

# BOARD OF EQUALIZATION

Madison, Nebraska

April 14, 2009

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

Advance notice of meeting was published in the Thursday, April 9, 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 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 March 31, 2009. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Assessor Jeff Hackerott submitted the following tax list corrections:

- #2486: City of Norfolk, 127 North 1st Street, Norfolk  
Deduction from the 2008 tax rolls in the amount of \$45.30 for correction due to clerical error
- #2487: Norma Knapp, 3400 Koenigstein Avenue, Unit 1, Norfolk  
Deduction from the 2008 tax rolls in the amount of \$1,221.38 for land split in SE $\frac{1}{4}$  Section 17-22-2 that was omitted due to clerical error
- #2488: Robert Knapp, 54767 831st Road, Madison  
Deduction from the 2008 tax rolls in the amount of \$271.80 for correction to improvements on leased land due to adding a land split in SE $\frac{1}{4}$  Section 17-22-2

- #2489: Robert and Carol Knapp, 54767 831st Road, Madison  
Addition to the 2008 tax rolls in the amount of \$1,448.74 for addition of a land split in SE¼ Section 17-22-2 that was omitted due to clerical error
- #2490: Subway, Madison Subs, Inc., P.O. Box 92, Norfolk  
Deduction from the 2008 tax rolls in the amount of \$656.76 for correction to the personal property taxes due to double taxation of the same equipment
- #2491: Subway, Madison Subs, Inc., P.O. Box 92, Norfolk  
Deduction from the 2008 tax rolls in the amount of \$1,190.76 for correction to the personal property taxes due to double taxation of the same equipment
- #2492: Void
- #2493: Steven and Amy Brockhaus, 22400 445th Avenue, Humphrey  
Addition to the 2008 tax rolls in the amount of \$105.14 due to the acceleration of taxes due to the sale of irrigation equipment
- #2494: Ryant Company, 13155 Noel Road, 12th Floor, Lock Box 71, Dallas, Texas 75240  
Deduction from the 2008 tax rolls in the amount of \$14.62 for correction to the personal property taxes due to double taxation of the same equipment
- #2495: Terrence Brockhaus, 44124 280th Avenue, Humphrey  
Addition to the 2008 tax rolls in the amount of \$548.94 for acceleration of taxes due to the sale of irrigation equipment
- After discussion, it was moved by Uhlir and seconded by McCallum to approve tax list corrections as submitted. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The Board of Equalization adjourned at 9:09 A.M.

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County Clerk

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Chairman

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## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

April 14, 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 Thursday, April 9, 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. County Highway Superintendent Richard Johnson joined the meeting at 9:57 A.M. and Planning and Zoning Administrator John Johnson joined the meeting at 10:30 A.M.

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

- 1) Approval of minutes of the March 31, 2009 meeting
- 2)

### RESOLUTION #2009-11

WHEREAS, Check No. 09040130, dated April 3, 2009, and drawn on the General Fund in the amount of one hundred twenty one dollars and five cents (\$121.05), was made payable to Northwest Electric Inc., 1414 East 23rd Street, Columbus, Nebraska 68601, and

WHEREAS, said check was not tendered, but remains in the possession of the Madison County Clerk,

NOW, THEREFORE, BE IT RESOLVED that Check No. 09040130, dated April 3, 2009, and drawn on the General Fund in the amount of one hundred twenty one dollars and five cents (\$121.05), is hereby cancelled.

3)

RESOLUTION #2009-12

WHEREAS, Elkhorn Valley Economic Development Council (EVEDC) is a Nebraska Nonprofit Corporation with a primary purpose of enhancing economic development in the City of Norfolk, the County of Madison and surrounding counties; and

WHEREAS, EVEDC was incorporated as a Nebraska Nonprofit Corporation in 2001; and

WHEREAS, EVEDC has evidenced a willingness to modify the method of its operation and reorganize itself by adopting Amended By-Laws and Amended Articles of Incorporation which include changing the method for representation on its Board of Directors; and

WHEREAS, the County of Madison desires to express its support for the reorganized EVEDC; and

WHEREAS, the reorganization of EVEDC provides for the County of Madison to name one representative to serve on its Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Commissioners hereby express support of the reorganized Elkhorn Valley Economic Development Council, and

BE IT FURTHER RESOLVED that Arnold Robinson is hereby appointed to serve as the Madison County representative on the Board of Directors of Elkhorn Valley Economic Development Council until such time as he resigns or his successor is appointed.

4)

RESOLUTION #2009-13

County of Madison

Resolution No. 2009-13

Project No. HRRR-STWD(092) – Pavement

Marking & Rumble Stripes C.N. 00793

WHEREAS, the Hazard Elimination Program is a “core safety program” for Highway Safety Construction. This program is provided for in *Title 23, Section 148 of U.S. Code*, and is part of the Highway Safety Improvement Program (HSIP) which is provided for in *23 CFR, Part 924*, which is administered by the Federal Highway Administration,

WHEREAS, the State of Nebraska maintains a Multi-Disciplinary High Risk Rural Road Committee to oversee facets of the HSIP,

WHEREAS, the High Risk Rural Road Committee has determined that it is desirable to install durable pavement markings and rumble stripes on county roads, to prevent or minimize lane departure crashes in the State of Nebraska,

WHEREAS, the High Risk Rural Road Committee, on February 2, 2009, approved a project known as HRRR-STWD(092) – Pavement Marking & Rumble Stripes, to accomplish the following:

Install durable pavement markings and/or rumble stripes on centerlines, edgelines, no passing zones and traffic control locations on paved roads within the County.

