

## BOARD OF EQUALIZATION

Madison, Nebraska

December 8, 2009

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

Advance notice of meeting was published in the Tuesday, December 3, 2009 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 Lee Klein 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, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer.

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

Motion made by Uhlir and seconded by McCallum to approve the minutes of the November 23, 2009 meeting. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

#2538: Simon Networks, 202 Norfolk Avenue, Norfolk

Addition to the tax rolls in the amount of \$284.80 for correction to the 2009 personal property taxes after review of the personal property return

After discussion, 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.

The Board of Equalization adjourned at 9:03 A.M.

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County Clerk

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Chairman

## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

December 8, 2009

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 Tuesday, December 3, 2009 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 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. Planning and Zoning Administrator John Johnson joined the meeting at 9:45A.M. and County Highway Superintendent Richard Johnson joined the meeting at 10:12 A.M.

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

1) Approval of minutes of the November 23, 2009 and November 30, 2009 meetings

2) Approval of the following 2010 Holiday Schedule:

January 18, 2010	Martin Luther King, Jr. Birthday
February 15, 2010	President's Day
April 30, 2010	Arbor Day
May 31, 2010	Memorial Day
July 5, 2010	Independence Day
September 6, 2010	Labor Day
October 11, 2010	Columbus Day
November 11, 2010	Veteran's Day
November 25, 2010	Thanksgiving Day
November 26, 2010	Day After Thanksgiving
December 24, 2010	Christmas
December 31, 2010	New Year's

3) Approval of the following 2010 County Board meeting schedule:

January 5, 2010	January 20, 2010	February 2, 2010	February 17, 2010
March 2, 2010	March 16, 2010	March 30, 2010	April 13, 2010
April 27, 2010	May 11, 2010	May 25, 2010	June 8, 2010
June 22, 2010	July 7, 2010	July 20, 2010	August 3, 2010
August 17, 2010	August 31, 2010	September 14, 2010	September 28, 2010
October 13, 2010	October 26, 2010	November 9, 2010	November 22, 2010
December 7, 2010	December 21, 2010		

4) Selection of Jill Brodersen to provide architectural services for an addition to the Public Defender's office building

5) RESOLUTION #2009-70

WHEREAS, the 2009-2010 fiscal year budget, adopted by the Board of Commissioners of Madison County, Nebraska, commits up to \$2,471,734 from the General Fund to pay for expenditures exceeding monies available in the Road/Bridge Fund; and up to \$145,236 from the General Fund to pay for expenditures exceeding monies available in the Noxious Weed Fund; and

WHEREAS, monies in the Road/Bridge Fund and Noxious Weed Fund are now insufficient to meet the current expenditures approved by the Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED, that one million dollars (\$1,000,000.00) be transferred from the General Fund to the Road/Bridge Fund and that seventy thousand dollars (\$70,000.00) be transferred from the General Fund to the Noxious Weed Fund to meet current expenditures.

6) Approval of Timothy and Kathryn Bessmer's Lot Split located in the SE $\frac{1}{4}$  Section 28-24-2

7) Authorization to advertise for bids for a truck for Road District #3

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

Pursuant to published legal notice in the Saturday, November 28, 2009 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 9:59 A.M. to receive comments regarding the conditional use permit application of MK Feedlots to continue a Livestock Feeding Operation located in part of the SW¼ and the SE¼ of Section 35-23-3.

Planning and Zoning Administrator John Johnson read the Finding of Facts as outlined in the proposed resolution and also the proposed conditions of the permit that were approved by the Planning Commission. He recommended approval of the conditional use permit. He explained that the reason the county did not require Mr. Kant to change the permits in July 2008 is because Roger Miller continued as the feedlot operator and manager. Mr. Johnson explained that when notification was received from the Department of Environmental Quality that the business name was changing, they started the process to change the conditional use permit. In addition, he reported that his home is approximately one mile from the feedlot and he can rarely smell it.

Max Kant testified that he and his wife purchased the property in July 2008 from Roger Miller and transferred the state and federal permits to their names. He requested that the conditional use permit be transferred to their names. He reported that they would continue to operate under the same format as when the feedlot was owned by Roger Miller. He explained that saplings were planted in Spring 2009 and approximately half of the seedlings did not survive, so they will be replanted.

No other comments were received during the hearing. Chairman McCallum closed the hearing at 10:06 A.M.

After discussion, the following resolution was introduced:

#### RESOLUTION #2009-71

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, the Madison County Joint Planning Commission and the Madison County Board of Commissioners, having given proper notice and holding public hearings as provided by law and under the authority of and subject to the provision the Madison County Zoning and Subdivision Resolution and Legislative Bill 186 (1978).

