

# BOARD OF EQUALIZATION

Madison, Nebraska

September 30, 2008

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

Advance notice of meeting was published in the Thursday, September 25, 2008 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 Rick Uhlir 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 Treasurer Donna Primrose, County Assessor Jeff Hackerott, and County Clerk Nancy Scheer.

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

Motion made by McCallum and seconded by Klein to approve the minutes of the September 16, 2008 meeting. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

Chairman Uhlir opened a public hearing at 9:09 A.M. to consider the following motor vehicle exemption applications presented by County Treasurer Donna Primrose:

Community Bible Church, 401 East Park Avenue, Norfolk	1994 Ford Club Wagon
Faith Regional Health Services, P.O. Box 869, Norfolk	2008 Chevrolet Malibu
First Christian Church, 1408 East Benjamin Avenue, Norfolk	2000 Ford Van
Improved Living, Inc., P.O. Box 116, Norfolk	1988 GMC Truck
Madison Senior Citizens, Inc., 512 North Main Street, Madison	1991 Ford Van
Sacred Heart Parish, 204 South 5th Street, Norfolk	1987 Ford Van
United Methodist Church, P.O. Box 1283, Norfolk	2007 Honda Accord

County Treasurer Donna Primrose reported that the County Board previously approved exemption applications for these organizations. No one appeared at the hearing to offer verbal testimony. Chairman Uhlir closed the hearing at 9:12 A.M.

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

County Assessor Jeff Hackerott presented the following tax list correction:

- #2418: Crown Castle Towers, 4017 Washington Road, McMurray, PA 15317  
Addition to the tax rolls in the amount of \$1,895.12 for correction to the 2006 personal property taxes due to addition of a cellular tower
- #2419: Crown Castle Towers, 4017 Washington Road, McMurray, PA 15317  
Addition to the tax rolls in the amount of \$1,717.16 for correction to the 2007 personal property taxes due to addition of a cellular tower
- #2420: AMF Bowling Centers, Inc., 8100 AMF Drive, Mechanicsville, VA 23111  
Addition to the tax rolls in the amount of \$1,547.14 for acceleration of the 2008 personal property taxes due to the sale of equipment on August 26, 2008
- #2421: Vernell and Lugene Korth, 125 East 1st Street, Lindsay, NE 68644  
Addition to the tax rolls in the amount of \$15.20 for acceleration of the 2008 personal property taxes due to the sale of equipment on September 27, 2008
- #2422: Todd Borgmeyer, 84655 Buckskin Road, Norfolk, NE 68701  
Addition to the tax rolls in the amount of \$5.48 for acceleration of 2008 personal property taxes due to the relocation of equipment to Pierce County

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

The Board of Equalization adjourned at 9:13 A.M.

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County Clerk

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Chairman

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## COMMISSIONERS PROCEEDINGS

Madison, Nebraska

September 30, 2008

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, September 25, 2008 edition of The Norfolk Daily News. A copy of said notice was mailed to each Board member. An affidavit of acknowledgment of receipt of notice of meeting as published was executed. Chairman Jerry McCallum called the meeting to order and notified the public of the location of the information regarding the Open Meeting Act posted in the meeting room.

Present: Commissioners Jerry McCallum, Rick Uhlir, and Lee Klein, and County Clerk Nancy Scheer. Planning and Zoning Administrator John Johnson joined the meeting at 9:45 A.M. and County Highway Superintendent Richard Johnson joined the meeting at 9:52 A.M.

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

- 1) Approval of minutes of the September 16, 2008 meeting
- 2) Acknowledge receipt of the Official Bond of Heidi L. Hermsmeyer as Treasurer of the Village of Meadow Grove
- 3) Approval of Lambrecht's Lot Split located in Section 14-23-1
- 4) Re-appointment of Richard Grant and John Reigle to serve three year terms on the Madison County Joint Planning Commission

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 County Board reviewed the fund balance report. No action was taken.

Pursuant to published legal notice in the Saturday, September 20, 2008 edition of The Norfolk Daily News, Chairman McCallum opened a public hearing at 10:04 A.M. to receive comments regarding the amended conditional use permit application of Mark Olmer in response to denial of a previous request based on the proposed location in the SW<sup>1</sup>/<sub>4</sub> Section 31-21-1. Chairman McCallum explained that the Board of Commissioners has previously considered this application and the amended application changes the location of the proposed facility.

