Jack Warrick inquired about the status of the bridge north of Meadow Grove. Commissioner Klein stated that the county couldn't start repairs until the President declares a disaster. Jack Warrick questioned if this is where the funding would be obtained and County Highway Superintendent Richard Johnson responded that most of the funding would come from the federal government. Commissioner Klein explained that the bridge is located on a federal aid road, so the Federal Highway Administration would be involved in making decisions about whether repairs would include adding a span or constructing a new bridge. Chairman McCallum stated that a recent newspaper article in The Norfolk Daily News indicated that Mike Johanns stated that the federal government would do all they could if there was money. Commissioner Klein explained that a disaster was declared for the winter snow storm in December and the county spent \$288,000 on extra fuel and overtime pay, but only received \$6,000 in FEMA funds was received. In addition, he reported that Holt County had \$300,000 of expenses and only received \$9,000 in FEMA funds.

Jack Warrick explained that losing the bridge cut the community of Meadow Grove in half. Commissioner Klein responded that the county wants the bridge fixed. He explained that he and Road District #3 foreman Dave Heggemeyer were at the bridge location when the bridge started deteriorating from the flood waters and there wasn't anything that could be done once the levy was washed away. He reported that the federal jurisdiction must allow the county to re-channel the river to go under the bridge, even if an additional span is added. He stated that the bridge located further west had jetties located on the north river bank and on Monday morning the water was flowing on the north side of the jetties. In addition, he reported that by Wednesday, the river was flowing under the center of the bridge and by Friday, the river was flowing almost south of the bridge. He reported that the river moved almost 50 feet from noon on Friday until 5 PM that same day.

Jack Warrick inquired about assistance with the maintenance on 839th Road, which is a half-mile road through the Village of Meadow Grove. He reported that the county road department helped the Village in the spring of 2010 by patching portions of the road. He stated that there is so much truck traffic hauling corn on this street and it doesn't hold up to the weight of the trucks. He explained that the county did a great job on the road south of Meadow Grove and using the same process in the Village of Meadow Grove would make a big difference. Commissioner Klein responded that the half mile portion that Mr. Warrick is referring to is inside the corporate limits of the Village of Meadow Grove. Mr. Warrick responded that in the cities of Battle Creek and Tilden the State of Nebraska maintains the portions of the streets that go through the cities because they are state highways. He stated that 839th Road through the Village of Meadow Grove is a county highway, so the precedence is set. County Attorney Joseph Smith stated that the county went through this same situation with the Sanitary and Improvement Districts and there was a lawsuit regarding what is and what is not a county road. Jack Warrick questioned why the portion of the road inside the Village wouldn't be a county road because of the fact that it carries a lot of traffic on the county road north and south of the Village. County Attorney Joseph Smith responded that maintenance depends upon who has the overlaying jurisdiction. He explained that the same argument is also true for the City of Norfolk and other communities. Jack Warrick questioned if the County Board was interested in changing this and Commissioner Lee Klein responded that the County Board can't change the situation because it is determined by state statute. Jack Warrick stated that he didn't agree. County Attorney Joseph Smith clarified that this is how the state is divided up and each jurisdiction has its own responsibilities and taxing and spending powers.

Glen Leffers questioned if the Village of Meadow Grove could put weight restrictions on the portion of the road that goes through the Village of Meadow Grove and Chairman McCallum responded that the Village has the authority to establish weight limits and set the speed limit. Commissioner Klein clarified that anyone located in the Village of Meadow Grove that must use the portion of this street to get out of town must be exempt from the weight restrictions. He explained that the District #3 road equipment may not fall under any weight restrictions set by the Village and Glen Leffers responded that most of the county trucks don't drive through the Village at 40 miles per hour. County Highway Superintendent Richard Johnson questioned where the trucks are coming from and Glen Leffers responded that trucks are coming from north of town and are hauling grain to Albion. In addition, he stated that there are many farmers living south of town that have land and storage facilities located north of town.

Brent Rystrom, Meadow Grove engineer, stated that on the east side of Meadow Grove there is a county road that is maintained by the county and goes out to a new house and all the water that comes down through the ditch that was discussed has to jump over a county road and head north and goes towards the river. He explained that there is a small culvert that is restricting the water and forcing it to go over the county road to get out of Meadow Grove to the east. Chairman McCallum suggested that if the problem is in the county's jurisdiction, District #3 Commissioner Lee Klein and District #3 road foreman Dave Heggemeyer should look at the situation. County Attorney Joseph Smith questioned if the road was a private drive that only goes to one house and Commissioner Klein responded that there is a small area that is in the county's jurisdiction. Mr. Rystrom explained that this area is the last restriction at the end of this road for the water to get to the river and water was flowing across approximately 100 yards of the road. Glen Leffers reported that there is a bridge on the Cowboy Trail that needs attention and Commissioner Klein stated that maintenance of the Cowboy Trail is the responsibility of the Game and Parks Commission.