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

1. The application is consistent with the Madison County Comprehensive Plan.
2. The application is consistent with the Madison County Zoning and Subdivision Regulations.
3. Max Kant purchased Circle M Farms from Roger Miller.
4. This feedlot is now part of MK Feedlots.
5. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 427 points, and 350 points is needed to pass.
6. The feedlot setback for a 5,000 head operation is 1,980 ft. from the nearest non-farm single family dwelling. Daniel Schulz's farm is located approximately 1,200 feet to the southwest and JD Volk's farm is located approximately 1,550 feet to the northeast of the existing holding basin.
7. Section 4.02 AG1 Intensive Agricultural District, Permitted Conditional Uses, Part 26, Paragraph "i." states:

Setback Exceptions:

1. Any Class Livestock Feeding Operation use in existence as of the effective date of this Resolution, and which is located within the minimum spacing distance to any church, school, public use, other LFO or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a Conditional Use Permit, provided the proposed expansion complies with all of the following limitations:

- ♦ Such expansion will not decrease the distance from the LFO use to any church, school, public use, other LFO or single-family dwelling not of the same ownership and not on the same premises with said LFO which is less than the minimum prescribed spacing distance.

8. The above setback exception applies in this case and MK Feedlots is in compliance.

9. There was no testimony other than the applicant supporting or opposing the application.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Max Kant d.b.a. MK Feedlots to operate a Confined Animal Feeding Operation under Section 4.02, Permitted Conditional Uses, Part 26, "AG1" Intensive Agriculture District, Madison County Zoning and Subdivision Resolution, on the following described land:

The West ½ of the Southeast ¼ and East ½ of the Southwest ¼ of Section 35, Township 23 North, Range 3  
West of the 6<sup>th</sup> P.M. Madison County, Nebraska

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

1. This is a Large Animal Feeding Operation Conditional Use Permit for an operation of up to 5,000 head equivalent of feeder cattle and up to 300 additional head equivalent of other livestock such as horses, chickens, etc.
2. This conditional use permit shall be for an unlimited amount of time subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix, implementing the additional conditions of this permit, and will become effective with the adoption of this resolution. This permit is subject to all of the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska, and shall be operated to meet both groups.
3. MK Feedlots shall establish a windbreak of fast, tall growing evergreen trees on the north property line of the livestock pens.
4. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of the State of Nebraska and the United States Government and shall be operated to comply with all of these entities.
5. Any new owner/operator of this operation must give notice to the Madison County Zoning Administrator 30 days prior to the closing date of the sale.

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

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

Pursuant to published legal notice in the Saturday, November 28, 2009 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 9:47 A.M. to receive comments regarding the conditional use permit application of Herbst Construction to operate a construction yard located in part of the NE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> and part of the SE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 20-24-4.

Planning and Zoning Administrator John Johnson reported that the application was approved by the Planning Commission. He read the conditions approved by the Planning Commission. He explained that one of the conditions of the permit is the requirement for a fence around the property used for storage of equipment and supplies and a barbwire fence is currently in place. He explained that another condition of the permit is a requirement for a vegetative barrier of trees that are a least four feet tall planted on the north property line against the Cowboy Trail. He reported that these requirements are for the benefit of the owner and they would make the property more attractive. Mr. Johnson explained that no one opposed the conditional use permit, but several concerns were expressed about the property becoming an eye sore since it is situated on the edge of the City of Tilden.

Glenn Cleveland, Superintendent for Herbst Construction, reported that they don't have a problem with the requirement for planting trees; however, they would like to plant fast growing trees instead of purchasing and planting trees that are already four foot tall. Planning and Zoning Administrator John Johnson responded that the County Board of Commissioners can amend this stipulation of the permit and he recommended that cedar trees be planted. Glenn Cleveland questioned the distance between the trees and Commissioner Klein responded that the NRCS Office would assist with tree layout and planting design. Glenn Cleveland reported that the main office for the company is located in LeMars, Iowa and that, within three years, the company plans to build a shop at this location. He explained that the site would be used for equipment storage.

No other comments were received during the hearing. Chairman McCallum closed the hearing at 9:57 A.M.