NOW, THEREFORE, BE IT RESOLVED, that the State of Nebraska is hereby requested to act on behalf of said County to program a project for the installation of the pavement marking products shown on Exhibit "A" (Highway Map) and Exhibit "B" (Spreadsheet Response) attached,

NOW, THEREFORE BE IT FURTHER RESOLVED, that sufficient funds of said county are now available or will be made available and are hereby pledged to the Nebraska Department of Roads in the amount and at the required time for the purpose of matching Federal funds for the contemplated construction.

The cost to said County is 10% of the work described herein, which is estimated to be \$10,000.00.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Chairman of the County Board is authorized to sign this Resolution on behalf of said Board. In addition, the Chairman and the Highway Superintendent are hereby authorized to sign the Certificate of Compliance upon completion of the work.

5)

RESOLUTION #2009-14

Two copies for Lincoln office  
Local Liaison

Madison County  
Project No. \_\_\_\_\_  
(to be assigned later)

Whereas: Certain roads and streets in said county have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto, and,

Whereas: Said county desires to improve a certain portion of the county road system in said county, more fully described hereinafter, now therefore,

Be It Resolved: That the Department of Roads is hereby requested to act for said county and to program for construction that portion of county road described as

*(Use Legal Subdivisions for Termini)*

Beginning at the Southwest corner of Section 32, Township 21 North, Range 3 West, thence north 3 miles (4.0 miles east from 0.0 miles north to 3.0 mile north of Newman Grove, Nebraska)

and which construction includes: *(Check each that apply)*

Grading  Culverts  Bridges  Surfacing  or other improvement to wit: \_\_\_\_\_

Preliminary engineering

The estimated cost of such improvement:

Grading and Culverts _____ 3.0 Miles of Shouldering _____ Miles	\$ _____ 60,000.00
New Bridges: Length: _____ Feet _____ Feet _____ Feet <i>(See Reverse Side of Form)</i>	\$ _____
Type of Surfacing: <i>(Check one)</i> <input type="checkbox"/> Gravel <input checked="" type="checkbox"/> Bituminous <input type="checkbox"/> Concrete	\$ _____ 750,000.00
Preliminary Engineering <i>(only if federal aid is requested)</i>	\$ _____ 30,000.00
Utility Relocation <i>(only if federal aid is requested)</i>	\$ _____
Right of Way <i>(only if federal aid is requested)</i>	\$ _____
Estimated Total for Project	\$ _____ 840,000.00

Surveys and Plans will be made by: To Be Determined by RFP

Be it Further Resolved: That the chairman of the county board is authorized to sign this resolution on behalf of said board and that the county board hereby approves the above contemplated construction prior to first submitting of said project to the Federal Highway Administration.

Be it Further Resolved: That sufficient funds of said county are now, or will be, available and are hereby pledged to the Department of Roads in the amount and at the required time for the purpose of matching federal funds available for the contemplated construction.

6) RESOLUTION #2009-15

Two copies for Lincoln office  
Local Liaison

Madison County  
Project No. \_\_\_\_\_  
*(to be assigned later)*

Whereas: Certain roads and streets in said county have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto, and,

Whereas: Said county desires to improve a certain portion of the county road system in said county, more fully described hereinafter, now therefore,

Be It Resolved: That the Department of Roads is hereby requested to act for said county and to program for construction that portion of county road described as

*(Use Legal Subdivisions for Termini)*

Beginning at the Southwest corner of Section 17 Township 21 North, Range 3 West; thence north 3 miles (4.0 miles east from 3.0 miles north to 6.0 mile north of Newman Grove, Nebraska)

and which construction includes: *(Check each that apply)*

Grading  Culverts  Bridges  Surfacing  or other improvement to wit: \_\_\_\_\_

Preliminary engineering

The estimated cost of such improvement:

Grading and Culverts	<u>3.0 Miles of Shouldering</u> Miles	\$ <u>60,000.00</u>
New Bridges:	Length: Feet Feet _____ Feet	\$ _____
Type of Surfacing: <i>(Check one)</i> <input type="checkbox"/> Gravel <input checked="" type="checkbox"/> Bituminous <input type="checkbox"/> Concrete		\$ <u>750,000.00</u>
Preliminary Engineering <i>(only if federal aid is requested)</i>	_____	\$ <u>30,000.00</u>
Utility Relocation <i>(only if federal aid is requested)</i>		\$ _____
Right of Way <i>(only if federal aid is requested)</i>		\$ _____
Estimated Total for Project		\$ <u>840,000.00</u>

Surveys and Plans will be made by: To Be Determined by RFP

Be it Further Resolved: That the chairman of the county board is authorized to sign this resolution on behalf of said board and that the county board hereby approves the above contemplated construction prior to first submitting of said project to the Federal Highway Administration.

Be it Further Resolved: That sufficient funds of said county are now, or will be, available and are hereby pledged to the Department of Roads in the amount and at the required time for the purpose of matching federal funds available for the contemplated construction.

- 7) Authorization to advertise for bids for Project No. C-59-770
- 8) Authorization to advertise for bids for Project No. C-59-771
- 9) Authorization for Board Chairman to sign an interlocal agreement with Platte County for bridge replacement on the Madison/Platte County line

Motion was made by Klein and seconded by Uhlir 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.