Planning and Zoning Administrator John Johnson reported that the Mark Olmer application was amended and that 36 facts resulted from the hearing process, which included facts from the previous hearings that are still relevant unless the amended application made them irrelevant. He reported that the original application was for property located in the E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> in Section 31-21-1 and the amended application is for property located in the N<sup>1</sup>/<sub>2</sub> N<sup>1</sup>/<sub>4</sub> W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub> of Section 31-21-1. He reported that a different individual owned this property at the time of original application and since that time it has been purchased by Mark Olmer. Mr. Johnson reported that several letters were submitted at the Planning Commission hearing opposing the amended application. He reported that the closest neighbors to the amended project location live three-fourths of a mile to the south and west of the proposed facility and are outside of the one-quarter mile setback required by the zoning regulations for the size of the proposed facility. Mr. Johnson presented a map to the County Board members reflecting the location of the proposed facility and the neighboring home sites. He explained that Mr. Olmer has purchased the 80 acres of property immediately to the west of the original location. He further explained that the county zoning regulations provide that in the case of the denial of a livestock application by the Board, the applicant shall be notified in writing of the decision and the specific and detailed reasons for the decision and then the applicant shall have the opportunity to amend the application and re-submit the application for no additional fee to the Planning Commission for a public hearing along with submissions that adjust the specific reasons for denial. He further explained that the regulations also provide that if the County Board again denies the application, the applicant may seek declaratory relief in an injunction in the appropriate District Court. Mr. Johnson explained that the application being considered by the County Board is an amended application with the specific site changed in response to the denial of being too close to a neighbor with asthma. He further explained that another reason for denial was nitrate levels and there are no test wells in the area of the proposed facility; however, this is addressed in the proposed conditions of the application. Mr. Johnson read the conditions proposed by the Planning Commission.

Chairman McCallum requested clarification on the monitoring of the wells and Planning and Zoning Administrator John Johnson responded that he or a professional would take the samples. Commissioner Klein questioned if there was a stipulation on the completion time of the proposed facility and Planning and Zoning Administrator John Johnson responded that construction must start within six months. He explained that normally once a building permit is issued it is good for one year and generally, if there is a complication, the permit is renewed for six months or one year with no additional fee. He further explained that normally a hog building takes between six and eight months to complete. Chairman McCallum noted that the proposed amendment is specifically for a change in the location of the hog facility.

The applicant, Mark Olmer, stated that he was in favor of the amended application. He stated that he didn't have any information to submit and was available to answer questions. Chairman McCallum asked if he had any plans to expand the proposed hog operation and Mr. Olmer responded that he did not plan to expand at this location or at any other location.

Chairman McCallum questioned if Mr. Olmer had spoken with his neighbors regarding his plans and Mr. Olmer responded that he did not because no one told him he had to do this.

Donna Mintken stated that she is opposed to the hog facility because she gets the odor from the pork plant lagoons located in the area. She reported that if the hog facility is located to the southeast of her house the odor will follow the valley. She stated that she couldn't take hog smell.

Keith Preister stated that he has an empty hog building located on his property and it has been empty for six years. He explained that he knew the hog facility smell always bothered Linda and Donna Mintken and it also bothered him and that is why it is empty.

Mary Lou Finkral stated that nothing really has changed, but she is still worried about the nitrates and what the hog facility is going to do to the well water and to her health.

Commissioner Uhlir questioned if Mr. Olmer was planning to construct the same type of building as originally proposed and Mr. Olmer responded that the building plan has not changed. Chairman McCallum clarified that the plan for this hog facility is exactly the same as the original application and the only change is the location. Planning and Zoning Administrator John Johnson explained that any changes that are planned by Mr. Olmer will be detected during the matrix process. He reported that Mr. Olmer still must maintain a score of 350 points on the matrix, so if the plans change in the future, they will be noticed on the matrix. He explained that the applicant must complete the matrix on an annual basis.

Cliff Finkral stated that it was reported in the Norfolk newspaper that the facility will be 99% odor free, but what about the 1%. He stated that it only takes one time to get an asthma attack and he questioned who would be responsible. Planning and Zoning Administrator John Johnson explained that the 99% annoyance free clause means that there is a 1% chance between April and November that a person could be annoyed by the odor. He reported that this is based on a footprint that is issued by the University of Nebraska Extension Service that completes the odor footprint. He stated that any place in the country is considered 99% annoyance free because there is always a change to get some type of livestock odor, whether it is from manure application or existing livestock, or from a neighbor. He explained that the UNL Extension never considers any area 100% annoyance free.

Chairman McCallum stated that the original denial of this conditional use permit was based on the welfare of human health and that was when the facility was one-fourth mile from the Mary Lou Finkral residence. He explained that there were doctors' reports that stated that the facility should be a minimum of one-half mile even though a one-mile distance would be better. He reported that this amended application for moving the facility to a new location is satisfying that doctor's report. He stated that there must be some medical foundation for the Commissioners to base their decision when it comes to human health. He stated that the Board strongly considered this factor and this was the main reason that the original permit was denied. He reported that Commissioner Jim Prauner made the motion to deny the application and he is a lab technician and has been around medicine. He stated that the doctor who submitted the medical information was a friend of Dr. Henkels and the County Commissioners made the denial decision based on the medical report. In addition, he explained that the Board was also concerned about the nitrates. Chairman McCallum reported that the Board's original decision of denial is being corrected by submission of an amendment changing the distance that would comply with the doctor's report. He explained that the nitrates may not be corrected yet, but Planning and Zoning Administrator John Johnson will monitor the nitrates with testing. He further explained that the Natural

Resources District would also probably step in. Planning and Zoning Administrator John Johnson clarified that there are no wells close to the location of the proposed facility.