After discussion, the following resolution was introduced:

#### RESOLUTION #2009-72

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 and Subdivision Regulations.
3. The proposed construction yard fronts the Cowboy Trail and Highway 275.
4. There is currently fence around the parcel.
5. The applicant's company is based in Iowa, but needs a yard location in Nebraska.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a conditional use permit to Herbst Construction, Inc. for a Construction Yard as directed Section 404, "AT" Agriculture Transition District, Conditional Use Permits of the 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

Part of the Northeast ¼ of the Southeast ¼ and part of the Southeast ¼ of the Northeast ¼ of Section 20,  
Township 24 North, Range 4 West of the 6th P.M., Madison County, Nebraska

NOW THEREFORE, BE IT FURTHER 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. The area of the property used for storage of equipment, supplies etc., must be surrounded by a fence.
2. The part of the yard facing U.S. Highway 275 must be screened by an opaque fence or by fast growing trees.
3. All chemicals including fuels and explosives must be stored according to state and federal regulations.
4. No fuels may be stored using a below ground storage tank.
5. Buildings for storage, vehicle maintenance and offices may be built outside of any fenced storage area provided nothing is stored outside the buildings.
6. Any vehicle service or repair facilities may not be open to the public.
7. A sign not exceeding 6 square feet may be posted by the entrance to the facility.
8. This Conditional Use Permit is for a period of five years. If there are no complaints or problems with the facility at the closure of this permit, the permit shall be renewed by the Zoning Administrator for an additional 15 years.

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

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

County Sheriff Vern Hjorth, Deputy Sheriff Jon Downey, and Sheriff Office Manager Virginia Mason, Planning and Zoning Administrator John Johnson, and County Highway Superintendent Richard Johnson were present for discussion regarding a proposed staff programmer position. County Attorney Joseph Smith was present during a portion of the discussion on this matter.

Commissioner Klein questioned if the county would be required to advertise for a staff programmer position and take applications and County Attorney Joseph Smith responded that the county would not be required to advertise. County Attorney Joseph Smith explained that Dick Day has already written many software programs for the county and having another person continue work on the programs would not be practical.

Commissioner Klein stated that one of the topics discussed two weeks ago was that a staff programmer would also assist with purchasing computers. He stated that some counties have a purchasing agent who coordinates the purchase of all office supplies. He explained that another aspect would be to have someone analyze the county's cell phone bills and he questioned if this job was something that could be completed as part of the proposed position. Dick Day responded that cell phones, communications, and travel arrangements, which are soft goods, could also be centralized. He stated that he is not a certified purchasing manager and that Madison County does not purchase enough products to justify that position; however, the county makes enough purchases to centralize purchasing of core products, such as laser toner and paper products. He stated that every office is ordering their own supplies from their preferred vendor, but even if the same vendor is servicing five different offices, the vendor is not combining the purchases into one order to take advantage of discounts. Mr. Day stated that if the county established a new position and he was hired to fill this position, his primary focus would be software support and development. He explained that as the county becomes more dependent upon computers, the need becomes more critical. He reported that every week another issue occurs and he is called upon to troubleshoot problems and coordinate repairs with Connecting Point. He stated that, in his opinion, the county would benefit from having someone on staff that could wear multiple hats. Mr. Day explained that he is finishing a large project in the Sheriff's Office and the county is paying him a good wage to complete this project. He stated that when he looked at the total amount that the county was paying him, it is a decent wage and the county is only getting approximately 900 hours of his time. He explained that if the county would hire him at the same wage, the county would get 2,080 hours of his time. He stated that he understands that the county would incur additional costs if he would become a county employee, because he knows what benefits the county provides. He explained that he has experience with inventory control and purchasing, so he could also provide services for a simple centralized purchasing program that would be easy to use and still use local vendors. In addition, he stated that the county should not be stocking extra supplies because the distributors could deliver products as needed.

Commissioner McCallum reported that he spoke with Dick Day about centralized purchasing and he understands that the county doesn't need a large storage space. Mr. Day also explained Managed Print Services, which is based on a usage charge for every copy printed, and the company monitors the amount of toner remaining and ships new toner products when required.

Chairman McCallum stated that several years ago he proposed that Madison County consider a purchasing agent because he could see the benefits. Dick Day explained that he is not a certified purchasing manager; however, he stated that he could put together a centralized purchasing model for the county.

Chairman McCallum questioned what Dick Day's expense to the county was during 2009 and Dick Day responded that projecting to the end of 2009, the county would pay him \$47,000. Dick Day explained that the first priority for the county if he was hired would be software development and support. He reported that the Sheriff's Office is currently using a hand written check ledger system that is costing the county a lot of money due to the cost of the ledger sheets. He explained that completing this project would allow the office to print checks and bring the process into the 21st century. Chairman McCallum questioned how much money the county would save by converting the ledger system to a computerized system and County Sheriff Vern Hjorth responded that the ledger sheets cost approximately \$900 annually. Chairman McCallum explained that the county must be able to justify creating a new position.