Another citizen reported that he lives north of Meadow Grove and he can't cross the bridge to get to into Meadow Grove. He explained that he works in Norfolk so he must travel on 845th Road all the way to the Hadar blacktop road to get to Norfolk and that road is nothing but crap when it rains and it has ruts all over. He asked the County Board if this road could be better maintained. Commissioner Klein responded that both District #3 and District #2 maintain a portion of this road. He stated that District #3 road department was planning to do some road maintaining on July 6th; however, a rain shower interfered with plans. He stated that 845th Road is not set up to handle heavy traffic. Commissioner Uhler explained that the District #2 road department is trying to keep up with the road maintenance issues; however, several of the employees are taking time off to use up comp hours earned during the flooding.

Chairman McCallum recommended that any citizens that have road issues in the county should contact the road foremen and encourage them to look at the problem. He stated that when someone calls him it is difficult to imagine what the person is reporting unless he goes out and looks at the situation. Commissioner Klein stated that the road crews have been working really hard to keep up with road problems and more road work will be completed as areas dry.

Chairman McCallum stated that any time there is an issue within the Village limits the Village must take responsibility for resolving the matter. He stated that the county will assist with problems if it is feasible and allowed by state law; however, as far as the county investing funds in road repairs inside the Village of Meadow Grove, the county can't levy taxes to do that. He expressed his appreciation for the citizens of Meadow Grove bringing these issues to the County Board.

Commissioner Klein stated that he will contact Mr. Warrick when he has further information on repairs to the bridge located north of Meadow Grove. He said that, before any improvements are made in the river, four or five permits may be required from different federal agencies before anything can be done. He reported that Antelope, Holt, and Cuming counties all have problems from the flooding. He stated that he hopes that FEMA and other federal agencies will assist because the county won't have enough money to do everything. Chairman McCallum stated that it will take micro-management and prioritization because there will be a lack of funds. Glen Leffers responded that this problem is magnified for the Village because Meadow Grove does not have any way to raise funds. Chairman McCallum stated that funds from every level of government are coming down slowly because there aren't any funds. In addition, he stated that jurisdictions must fund their own projects, otherwise the work won't get done.

Jack Warrick stated that the Village of Meadow Grove would help any way it could. He stated that he doesn't like the idea of putting a load limit on 4th Street, but he doesn't know of any other way to resolve the problem. In addition, he stated that implementing a load restriction will also save the county road south of Meadow Grove.

No action was taken by the County Board.

Planning and Zoning Administrator John Johnson met with the Board to discuss proposals for replacement of an air conditioner and/or furnace and carpet in the Planning and Zoning Office. He reviewed proposals received from Custom Heating and Air Conditioning and Heating Connection for a new air conditioner. He explained that a new furnace was installed by Custom Heating and Air Conditioning about 8 or 9 years ago, so the furnace does not need to be replaced since it has an estimated life of 20 years.

After discussion, it was moved by Klein and seconded by Uhlir to accept the proposal submitted by Custom Heating & Air Conditioning, in the amount of \$3,030, for installation of an air conditioner in the Planning and Zoning Office. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Planning and Zoning Administrator John Johnson presented proposals prepared by Complete Floors and Nore's Design Center for floor coverings for the front hallway, two front offices, and the hallway to the back of the building. He explained that both proposals are for commercial carpet and include tearing up and removing existing carpet and installing new carpet.

After discussion, it was moved by Klein and seconded by Uhlir to accept the proposal of Nore's Design Center, in the amount of \$2,915, for the installation of new carpet in the Planning and Zoning Office. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Budget committee members Nancy Scheer and Richard Johnson advised that these improvements would qualify as lid exceptions; therefore the expenses should be budgeted in the Capital Acquisition function in General Fund.

County Highway Superintendent Richard Johnson submitted Change Order No. 1 from Crafts, Inc. for changes to the contract for the Public Defender's Office building. He explained that the change order includes the following items:

- 1) Add extra layer of sheet rock in the plan room as directed by the Nebraska State Fire Marshall Code Review for a contract increase in the amount of \$545.00
- 2) Furnish and install portable fire extinguisher for a contract increase in the amount of \$80.00
- 3) Remove shingles, furnish and install tar paper for a contract increase in the amount of \$1,000
- 4) Furnish temporary reconnect for Frontier Communication abandoned existing phone line for a contract increase in the amount of \$948