The Board reviewed the following reports:

- 1) Fund balance report
- 2) Register of Deeds March fee report
- 3) Clerk of the District Court March fee report
- 4) County Sheriff March fee report
- 5) 1st Quarter report for CASA of Northeast Nebraska
- 6) 1st Quarter Planning and Zoning Department building permit report

Pursuant to published legal notice to bidders in the April 2, 2009 and April 9, 2009 editions of The Norfolk Daily News, sealed bids for furnishing road gravel and armor coat gravel to Madison County for the 2009-2010 fiscal year were received. District #1 Road Foreman Arland Gross and representatives from gravel suppliers were present during the bid opening. Bids submitted by the following companies were opened and read aloud:

Central Sand & Gravel	Columbus, Nebraska
Elkhorn Valley Sand & Gravel	Clarkson, Nebraska
Matteo Sand & Gravel	Norfolk, Nebraska
Pollock Redi Mix	Ewing, Nebraska

After discussion, it was moved by Uhlir and seconded by Klein to award contracts to Central Sand & Gravel, Elkhorn Valley Sand & Gravel, Matteo Sand & Gravel, and Pollock Redi Mix for furnishing road gravel and armor coat gravel to Madison County for the 2009-2010 fiscal year and authorize the Board Chairman to execute contracts with each company. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice to bidders in the April 2, 2009 and April 9, 2009 editions of The Norfolk Daily News, sealed bids for furnishing culvert pipe to Madison County for the 2009-2010 fiscal year were received. District #1 Road Foreman Arland Gross and representatives from culvert pipe suppliers were present during the bid opening. Bids submitted by the following companies were opened and read aloud:

B's Enterprises, Inc.	Norfolk, Nebraska
Midwest Service & Sales	Schuyler, Nebraska
Presco Sales & Service, Inc.	Allen, Nebraska

After discussion, it was moved by Uhlir and seconded by Klein to award a contract to B's Enterprises for furnishing culvert pipe to Madison County for the 2009-2010 fiscal year and authorize the Board Chairman to execute a contract with the company. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice to bidders in the April 2, 2009 and April 9, 2009 editions of The Norfolk Daily News, sealed bids for furnishing grader blades to Madison County for the 2009-2010 fiscal year were received. District #1 Road Foreman Arland Gross and representatives from grader blade suppliers were present during the bid opening. Bids submitted by the following companies were opened and read aloud:

B's Enterprises, Inc.  
Midwest Service & Sales  
Nebraska Machinery Company  
Presco Sales & Service, Inc.  
Valk Manufacturing Company

Norfolk, Nebraska  
Schuyler, Nebraska  
Norfolk, Nebraska  
Allen, Nebraska  
New Kingstown, Pennsylvania

Dennis Preston, sales representative from Presco Sales & Service, stated that it would not be fair to other bidders if the County Board considered the bids that only good for 90 days. Dave Praeuner, sales representative from Nebraska Machinery Company explained that due to the price volatility, Nebraska Machinery Company decided to offer the best bid it could for Madison County. He reported that Madison County purchased approximately 300 blades from Nebraska Machinery Company during the past year and if the county pre-plans and purchases during the first 90 days of the fiscal year then the county can take advantage of the best price. Commissioner Uhlir stated that he understands the concerns made by Dennis Preston since the specifications require a bid for the entire fiscal year and the other vendors complied with the specs.

After discussion, it was moved by Uhlir and seconded by Klein to award a contract to Valk Manufacturing Company for furnishing grader blades to Madison County for the 2009-2010 fiscal year and authorize the Board Chairman to execute a contract with the company. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice to bidders in the April 2, 2009 and April 9, 2009 editions of The Norfolk Daily News, sealed bids for construction of an equipment building in Madison for Road District #1 were received. District #1 Road Foreman Arland Gross and construction company representatives were present during the bid opening. Bids submitted by the following companies were opened and read aloud:

Aschoff Construction  
dwb, Inc.  
Medallion Construction Co., Inc.

Osmond, Nebraska  
Madison, Nebraska  
Norfolk, Nebraska

After discussion, it was moved by Klein and seconded by Uhlir to award a contract to dwb, Inc. for construction of an equipment building in Madison for Road District #1 and authorize the Board Chairman to execute a contract with the company. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notice in the Saturday, April 4, 2009 edition of The Norfolk Daily News, Chairman McCallum opened public hearings at 10:37 A.M. regarding the conditional use permit applications of Ben Baldwin and William Avery to apply solid waste from the City of Norfolk onto property located in Section 26-23-1.

Planning and Zoning Administrator John Johnson reported that William Avery had a conditional use permit for both parcels of property for the last ten years and he sold the majority of the property to Ben Baldwin, but retained 40 acres. He reported that the proposed conditions are the same as the current permit with the addition of a stipulation that no sludge may be applied into standing water. In addition, he reported that the Planning Commission unanimously approved both conditional use permits.

William Avery reported that he hasn't had any problems for the past ten years and that he plans to follow the same procedures as he has in the past. He stated that the City of Norfolk takes samples and he spreads the sludge on three different pastures.