Dick Day reported that two county offices are still running programs that were written with DOS language and the programs are running on old computers. He explained that these programs must be re-written to run in a Windows environment. He stated that software development would be an on-going process. He reported that officials would like the case management program running in the County Attorney's Office to work with the sleuth program operating in the County Sheriff's Office. He explained that employees are currently keying in the same information multiple times. Mr. Day reported that he could support software programs currently operating in offices and communicate better with the software suppliers than the end users because he understands how software typically works. He explained that another job that he could accomplish would be to determine if all the software that is currently used by the county is in compliance with the end user license agreement. In addition, he stated that he could provide general computer support services and assist with overseeing the contract with Connecting Point by prioritizing critical issues and prepare a list of items that require attention before the technician comes to the courthouse. Mr. Day stated that he could also create a list of the equipment that Connecting Point could support because there is no continuity with computer equipment and peripheral purchases. He explained that the county expects Connecting Point to support and repair all equipment so it makes sense that Connecting Point should be involved in developing a list of equipment that they could support. He stated that he could guarantee the county that whatever the county pays him would be made up by savings because he would work 2,080 hours instead of 900 hours like he worked for the county in 2009. He explained that, if he becomes a county employee, his hourly rate would be \$22.50 per hour instead of the \$40 per hour that he currently charges the county. Commissioner Klein questioned what rate of pay Dick Day was requesting from the county and Dick Day responded that he is proposing a rate of \$22.50 per hour.

Deputy Sheriff Jon Downey stated that Dick Day's proposal is absolutely a good idea for the county. He explained that the County Sheriff's office uses several proprietary software programs that require a large amount of involvement by county staff people who really have no business trouble shooting the programs. He reported that Virginia Mason spent a large amount of time working on the sleuth software in 2009, which is an integral part of what the Sheriff's Office does. He further reported that the County Jail uses Jammin software and a Deputy Sheriff spends a large amount of time managing this program. In addition, he stated that the Civil Process program has grown to involve all the financial items for the office.

Deputy Sheriff Jon Downey explained that simply improving the electronic communication of data between the County Attorney's office and County Sheriff's office would save a tremendous amount of duplicate work and paper. He stated that the county does not pay him to be a computer technician, but it has become part of his job. He explained that if the county establishes a staff programmer position, he could go back to doing his job duties as an investigator.

Planning and Zoning Administrator John Johnson stated that he favors centralized purchasing. He questioned if the county could sell software to other entities if Dick Day becomes a staff programmer. Deputy Sheriff Jon Downey responded that Madison County owns all software that Dick Day has written for the county. Planning and Zoning Administrator John Johnson questioned if another county could purchase software written for Madison County and Dick Day responded that he doesn't think that the county wants to get into the software business. Dick Day explained that York County is the only other county that is currently using the Time and Attendance system. He reported that if the county hires him as a staff programmer, the county could speak with MIPS about re-writing Time and Attendance software since it integrates with the MIPS payroll software.

Chairman McCallum questioned if Dick Day would be working with other counties if Madison County created a staff programmer position and Dick Day responded that he would work with his current clients outside of the county's regular working hours. Dick Day stated that one of the reasons that he feels this position would be a win-win situation for both him and the county is because he has clients in Wisconsin and as he is getting older he doesn't like to drive this distance several times a year. He stated that he doesn't think that the county wants to get into the software business and currently the county owns the Time and Attendance system.

County Sheriff Vern Hjorth stated that Dick Day's services could be expanded to benefit the Road/Bridge departments. Dick Day explained that sometimes there is software that is already developed that may be cheaper; however, there was no software available with the Time and Attendance system. He explained that the software that was found was very expensive with annual license fees between \$5,000 and \$6,000 and the software wouldn't handle the 28-day accruals required for the Sheriff's Department.

After discussion, the Board agreed to take the matter under advisement and make a decision at the December 21, 2009 meeting.

The Board met with Kurt Aaberg regarding the courthouse ADA project. County Attorney Joseph Smith was in attendance during discussion on this topic.