After review, it was moved by Klein and seconded by Uhlir to approve Change Order No. 1 for the Public Defender's Office building, in the amount of \$2,573. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Highway Superintendent Richard Johnson presented an update report on flood damage. He explained that he met with FEMA officials two weeks ago and showed them two projects totaling \$163,000 worth of damage, which met the requirements to qualify for FEMA assistance. He reported that the county's threshold to qualify for FEMA funds is \$114,000 and the next step is to wait for President Barack Obama to make an official declaration. He explained that once an official disaster declaration is approved, FEMA and the Federal Highway Administration could assist with repair costs. County Highway Superintendent Richard Johnson stated that the county could complete emergency repairs any time to get roads open and serviceable as soon as possible, but documentation must be kept on all the work that is completed to apply for reimbursement. He reported that the Federal Highway Administration must approve permanent repairs to be eligible for funding and it may take several years to complete projects. He explained that the Federal Highway Administration pays 80% of costs for repairs and the county pays the balance. He stated that any projects not paid with Federal Highway Administration funds could be eligible for FEMA funds.

County Highway Superintendent Richard Johnson reported that if the repairs to the bridge north of Meadow Grove qualify for FEMA funds, the County could go ahead and backfill the damaged areas and open the bridge; however, he recommended that the work be delayed until FEMA representatives inspect the bridge. He explained that he is concerned if the bridge abutment is adequate, if the bridge needs an additional span, or if the channel upstream needs to be restored. He stated that if additional spans are added, the next flood would go further north. In addition, he reported that FEMA would pay 75% of the repair costs, NEMA will pay 12.5%, and the county will pay the balance.

Chairman McCallum expressed concerns about the delays by FEMA and if funds would be available for all the devastation. Commissioner Uhlir questioned if North 1st Street could be considered for FEMA funds since it has gained more truck traffic due to the damage to the railroad bridge and County Highway Superintendent Richard Johnson responded that he is trying to include these repairs to the FEMA project list. Commissioner Klein stated that the Federal Highway Administration representative requested the county to track all the labor and materials costs as repairs are made. County Highway Superintendent Richard Johnson stated that the Victory Road project is being accelerated to take the pressure off 1st Street. He stated that he is hopeful that FEMA funds would be available for 1st Street repairs and acceleration of the Victory Road project. He reported that FEMA is getting more particular on what items qualify for disaster funds. In addition, he reported that there is a line item on the lid form that allows lid exceptions for funds spent on natural disaster repairs.

The Board took no action.

The Board reviewed the following reports and correspondence:

- Fund balance report
- County Sheriff April and May fee reports
- Sale of surplus property report

The following claims were audited:

		GENERAL FUND	
Total Net Payroll			114,859.34
Mark Albin	Legal Services, County Court		2,435.50
American Family Life Assurance Company	Insurance Premiums		652.74
Ameritas Life Insurance Corporation	Employee Share Retirement		7,268.83
Ameritas Life Insurance Corporation	Employer Share Retirement		10,685.69
Ameritas Life Insurance Corporation	Insurance Premiums		380.56
AS Central Services	Telephone Services, County Sheriff		262.29
AS Central Services	Telephone Services, County Jail		441.71
AS Central Services	Telephone Services, Veterans' Service Office		56.74

Axiom Wireless	Equipment, County Sheriff	39.98
Jennifer Birmingham	Legal Services, County Court	271.50
Black Hills Energy	Gas Service, Planning and Zoning	21.24
Black Hills Energy	Gas Service, Veterans' Service Office	20.73
Bob Barker Company Inc.	Supplies, County Jail	48.06
Bomgaars Supply Inc.	Supplies, Courthouse	102.55
Bessie Bove	Prior Service Benefits	12.00
Brady & Amy's Inc.	Fuel, Courthouse	82.92
Brogan & Gray, P.C., L.L.O.	Legal Services, District Court	2,984.00
Bryan LGH Heart Institute	Emergency Protective Custody Costs	43.48
Bryan LGH Medical Center	Emergency Protective Custody Costs	5,612.00
Cableone	Internet Services, Planning and Zoning	59.00
Carney Law, P.C.	Legal Services, County Court	852.50
Central United Life Insurance Company	Insurance Premiums	37.20
Champs Inc.	Maintenance Agreement, County Jail	2,166.00
City of Madison	Utilities, Courthouse	43.88
City of Madison	Utilities, County Jail	248.63
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Connecting Point	Software, County Attorney	398.00
Connecting Point	Contract Services, Internet Services, Courthouse	1,322.85
Constellation Energy	Gas Service, Planning and Zoning	3.58
Constellation Energy	Gas Service, Veterans' Service Office	1.79
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, District Court	1,132.53
Copple, Rockey, McKeever & Schlecht, P.C., L.L.O.	Legal Services, County Court	5,208.96
Credit Bureau Services	Garnish of Wages	131.41
Credit Management Services, Inc.	Garnish of Wages	124.95
Custom Heating-Air Conditioning	Repairs, County Jail	212.95
Enviromaster Inc.	Supplies, County Jail	42.00
Eye Physicians, P.C.	Optometry Services, County Jail	134.00
Field's Hardware	Supplies, County Sheriff	34.97
Field's Hardware	Supplies, County Jail	829.59
First Concord Benefits Group	Deductible Buy-Down, Administrative Fees	3,562.78
Fitzgerald, Vetter & Temple	Legal Services, County Court	1,647.70
Lisa Flesner	Supplies, County Jail	2.56
Floor Maintenance & Paper Supply Company	Supplies, County Jail	181.56
Frontier	Telephone Services, Courthouse	1,308.97
Gall's Inc.	Uniforms, County Jail	116.43
Gillette Printing	Supplies, County Sheriff	26.00