Keith Preister questioned if the road past the hog facility will be fixed if the application is approved. Chairman McCallum questioned what part of the road needed to be fixed and Keith Preister responded that the road is very narrow. Chairman McCallum stated that the road wouldn't be changed if it meets the county standards; however, if there is an engineering standard that requires changes, they would be made. He further stated that there are a lot of narrow county roads.

Mike Baumgart questioned if the 99% annoyance free odor footprint would stand up in court. He stated that he has heard so much about the odor footprint. Planning and Zoning Administrator Johnson responded that he did not know and that this question would need to be addressed to someone from the University of Nebraska Lincoln. Mike Baumgart stated that the odor footprint is brought up all the time and it is just some college kids in Lincoln making something up.

Tim Baumgart stated that he agrees with that statement. He stated that it is similar to the situation this spring, with all the rain no one would have thought the summer would turn out dry. He stated that there was a 99% chance that it would have been wet, but everyone was wrong. He stated that the ground water issue is one matter. He stated that a deep pit lagoon is a plus. He questioned the practice of keeping the oil mat on the lagoon and if there are any regulations that will keep this requirement in place. Planning and Zoning Administrator John Johnson responded that the annual completion of the matrix will govern the facility and if the matrix ever falls below the score of 350 points, the owner has 60 days to get the points back and if the owner fails to meet this requirement, he would lose his conditional use permit.

Mr. Baumgart reported that there have been some problems in Platte County where one day the lagoon waste was being pumped in fields and was going right down the sloughs, and when a phone call was made, the pumping all of a sudden stopped before someone came out and checked. He stated that it was very obvious that no one was keeping an eye on it. He questioned how far away from Mary Lou Finkral's residences Mr. Olmer needs to be when he pumps his pits, or if he is required to knife in the manure, or could he top spread it on the ground. Planning and Zoning Administrator John Johnson responded that the county has two sets of setback requirements. He explained that if the operator doesn't knife or inject the manure into the ground, the setback is one-quarter mile from houses or subdivisions. In addition, he explained that if the manure is knifed into the ground the setback is much closer, with some instances being a 50-foot setback, and other instances being a 100-foot setback. He reported that Mr. Olmer's manure management plan must be reviewed along with the new DEQ application to determine which fields the manure would be applied to. He stated that in the original matrix application, Mr. Olmer stated that the manure would be knifed into the ground. Mr. Baumgart questioned if there was a minimum distance that Mr. Olmer would be required to stay away from Mary Lou Finkral's residence. Planning and Zoning Administrator John Johnson responded that if Mr. Olmer knifes in the manure, he would be able to go to the fence line on the south, but if he top spreads, he must stay one-fourth mile away from a residence. Chairman McCallum stated that this would need to be monitored by the neighbors because Mr. Johnson can't be out to check on this requirement every day. He stated that if there is an annoyance it must be reported.

Donna Mintken questioned what type of security would be around the facility to make sure that no one messes with it even if Mr. Olmer is not there. Chairman McCallum responded that it would be the operator's responsibility to make sure that the facility is secure. He agreed that it wouldn't be easy to make sure that the facility is secure since it is not close to his home. He stated

that it would be Mr. Olmer's responsibility to make sure that the doors are locked to keep people out of his property and to build fences and lock gates.

Chairman McCallum closed the hearing at 10:30 A.M.

During discussion, Commissioner Klein stated that a recommendation was received from the Planning Commission and the applicant complied with relocation of the facility to the required distance. After consideration, the following resolution was introduced:

#### RESOLUTION #2008-63

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CERTAIN LAND LOCATED IN THE COUNTY OF MADISON, NEBRASKA UNDER AUTHORITY GRANTED BY THE MADISON COUNTY ZONING AND SUBDIVISION RESOLUTION AND LEGISLATIVE BILL 186 (1978)

