

COMMISSIONERS PROCEEDINGS

Madison, Nebraska

July 21, 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, July 16, 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 9:39 A.M. Planning and Zoning Administrator John Johnson was present from 9:57 A.M. to 10:28 A.M.

Motion was made by Klein and seconded by Uhlir that Item #3 under Other Business for "Ratification of application to Senator Ben Nelson for designation of the Nucor Road as high priority project" be removed from the consent agenda so an updated report could be received from County Highway Superintendent Richard Johnson. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

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

- 1) Approval of minutes of the July 7, 2009 meeting

2)

RESOLUTION #2009-38

BE IT RESOLVED, that the withdrawal by The Bank of Newman Grove, Newman Grove, Nebraska of the following securities, held in safekeeping by Federal Reserve Bank, Boston, Massachusetts, to secure deposits of the county in said bank, to wit:

FEDERAL HOME LOAN BANK	\$250,000.00	Federal Reserve Bank
Rate 5.80%	Maturity 07/07/2011	Boston, Massachusetts
Cusip 3133XG2P8		

and the substitution of the following securities be and the same hereby are approved:

FHLB	\$250,000.00	Federal Reserve Bank
Rate 3.75%	Maturity 09/09/2011	Boston, Massachusetts
Cusip 3133XRY46		

3)

RESOLUTION #2009-39

BE IT RESOLVED, that the following securities held in safekeeping by Midwest Independent Bancshares, Inc., Jefferson City, Missouri, to secure deposits of this county in Midwest Bank, Pierce, Nebraska, be and the same hereby are approved:

DOUGLAS CNTY NE SAN & IMPT DIST	Midwest Independent Bancshares, Inc.
Maturity Date: 02/15/2020	Jefferson City, Missouri
\$100,000.00	Cusip 259282AD3
Receipt Date: 5/29/2009	Receipt Number: JC47235

4) Authorization for County Board Chairman to execute the program income report for CDBG Grant #99-ED-008 for the period ending June 30, 2009

5) Authorization to advertise for bids for Project No. C-59-775 (Structure No. C005900935) in Road District #3

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

The Board reviewed the following reports:

- 1) County Clerk June fee report
- 2) County Treasurer fund balance report
- 3) County Treasurer Semi-Annual report from January through June 2009
- 4) Register of Deeds June fee report
- 5) County Sheriff June fee report
- 6) 2nd Quarter Veterans' Aid Fund financial report
- 7) 2nd Quarter report for CASA of Northeast Nebraska
- 8) PrairieLand RC&D July newsletter

Pursuant to published legal notice in the Saturday, July 11, 2009 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 10:00 A. M. to receive comments regarding the application of Eugene and Jeanette Reeves to amend the Madison County zoning map and rezone 154.56 acres located in the SW1/4 Section 18-23-2 from AG-1 to A-T. Planning and Zoning Administrator John Johnson read the facts regarding the rezoning application and reported that the Planning Commission unanimously approved the application.

Eugene and Jeanette Reeves were present during the hearing. Jeanette Reeves explained that they plan to sell the corners of their property for residential lots and it must be rezoned before it can be divided. Eugene Reeves agreed with the comments presented by his spouse, Jeanette Reeves.

No one appeared at the hearing to testify in support or opposition to the rezoning application. Chairman McCallum closed the hearing at 10:04 A.M.

After discussion the following resolution was introduced:

RESOLUTION #2009-40

A RESOLUTION MAKING A CHANGE OF ZONING CLASSIFICATION OF CERTAIN LANDS LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER THE AUTHORITY GRANTED BY SECTIONS 23-114.02 THROUGH 23-114.05 AND SECTIONS 23-164 THROUGH 23-165 OF THE REVISED STATUTES OF NEBRASKA, 1943.

WHEREAS, having received a request to and a positive recommendation from the Madison County Joint Planning Commission, proper notice having been given, and public hearings held by said Commission and the Madison County Board of Commissioners as provided by law and under the authority of and subject to the provisions of Article 1, General Provisions, Section 114, page 1-2, of the Madison County Zoning and Subdivision Resolution.