Gordy's Towing & Repair	Repairs, County Sheriff	29.20
Hartford Life Insurance Company	Deferred Compensation	50.00
Vern Hjorth	Fuel, County Sheriff	63.07
Jeffrey Hrouda	Legal Services, District Court	2,722.25
IHC/Group Link	Insurance Premiums	495.54
Nancy Jochum-Schramm	Transcripts, District Court	865.55
Knox County Sheriff	Service Fees, Law Enforcement	57.24
Michael Long	Mileage, County Attorney	111.00
Louderback Drug	Supplies, County Sheriff	5.88
Louderback Drug	Prescriptions, County Jail	2,101.93
Madison County Clerk	Tax Deposit	39,541.87
Madison County Sheriff	Fees, County Court	884.04
Madison County Sheriff	Service Fees, Mental Health	242.17
Madison County Sheriff	Court Costs, District Court	1,759.55
Madison County Sheriff	Registration, County Jail	200.46
Madison County Treasurer	Insurance Reimbursement	94.12
Madison National Life	Insurance Premiums	129.24
Christal McDonald	Court Reporting, Law Enforcement	99.30
Christal McDonald	Court Reporting, Mental Health	100.00
Microfilm Imaging Systems, Inc.	Equipment Lease, Register of Deeds	7,690.00
Microfilm Imaging Systems, Inc.	Equipment Lease, County Surveyor	330.00
MIPS Inc.	Computer Support, County Clerk	535.81
MPH Industries, Inc.	Repairs, County Sheriff	262.49
Nationwide Retirement Solutions	Deferred Compensation	370.00
Nebraska Association of County Officials	Insurance Premiums	395.74
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Public Power District	Utilities, Veterans' Service Office	34.52
NMG, LLC	Medical Services, County Jail	529.00
Norfolk Daily News	Publication Costs, Election Commissioner	149.06
Norfolk Daily News	Publication Costs, Courthouse	170.75
Northeast Nebraska Area Agency on Aging	Administrative Costs	12,824.00
Northeast Nebraska Juvenile Services, Inc.	Board of Juveniles, Juvenile Detention	2,793.75
Northeast Nebraska Economic Development	Dues	875.00
Valorie Olson	Court Reporting, Mental Health	100.00
Valorie Olson	Transcripts, District Court	637.50
Phillips 66	Fuel, County Sheriff	41.18
Qwest	Telephone Services, District Judge	151.00
RAD Inc.	Supplies, County Sheriff	216.00

Region IV, Inc.	Quarterly Funding	9,147.75
Region 4 Behavioral Health System	Quarterly Funding	13,809.75
Reynoldson's Inc.	Car Wash, County Sheriff	7.00
RS Electric	Repairs, Courthouse	404.87
Judy Schroeder	Prior Service Benefits	11.00
Shell Fleet Plus	Fuel, Planning and Zoning	241.27
Shopko	Supplies, Planning and Zoning	42.01
Shoppers Express	Fuel, County Relief	10.00
Signal 88 Security	Guard Services, County Jail	2,485.00
T.O. Haas Tire	Repairs, Planning and Zoning	771.42
Target Bank Business Card Services	Supplies, County Sheriff	38.97
US Cellular	Telephone Services, Law Enforcement	176.80
David Uher	Legal Services, County Court	2,281.50
Verizon Wireless	Telephone Services, County Sheriff	1,068.69
Western Office Plus	Supplies, Planning and Zoning	6.19
Western Office Plus	Supplies, County Sheriff	379.63
Western Office Plus	Supplies, County Jail	145.98