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

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

1. Mark Olmer originally applied for a Conditional Use Permit to construct a hog finishing barn for 2,460 head on property described as the East ½ of the Southwest ¼ of Section 31, Township 21 North, Range 1 West of the 6<sup>th</sup> P.M. Madison County, Nebraska.
2. Olmer's application has been amended to place a hog finishing facility for 2,460 head on the North ½ of the North ¼ of the West ½ of the Southwest ¼ of Section 31, Township 21 North, Range 1 West of the 6<sup>th</sup> P.M. Madison County, Nebraska.
3. The amended application is consistent with the Madison County Comprehensive Plan.
4. The amended application is consistent with the Madison County Zoning and Subdivision Regulations.
5. This is an allowed use by Conditional Use Permit in the "AG-1" Intensive Agricultural District.
6. The property is zoned "AG-1."
7. Mr. Olmer would have equal to or less than 2,460 head of feeder pigs as defined by the Madison County Zoning Regulations.
8. The score for this facility on the Madison County Livestock Feeding Operation Siting Matrix was 377 points, and 350 points is needed to pass.
9. There was testimony opposing the original application.
10. There was testimony supporting the original application.
11. There were letters submitted opposing the amended application.
12. Mr. Olmer has not yet applied for a construction permit from the Nebraska Department of Environmental Quality for the new location.
13. This facility is defined by the Madison County Zoning Regulations and the Nebraska Department of Environmental

Quality's Title 130 as a medium confined animal feeding operation.

14. The setbacks as stated in Article Four as Amended of the Madison County Zoning Regulations for a 2,460 head operation has been met in both applications to all of the below listed uses:
  - a. Private or municipal Well
  - b. 20% downward slope
  - c. Ordinary high water mark of surface waters
  - d. Ordinary high water mark of a lake
  - e. Public or private drainage ditch
  - f. Wetland
  - g. Right-of-way of any County, State or Federal Road
  - h. Any non-farm residence not on the applicant's property
  - i. Platted Residential Area
  - j. public park, church, cemetery, religious area, school, historical site
  - k. Extraterritorial Jurisdiction of any city or village
  - l. Any other Zoning District except A-2
15. Neighbor, Mary Finkral was hospitalized for a life threatening status asthmaticus episode in 1981.
16. A letter from Mrs. Finkral's daughter, Linda Bender stated, "(Mrs. Finkral) often experiences asthma difficulties and attacks in the outdoor environment on our farm." Mrs. Bender's farm contains hog finishing barns with deep pits. The letter also states, "She (Mrs. Finkral) cannot spend time outside due to her asthmatic condition." The letter was not notarized.
17. The doctor, Bryon D. Hirschman, MD, for neighbor Mary Finkral has submitted a letter dated July 15, 2005, stating that "Environmental Triggers" should be avoided. Mrs. Finkral still has the need for medication and tests show continued significant asthma. The EPA defines asthma triggers as:
  - a. Secondhand Smoke
  - b. Dust Mites
  - c. Molds
  - d. Cockroaches and Pests
  - e. Pets
  - f. Nitrogen Dioxide
  - g. Air Pollution
18. No data was submitted by Mrs. Finkral or any other opposing party to show the dust generated by the facility at the distance and wind angles would be of a sufficient amount as to be an "environmental trigger" for her asthma.
19. No hard data was submitted by Mr. Olmer to show the dust generated by the facility at the distance and wind angles would be of an insufficient amount as not to be an "environmental trigger" for Mrs. Finkral's asthma.
20. The EPA says, "Small particles and ozone come from things like exhaust from cars and factories, smoke and road dust. When inhaled, outdoor pollutants can aggravate the lungs, and can lead to chest pain, coughing, shortness of breath and throat irritation. Outdoor air pollution may also worsen chronic respiratory diseases, such as asthma."