WHEREAS, the Madison County Joint Planning Commission made said recommendation on the facts listed below:

1. The quarter to be rezoned is contiguous with AT zoning already in place in the NW of the same section.
2. The quarter to the south is zoned Rural Residential.
3. AT zoning would buffer the Rural Residential to the south much better than the current AG1.
4. The housing density on the quarter would rise to four non-farm houses from one non-farm home.
5. Permitted AT uses would be consistent with the surrounding land uses and zoning.
6. This request is consistent with the Madison County Comprehensive Plan which calls for development to occur in areas close to cities and other current developments.
7. Most farming, except large and medium AFOs and CAFOs could still be done on this Quarter.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Madison County, Nebraska hereby changes the zoning classification as follows:

"AG1" Intensive Agriculture District to "AT" Agricultural Transition District on the following tract of land described as the Southwest Quarter of Section 18, Township 23 North, Range 2 West of the Sixth Principal Meridian, Madison County, Nebraska.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that upon taking effect of this resolution, the above zoning changes 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.

This Resolution shall take effect and be in force from and after its adoption.

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.

Pursuant to published legal notices in the Saturday, July 11, 2009 edition of The Norfolk Daily News, Chairman McCallum opened public hearings at 10:05 A.M. to receive comments regarding the conditional use permit applications of Eugene and Jeanette Reeves to construct residences on less than 40 acres on property located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7-23-2. Planning and Zoning Administrator John Johnson read the facts regarding the conditional use permit applications and the conditions approved by the Planning Commission. In addition, he stated that approval of the conditional use permits might increase the request for a paved road along the Chardan Subdivision and past these parcels.

Eugene and Jeanette Reeves were present during the hearing. Jeanette Reeves explained that they plan to sell lots from the corners of their property for construction of houses since the property is close to the City of Battle Creek and the Chardan Subdivision. Eugene Reeves agreed with the comments presented by his spouse, Jeanette Reeves.

No one appeared at the hearing to testify in support or opposition to the conditional use permit applications. Chairman McCallum closed the hearing at 10:14 A.M.

After discussion the following resolutions were introduced:

RESOLUTION #2009-41

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. We do not know if the future occupant is familiar with both the positives and negatives of living in the country.
4. There is a small livestock confinement within a quarter-mile of the proposed home site.
5. At the time of the application an irrigation pivot is located on the quarter, and the quarter to the east. These pivots could subject any residents on the quarter to overspray which could include chemigation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Eugene and Jeanette Reeves for a single family dwelling on less than forty acres Section 404: AT Agricultural Transition District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 23 North and Range 2 West of the 6th P.M.,
Madison County, Nebraska.

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

1. This Conditional Use Permit allows a single family home on less than 40 acres.
2. This Conditional Use Permit shall be permanent and will be transferred between owners.
3. With the passage of this permit, the applicant and/or residents and/or builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. Complaints directed towards this pivot or the pivot to the east should be directed to the appropriate landowner.
5. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by Eugene and/or Jeanette Reeves.

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.

RESOLUTION #2009-42

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. We do not know if the future occupant is familiar with both the positives and negatives of living in the country.
4. At the time of the application an irrigation pivot is located on the quarter, and the quarters to the south and the east; any of these pivots could subject any residents on the quarter to overspray which could include chemigation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Eugene and Jeanette Reeves for a single family dwelling on less than forty acres Section 404: AT Agricultural Transition District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 23 North and Range 2 West of the 6th P.M.,
Madison County, Nebraska.

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

1. This Conditional Use Permit allows a single family home on less than 40 acres.
2. This Conditional Use Permit shall be permanent and will be transferred between owners.
3. With the passage of this permit, the applicant and/or residents and/or builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. Complaints directed towards this pivot or the pivots to the east and south should be directed to the appropriate landowner.
5. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by Gene Reeves.

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.

RESOLUTION #2009-43

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. We do not know if the future occupant is familiar with both the positives and negatives of living in the country.
4. At the time of the application an irrigation pivot is located on the quarter; this pivot could subject any residents on the quarter to overspray which could include chemigation.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Eugene and Jeanette Reeves for a single family dwelling on less than forty acres Section 404: AT Agricultural Transition District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 23 North and Range 2 West of the 6th P.M.,
Madison County, Nebraska.