ROAD/BRIDGE FUND

Total Net Payroll		28,245.51
Ag Specialties Welding & Repair	Parts, District #2	74.62
American Family Life Assurance Company	Insurance Premiums	297.23
Ameritas Life Insurance Corporation	Employees Share Retirement	1,667.30
Ameritas Life Insurance Corporation	Employers Share Retirement	2,500.68
Ameritas Life Insurance Corporation	Insurance Premiums	92.20
AS Central Services	Telephone Services, District #2	23.88
Asphalt and Concrete Materials Company	Asphaltic Materials, District #1	2,471.70
B's Enterprises Inc.	Bridge Materials, Signs, District #1, #2, #3	6,413.15
Battle Creek Farmers Coop	Fuel, District #2, #3	15,655.86
Battle Creek Municipal Light and Power	Utilities, District #3	137.00
Big Red Printing	Supplies, District #1	2.80
Black Hills Energy	Gas Service, District #1, #2, #3	130.94
Bomgaars Supply Inc.	Shop Supplies, Equipment, District #1, #2, #3	724.76
Brady & Amy's Inc.	Fuel, District #1	1,105.50
Carhart Lumber Company	Repairs, District #3	860.06
Central Sand & Gravel	Gravel, District #1	823.40
City of Madison	Utilities, District #1	372.48

City of Newman Grove	Utilities, District #1	50.00
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Energy	Gas Service, District #1, #2, #3	89.51
Cornhusker Auto Center	Repairs, District #1	1,031.00
Cornhusker International Trucks	Parts, District #2	177.64
DW Kohlhoff Truck Repair	Repairs, District #1	66.45
Diversified Inspections/Independent Testing Labs, Inc.	Repairs, District #3	814.88
Eastern Nebraska Telephone	Telephone Services, District #3	88.41
Field's Hardware	Shop Supplies, District #1	56.88
Filter Care of Nebraska	Services, District #1, #2	115.60
First Concord Benefits Group	Administrative Fees, Deductible Buy-Down	544.36
Frontier	Telephone Services, District #1	157.22
Graham Tire Company	Repairs, District #2, #3	380.40
Hartington Concrete Inc.	Concrete, District #2	123.50
IHC/Group Link	Insurance Premiums	15.21
John Deere Credit	Equipment Lease, District #2	1,500.93
K & C Grain Inc.	Gravel, District #2	1,584.52
Kelly Supply Company	Shop Supplies, District #1, #2	139.12
Kimball Midwest	Tools, District #3	77.15
Linweld Inc.	Supplies, District #1, #2, #3	302.20
Loup Power District	Utilities, District #1	65.02
Luedeke Oil Company Inc.	Repairs, District #1	138.00
Madison County Clerk	Tax Deposit	9,150.57
Madison National Life	Insurance Premiums	37.72
Matteo Sand & Gravel Company Inc.	Gravel, District #1, #2, #3	15,518.22
Mid-Iowa Solid Waste Equipment Company	Repairs, District #2	1,676.01
Nebraska Child Support Payment Center	Garnish of Wages	245.70
Nebraska Public Power District	Utilities, District #3	113.93
NMC Exchange LLC	Repairs, District #1, #2, #3	2,012.87
Norfolk Auto Supply Inc.	Parts, District #3	113.14
Norfolk Iron & Metal Company	Bridge Materials, District #2	1,398.44
Red Bud Hardware Inc.	Shop Supplies, District #3	96.32
Scheer's Ace Hardware	Parts, District #1	7.18
Smutny Repair	Repairs, District #1	165.50
Swarco Reflex Inc.	Signs, District #2	3,620.50
Telebeep Wireless	Internet Services, Supplies, District #2, #3	181.96
Transamerica Life Insurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Repairs, District #3	1,347.51

U.S. Cellular	Telephone Services, District #1, #2, #3	253.93
United Rentals Inc.	Signs, District #3	34.36
Weldon Industries Inc.	Parts, District #1, #3	321.04
White Star Oil Company	Fuel, District #1	345.52

911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Service	127.86
Qwest	Telephone Service	1,096.24

LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff	Supplies	300.16
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Motion was made by Klein and seconded by Uhlir to approve the claims as audited and authorize the County Clerk to issue checks for payment of said claims. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board adjourned at 11:10 A.M. to Tuesday, July 20, 2010 at 9:30 A.M.

County Clerk

Chairman

BOARD OF EQUALIZATION MEETING

Madison, Nebraska

July 7, 2010

The Board of Equalization of Madison County, Nebraska met at 1:00 P.M. to conduct hearings on property valuation protests.

Advance notice of meeting was published in the Thursday, July 1, 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. Chairman Lee Klein 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, Rick Uhlir, and Lee Klein, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer. County Treasurer Donna Primrose was present from 1:00 P.M. to 1:05 P.M.