21. Mr. Olmer has received points in the matrix for stating his intent to have an oil spraying system or atomizer, a “food-grade” oil liquid lid on the slurry in the pit, and a neutralizer which will reduce the long-chain fatty acids which play the most significant role in offensive gas production.
22. Pictures were submitted by the Zoning Administrator showing a sprinkling process in action. This sprinkling process inside a hog operation is designed to control dust.
23. Research compiled by the University of Minnesota have confirmed that oil sprinkling done in an enclosed facility like a hog barn can reduce dust.
24. Research done by the University of Minnesota shows that an air impermeable cover on a waste storage facility like an under barn pit, will reduce the odor released into the air.
25. Under the current matrix system of Madison County, if the oil sprinkling and oil covers were not utilized, Mr. Olmer’s matrix score would be 367 points which is still above the minimum score of 350 points.
26. Mr. Olmer has provided copies of non-notarized letters as part of Exhibit #25 stating the oil sprinkling and oil cap he intends to use will reduce dust and odor.
27. During Public Hearing testimony, Bill Luckey, the owner/operator of a Platte County hog feeder barn employing the same technology as Mr. Olmer testified he will use invited anyone to visit his facility and witness his operation.
28. Zoning Administrator, John Johnson and Planning Technician, Vickie Green visited Mr. Luckey’s facility on Tuesday, July 26, and testified at the Public Hearing they did not personally smell any “manure” odor.
29. “Odor Roses” and “Wind Roses” of the area as compiled by UNL based on historical weather data show the wind would only blow to the southeast three percent of the time during the non-winter months.
30. The closest neighbors to the amended project location are located approximately three-quarters of a mile to the south and to the west and are outside of the quarter-mile required setback.
31. Little published information is available concerning the “off-farm” effects of hog operations, no known data is available on this topic based on research in the State of Nebraska.
32. Several studies have shown workers in confined hog operations and children residing on a farm with a confined hog operation have higher rates of asthma than normal.
33. Olmer has purchased the half-section immediately to the west of the legal used in the original application, this allows him to increase the distance to the asthma sufferer to over three-quarters of one-mile.”
34. Mr. Tim Baumgart, a resident south of the proposed facility submitted a packet, labeled Exhibit #10. This packet contained several articles from the Humphrey Democrat, a City of Humphrey Ordinance, a letter received from Mr. Olmer, a copy of the Schimmelpfennig letter, a well water analysis for his personal drinking water well, a notarized affidavit from former Humphrey Mayor Fritz, and copies of the Madison County Board minutes of July 29, 1999. Also included were 39 signed statements from people saying they were not in favor of the “said issue,” and they had never been contacted in person by Mark Olmer regarding this issue.
35. Exhibits were presented showing high nitrate levels in wells to the south. Title 130 regulations and DEQ should insure nitrate levels are not affected by manure storage in the deep pit facility. Nitrate levels must be monitored, measured and slurry applied, according to DEQ Title 130 and EPA regulations.

36. Olmer's original application has been amended as stated in Article Four, Section 402: AG1 Intensive Agriculture; Sub-Section Permitted Conditional Uses; Part 26. d. 11. which reads as follows, "In the case of denial of the application by the Board, the applicant shall be notified in writing of the decision and the specific and detailed reasons for the decision. The applicant shall have the opportunity to amend the application and resubmit the application, with no additional fee, to the Planning Commission for a Public Hearing with submissions that address the specific reasons for denial. If the County Board again denies the application, the applicant may seek declaratory relief and an injunction in the appropriate District Court," and has been in place since adoption of the current Zoning Resolution in 2003.

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

The North ½ of the North ¼ of the West ½ of the Southwest ¼ Section 31, Township 21 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 is a Medium Confined Animal Feeding Operation Conditional Use Permit for an operation of up to 2,460 head of feeder pigs.
2. This conditional use permit shall be for an unlimited amount of time subject to successfully passing an annual review of the Madison County Livestock Feeding Operation Siting Matrix and will become effective with the adoption of this resolution. This permit is subject to all of the Madison County Zoning and Subdivision Regulations and the governing powers of the State of Nebraska, and shall be operated to meet both groups.
3. Any new owner/operator of this operation must give notice to the Madison County Zoning Administrator 30 days prior to the closing date of the sale.
4. Operators of the unit must control barn dust by utilizing a dust control spraying system or atomizer or an improved technology certified by independent research.
5. Due to the high nitrates in the area groundwater, a monitoring well should be installed adjacent to the facility and nitrate readings submitted to the zoning administrator prior to construction of the facility, during construction of the facility and annually after pigs are housed in the facility.
6. The facility must be built on the northern most 10 acres of the legal description.
7. This conditional use permit shall become null and void if a permit from DEQ is not applied for within one year of adoption of this resolution. Construction of the facility shall be started within six months of receiving the DEQ permit.

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.

This document replaces Resolution #2005-77.

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.

After adoption of the resolution, Chairman McCallum stated that Madison County is not livestock unfriendly. He stated that the Board was looking out for human health and the Board did not deny the original application because of livestock. He stated that Madison County is self-declared livestock friendly because the Board doesn't want the State of Nebraska and Madison County regulating livestock operations for the farmers because they can do it themselves. He thanked those present at the meeting for their input. Chairman McCallum stated that Madison County needs to grow and also needs livestock and the farmers need to feed their corn because it can't all go to the ethanol plants. He stated that he appreciates concerns of the opponents and proponents. He stated that nitrates are still a concern of the County Board members and he knows that the ground water needs to be cared for. He stated that the Natural Resources District has declared this area as bad for nitrates but there doesn't seem to be a concern because the nitrates aren't high enough to bother livestock or there would be a moratorium put on that area.

Planning and Zoning Administrator John Johnson reported that Randy Ryan resigned from the Madison County Board of Adjustment and the Board of Commissioners must appoint a replacement. He stated that he does not have any applications or recommendations.

After discussion, it was moved by Uhlir and seconded by Klein to authorize Planning and Zoning Administrator John Johnson to advertise for an individual to serve as a member of the Board of Adjustment. Roll call vote: Ayes, McCallum, Uhlir, and Klein. Nays, none. Motion carried.