Todd Boling, Norfolk City Waste Water Plant Superintendent, reported that they soil sample the ground before the waste is applied so they know how much nitrogen is in the ground. He explained that there are approximately 70 pounds of nitrogen on each truck spreading the solid waste and it is applied at an agronomic rate according to the test results. He stated that with the reduction in the economy and industries, applications are made once or twice each week. In addition, he stated that there is a 30-day moratorium after application of solid waste for grazing of livestock.

Commissioner Uhlir stated that he received a complaint about one of the trucks traveling on a county road that was not a designated route. Mr. Boling responded that if it was a county road located adjacent to the Radenz property he received permission from Mr. Radenz. In addition, he stated that he has not received any complaints.

Ben Baldwin stated that he purchased 120 acres from William Avery in February 2008. He stated that he hasn't received any complaints and that he has six different pastures that he uses to rotate his cattle. In addition, he explained that the waste is applied at an agronomical rate and the pasture is very lush.

Todd Boling questioned if the proposed permit would be extended from the expiration of William Avery's current permit, which is June 30, 2009. Planning and Zoning Administrator John Johnson responded that the conditional use permit would start after approval by the County Board; however, he advised that the proposed resolution could be altered to an expiration of June 30, 2014.

No one appeared at the hearing to express opposition to the proposed conditional use permits. Chairman McCallum closed the public hearing at 10:48 A.M.

After discussion the following resolutions were approved:

#### RESOLUTION #2009-16

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).

The facts presented during the public hearings are:

1. This legal description has been receiving sludge for ten (10) years.
2. No complaints have been received by this office in regards to odor or the actual application of the sludge.
3. The ground in question is a pasture.
4. The City of Norfolk needs summer sludge application sites.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to Mike R and Debra K. Baldwin to spread solids from the City of Norfolk wastewater treatment plant under Section 4.02, Permitted Conditional Uses, Part 24, "AG1" Intensive Agriculture District, Madison County Zoning and Subdivision Resolution, on the following described land:

The North ½ of the Northeast ¼ and the Northeast ¼ of the Northwest ¼ of Section 26, Township 23 North, Range 1 West of the 6th 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 Conditional Use Permit shall be for a period of five (5) years from the date of this resolution or with a change in ownership of the property.
2. There will be no storage of sludge on the property.
3. Spreading may occur year round, but only on unfrozen ground.
4. The City of Norfolk shall be solely responsible for the safe delivery and legal application of the stabilized wastewater solids to the property described in this permit.
5. By allowing the City of Norfolk to apply stabilized wastewater solids to the property described in this permit, the land owner assumes sole responsibility for the material applied by the city.
6. There will be no spreading of sludge within 500 feet of a neighbor's residence.
7. Sludge shall not be applied at a rate greater than the recommended agronomic rate based on crop type and soils.
8. Annual soil testing shall be done to insure the application does not exceed the agronomic rate, and the annual soil test results shall be submitted to the Madison County Zoning Administrator annually. If excess nitrogen is detected, application at this location shall cease until such time as reserve nitrogen levels have been reduced to allow applications of solids at an agronomic rate.
9. No sludge may be applied into standing water.

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

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

## RESOLUTION #2009-17

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).

The facts presented during the public hearings are:

1. This legal description has been receiving sludge for ten (10) years.
2. No complaints have been received by this office in regards to odor or the actual application of the sludge.
3. The ground in question is a pasture.
4. The City of Norfolk needs summer sludge application sites.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a Conditional Use Permit to William Avery to spread solids from the City of Norfolk wastewater treatment plant under Section 4.02, Permitted Conditional Uses, Part 24, "AG1" Intensive Agriculture District, Madison County Zoning and Subdivision Resolution, on the following described land:

The Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 26, Township 23 North, Range 1 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 Conditional Use Permit shall expire on June 30, 2014 or with a change in ownership of the property.
2. There will be no storage of sludge on the property.
3. Spreading may occur year round, but only on unfrozen ground.
4. The City of Norfolk shall be solely responsible for the safe delivery and legal application of the stabilized wastewater solids to the property described in this permit.
5. By allowing the City of Norfolk to apply stabilized wastewater solids to the property described in this permit, the land owner assumes sole responsibility for the material applied by the city.
6. There will be no spreading of sludge within 500 feet of a neighbor's residence.
7. Sludge shall not be applied at a rate greater than the recommended agronomic rate based on crop type and soils.
8. Annual soil testing shall be done to insure the application does not exceed the agronomic rate, and the annual soil test results shall be submitted to the Madison County Zoning Administrator annually. If excess nitrogen is detected, application at this location shall cease until such time as reserve nitrogen levels have been reduced to allow applications of solids at an agronomic rate.
9. No sludge may be applied into standing water.

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

Motion was 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, April 4, 2009 edition of The Norfolk Daily News, Chairman McCallum opened public hearings at 10:50 A.M. regarding proposed amendments to the AG-1, AG-2 and AT sections of the Madison County Zoning and Subdivision Regulations regarding manure application.

Planning and Zoning Administrator John Johnson reported that manure regulations are almost impossible to enforce, especially the application of manure in Madison by operations located outside the county. He stated that currently only one conditional use permit is issued for manure hauling and that was the result of a complaint of a hog farm from Platte County surface applying manure on a field in Madison County in July. He reported that some Madison County producers have livestock operations both inside and outside Madison County and it is difficult to determine whether the trucks hauling manure originate inside Madison County or outside the county. Mr. Johnson explained that the Planning Commission recommended changing the regulations and base the manure storage, application and handling in accordance with Nebraska Department of Environment Quality Title 130 regulations. In addition, he stated that if someone is causing a nuisance due to manure application then the county nuisance regulations could handle the violation. Mr. Johnson reported that the proposal also removes some of the language that required a conditional use permit for the application of manure outside Madison County. He reported that a section was added to the regulations that would allow a waiver to be signed by a livestock operator to allow a house to be located in the setback area.