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

1. This Conditional Use Permit allows a single family home on less than 40 acres.
2. This Conditional Use Permit shall be permanent and will be transferred between owners.
3. With the passage of this permit, the applicant and/or residents and/or builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances. This does not, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. Complaints directed towards this pivot or the pivots to the east and south should be directed to the appropriate landowner.
5. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by Gene Reeves.

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 to adopt Resolutions #2009-41, #2009-42, and #2009-43 and approve Eugene L. Reeves First Lot Split, Eugene L. Reeves Second Lot Split, and Eugene L. Reeves Third Lot Split. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Pursuant to published legal notices in the Saturday, July 11, 2009 edition of The Norfolk Daily News, Chairman McCallum opened public hearings at 10:15 A. M. to receive comments regarding the conditional use permit applications of Eugene and Jeanette Reeves to construct residences on less than 40 acres on property located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18-23-2. Planning and Zoning Administrator John Johnson read the facts regarding the conditional use permit applications and the conditions approved by the Planning Commission.

Eugene and Jeanette Reeves were present during the hearing. Jeanette Reeves explained that they want to take advantage of the location of this property, which is close to Evergreen Hills Golf Course. She stated that they plan to sell two lots from the corners of this property for construction of houses. Eugene Reeves agreed with the comments presented by his spouse, Jeanette Reeves.

Commissioner Uhlir reported that he plans to install a culvert and gravel the county road to the proposed acreages.

No one appeared at the hearing to testify in support or opposition to the conditional use permit applications. Chairman McCallum closed the hearing at 10:21 A.M.

After discussion, the following resolutions were introduced:

RESOLUTION #2009-44

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. We do not know if the future occupant is familiar with both the positives and negatives of living in the country.
4. At the time of the application an irrigation pivot is located on the quarter and the quarter to the east. This pivot could subject any residents on the quarter to overspray which could include chemigation.
5. 837 Road is maintained only to the half-section line.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Eugene and Jeanette Reeves for a single family dwelling on less than forty acres Section 404: AT Agricultural Transition District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

Southeast ¼ of the Southwest ¼ of Section 18, Township 23 North and Range 2 West of the 6th P.M.,
Madison County, Nebraska.

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

1. This Conditional Use Permit allows a single family home on less than 40 acres.
2. This Conditional Use Permit shall be permanent and will be transferred between owners.
3. With the passage of this permit, the applicant and/or residents and/or builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances possibly including errant golf balls. This does not, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. Complaints directed towards this pivot or the pivot to the east should be directed to the appropriate landowner.
5. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by Gene Reeves.

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.

RESOLUTION #2009-45

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. We do not know if the future occupant is familiar with both the positives and negatives of living in the country.
4. At the time of the application an irrigation pivot is located on the quarter. This pivot could subject any residents on the quarter to overspray which could include chemigation.
5. A golf course clubhouse is located south of the home site and host parties and such.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Madison County, Nebraska, hereby grants a permanent Conditional Use Permit to Eugene and Jeanette Reeves for a single family dwelling on less than forty acres Section 404: AT Agricultural Transition District, 2003 Madison County Zoning and Subdivision Resolution, on the following described land:

Southwest ¼ of the Southwest ¼ of Section 18, Township 23 North and Range 2 West of the 6th P.M.,
Madison County, Nebraska.

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

1. This Conditional Use Permit allows a single family home on less than 40 acres.
2. This Conditional Use Permit shall be permanent and will be transferred between owners.
3. Access to this acreage shall be from 837 Road and not Highway 121.
4. With the passage of this permit, the applicant and/or residents and/or builder realizes that the new residence is going to be subject to livestock odors, dust and general nuisances possibly including errant golf balls. This does not, however, mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
5. Complaints directed towards this pivot or the pivot to the east should be directed to the appropriate landowner.
6. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by Gene Reeves.