County Highway Superintendent Richard Johnson reported on the recent history of the courthouse ADA project. He stated that the project plans were put out to bid and he received calls from several contractors. He reported that one contractor stated that he would not submit a bid because of the quality of the plans and another contractor stated that he would not have time to put together a bid because of the quality of the plans. He further reported that one of the contractors told Chairman McCallum that he could see somewhere in the neighborhood of \$10,000 of change orders on a preliminary review of the plans. Mr. Johnson reported that one contractor called him and stated that, if the county needed an architect on the project and didn't have one, the county would hold the contractor harmless on any lawsuits. He explained that at that time, he called the Board of Examiners for Engineers and Architects in Lincoln and after explaining the project, he was told that the county needed an architect. He stated that if a project exceeds \$100,000, an architect is required, and in his opinion, the project costs should have been under this cost; however, an architect is required if the square footage of the building affected is over 3,000 square feet. He reported that the square footage of the courthouse exceeds the minimum threshold by at least ten times. Mr. Johnson explained that he then consulted with Mr. Aaberg to inquire if he was a registered architect and Mr. Aaberg responded that he was not; however, he advised that he could get someone in Wisconsin to sign the plans, but the architect would want additional fees. Mr. Johnson reported that at this point, he decided that it wouldn't be a good idea to proceed with bidding the project, so a notice was sent to the plan holders advising that the bid was cancelled. He explained that what he failed to do was contact Mr. Aaberg and tell him what direction the county was going to take with the project, and he apologized for his failure to follow up with Mr. Aaberg. In addition, he reported that he contacted an architect that the county has previously worked with and met with her to explain the scope of the project and invite her to attend a Board meeting.

Chairman McCallum questioned if the architect hired by the county would be using any of the plans prepared by Kurt Aaberg and Mr. Johnson responded that the architect does not feel comfortable using Mr. Aaberg's plans. He further reported that the architect has taken her own measurements and pictures and also spoke with many of the officials.

Kurt Aaberg stated that he wished he had been allowed to answer the contractors' questions. He explained that he spoke to several contractors who reviewed the drawings. He stated that he is not denying that there were discrepancies in the plans; however, he would have been glad to answer contractors' questions, but he wasn't allowed this opportunity. He reported that there could have been an addendum to the bid documents that would have answered the contractors' questions. Mr. Aaberg stated that the architect who he works with has a satellite office in Omaha and he has been a registered professional engineer since 1990 and has been an architect since 1996. He explained that he has worked with the architect on several projects and has been completing work similar to the courthouse ADA project for 30 years. He explained that he worked for Supertel Hospitality for 15 years. He stated that in 2000, Supertel sold and decided not to build, so at that time he worked with Eugene Wright when projects would become available. He reported that he has a list of projects that he has been involved with and he completed motel plans in seven states. Kurt Aaberg reiterated that if he would have been given an opportunity to answer the contractors' questions, he could have easily given them more information, but he was not allowed to do this. He also stated that he was not told that he was removed from the job. He stated that he understands if the county has hired someone else; however, he requested to be paid for his services rendered for the county.

Commissioner Uhlir questioned if Mr. Aaberg submitted a bill and Mr. Aaberg responded no. Chairman McCallum questioned what amount was contracted with Mr. Aaberg and County Highway Superintendent Richard Johnson responded that the only dollar amount that he could locate in the Commissioners' Proceedings was a report given by Mr. Aaberg at a Board meeting when he advised that his services would exceed the \$500 he originally quoted. Kurt Aaberg responded that Ken Daberkow contacted him to look at the ADA review in 2007 and at that point, the County Board requested that his services remain in the \$500 region. He explained that in 2007 when he started on the project, he thought he could limit his services to that amount; however, the project kept escalating. He reported that he advised the Board that he would assist with overseeing the project and that his services and the drawings for adding window enclosures for all counters, and additional items to make the entire building secure, amounted to a significant amount of hours. In addition, he reported that he advised the Board that he charges \$20 per hour for his services.

Chairman McCallum stated that he was under the impression that Kurt Aaberg was a registered architect and he was very uneasy when County Highway Superintendent Richard Johnson contacted him to advise that an architect did not certify the plans. He explained that the county must be certain that all aspects of the project comply with statutory requirements or the county could face some liability issues. Kurt Aaberg responded that he never told the Board members that he was a certified architect. Chairman McCallum stated that as the project escalated Mr. Aaberg should have advised the Board that he was not a certified architect. He stated that there are many liabilities for the county with a security and ADA compliance project.

Kurt Aaberg explained that he was not involved in the conversation between Chairman McCallum and Ken Daberkow. Chairman McCallum responded that he told Ken Daberkow that the county planned to update the courthouse for security and ADA compliance and Mr. Daberkow advised that he would bring someone who could assist the county. Chairman McCallum stated that he presumed that the person that Mr. Daberkow was involving in the project was an architect. Mr. Aaberg stated that he also presumed that his qualifications were already discussed.

Commissioner Klein stated that the county is responsible for part of Mr. Aaberg's expenses due to the county's lack of communication. He stated that Mr. Aaberg made a good faith effort to perform services requested by the county. He advised Kurt Aaberg to submit a bill for services rendered. Kurt Aaberg reported that in 2007 he worked 49 hours, in May 2009 he worked 16 hours, in June 2009 he worked 41 hours, in July 2009 he worked 48 hours, and in October 2009 he worked 12 hours; but he would be satisfied for payment of 160 hours. Chairman McCallum requested Mr. Aaberg to submit a bill for his services.