No comments were received from the public. Chairman McCallum closed the public hearing at 10:58 A.M.

After discussion, the following resolution was introduced:

#### RESOLUTION #2009-18

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby amends the Madison County Zoning and Subdivision Resolution by amending the following language into Article Four, Sub-sections 402, 403 and 404. New additional language is shown in *italics* and passages removed are shown as ~~stricken~~ as described in detail below.

**324: Manure Regulations**

*Madison County requires all livestock manure storage, application and handling be done in accordance with the Nebraska Department of Environmental Quality (NDEQ) under Title 130. Any complaints regarding any manure procedures shall be investigated by the Zoning Administrator and forwarded to NDEQ. Any complaints not handled by NDEQ may be handled by Madison County as a Nuisance Regulation Violation.*

**402: AG1 Intensive Agriculture**

Permitted Principal Uses.

The following principal uses are permitted in the AG1 Intensive Agriculture District.

1. Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
  - a. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
  - b. The spreading of manure by a "Farming" Operation as defined in Article 2 of this Resolution *and includes manure purchased or otherwise acquired from outside Madison County.*

Permitted Conditional Uses.

~~25. The application of livestock manure in Madison County by operations located outside the County.~~

~~26.~~ Animal Feeding Operations, subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Madison County Comprehensive Plan.

a. Permit Requirement.

~~5. Stockpiling and/or composting of manure or animal carcasses.~~

b. Exemption.

1. Agricultural Operations of 300 A.U. and under Animal Feeding Operations classified by the Department of Environmental Quality and these regulations as a small animal feeding operation or a small concentrated animal feeding operation are considered a farm as defined in these Regulations and do not require a Conditional Use Permit, ~~unless stockpiling and/or composting of manure or animal carcasses under oral or written contract.~~

g. General Setbacks

3. Setbacks for the application of manure for *use in scoring the Livestock Feeding Operation Siting Matrix are shown* shall be established in accord with Table 3.

Table 3: Manure Application Setbacks for Scoring the Siting Matrix

i. Setback Exceptions:

2. The distances set in g. above shall be reciprocally applied to the siting of non-farm dwellings, commercial and industrial land uses, churches, schools and parks.

- The distance requirements may be decreased or waived by a waiver signed by all of the property owners of any AFO or CAFO not on the applicant's property within the distances specified. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Madison County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.

**403: AG2 General Agriculture**

Permitted Principal Uses

The following principal uses are permitted in the AG2 General Agriculture District.

1. Agricultural operations, and the usual agricultural and farm buildings and structures, including the residences of the owners and their families and any tenants and employees who are engaged in agricultural operations on the premises.
  - a. All use of farm chemicals, including application of pesticides and herbicides, shall be governed by State Agencies and applicants using restricted-use pesticides shall be required to be certified as required by law.
  - b. The spreading of manure by a "Farming" Operation as defined in Article 2 of this Resolution and includes manure purchased or otherwise acquired from outside Madison County.

Permitted Conditional Uses.

~~24. The application of livestock manure in Madison County by operations located outside the County.~~

~~25~~24.

~~26~~25.

a. Permit Requirement.

~~6. Stockpiling and/or composting of manure or animal carcasses.~~

b. Exemption.

1. Agricultural Operations of 300 A.U. and under Animal Feeding Operations classified by the Department of Environmental Quality and these regulations as a small animal feeding operation or a small concentrated animal feeding operation are considered a farm as defined in these Regulations and do not require a Conditional Use Permit, ~~unless stockpiling and/or composting of manure or animal carcasses under oral or written contract.~~

g. General Setbacks

3. Setbacks for the application of manure for use in scoring the Livestock Feeding Operation Siting Matrix are shown shall be established in accord with Table 3.

Table 3: Manure Application Setbacks for Scoring the Siting Matrix

i. Setback Exceptions:

2. The distances set in g. above shall be reciprocally applied to the siting of non-farm dwellings, commercial and industrial land uses, churches, schools and parks.
  - The distance requirements may be decreased or waived by a waiver signed by all of the property owners of any AFO or CAFO not on the applicant's property within the distances specified. The property owners shall sign a waiver on a form provided by the County Zoning Administrator which consent shall be acknowledged before a Notary Public and filed in the office of the Madison County Register of Deeds. The waiver, when filed, shall be evidence of the property owner's consent to the decrease and/or waiver of the required spacing distances as described hereof.

**404: AT Agricultural Transition**

Permitted Principal Uses

The following principal uses are permitted in the AT Agricultural Transition District *except wherever otherwise prohibited*:

1. Agriculture, farming, dairy farming, livestock and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to the sale or marketing of products raised on the premises; provided that the operation is no more than three hundred (300) Head Equivalent and, that any building, structure or yard for the raising, confinement, housing or sale of livestock or poultry shall be located at least one thousand three hundred twenty (1,320) feet from a neighbors dwelling, and further provided, that there shall be no feeding, spreading, accumulation or disposal of garbage, rubbish or offal on any open surface of the land. Also includes spreading of manure by a "Farming" Operation. (as defined in Article 2 of this Resolution) and includes manure purchased or otherwise acquired from an AFO or CAFO located outside the county.