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

Motion was made by Klein and seconded by Uhlir to adopt Resolutions #2009-44 and #2009-45 and approve the Eugene L. Reeves Fourth Lot Split and Eugene L. Reeves Fifth Lot Split. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

County Highway Superintendent Richard Johnson reported that an application, letters of support, a cost estimate, and map were among the documents submitted to Senator Ben Nelson's office for designation of the Nucor Road as a high priority project. He explained that the project would be completed with 80% federal funds and 20% county funds. He stated that application requested \$9.3 for the Nucor Road project. He reported that Phase I of the Nucor Road would start at Highway 35 and come over to the point where the ethanol road ties in. He explained that this would include 1.3 miles in Stanton County and approximately a half-mile in Madison County.

Mr. Johnson reported that concurrent with Nucor Road Phase I project, Nucor would build a plant entrance, and part of that entrance would be public and a portion would be private. He also stated that along with the Phase I Nucor Road project, the Ethanol Road would be built. He explained that when this phase is completed, Nucor would request that the existing Nucor Road be closed from west of the railroad tracks to somewhere in the plant area. He explained that this would take care of the plant's safety issue and would allow Nucor to fence off the plant. He reported that the cost estimate of Phase I in Madison County is \$549,089 and \$2,028,725 in Stanton County. He stated that the Nucor plant entrance is estimated at \$926,921. In addition, he reported that the Ethanol Road estimated cost is \$935,325.

Chairman McCallum questioned if Elkhorn Valley Ethanol plans to build the Ethanol Road and County Highway Superintendent responded that he doesn't know at this time. Chairman McCallum questioned what the plan is for the Ethanol Road from Victory Road into the plant and County Highway Superintendent Richard Johnson responded that the road would be paved and would be built in two phases. Commissioner Klein questioned if the Ethanol Road would be part of the Victory Road project and County Highway Superintendent Richard Johnson responded that the county must decide this. Commissioner Klein questioned if the City of Norfolk would assist with the costs of the Ethanol Road construction and County Highway Superintendent Richard Johnson responded that he didn't think Norfolk City would participate; however, the county could ask. He explained that the ethanol plant decided not to pay a share of the project costs; however, they might change their mind.

County Highway Superintendent Richard Johnson reported that Phase II of the Nucor Road is one mile from Highway 81 east to 1st Street. He stated that Phase II has a large curve in the road because of a large transmission line located on the south side of the road and then the road follows the flood plain and comes into the river at a right angle that will reduce the bridge costs. He stated that there is also a very limited area where the State of Nebraska would allow a road to access Highway 81 because of the flood plain and the need to control access onto an expressway. He reported that the estimated costs for Phase II of the Nucor Road is \$2,362,680, which includes closing and removing an old truss bridge across Eisenhower Avenue.

County Highway Superintendent Richard Johnson reported that Phase III runs from 1st Street and ties in the Ethanol Road. He explained that Phase III includes a viaduct over the railroad and Victory Road. He reported that there are a few wetland issues on Phase III. Chairman McCallum questioned what requirements must be met for the Game and Parks Commission and County Highway Superintendent Richard Johnson responded that the Federal Highway Administration asked the Nebraska Department of Road to re-write their regulations and a document that is approximately 800 pages has been developed. He explained that, if federal funds are used, part of the requirements include forms that must be completed for National Environmental Protection Agency and also forms dealing with wetlands, Game and Parks Commission, and Fish and Wildlife. He reported that these forms are very cumbersome and time consuming and many stimulus projects are being delayed because of these new regulations.

Chairman McCallum questioned how soon these projects could begin and County Highway Superintendent Richard Johnson responded that the beginning date depends if the county uses federal funds or local funds. He reported that the Deputy Director of the Department of Roads stated that the time frame using federal aid funds would be between five to seven years. He stated that if part of the project is completed with local funds, they could start building the project next year.