No further action was taken.

The Board reviewed the following reports and correspondence:

- 1) Fund balance report
- 2) County Treasurer distress warrant report
- 3) Clerk of the District Court November fee report
- 4) County Sheriff distress warrant report
- 5) Sale of surplus property report
- 6) CASA of Northeast Nebraska November newsletter

The following claims were audited:

		GENERAL FUND	
Total Net Payroll			110,755.71
Joseph Abler	Postage, Public Defender		54.00
American Family Life Assurance Company	Insurance Premiums		558.94
Ameritas Life Insurance Corporation	Employee Share Retirement		7,113.61
Ameritas Life Insurance Corporation	Employer Share Retirement		10,450.43
Ameritas Life Insurance Corporation	Insurance Premiums		351.36
Appeara	Mat Service, Public Defender		87.05
Aramark Correctional Services	Meals, County Jail		11,119.62
AS Central Services	Telephone Services, Planning and Zoning		44.47
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	81.34
Beckman's Service Center	Repairs, County Sheriff	30.95
Black Hills Energy	Gas Service, Planning and Zoning	28.67
Black Hills Energy	Gas Service, Courthouse	337.23
Black Hills Energy	Gas Service, County Jail	432.43
Black Hills Energy	Gas Service, Veterans' Service Office	32.62
Brogan & Gray, P.C., L.L.O.	Legal Services, County Court	1,631.15
Brogan & Stafford, P.C.	Legal Services, County Court	2,296.27
Joanie Brugger	Telephone Services, Mileage, Meals, Victim Witness	266.39
Cableone	Internet Services, Public Defender	99.00
Cableone	Internet Services, Planning and Zoning	59.00
Cedar County Sheriff	Service Fees, District Court	34.39
Central United Life Insurance Company	Insurance Premiums	37.21
Champs Inc.	Maintenance Agreement, County Jail	2,166.00
Cherry County Court	Copies, Law Enforcement	2.25
City Directory Inc.	Publications, County Sheriff	238.00
City of Madison	Utilities, Public Defender	148.66
City of Madison	Utilities, Courthouse	1,143.37
City of Madison	Utilities, County Jail	271.58
City of Norfolk	Parking Rental, Veterans' Service Office	45.00
Colonial Life and Accident Insurance	Insurance Premiums	154.67
Connecting Point	Equipment, County Sheriff	990.00
Connecting Point	Supplies, Juvenile Diversion	14.99
Connecting Point	Contract Services, Internet Services, Courthouse	1,742.85
Constellation Energy	Gas Service, Planning and Zoning	58.18
Continental Research Corporation	Supplies, Courthouse	1,071.09
Cornhusker Imports	Repairs, County Sheriff	40.25
Credit Bureau Services of Hastings Inc.	Garnish of Wages	103.47
Credit Management Services Inc.	Garnish of Wages	126.09
Crown Point Apartments	Rent, County Relief	225.00
DDSS, Inc.	Software Support, County Sheriff	1,970.11
DDSS, Inc.	Software Support, Courthouse	169.60
Dell Marketing L.P.	Data Processing Equipment, Planning and Zoning	2,107.90
Dental Distributors Inc.	Supplies, County Jail	327.55
Douglas County Sheriff	Service Fees, District Court	6.58
Douglas County Treasurer	Morgue Room Fees, Law Enforcement	500.00