A duly advertised hearing has been held by the Madison County Joint Planning Commission and the Madison County Board of Commissioners after a recommendation for approval by the said Joint Planning Commission.

NOW, THEREFORE, LET IT BE FURTHER RESOLVED, that this Resolution shall take effect and be in force no sooner than the 14th day of April, 2009.

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.

The following claims were audited:

GENERAL FUND

Total Net Payroll		109,333.31
Joseph Ablor	Supplies, Public Defender	13.88
Mark Albin	Legal Services, County Court	301.29
Albracht Disposal Service	Garbage Service, Public Defender	41.00
Albracht Disposal Service	Garbage Service, Courthouse	94.00

Albracht Disposal Service	Garbage Service, County Jail	155.00
Allied Tour and Travel	Travel Expense, Law Enforcement	189.70
Alltel	Telephone Services, Planning and Zoning	58.57
American Family Life Assurance Company	Insurance Premiums	632.15
Ameritas Life Insurance Corporation	Employee Share Retirement	6,949.17
Ameritas Life Insurance Corporation	Employer Share Retirement	10,206.89
Ameritas Life Insurance Corporation	Insurance Premiums	313.34
APA	Subscriptions, Planning and Zoning	230.90
Appearra	Mat Service, Public Defender	51.00
Appearra	Mat Service, Courthouse	178.94
Aramark Correctional Services	Meals, County Jail	18,306.22
A T & T	Telephone Services, Public Defender	103.98
Avon Garden Apartments	Rent, General Assistance	1,000.00
Beckman's Service Center	Repairs, County Sheriff	31.45
Black Hills Energy	Gas Service, Courthouse	438.11
Black Hills Energy	Gas Service, County Jail	431.07
Loren Bloomquist	Rent, General Assistance	250.00
Brogan & Stafford, P.C.	Legal Services, County Court	1,000.00
Joanie Brugger	Mileage, Victim Witness	176.55
Cableone	Internet Services, Planning and Zoning	59.00
Central United Life Insurance Company	Insurance Premiums	56.33
Champs Inc.	Maintenance Agreement, County Jail	2,166.00
Charles Balsiger	Legal Services, County Court	246.90
City of Madison	Utilities, Public Defender	431.08
City of Madison	Utilities, Courthouse	1,311.89
City of Madison	Utilities, County Jail	3,003.17
City of Norfolk	Utilities, Veterans' Service Office	28.12
Civic Research Institute	Subscription, County Jail	179.95
Clay County Sheriff	Service Fees, County Court	137.05
Diane Collins	Witness Fees, District Court	20.00
Colonial Life and Accident Insurance	Insurance Premiums	99.79
Complete Floors Inc.	Flooring, Courthouse	2,160.70
Complete Pest Elimination Inc.	Services, County Jail	125.00
Connecting Point	Equipment, Planning and Zoning	107.00
Connecting Point	Services, District Judge	144.38
Connecting Point	Equipment, Public Defender	58.98

Connecting Point	Supplies, County Sheriff	17.99
Connecting Point	Equipment, Supplies, Internet Service, Probation Office	1,309.94
Connecting Point	Contract Services, Equipment, Courthouse	2,103.90
Credit Management Services Inc.	Garnish of Wages	251.66
Creighton Medical Associates	Medical Services, County Jail	311.00
Creighton University Medical Center	Forensic Services, Law Enforcement	167.50
Crown Point Apartments	Rent, General Assistance	200.00
Culligan	Repairs, County Jail	30.00
Dakota Business Systems	Equipment Lease, Probation	72.00
DAS Central Finance	Telephone Service, Veterans' Service Office	64.70
Jolene Day	Witness Fees, County Court	37.60
DDSS Inc.	Services, County Sheriff	711.40
DDSS Inc.	Services, Courthouse	338.80
Dell Marketing, L.P.	Supplies, County Court	346.95
Discount Two-Way Radio	Equipment, County Jail	890.00
Eakes Office Plus	Supplies, County Sheriff	539.85
Eakes Office Plus	Supplies, County Attorney	403.35
Eakes Office Plus	Supplies, Juvenile Diversion	251.98
Eakes Office Plus	Supplies, County Jail	593.38
Eakes Office Plus	Supplies, Probation	110.62
Earl May Seed & Nursery	Supplies, Courthouse	28.00
Ed Roehr Safety Products	Equipment, County Jail	825.25
Glen Einspahr	Rent, General Assistance	250.00
Electrical Engineering & Equipment	Supplies, Courthouse	560.24
Elite Office Products	Copier Maintenance, County Court	73.42
Enviromaster Inc.	Supplies, County Jail	42.00
Gordon Eymann	Witness Fees, District Court	64.00
Faith Regional Health Services	Medical Services, General Assistance	43.00
Field's Hardware	Supplies, Courthouse	178.33
Field's Hardware	Supplies, County Sheriff	11.96
Field's Hardware	Supplies, County Jail	247.31
First Concord Benefits Group	Flexible Benefit Plan	1,822.60
Forensic Pathology	Registrations, County Sheriff	2,700.00
Frontier	Telephone Service, Juvenile Diversion	49.96
Daniel Fullner	Mileage, Mental Health	22.00
Gall's Inc.	Uniforms, County Sheriff	87.98