County Highway Superintendent Richard Johnson reviewed the funding for the various projects that was based on what would be reasonable to get the projects going and also based on past agreements. He reported that Madison County agreed to pay one-fourth of the costs of the first phase of the Ethanol Road and \$400,000 towards the Nucor Road. He explained that the original agreement approved for the Nucor Road project committed \$400,000 from Madison County, the City of Norfolk, and Nucor and a commitment from Stanton County for \$250,000 and in addition, Nucor would build the plant entrance. He explained that if local funds are used, he understood that the county would also be eligible for \$1.5 million from the Department of Roads, but it appears that this funding won't be available. He stated that this would result in a \$4 million shortfall, the \$1.5 million expected from the Department of Roads plus a \$2.4 shortfall reflected on the funding spreadsheet. County Highway Superintendent Richard Johnson reported that, in his opinion, the best way to approach this project is to complete Phase I and everything that is associated with it first, which would include tying Victory Road into Highway 35. He explained that completing this phase would help Nucor trucks going north and east and it would also benefit Norfolk Iron and Norfolk depending upon which direction their trucks go.

Chairman McCallum questioned what additional costs the county could incur if the Ethanol Plant doesn't provide any funding and County Highway Superintendent Richard Johnson responded that the Ethanol plant previously committed \$266,000. He stated that if Phase I is completed, it would take a lot of pressure off of trucks going through Norfolk, Nucor having direct access, Dick Robinson having better access to Highway 35, and the safety issue at Nucor. He explained that the entire project costs for Madison County would be \$2 million, including costs for Nucor Road and Ethanol Road. Commissioner Klein questioned what the costs would be for the road project from Highway 35 to Victory Road and County Highway Superintendent Richard Johnson responded that the total cost for this portion of the project would be approximately \$3.5 million. Commissioner Klein stated that current construction costs are probably at an all time low and that inflation would continue to increase the project costs. He questioned how much of the project the county could complete without jeopardizing the entire county budget and County Highway Superintendent Richard Johnson responded that Victory Road would cost approximately \$800,000 and the cash is available in the county budget. He explained that there is approximately \$2.6 million in cash for major road project, including \$700,000 of bond proceeds in the Road/Bridge Fund, \$1.3 million cash in the Federal Aid Secondary Fund, and \$600,000 in General Fund allocated for a drainage project that won't be completed. He stated that, in his opinion, the county could spend \$1.5 million and not have a major impact on the county budget.

Chairman McCallum stated that the federal government is condemning a lot of bridges and that funding has not been appropriated in the county budget; therefore soft match funds from the Federal Aid Secondary Fund must be used to repair or replace these bridges. He reported that he has four or five bridges in District #1 at a cost of \$100,000 each and the budget can't handle replacement of these bridges. Commissioner Klein recommended that the county look at completing Victory Road to Highway 35 and delay the remaining phases until later, even if it would cost more in the future. County Highway Superintendent Richard Johnson stated that the Norfolk City Council has not committed any funds to these projects. Chairman McCallum stated that federal funds for road projects are generated from fuel tax and there is a \$200,000 shortfall to the county. Commissioner Klein stated that Nucor has a huge safety issue that must be addressed, so he recommended that the county proceed with Phase I. He stated that Nucor is the second biggest employer in Madison County and they are getting upset so completing Phase I would make a big difference for everyone. He stated that if someone doesn't like the fact that trucks are using Benjamin Avenue, then the City of Norfolk might realize that they should help with the other projects.

Chairman McCallum stated that the county should have made a plan immediately on the Ethanol Road so that the Ethanol Plant didn't back out on their funding commitment. He stated that the county should be very careful on the amount of funds it commits to these projects. Commissioner Klein stated that the only way the county should consider completing all the projects is if federal stimulus funds are approved. He reiterated that he wants the project from Highway 35 to Victory Road completed and he recommended that the county proceed with the Victory Road Project. Commissioner Klein questioned when the bids for the Victory Road project would be let and County Highway Superintendent Richard Johnson responded that he is working on acquiring some right-of-way and an interlocal agreement with the City of Norfolk. County Highway Superintendent Richard Johnson reported that the City of Norfolk would be providing funding for the south half-mile and the county is responsible for the north half-mile.

Commissioner Klein requested County Highway Superintendent Richard Johnson to place the Victory Road project on the next meeting agenda for authorization to advertise for bids. Chairman McCallum requested that funding commitments be obtained from Stanton County, the City of Norfolk, and Nucor. He stated that he doesn't think it was fair for the Ethanol Plant to verbally commit funding and then back out. County Highway Superintendent Richard Johnson explained that the Ethanol Plant agreed to commit funding in a letter, so he didn't know what to do. Chairman McCallum responded that a legal binding contract should have been executed.