Eakes Office Plus	Supplies, County Sheriff	101.97
Eakes Office Plus	Supplies, County Jail	326.00
Egley, Fullner, Montag and Hockabout	Legal Services, District Court	305.25
Egley, Fullner, Montag and Hockabout	Legal Services, County Court	828.00
Enviromaster Inc.	Supplies, County Jail	42.00
Field's Hardware	Supplies, Courthouse	20.57
Field's Hardware	Supplies, County Jail	18.45
First Concord Benefits Group	Administrative Fees, Deductible Buy Down, Flex Plan	9,134.66
Floor Maintenance & Paper Supply Company	Supplies, County Jail	666.22
Frontier	Telephone Services, Public Defender	286.66
Gall's Inc.	Uniforms, County Sheriff	58.48
Gall's Inc.	Uniforms, County Jail	172.30
Gillette Printing	Supplies, County Sheriff	52.00
Group Link Inc.	Insurance Premiums	262.53
Hartford Life Insurance Company	Deferred Compensation Plan	175.00
Matthew Headley	Mileage, Public Defender	24.20
Hilliges & Associates, L.L.C.	Investigative Services, County Sheriff	250.00
Hilliges & Associates, L.L.C.	Investigative Services, Law Enforcement	250.00
Hy-Vee East Pharmacy	Prescriptions, County Relief	63.99
Jack's Uniforms	Uniforms, County Sheriff	118.88
Jeni's Custom Crafts	Repairs, County Sheriff	12.00
Jerry's Standard, Inc.	Fuel, County Sheriff	21.89
Jewell, Collins, DeLay & Flood	Legal Services, County Court	3,152.40
Nancy Jochum-Schramm	Transcript, Public Defender	325.00
Pam Kesting	Mileage, County Extension	79.20
Kay Knapp	Mileage, County Extension	17.60
Lancaster County Court	Copies, Law Enforcement	48.75
Leisure Lodge	Rent, County Relief	250.00
Louderback Drug	Prescriptions, County Jail	1,830.16
Madison Ampride Inc.	Fuel, Courthouse	54.15
Madison Ampride Inc.	Fuel, County Sheriff	12.49
Madison County Clerk	Tax Deposit	37,413.72
Madison County Clerk of District Court	Court Costs, District Court	1,121.00
Madison County Court	Transcript, Public Defender	100.75
Madison County Court	Court Costs, County Court	1,626.50
Madison County Sheriff	Service Fees, Mental Health	45.86
Madison County Sheriff	Service Fees, District Court	1,079.30

Madison County Sheriff	Service Fees, County Court	504.56
Madison County Treasurer	Insurance Reimbursement	25.00
Madison County Veterinary Clinic	Impound Fees, County Sheriff	35.00
Madison National Life	Insurance Premiums	127.39
Microfilm Imaging Systems Inc.	Equipment Rental, County Clerk	45.00
Midwest Plumbing & Heating	Repairs, County Jail	138.49
MIPS	Computer Support, County Clerk	511.97
Money Handling Machines Inc.	Supplies, County Treasurer	413.90
NACO	Dues	1,903.76
Nebraska Child Support Payment Center	Garnish of Wages	759.69
Nebraska Law Enforcement	Training, County Jail	180.00
Nebraska State Bar Association	Dues, Public Defender	1,305.00
Nebraska State Bar Association	Dues, County Attorney	1,420.00
Melissa Nissen	Mileage, Public Defender	132.00
NMG LLC	Medical Services, County Jail	893.00
Norfolk Daily News	Publication Costs, County Extension	5.14
Norfolk Daily News	Publication Costs, Courthouse	152.36
Norfolk Printing Company	Supplies, District Judge	51.25
Norfolk Printing Company	Supplies, County Sheriff	46.00
Northeast Community College	Lease, Operating Fees, County Extension	3,679.35
Northeast Research and Extension Center	Administrative Expense, County Extension	746.72
Norm Nykodym	Lawn Service, Public Defender	55.00
Valorie Olson	Transcript, Law Enforcement	12.90
Sherry Peterson	Mileage, Telephone Services, Juvenile Detention	506.69
Pierce County Sheriff	Service Fees, District Court	31.46
Platte County Sheriff	Service Fees, District Court	148.50
Sarah Polacek	Mileage, County Extension	171.60
Regency Lodge	Lodging, County Assessor	84.00
Reynoldson's Inc.	Fuel, County Sheriff	286.11
Share Corporation	Supplies, Courthouse	219.35
Lee Sherry	Mileage, Meals, County Extension	89.25
Shopko	Supplies, Planning and Zoning	78.95
Short Stop	Fuel, County Sheriff	48.03
James Smutny	Shelter, Courthouse	182.00
Stratton Law, P.C.	Legal Services, District Court	1,542.80
Stratton Law, P.C.	Legal Services, County Court	2,151.12
Michelle Sullivan	Mileage, Juvenile Diversion	268.95

Target Bank Business Card Services	Supplies, County Sheriff	43.53
Dale Taylor	Interpreting Services, Public Defender	45.00
Tri-State Carports Inc.	Shelter, Courthouse	1,638.00
U.S. Cellular	Telephone Services, Law Enforcement	126.42
U.S. Bank Corporate Payment Systems	Fuel, Meals, Car Washes, County Sheriff	128.51
Varda Company	Repairs, County Sheriff	758.43
Verizon Wireless	Telephone Services, County Extension	87.68
Verizon Wireless	Telephone Services, County Sheriff	1,054.70
Melissa Wentling	Supplies, Public Defender	31.96
West Payment Center	Publications, Public Defender	168.50
Western Office Plus	Supplies, County Clerk	695.00
Western Office Plus	Supplies, District Court	5.96
Western Office Plus	Supplies, Public Defender	150.72
Western Office Plus	Supplies, Reappraisal	148.06
Western Office Plus	Supplies, County Sheriff	8.49
Western Office Plus	Equipment, Veterans' Service Office	29.95