Gall's Inc.	Uniforms, County Jail	64.98
Global Financial Services	Equipment Rental, Register of Deeds	930.00
Gordy's Towing & Repair	Repairs, County Sheriff	34.97
Great Plains Appraisal	Data Processing Costs, Reappraisal	4,000.00
Hartford Life Insurance Company	Deferred Compensation	175.00
Hauge Associates Inc.	Garnish of Wages	126.99
Holt County Sheriff	Service Fees, District Court	19.31
Jeffrey Hrouda	Legal Services, County Court	2,518.53
Hy-Vee Pharmacy	Medical Services, General Assistance	69.34
Hy-Vee West Pharmacy	Prescriptions, County Jail	62.55
Jerry's Standard Inc.	Repairs, County Sheriff	17.25
J.W. Jones, M.D.	Autopsy Costs, Law Enforcement	920.00
K & S Door Company	Repairs, County Jail	205.50
Keenan Law P.C., L.L.O.	Legal Services, County Court	885.00
Patricia Kohl	Rent, General Assistance	600.00
Lancaster County Sheriff	Service Fees, District Court	16.16
Louderback Drug	Prescriptions, County Jail	2,133.72
Madison Ampride	Fuel, Courthouse	122.77
Madison Ampride	Fuel, County Sheriff	410.68
Madison County Clerk	Tax Deposit	36,956.62
Madison County Clerk of District Court	Fees, District Court	1,430.00
Madison County Court	Transcripts, Public Defender	74.75
Madison County Court	Transcripts, County Court	242.00
Madison County Sheriff	Court Costs, Mental Health	276.32
Madison County Sheriff	Court Costs, District Court	857.10
Madison County Sheriff	Court Costs, County Court	399.04
Maximus Inc.	Services, Courthouse	1,026.39
Christal McDonald	Court Reporting, Mental Health	50.00
Mead Lumber & Rental	Supplies, Courthouse	1,381.56
Medtox Diagnostics Inc.	Supplies, Juvenile Diversion	247.69
Microfilm Imaging Systems Inc.	Services, Register of Deeds	31.50
Microfilm Imaging Systems Inc.	Equipment Rental, County Court	227.00
Midwest Plumbing & Heating	Repairs, County Jail	217.73
MIPS Inc.	Data Processing Costs, County Clerk	499.80
Morrissey Motor Company	Repairs, County Sheriff	31.45
MS Data Services	Software, District Court	59.99

NACO	Registrations, County Assessor	60.00
NACO	Registrations, County Board	180.00
Nebraska Child Support Payment Center	Garnish of Wages	759.69
Nebraska Sheriff's Association	Dues, County Sheriff	210.00
Nebraska Supreme Court Publications	Publications, County Court	116.50
Newman Grove Family Dentistry	Dental Services, County Jail	595.00
NMG, LLC	Medical Services, County Jail	589.00
Norfolk Daily News	Publication Costs, Courthouse	219.80
Norfolk Printing Company	Supplies, District Judge	403.53
Norfolk Winnelson Company	Supplies, Courthouse	235.62
Northeast Community College	Supplies, County Jail	22.50
Oasis Counseling International	Services, Juvenile Diversion	155.21
Sherry Peterson	Telephone Services, Juvenile Diversion	40.00
Pfeifer Auto Body	Repairs, Courthouse	142.33
Pierce County Sheriff	Service Fees, County Court	15.50
Pioneer Telephone	Telephone Services, Courthouse	319.41
Pizza Hut	Jury Meals, County Court	52.46
Dan Pospisil	Rent, General Assistance	650.00
Puppy Love	Impound Fees, County Sheriff	50.00
Quill Corporation	Supplies, County Court	282.00
Qwest	Telephone Services, Probation	729.80
Radio Shack	Supplies, Probation	42.99
Region IV Inc.	Services, District Court	9,147.75
Region 4 Behavioral Health System	Quarterly Funding	14,187.50
Reigle Implement Co. Inc.	Repairs, Courthouse	139.50
Reynoldson's Inc.	Fuel, County Sheriff	542.70
Ringer Partners Management	Rent, General Assistance	181.00
Veronica Salinas	Interpreting Services, Juvenile Diversion	60.00
Scheer's Ace Hardware	Supplies, Courthouse	78.20
Schroeder Land Surveying	Services, County Surveyor	1,592.00
Share Corporation	Supplies, Courthouse	401.52
Shell Fleet Plus	Fuel, Reappraisal	112.11
Short Stop	Fuel, County Sheriff	215.50
James Smutny	Supplies, Equipment, Courthouse	545.81
Kelli Solway	Witness Fees, County Court	152.00
Telebeep	Supplies, County Jail	210.00

Trane US Inc.	Maintenance Agreement, Courthouse	435.75
Transamerica Life Insurance Company	Insurance Premiums	9.00
U.S. Cellular	Telephone Services, Law Enforcement	149.66
United States Postal Service	Postage, Planning and Zoning	356.00
Walmart Community	Supplies, Reappraisal	13.00
Wells Fargo Bank	Rent, General Assistance	750.00
Melissa Wentling	Supplies, Public Defender	112.23
Western Office Products Plus	Supplies, Assessor	76.13
Western Office Products Plus	Supplies, County Court	991.55
Western Office Products Plus	Supplies, County Sheriff	592.69
Western Office Products Plus	Copier Maintenance, County Attorney	93.37
Western Office Products Plus	Supplies, Probation	17.55
Western Office Products Plus	Supplies, District Court	86.92
White Star Oil Company	Fuel, Repairs, County Sheriff	52.97
Wisner Rendering LLC	Services, County Sheriff	25.00
Zee Medical Service	Supplies, County Sheriff	47.15
Zippy Lube	Repairs, County Sheriff	38.86