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

Motion was made by Uhlir and seconded by McCallum to approve the minutes of the meeting held on June 22, 2010. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Chairman Klein opened a public hearing at 1:00 P.M. to receive testimony regarding the following motor vehicle exemption applications:

Behavioral Health Specialists, Inc., 900 W. Norfolk Avenue, Norfolk 2008 Dodge Sedan, 2007 Dodge Sedan (2),
2009 Dodge Sedan, 2000 Ford Sedan, 2001 Ford Sedan, 2004 Ford Sedan, 2005 Ford Sedan (5), 2006 Ford Van, 2005
Chrysler Van, 2006 Chrysler Van, 2007 Chrysler Van (2), 2005 Chevrolet Sedan, 2006 Chevrolet Sedan, 2009 Chevrolet
Sedan

Bright Horizons, P.O. Box 1904, Norfolk	2001 Ford Windstar Van
Faith Regional Health Services, P.O. Box 869, Norfolk	2010 Dodge Grand Caravan
Improved Living, Inc., P.O. Box 116, Norfolk	1998 Ford Maxi Wagon, 1991 Dodge Ram
Mid-Nebraska Lutheran Home, 109 North 2nd Street, Newman Grove	2006 Ford Bus, 2007 Dodge Grand Caravan
Missionary Benedictine Sisters, 300 North 18th Street, Norfolk	2008 Chevrolet Malibu

Mosaic, 105 East Norfolk Avenue, Suite 200, Norfolk
Northeast Baptist Association, 714 South 8th Street, Norfolk
Home

2010 Chevrolet Express Van
2001 Buick Sedan, 1996 Bounder Motor

Wesley Center, Inc. 500 West Phillip Avenue, Norfolk

1999 Dodge Sport Van

Women's Empowering Life Line, Inc., 916 South 4th Street, Norfolk

2010 Ford Econoline Van

County Treasurer Donna Primrose reported that all organizations were previously approved by the Board. No one appeared during the hearing to offer verbal testimony. Chairman Klein closed the hearing at 1:02 P.M.

After discussion, motion was made by McCallum and seconded by Uhlir to approve the motor vehicle exemption applications as submitted. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried

County Assessor Jeff Hackerott presented the following tax list correction:

#2621: Max and Ann Kant, 1906 North 26th Street, Norfolk

Addition to the tax rolls in the amount of \$2,226.68 for correction to the 2009 personal property taxes after submission of the 2009 depreciation worksheet showing additions not previously filed

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

Hearings were conducted on property valuation protests as follows:

Protest #2010-13: Sandra Hanke, 54827 832 Road, Madison

ILL- E½ SW¼ 9-22-2 80 AC-MH (1982 Bonnavilla 16X66)

Chairman Klein opened a hearing at 1:05 P.M. Sandra Hanke was present and testified that the mobile home has deteriorated and is startling to lean. She reported that windows are popping out and there is no hot water in the trailer because the air pressure tank is bad. She also reported that there is mold in the house due to water damage and that the floors are deteriorating. County Assessor Jeff Hackerott reported that he inspected the trailer and confirmed the information presented by the owner. Chairman Klein closed the hearing at 1:07 P.M. Motion was made by Uhlir and seconded by Klein to set the 2010 property valuation at \$5,000. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-14: Jeffrey and Bonnie Smith, 5403 West Sherwood Road, Norfolk

Cranes Acres West Lot 2 (12-23-2)

Chairman Klein opened a hearing at 1:22 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that the assessment record accurately reflects the information included in the appraisal submitted by the owner. Chairman Klein closed the hearing at 1:24 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, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-15: Walmart, PO Box 8050/MS0555, Bentonville, AR 72712-8050
Walmart's Second Addition Lot 1 26.81 AC

Chairman Klein opened at hearing at 1:26 P.M. David Hebert, property tax manager for Walmart, was present. He submitted a document reflecting the location, square footage, rent paid per square foot, year of construction, land square footage, land market value, and price per square foot of other Walmart stores located in Nebraska. He also submitted and reviewed a summary report listing the pro forma income valuation, occupancy, and components of the Walmart store located in Norfolk. In addition, he submitted a listing of Walmart stores sold in Nebraska that reflected the total sale price and price per square foot. He explained that the Norfolk Walmart store is similar to a warehouse with regard to heating and cooling, but the store is not as good as a supermarket. He reported that the new Walmart stores have much more engineering involved to make them more efficient. County Assessor Jeff Hackerott questioned how much remodeling was planned in the Walmart store and Mr. Hebert responded that the vinyl floors are being replaced and a new painting scheme will be used. Chairman Klein 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, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-16: Brad Matheidas, 640 West Southlake Boulevard, Southlake, TX 76092
Pt NW¹/₄ NW¹/₂ 23-24-1 5.65 AC

Chairman Klein opened at hearing at 1:43 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 reviewed comparable sales; however, there are not many properties that could be used for comparison due to the age of the structures. He reported that the square foot sale prices range between \$91 and \$133 per square foot. He stated that the subject property has high occupancy rates because the establishment will not accept the Medicaid rate of payment for any residents living at the facility. Chairman Klein closed the hearing at 1:48 P.M. Motion was made by Uhlir and seconded by McCallum to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