Motion was made by Klein and seconded by Uhlir to ratify the application to Senator Ben Nelson for designation of the Nucor Road as a high priority project. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The following claims were audited:

GENERAL FUND		
Payroll		107,585.90
Mark Albin	Legal Services	2,032.27
Alltel	Phone Services	59.09
Travis Amen	Jury Fees	57.00
American Express	Equipment	1,893.64
AFLAC	Insurance	520.39
Ameritas Life Insurance Corp	Insurance, Retirement	17,229.35
Appera	Mat Service	211.60
Aramark	Meals	14,380.04
Alvin Arens	Rent	250.00
Luz Arreguin	Jury Fees	60.30
Aspen Publishers	Publication	136.50
AT & T	Phone Services	153.64
Bank of Madison	Supplies	112.60
Joan Baumgart	Jury Fees	51.50

Beckman's Service Center	Repairs	31.65
Big Red Printing	Supplies	220.13
Black Hills Energy	Gas Service	173.89
BCBS	Insurance	105,009.73
Lori Bohn	Postage	7.17
Brandl Electric	Services	305.08
Alana Brandt	Jury Fees	51.50
Troy Broders	Jury Fees	103.00
Brownells	Supplies	143.14
Timothy Brueggeman	Jury Fees	51.50
BTS	Services	212.65
Buck's Specialty	Uniforms	90.31
Cableone	Internet Services	99.00
Doug Caskey	Jury Fees	103.00
Central United Life Insurance	Insurance	37.21
Charles Balsiger	Legal Services	548.61
David Christensen	Jury Fees	51.50
City of Madison	Rent, Utilities	4,671.21
Colonial Life & Accident Insurance	Insurance	154.67
Complete Pest Elimination	Services	125.00
Connecting Point	Equipment, Software, Supplies, Internet Services	4,295.87
Constellation Energy	Gas Services	958.28
Credit Bureau Services	Garnish of Wages	211.70
Credit Management Services	Garnish of Wages	120.01
Culligan	Drinking Water Service	101.05
Cole Custer	Jury Fees	51.50
Dakota Business Systems	Copier Lease	72.00
DDSS	Services, Supplies	138.30
Dental Distributors	Supplies	804.00
Design Agri Systems	Supplies	143.00
Russel DeVall	Jury Fees	51.50
Diane Dickie	Jury Fees	103.00
Susan Dowling	Jury Fees	51.50
Richard Drummond	Uniforms	62.30
Eakes Office	Supplies	159.84
Earl May	Supplies	35.98
Ecolab	Equipment	216.72

Jan Einspahr	Legal Services	1,663.10
Elite Office	Copier Maintenance	73.35
Enviromaster	Supplies	42.00
Lois Feyerherm	Jury Fees	51.50
First Concord	Flex Plan	2,194.81
Floor Maintenance	Supplies	135.43
Joe Freeborn	Publication	10.00
Kayla Freudenburg	Jury Fees	35.00
Carla Frisch	Jury Fees	93.10
Frontier	Phone Services	283.07
Michelle Furrow	Jury Fees	103.00
Gasrite	Fuel	3,632.79
Chad Gilsdorf	Jury Fees	81.00
Gordy's Towing & Repair	Repairs	12.00
Vickie Green	Postage	61.00
Kayla Grone	Services	100.00
Group Link	Insurance	274.95
Chad Harper	Jury Fees	37.20
Hartford Life Insurance	Deferred Comp	175.00
Danielle Hatterman	Jury Fees	79.00
Matthew Headley	Supplies	47.88
Katie Hinze	Jury Fees	103.00
Tommy Hockabout	Jury Fees	57.00
John Hollatz	Jury Fees	103.00
Sandra Homan	Jury Fees	70.75
IBM	Copier Maintenance	1,392.00
Richard Ideen	Jury Fees	51.50
Jack's Uniforms	Supplies	137.79
Cheryl Jakubowski	Jury Fees	103.00
JCD & Co.	Equipment	1,207.73
Jerry's Standard	Fuel	48.27
Nancy Jochum-Schramm	Court Reporting	50.00
John's Disposal	Garbage Service	22.12
Johnson, Morland, Easland & Lohrberg	Legal Services	2,554.50
Sharon Joseph	Mileage	181.50
Donna Kielty	Jury Fees	51.50
Kralik's Sew & Vac Center	Supplies	17.99