The following claims were audited:

GENERAL FUND

Total Net Payroll		105,565.80
Sharon Adams	Mileage, County Court	53.72
Alltel	Telephone Services, County Sheriff	1,049.24
American Express	Lodging, County Sheriff	110.52
American Family Life Assurance Company	Insurance Premiums	575.66
Ameritas Life Insurance Corporation	Employee Share Retirement	6,647.71
Ameritas Life Insurance Corporation	Employer Share Retirement	9,762.06
Ameritas Life Insurance Corporation	Insurance Premiums	313.34
Appeara	Mat Service, Public Defender	34.00
Aquila	Gas Service, Planning and Zoning	17.10
Aquila	Gas Service, Veterans' Service Office	18.19

Auto Zone	Repairs, County Sheriff	17.28
Bankers United Life Assurance Company	Insurance Premiums	9.00
BHS	Services, Juvenile Diversion	140.00
BI Inc.	Monitoring Services, Juvenile Diversion	380.59
Big Red Printing	Supplies, District Court	625.84
Jennifer Birmingham	Legal Services, County Court	678.75
Fern Bledsoe	Jury Fees, County Court	53.72
Jennifer Bloom	Jury Fees, County Court	53.72
Blue Cross Blue Shield	Insurance Premiums	106,988.96
Bomgaars	Supplies, Courthouse	55.70
Elizabeth Borgmann	Jury Fees, County Court	53.72
Bessie Bove	Prior Service Benefits	12.00
Gerald Bretschneider	Jury Fees, County Court	53.72
Gary Bring, D.D.S.	Dental Services, County Jail	130.00
Angela Bronson	Jury Fees, County Court	53.72
Joanie Brugger	Mileage, Meals, Victim Witness	168.30
Capital One Bank	Meals, Lodging, Travel Expense, County Attorney	1,664.03
Carney Law P.C.	Legal Services, County Court	1,020.15
Central Restaurant Products	Supplies, County Jail	284.87
Central United Life Insurance Company	Insurance Premiums	56.71
Clerk of the Supreme Court	Postage, Public Defender	3.39
Colonial Life and Accident Insurance	Insurance Premiums	100.04
Connecting Point	Computer Equipment, County Sheriff	973.00
Constellation NewEnergy Gas Division	Gas Service, Planning and Zoning	18.99
Constellation NewEnergy Gas Division	Gas Service, Veterans' Service Office	3.11
Credit Bureau Services Inc.	Garnish of Wages	16.96
Day Companies	Rent, Probation	2,400.00
DDSS Inc.	Services, Courthouse	914.32
Kortni Deeder	Witness Fees, County Court	21.17
Dell Marketing L.P.	Supplies, District Court	449.95
Deluxe Business Checks and Solutions	Supplies, County Sheriff	323.39
Dent Specialists	Repairs, Reappraisal	17.00
Dent Specialists	Repairs, County Sheriff	69.40
Levi Drake	Jury Fees, County Court	53.72
Eakes Office Plus	Supplies, County Sheriff	58.17
Eakes Office Plus	Supplies, Copier Maintenance	710.60

Jan Einspahr	Legal Services, District Court	333.90
Electric Fixture & Supply Company	Supplies, Courthouse	28.47
Electric Fixture & Supply Company	Supplies, County Jail	202.29
Elite Office Products	Copier Maintenance, County Court	83.55
Shawn Empkey	Jury Fees, County Court	53.72
Enviromaster	Supplies, County Jail	42.00
Faith Regional Health Services	Medical Services, County Jail	9,648.00
Faith Regional Health Services	Medical Services, Juvenile Detention	185.00
First Concord Benefits Group	Flexible Benefits Plan	2,454.79
First National Insurance Agency	Insurance, Probation	1,508.18
Fitzgerald, Vetter and Temple	Legal Services, District Court	964.90
Floor Maintenance	Supplies, Courthouse	138.06
Frontier	Telephone Services, Courthouse	1,405.61
Gordy's Towing & Repair	Repairs, County Sheriff	43.68
Kayla Grone	Services, Probation	100.00
Hartford Life Insurance Company	Deferred Compensation	280.00
Hauge Associates Inc.	Garnish of Wages	128.50
Hilliges & Associates, L.L.C.	Services, County Sheriff	250.00
HSBC Business Solutions	Supplies, Juvenile Diversion	77.98
Institutional Eye Care	Supplies, County Jail	26.85
Lisa Jackson	Jury Fees, County Court	36.17
Jewell, Collins, DeLay & Flood	Legal Services, County Court	1,251.96
John's Disposal	Garbage Service, Probation	44.00
Ann Johnson	Jury Fees, County Court	53.72
Karmen Johnson	Jury Fees, County Court	53.72
Mark Kasper	Jury Fees, County Court	53.72
Elizabeth King	Jury Fees, County Court	64.25
Linda Kuchar	Jury Fees, County Court	67.76
Trent Kyncl	Jury Fees, County Court	65.42
Lonnie Larue	Jury Fees, County Court	67.76
Kristina Lenser	Services, Probation	100.00
Jason Lewandowski	Jury Fees, County Court	53.72
Scott Lewis	Jury Fees, County Court	53.72
Louderback Drug	Prescriptions, County Jail	2,655.15
Louderback Drug	Prescriptions, Juvenile Detention	42.85
Madison County Clerk	Federal Tax Deposit	37,973.31