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

Chairman Klein opened a hearing at 1:50 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 reviewed comparable sales; however, there was only one sale of a comparable two-story house, with all other comparable being ranch style homes. Chairman Klein closed the hearing at 1:52 P.M. Motion was made by McCallum and seconded by Uhlir to table a decision on the protest. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-18: Sanne Farms LLC, 84751 534th Ave., Tilden
S½ NW¼ and PT E½ SW¼ 5-24-4 149.99 AC

Chairman Klein opened a hearing at 1:55 P.M. No one appeared at the hearing to offer verbal testimony. The written protest form was reviewed. County Assessor Jeff Hackerott confirmed that the buildings, bins, and cement have been removed. Chairman Klein closed the hearing at 1:57 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$162,143. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-19: Jeff White, 214 North 7th Street #2, Norfolk
Lot 14, Timber Meadows Subdivision (6-23-1)

Chairman Klein opened a hearing at 2:10 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 inspected the property. He explained that the property is a 6.89 acre parcel that is valued as a lot for 2010. He reported that the property was previously valued as dry cropland, water, and trees. Chairman Klein closed the hearing at 2:13 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$9,413. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-20: Jeff Beutler, 5408 West South Airport Road, Norfolk
Pt SE¼ 12-23-2 (2AC)

Chairman Klein opened a hearing at 2:20 P.M. No one appeared at the hearing to offer verbal testimony. The appraisal submitted by the protestor was reviewed. County Assessor Jeff Hackerott stated that the appraisal report submitted by the owner was incomplete. He reported that an addition was built onto the house in 2003 and the building permit was issued in the amount of \$100,000. Chairman Klein closed the hearing at 2:24 P.M. Motion was made by Uhlir and seconded by McCallum to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-21: Oscar's Collection of Fremont/Republic Services, PO Box 29246, Phoenix, AZ 85038
SE¼ 13-23-1 160 AC

Chairman Klein opened a hearing at 2:30 P.M. No one appeared at the hearing to offer verbal testimony. The documentation submitted with the protest form was reviewed. County Assessor Jeff Hackerott reported that he inspected the subject property and it is fenced with a locked gate. He reported that the parcel is all grassland and trees and was formerly used for a landfill. Chairman Klein closed the hearing at 2:32 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, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-22: Oscar's Collection of Fremont/ Republic Services, PO Box 29246, Phoenix, AZ 85038
E 158 Rods NE $\frac{1}{4}$ 13-23-1 158 AC

Chairman Klein opened a hearing at 2:32 P.M. No one appeared at the hearing to offer verbal testimony. The documentation submitted with the protest form was reviewed. County Assessor Jeff Hackerott reported that the property is all grassland and is grown up in trees and shelterbelt. He stated that the property was formerly used for a landfill. Chairman Klein closed the hearing at 2:33 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, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-23: Boulevard Village, Inc., PO Box 1166, Norfolk
Tax Lots SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15-24-1 Tax Lot 1 and Queen City Place Addition Lots 11, 12, and 13, Block 105

Chairman Klein opened a hearing at 2:32 P.M. Keith Johnson and Fred Fletcher, management agents with Ringer Partners, were present. Keith Johnson explained that the subject project is 38 years old and has been managed by Ringer Partners. He reported that Boulevard Village is a Section 8 HUD project. He stated that Roman Appraisal Service completed a market rent study in March 2009 to determine current market rents. He reported that conventional apartment units have vacancy rates of 8% and this complex has a 12% vacancy rate. Keith Johnson reported that there are 13 buildings in this apartment complex and the maintenance costs are very high due to the age of the buildings. He explained that one major difference between the HUD project and conventional properties is that the utilities are all paid at the HUD project. Fred Fletcher reported that a rent comparable study is required every five years since it is a HUD project. Chairman Klein closed the hearing at 2:47 P.M. Motion was made by Uhlir and seconded by McCallum to set the 2010 property valuation at \$1,410,430. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-24 Independent Housing, Inc, PO Box 1166, Norfolk
Hillside Terrace Second Addition S 136.4 ft of Lot 1, E 52.5 ft Lot 9, 10, and 11 Block 21, Pt Block 22
and Pt Vac Street

Chairman Klein opened a hearing at 2:47 P.M. Keith Johnson and Fred Fletcher, management agents with Ringer Partners, were present. Keith Johnson submitted and reviewed a document itemizing other Section 8 subsidized housing located in Norfolk. He also submitted and reviewed an income approach analysis. Chairman Klein closed the hearing at 2:54 P.M. Motion was made by McCallum and seconded by Klein to set the 2010 property valuation at \$2,966,836. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-25 Central Nebraska Pizza Hut, PO Box 1866, Grand Island
910 Benjamin Avenue