#### ROAD/BRIDGE FUND

Total Net Payroll		25,094.97
Albracht Disposal Service Inc.	Garbage Service, District #1	40.00
Alltel	Telephone Services, District #2	62.18
American Family Life Assurance Company	Insurance Premiums	265.40
Ameritas Life Insurance Corporation	Employee Share Retirement	1,485.67
Ameritas Life Insurance Corporation	Employer Share Retirement	2,228.59
Ameritas Life Insurance Corporation	Insurance Premiums	81.92
Appeara	Towel Service, District #1, #2	240.51
B's Enterprises Inc.	Bridge Materials, Supplies, District #1, #3	18,978.12
Battle Creek Farmers Cooperative	Fuel, District #1, #2, #3	14,221.43
Battle Creek Municipal Light & Power	Utilities, District #3	161.75
Bauer Built Inc.	Repairs, District #2, #3	131.50
BC Pit Stop LLC	Parts, District #3	33.00
Black Hills Energy	Utilities, District #1, #3	194.17
Carhart Lumber Company	Supplies, District #3	29.99

City of Newman Grove	Utilities, District #1	50.00
Colonial Life and Accident Insurance	Insurance Premiums	121.80
Constellation Energy	Gas Service, District #1, #3	976.15
D & M Machinery	Parts, District #3	17.97
D.W. Kohlhof Truck Repair	Parts, District #2	68.90
Dinkel Implement Co	Repairs, District #1	1,757.60
Eisenmann Supplies Inc.	Supplies, District #1	250.74
Fastenal Company	Repairs, District #1	205.16
Fields Hardware	Supplies, District #1	175.17
Filter Care of Nebraska	Services, District #2	25.85
First Concord Benefits Group	Flexible Benefit Plan	458.04
First Nebraska Trust	Equipment Lease, District #2	4,964.78
Green Line Equipment	Parts, District #3	24.74
Hauge Associates Inc.	Garnish of Wages	147.84
Henkel Oil Co.	Fuel, District #2	65.00
J & A Traffic Products	Signs, District #1	630.00
Johnson Engineering Company	Engineering Services, District #1, #2, #3	1,425.00
K & S Door Company Inc.	Repairs, District #1	525.25
Kelly Supply Company	Parts, District #2, #3	64.54
Kimball Midwest	Repairs, District #1	168.04
Linweld Inc.	Supplies, District #1, #3	424.36
Loup Power District	Utilities, District #1	119.44
Luedeke Oil Company Inc.	Repairs, District #1	360.00
M & M Farm Supply	Supplies, District #1	205.16
Madison Ampride Inc.	Fuel, District #1	631.36
Madison County Clerk	Tax Deposit	7,776.93
Matteo Sand & Gravel Co. Inc.	Gravel, District #1, #2, #3	14,097.17
Menards	Supplies, District #1	97.02
NAPA Auto Parts of Norfolk	Repairs, District #1, #2, #3	372.18
NMC Exchange LLC	Repairs, District #1, #2, #3	15,418.53
Norfolk Auto Supply Inc.	Parts, District #3	243.47
Pioneer Telephone	Telephone Services, District #1, #3	45.98
Quick Serve Oil Company Inc.	Repairs, Fuel, District #3	215.61
Reigle Implement Co. Inc.	Repairs, District #1	202.50
Renner Auto Body	Parts, District #2	108.94
Schaben Industries	Shipping, District #1	810.68

Scheer's Ace Hardware	Supplies, District #1, #2, #3	61.36
Seals and Service Inc.	Repairs, District #3	383.38
Telebeep Wireless	Internet Services, District #2	141.96
The Grove	Fuel, District #1	114.02
Transamerica Life Assurance Company	Insurance Premiums	44.58
Truck Center of Norfolk	Parts, District #1, #2	379.30
Vic's Engine Service Inc.	Repairs, District #2	164.39
Weldon Industries Inc.	Repairs, District #1, #2	569.29
West Lumber Company	Supplies, District #1	18.58
White Star Oil Company	Fuel, District #1	50.00

#### LAW ENFORCEMENT OPERATING FUND

Luetkenhaus Construction Inc.	Building Repairs	2,900.00
Madison County Sheriff	Supplies, Subscriptions	424.17

#### DRUG COURT FUND

Jerry's Standard Inc.	Fuel	200.00
Pam Wells	Supplies	44.99

#### NOXIOUS WEED FUND

Total Net Payroll		2,367.07
American Family Life Assurance Company	Insurance Premiums	36.65
Ameritas Life Insurance Corporation	Employee Share Retirement	135.00
Ameritas Life Insurance Corporation	Employer Share Retirement	202.50
First Concord Benefits Group	Flexible Benefit Plan	19.23
Madison County Clerk	Tax Deposit	668.42

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 11:00 A.M. to Tuesday, April 28, 2009 at 9:30 A.M.

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County Clerk

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Chairman