Dona Kratochvil	Repairs	54.50
Lee Electric	Repairs	44.00
Louderback Drug	Prescriptions, Jury Meals	1,177.07
Carol Lyon	Jury Fees	51.50
Madison Ampride	Fuel	315.51
Madison Co. Clerk	Title Fee	36,266.75
Madison Co. Clerk of District Court	Filing Fees	1,236.00
Madison Co. Court	Transcript, Court Costs	2,160.25
Madison Co. Sheriff	Fees	1,833.52
Madison Co. Treasurer	Tire Tax	5.00
Madison Nat'l Life	Insurance	125.49
Anna Malone	Jury Fees	51.50
Crystal Maurer	Jury Fees	51.50
Menards	Supplies	98.90
Microfilm Imaging Systems	Equipment Rental, Supplies	348.50
Monte Middleton	Jury Fees	51.50
Midwest Plumbing & Heating	Repairs	263.34
MIPS	Computer Support	1,393.72
Heidi Mittelstaedt	Jury Fees	51.50
Monte Montgomery	Jury Fees	79.00
Morrissey Motor	Repairs	31.45
David Morrow	Jury Fees	51.50
NACO Planning & Zoning	Registration	35.00
Nebr. Child Support Payment Center	Garnish of Wages	759.69
Nebr. HHS	State Institutions Costs	822.00
NPPD	Utilities	221.41
Norfolk Area Shopper	Publication Costs	153.00
Norfolk Daily News	Publication Costs	757.99
NNJS	Board of Juveniles	13,782.50
Norm Nykodym	Lawn Services	122.00
Ochsner Grain	Supplies	28.80
Lois Petersen	Jury Fees	42.70
Russell Peterson	Jury Fees	51.50
Ralph Pieke	Jury Fees	60.30
Pioneer Telephone	Phone Services	251.88
Pitney Bowes	Supplies	293.52
Pizza Hut	Witness Meals, Jury Meals	119.53

Postmaster	Postage	170.80
David Prather	Meals, Registration	37.54
Puppy Love	Impound Fees	75.00
Qwest	Phone Services	430.84
Julie Reding	Witness Fees	73.00
Kaylor Reding	Witness Fees	56.50
Reigle Implement	Repairs	234.34
Brenda Rowse	Jury Fees	103.00
Marjorie Schaffer	Supplies	53.50
Nancy Scheer	Postage	164.92
Heather Schindler	Jury Fees	51.50
Jerome Schommer	Jury Fees	37.75
Rick Schommer	Jury Fees	70.00
Schroeder Land Surveying	Services	1,340.00
Secretary of State	Supplies	40.00
Shell	Fuel	131.82
Colton Sila	Jury Fees	51.50
Melinda Simonsen	Jury Fees	51.50
Tami Sovereign	Jury Fees	51.50
Lynn Stolz	Jury Fees	103.00
Stratton Law	Legal Services	150.00
Thomas Swalley	Jury Fees	51.50
Sherrill Swoboda	Jury Fees	57.00
Anita Theophilus	Witness Fees	37.60
Gabriel Tielke	Jury Fees	51.50
Trane US	Maintenance Agreement	435.75
Voigt Locksmith	Repairs	106.25
Ron Wachter	Jury Fees	103.00
Walmart	Supplies	118.76
Daniel Walters	Jury Fees	114.00
Wayne Co. Court	Copies	6.25
Gerard Weiland	Witness Fees	36.50
Wells Fargo	Supplies	63.99
Melissa Wentling	Postage, Supplies	89.99
West Payment Center	Subscription, Publication	352.16
Western Office	Copier Maintenance, Supplies, Equipment	1,016.49
Christopher Wilson	Jury Fees	51.50