#### ROAD/BRIDGE FUND

Total Net Payroll		27,400.50
American Family Life Assurance Company	Insurance Premiums	318.90
Ameritas Life Insurance Corporation	Employees Share Retirement	1,623.27
Ameritas Life Insurance Corporation	Employers Share Retirement	2,434.65
Ameritas Life Insurance Corporation	Insurance Premiums	114.32
AS Central Services	Data Processing Costs, District #2	23.94
Asphalt and Concrete Materials Company	Asphaltic Materials, District #2	1,267.95
Battle Creek Farmers Coop	Fuel, District #2, #3	17,109.76
Battle Creek Municipal Light and Power	Utilities, District #3	135.50
Bauer Built Inc.	Repairs, District #2	87.00
Black Hills Energy	Gas Service, District #2, #3	67.13
Carhart Lumber Company	Shop Supplies, District #3	99.96
Caterpillar Financial Services Corp	Equipment Lease, District #2	1,913.64
City of Madison	Utilities, District #1	390.20
City of Newman Grove	Utilities, District #1	50.00
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Energy	Gas Service, District #2	162.89
Cornhusker International Trucks	Repairs, District #2	23.19

Eastern Nebraska Telephone	Telephone Services, District #3	89.45
Field's Hardware	Shop Supplies, District #1	17.68
Filter Care of Nebraska	Services, District #1, #2	95.75
First Concord Benefits Group	Deductible Buy Down, Admin Fee, District #1, #2, #3	3,056.55
Gehring Construction & Ready Mix Co. Inc.	Concrete, District #1	745.75
Green Line Equipment	Equipment Rental, District #2	459.20
Group Link, Inc.	Insurance Premiums	12.42
Industrial Tools & Machinery Company	Shop Supplies, District #2	49.36
Kelly Supply Company	Parts, District #3	85.93
Linweld Inc.	Supplies, District #1, #3	370.83
Madison Ampride Inc.	Fuel, District #1	911.74
Madison Body Shop Inc.	Shop Supplies, District #1	250.00
Madison County Register of Deeds	Filing Fees, District #1	6.00
Madison County Clerk	Tax Deposit	8,540.09
Madison National Life	Insurance Premiums	37.03
Matteo Sand & Gravel Co. Inc.	Gravel, District #1, #2, #3	21,773.57
Menards	Supplies, District #1	373.76
NAPA Auto Parts of Norfolk	Parts, District #1, #2	256.21
Nebraska Public Power District	Utilities, District #3	125.70
NMC Exchange LLC	Parts, District #2	383.75
Norfolk Auto Supply Inc.	Repairs, District #3	28.05
Powerplan	Equipment Rental, District #2	2,500.00
Prime Sanitation	Services, District #2	107.50
Quick Serve Oil Company Inc.	Fuel, District #3	365.31
Scheer's Ace Hardware	Parts, District #2	226.29
Stanley Petroleum Maintenance Inc.	Repairs, District #2	168.39
Telebeep Wireless	Internet Services, District #1, #2	141.96
Transamerica Life Insurance Company	Insurance Premiums	49.28
Truck Center of Norfolk	Parts, District #2, #3	82.75
U.S. Cellular	Telephone Services, District #1, #2, #3	251.88
Vics Engine Service Inc.	Parts, District #2	29.20
Weldon Industries Inc.	Parts, District #2	48.23
Western Office Plus	Supplies, District #2	38.97
White Star Oil Company	Fuel, District #1	146.02

FEDERAL AID SECONDARY FUND

Mainelli Wagner & Associates, Inc.	Engineering Services	2,095.35
Platte County Highway Department	Bridge	44,109.87

LAW ENFORCEMENT OPERATING FUND

Eakes Office Plus	Supplies	92.28
Madison County Sheriff	Supplies	218.50

NOXIOUS WEED FUND

Total Net Payroll		904.42
Ameritas Life Insurance Corporation	Employee Share Retirement	65.02
Ameritas Life Insurance Corporation	Employer Share Retirement	97.52
First Concord Benefits Group	Administrative Fee	3.00
Madison County Clerk	Tax Deposit	340.19
Nebraska Child Support Payment Center	Garnish of Wages	245.70

911 EMERGENCY FUND

Eastern Nebraska Telephone	Telephone Service	127.86
Frontier	Telephone Service	160.41
Qwest	Telephone Service	1,095.90

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 11:07 A.M. to Monday, December 21, 2009 at 2:00 A.M.

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County Clerk

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Chairman