Chairman Klein opened a hearing at 3:00 P.M. No one appeared at the hearing to offer verbal testimony. The document submitted by the protestor, listing comparable properties, building size, year built, assessed valuation, and assessment per square foot, was reviewed. County Assessor Jeff Hackerott reported that the subject building was constructed in 1998. Chairman Klein closed the hearing at 3:04 P.M. Motion was made by Uhlir and seconded by McCallum to make no change to the 2010 property valuation. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-26 Neil Dominy, 1100 Eldorado Road, Norfolk
Eldorado Hills First Subdivision Lot 3, Block 5

Chairman Klein opened a hearing at 3:18 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that he reviewed the appraisal report submitted by the protestor. Chairman Klein closed the hearing at 3:21 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$240,230. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-27 Wolter Klein, 83561 543rd Avenue, Meadow Grove
Pt E½ NE¼ 28-23-3 9.5 AC (Wolter's Lot Split 515 Ft X 803.2 Ft)

Chairman Klein opened a hearing at 3:03 P.M. Wolter Klein appeared at the hearing and testified that he purchased this property in November 2008 for \$20,000. He reported that the valuation is 4.38 times higher than the purchase price. He stated that the feedlots were sowed to pasture in the spring of 2010. He stated that the slant sided building and grain bins are rented, but the harvestores are not being used. He explained that he originally owned this parcel and sold it to Roger Herrick and then in 2008 Donna Herrick approached him about buying back the property since she wasn't using it. He submitted a copy of a Trustee's Deed for the property. County Assessor Jeff Hackerott reported that he inspected the property. Chairman Klein closed the hearing at 3:10 P.M. Motion was made by McCallum and seconded by Uhlir to set the 2010 property valuation at \$75,441. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-28 James Real, 84516 541st Avenue, Meadow Grove
SW¼ 5-24-3 160 AC-MH (1994 Bonnavilla 30X70)

Chairman Klein opened a hearing at 3:30 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott reported that he inspected the property and confirmed that the open front shed has been removed. Chairman Klein closed the hearing at 3:31 P.M. Motion was made by Uhlir and seconded by McCallum to set the 2010 property valuation at \$409,226. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-29 Roger Kudera, 5404 West South Airport Road, Norfolk
Pt SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12-23-2 13.32 AC

Chairman Klein opened a hearing at 3:31 P.M. Roger Kudera appeared at the hearing and testified that he is protesting the improvement valuation. He reported that the house burned and the breezeway is gone and that the only building on the parcel is a garage. He submitted pictures of the garage. He stated that this parcel is adjacent to property where his family resides. Chairman Klein closed the hearing at 3:35 P.M. Motion was made by Uhlir and seconded by McCallum to set the 2010 property valuation at \$47,546. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-30 Gioconda Checa, 211 North 11th Street, Norfolk
Haases Suburban Lots S 59 ft 2 in N 126 ft N $\frac{1}{2}$ Lot 1, Block 4

Chairman Klein opened a hearing at 3:54 P.M. No one appeared at the hearing to offer verbal testimony. County Assessor Jeff Hackerott confirmed that the City of Norfolk condemned this property. He reported that the demolition permit is dated April 1, 2010 and that the time frame to appeal the condemnation is past. In addition, he reported that there is a question regarding the ownership of the property and the matter is being resolved in court. Chairman Klein closed the hearing at 3:57 P.M. Motion was made by Uhlir and seconded by McCallum to set the 2010 property valuation at \$10,000. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-31 Ronald Buss, 1406 E Maple Avenue, Norfolk
Walter's East Knolls Third Addition Lot 10, Block 3

Chairman Klein opened a hearing at 4:00 P.M. No one appeared at the hearing to offer verbal testimony. The information submitted by the protestor on comparable properties was reviewed. County Assessor Jeff Hackerott reported that the subject property was inspected by the Assessor's office on October 28, 2009. Chairman Klein closed the hearing at 4:02 P.M. Motion was made by Uhlir and seconded by McCallum to set the 2010 property valuation at \$156,000. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Protest #2010-32 Alvin Petersen, 84540 534 Avenue, Tilden
Pt E $\frac{1}{2}$ SE $\frac{1}{4}$ 6-24-4 55.42 AC

Chairman Klein opened a hearing at 4:03 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 recalculated the property valuation for 2010 based upon the aerial imagery and changed the grassland acres from 12.23 acres to 15.94 acres. Chairman Klein closed the hearing at 4:05 P.M. Motion was made by Uhlir and seconded by McCallum to set the 2010 property valuation at \$102,701. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