Madison County Sheriff	Supplies, County Jail	73.73
Madison County Sheriff	Court Costs, Mental Health	547.73
Madison County Sheriff	Court Costs, District Court	178.97
Madison County Sheriff	Court Costs, County Court	1,119.72
Madison County Sheriff	Registration, County Jail	57.50
Madison County Treasurer	Insurance Reimbursement	650.02
Marathon Press	Supplies, Public Defender	81.00
Christal McDonald	Mileage, Court Reporting, Mental Health	123.40
Tina Meays	Witness Fees, County Court	43.40
Medtox Diagnostics, Inc.	Drug Testing, Juvenile Diversion	375.49
Menards	Supplies, County Sheriff	23.94
Menards	Supplies, County Jail	50.73
Menards	Supplies, Furniture, Probation	105.90
Midlands OB/GYN, P.C.	Medical Services, County Jail	355.00
Midwest Plumbing & Heating	Repairs, County Jail	117.71
Donna Mintken	Jury Fees, County Court	42.02
Moore Wallace	Supplies, County Sheriff	36.49
Lynn Moore	Jury Fees, County Court	80.63
Kobey Mortenson	Jury Fees, County Court	53.72
Moyer, Egley, Fullner & Montag	Legal Services, County Court	243.82
NACO	Registration, County Board	30.00
Nebraska Child Support Payment Center	Garnish of Wages	505.84
Nebraska Criminal Defense Attorney Association	Registration, Public Defender	150.00
Nebraska Law Enforcement Training Center	Training, County Jail	15.00
Nebraska Public Power District	Utilities, Planning and Zoning	124.20
Nebraska Public Power District	Utilities, Veterans' Service Office	77.99
NMG LLC	Medical Services, County Jail	857.00
NMG LLC	Medical Services, Juvenile Detention	245.00
Norfolk Daily News	Publication Costs, Courthouse	453.92
Northeast Medical Imaging, P.C.	Medical Services, County Jail	240.00
Northeast Nebraska Juvenile Services Inc.	Board of Juveniles, Juvenile Detention	29,860.00
Norm Nykodym	Lawn Services, Public Defender	82.00
Office Products Center	Supplies, Probation	66.16
Pamida	Equipment, Probation	109.98
Sherry Peterson	Mileage, Supplies, Juvenile Diversion	452.96
Phillips 66	Fuel, County Sheriff	397.13

Platte County Sheriff	Service Fees, District Court	18.50
Platte County Sheriff	Service Fees, County Court	15.50
Polk City Directories	Publications, County Sheriff	286.00
Postmaster	Postage, Veterans' Service Office	155.20
Quill Corporation	Supplies, County Court	384.00
Qwest	Telephone Service, District Judge	112.12
Qwest	Telephone Service, Probation	229.30
Richard Reed	Jury Fees, County Court	53.72
Region 4 Behavioral Health System	Quarterly Funding	14,187.50
Darrin Salisbury	Jury Fees, County Court	53.72
Secretary of State	Supplies, Election Commissioner	25.00
Shell Fleet Plus	Fuel, Planning and Zoning	189.76
Shell Fleet Plus	Fuel, Reappraisal	47.54
Shell Fleet Plus	Fuel, County Sheriff	2,590.75
Shopko	Supplies, Planning and Zoning	20.45
Mike Smith	Mileage, Veterans' Service Office	58.50
Stanton County Sheriff	Service Fees, District Court	30.00
State of Nebraska DAS IMServices	Data Processing Costs, County Sheriff	1.74
Justin Stickman	Jury Fees, County Court	53.72
Stratton & Kube, P.C.	Legal Services, District Court	2,207.04
Dale Taylor	Interpreting Services, Public Defender	540.00
Tilden Citizen/Meadow Grove News	Publication Costs, Planning and Zoning	16.32
United Bank of Iowa	Copier Maintenance, Probation	316.00
UPS	Shipping, District Court	53.73
John Werner	Jury Fees, County Court	63.08
Western Office Plus	Supplies, District Court	26.66
Western Office Plus	Supplies, Equipment, County Sheriff	434.98
Western Office Plus	Supplies, Equipment, Probation	253.20
Vlasta Whyte	Prior Service Benefits	16.00