WJAG/KEXL	Tower Rental	1,000.00
Cory Worrell	Witness Fees	64.00
Zee Medical Service	Supplies	25.95
Zodiac Properties	Rent	7,876.67

ROAD/BRIDGE FUND

Payroll		27,307.77
Alltel	Phone Services	72.96
AFLAC	Insurance	273.46
Ameritas Life Insurance	Insurance, Retirement	4,139.16
Appera	Towel Service	157.35
Asphalt & Concrete Materials Co.	Asphaltic Materials	601.38
B & D Truck Parts	Parts	650.00
B's Enterprises	Culverts, Signs	7,967.00
Bankfirst	Parts	467.38
Battle Creek Farmers Coop	Fuel	2,201.45
Bauer Built	Repairs	39.00
Black Hills Energy	Gas Service	40.96
BCBS	Insurance	29,409.92
Carquest Auto	Parts	85.49
Colonial Life & Accident Insurance	Insurance	121.80
Constellation Energy	Gas Service	39.56
D & M Machinery	Parts	8.56
DWB	Building	14,096.00
First Concord	Flex Plan	550.60
Gehring Construction	Concrete	108.50
Green Line Equip.	Parts	59.00
Group Link	Insurance	12.42
Husker Steel	Bridge Materials	1,763.00
K & C Grain	Gravel	837.66
Kimball Midwest	Repairs	114.69
Linweld	Supplies	37.98
Loup Power	Services	100.21
M & M Farm Supply	Supplies	36.69
Madison Ampride	Fuel	1,211.70
Madison Co. Clerk	Tax Deposit	8,381.82

Madison Food Pride	Supplies	34.63
Madison Nat'l Life	Insurance	36.91
Matteo Sand & Gravel	Gravel, Sand	14,653.91
Meisinger Oil	Fuel, Repairs	5,565.75
Nebraska Harvestore	Parts	153.64
NMC Exchange	Repairs	29,238.93
Norfolk Auto Supply	Parts	92.74
Norfolk Winair	Supplies	194.31
Pioneer Telephone	Phone Services	42.98
Quick Serve Oil	Fuel	441.81
Red Bud	Supplies	110.35
Reigle Implement	Parts	131.88
Scheer's Ace Hardware	Parts	24.33
Shopko	Equipment	149.98
The Grove	Fuel	117.01
Transamerica Life Insurance	Insurance	44.58
Truck Center	Parts	548.55
Weldon Industries	Parts	1,781.97
West Lumber	Supplies	24.99
Western Office	Supplies	19.98
Wick's Sterling Trucks	Parts	23.09
WJAG/KEXL	Electrical Service	198.00
Zoubek Oil	Supplies	426.25

VISITORS PROMOTION FUND

Norfolk Area Chamber of Commerce	Administrative Expense	13,768.14
Reeder Airworks	Signage	2,440.00

VISITORS IMPROVEMENT FUND

Norfolk Area Chamber of Commerce	Mileage, Advertising	10,433.45
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LAW ENFORCEMENT OPERATING FUND

Madison Co. Sheriff	Subscription	123.97
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DRUG COURT FUND

Correctional Counseling	Supplies	389.01
Redwood Toxicology Lab	Drug Tests	200.15

NOXIOUS WEED FUND

Payroll		1,991.22
Advance Auto Parts	Supplies	34.18
Ameritas Life Insurance Corp	Retirement	181.91
AS Central Finance	Phone Services	40.66
BCBS	Insurance	1,269.34
Cableone	Internet Services	49.00
Eudell Feldmann	Mileage	23.10
Graham Tire	Repairs	173.84
John's Disposal	Garbage Service	26.00
August Klug	Mileage	6.60
Madison Co. Clerk	Tax Deposit	593.27
Myron Nelson	Mileage	42.90
Norfolk Daily News	Publication Costs	7.20
Earl Reeves	Mileage	16.50
Orin Rinkel	Mileage	11.00
Van Diest Supply	Chemicals	3,342.30

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 11:24 A.M. to Tuesday, August 4, 2009 at 9:30 A.M.

County Clerk

Chairman