#### ROAD/BRIDGE FUND

Total Net Payroll		24,473.29
Alltel	Telephone Service, District #2	66.55
American Family Life Assurance Company	Insurance Premiums	302.06
Ameritas Life Insurance Corporation	Employee Share Retirement	1,506.23

Ameritas Life Insurance Corporation	Employer Share Retirement	2,259.38
Ameritas Life Insurance Corporation	Insurance Premiums	81.92
Aquila	Gas Service, District #1, #2, #3	91.80
Bankers United Life Assurance Company	Insurance Premiums	44.58
Battle Creek Farmers Coop	Fuel, District #2, #3	15,666.36
Blue Cross Blue Shield of Nebraska	Insurance Premiums	29,955.69
Bomgaars	Supplies, District #1, #2	358.64
Colonial Life and Accident Insurance	Insurance Premiums	151.18
Constellation Energy	Gas Service, District #1, #2, #3	89.79
First Concord Benefits Group	Flexible Benefits Plan	490.77
Flint Hills Resources LP	Asphaltic Materials, District #,1 #3	50,591.98
Frontier	Telephone Services, District #1, #3	202.10
Hartford Life Insurance Company	Deferred Compensation	40.00
John Deere Credit	Equipment Lease, District #2	5,354.15
K & C Grain Inc.	Gravel, District #2	797.97
Kimball Midwest	Repairs, District #1	147.42
Ervin Klentz	Prior Service Benefits, District #2	13.00
Linweld Inc.	Supplies, District #3	172.11
Madison County Clerk	Federal Tax Deposit	8,381.61
Matteo Sand & Gravel Co. Inc.	Road Gravel, District #1, #2, #3	15,481.60
Menards	Supplies, District #1	113.05
Mid City Furniture	Supplies, District #1	35.60
Nebraska Child Support Payment Center	Garnish of Wages	230.77
Nebraska Harvestore Systems Inc.	Repairs, District #2, #3	15,017.47
Nebraska Public Power District	Electrical Services, District #2	141.66
NMC Exchange LLC	Repairs, District #1, #2, #3	1,759.09
Norfolk Implement Inc.	Repairs, District #3	530.31
Powerplan	Repairs, District #2	2,000.00
Gregg Reikofski	Commercial Driver's License	55.00
The Grove	Fuel, District #1	182.82
US Cellular	Telephone Services, District #3	83.69

VISITORS PROMOTION FUND

Norfolk Area Chamber of Commerce	Administrative Costs	4,284.95
Norfolk Public Schools	Grant	1,000.00
Snitily Carr	Adversiting	8,795.00

VISITORS IMPROVEMENT FUND

Norfolk Area Chamber of Commerce	Administrative Costs	8,025.60
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INHERITANCE TAX FUND

Battle Creek Public Library	Annual Funding	7,000.00
Madison Public Library	Annual Funding	7,000.00
Meadow Grove Public Library	Annual Funding	7,000.00
Newman Grove Public Library	Annual Funding	7,000.00
Tilden Public Library	Annual Funding	7,000.00

LAW ENFORCEMENT OPERATING FUND

Madison County Sheriff	Supplies	1,549.11
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DRUG COURT FUND

Redwood Biotech	Drug Tests	365.00
Redwood Toxicology Laboratory	Drug Testing	103.30
Pam Wells	Meals	31.84

NOXIOUS WEED FUND

Total Net Payroll		2,279.65
Ameritas Life Insurance Corporation	Employee Share Retirement	75.38

Ameritas Life Insurance Corporation	Employer Share Retirement	113.09
Blue Cross Blue Shield of Nebraska	Insurance Premiums	1,282.55
Bomgaars	Supplies	4.08
Cableone	Internet Service	49.00
Central Community College	Registrations	100.00
DAS Central Finance	Telephone Services	44.66
Eudell Feldman	Mileage	23.40
Graham Tire	Repairs	278.73
Heartland Fire Protection	Inspection	45.00
John's Disposal Inc.	Garbage Service	26.00
August Klug	Mileage	7.02
Madison County Clerk	Federal Tax Deposit	570.43
Nebraska Public Power District	Utilities	104.37
Norfolk Daily News	Publication Costs	7.20
Earl Reeves	Mileage	17.55
Orin Rinkel	Mileage	11.70
C.J. Rudnick	Registration, Supplies	74.72
Target Bank	Supplies	4.09

#### DRUG COURT FUND

Richard Condon & Associates	Registration	365.00
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Motion was made by Klein and seconded by Uhlir to approve the claims as audited and to authorize that checks be drawn for payment. Roll call vote: Ayes, McCallum, Klein and Uhlir. Nays, none. Motion carried.

The Board adjourned at 10:40 A.M. to Wednesday, October 15, 2008 at 9:30 A.M.

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County Clerk

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Chairman