

Abbreviations for this legal: **PS** - Personal Services, **OE** - Operating Expenses, **SU** - Supplies, **MA** - Materials, **ER** - Equipment Rental, **CO** - Capital Outlays, **RP** - Repairs, **RE** - Reimbursement.

Wayne, Nebraska
December 4, 2012

The Wayne County Board of Equalization convened at 9:00 a.m. on Tuesday, December 4, 2012. Those in attendance included Chairman Wurdeman, Members Rabe and Burbach, Assessor Duffy and Clerk Finn. Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on November 22, 2012.

A current copy of the Open Meetings Act was posted in the courtroom and accessible to the public.

The minutes of the November 20, 2012, meeting were approved as printed in the Commissioner's Record.

The agenda was approved.

A tax list correction for Hoskin's One Stop/Mr. Towing and a correction for Stu's Bar & Grill were approved on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

Meeting was adjourned.

Debra Finn, Wayne County Clerk

Wayne, Nebraska
December 4, 2012

The Wayne County Board of Commissioners met in regular session at 9:15 a.m. on Tuesday, December 4, 2012 in the upstairs conference room of the Courthouse.

Roll call was answered by Chairman Rabe, Members Wurdeman and Burbach, and Clerk Finn.

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on November 22, 2012.

A current copy of the Open Meetings Act was posted in the courtroom and accessible to the public.

The agenda was approved.

The minutes of the November 20, 2012, meeting were approved as printed in the Commissioner's Record.

Several county taxpayers were present at the meeting and the following concerns were expressed:

- Last meeting it was said that people did not attend meetings; this time people came.
- There was a concern about a mole; everyone should stand up, tell what is really going on and not try to hide things; it is not fair to the people and they will find out sooner or later.
- It is not good to become corrupt; step aside and let the county heal.
- Were Milo Meyer Equipment and Terry Sievers hired to work on the mile that was worked on about three weeks ago? Were the other county commissioners contacted about hiring extra help? Wurdeman did talk to the commissioners about grading and taking the trees out, but not about hiring extra help.
- With all the equipment owned by the county, why was extra equipment/help hired? Wurdeman responded because of the season and the weather, a track type scraper could haul that dirt farther and faster than the other type, and because Jim's scraper was in the shop. Wurdeman said both Burbach and Rabe have hired equipment; everybody has done it. The rationale was questioned; it wasn't seen as a money saving deal for the county.
- A concern about the speed the drag travels across county roads had been previously expressed to Wurdeman yet it continues. You can tell by the roads where the drag gets to bouncing, if it slowed down it might do a halfway decent job.

- People are pretty sure there is corruption in the upper levels of government, but it does not need to be starting here. The best way out would be to resign and let everybody else handle it.
- It was the driest year on record so why were people hired to work on a road project now? Wurdeman replied it was November and you don't know what the weather will do; it can break at any time. They do so much work each year and they just keep going as long as weather permits.
- Why wasn't the project on the One & Six Year Plan? Wurdeman stated the work was not on the plan but was on the agenda and brought up at a meeting in November. Rabe clarified saying the board knew he was going to work on the road and take trees out, but there was nothing about taking a bridge out.
- When questioned again about the timing of work, and why it needed to start that minute rather than waiting until next year Wurdeman stated most of the dirt work is done in the fall after the crops are out.

LeRoy and Lone Rubeck purchased the SW ¼ of Section 23, Township 25N, Range 2E in 1964. At the time of purchase an intersection at the SW corner did not exist, instead a road angled across their property. According to the May 1, 1973 commissioner proceedings "The road was built in 1935 but nothing was recorded in the minutes; therefore the County has no record of an easement or agreement which shows that they own the land and the road is on and the Rubeck's pay taxes on 160 acres of land." The Rubecks and the county signed a lease in May 1982 that remained in effect until terminated by the Rubecks in January of 2011. The county then asked the Rubecks to sell the road to the county and they declined. The county had the Rubeck road surveyed; Rubecks and Kirsch stated the property line on the survey was wrong.

Linda Kirsch presented paperwork from the years 1891-2012 she had compiled while trying to establish the boundary line of her parent's property. She reported numerous discrepancies. Kirsch is currently searching old newspaper articles at the library and asked if the board would reimburse her copy costs. The board questioned if it was worth continuing the search.

The land needed to build the Rubeck road up to state standards and for right of way has also been surveyed. An appraisal report prepared by Ransom G. Roman on the SW ¼ 23-25-2, and an appraisal report prepared by United Farm & Ranch Management for Project BR-3100(1) Winside East were reviewed. Motion by Burbach, second by Wurdeman to authorize Rabe to make an offer of \$32,000 to the Rubecks for the road, right of way, and fencing. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Phil Lorenzen of D.A. Davidson & Company presented information on issuance of bonds for roadway improvement projects. An illustration of borrowing costs and their levy impact was reviewed. Lorenzen recommended the board determine what their project needs are and get construction proposals prior to the issuance of a bond. Wurdeman is looking at paving North Centennial to East 21st Street, South Centennial from Hwy 35 to the bridge, and Chiefs Way. The board may be able to cost-share Chiefs Way with the property owners if a road improvement district is created. Burbach stated several bridges need to be replaced and he would like to see some of the money go toward bridges.

Emergency Manager Nic Kemnitz presented a proposal to pay United Communications \$3,200 for tower rigging, relocating two antennas with mounts on the ETV tower on Highway 98, and VSWR testing. Two antennas are currently located on the west side of the tower and two are on the east side. The proposal will move all antennas to the east side. This may result in a dead spot west of Pierce, but there should be communication with the hospital in Norfolk. Motion by Wurdeman, second by Burbach to proceed with the relocation and authorize Kemnitz to sign the proposal. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Joel Hansen reviewed the appraisal report prepared by United Farm & Ranch Management for Project BR-3100(1) Winside East. Motion by Wurdeman, second by Burbach to approve the amount of just compensation, authorize Rabe to sign the LPA Just Compensation Determination, and authorize Hansen to begin right of way negotiations. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Mainelli Wagner & Associates have completed the 2012 routine bridge inspections. Eighty-one bridges were inspected and the board reviewed the structure inspection notes. PONTIS data and photos have been submitted to the Nebraska Department of Roads.

ROW Application No. 12-12-01 submitted by Northeast Nebraska Public Power District to trench electrical wire was approved on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

The Wayne County audit report for the year ended June 30, 2012 prepared by Michael J. Pommer, CPA

was reviewed. A copy of the report will be placed on file.

Lynn Junck of Carroll was appointed to fill the vacancy on the Noxious Weed Control Board on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried. This appointment will run through December of 2014.

Motion by Wurdeman, second by Burbach to accept the withdrawal of Cusip #259752AJ2 ion the amount of \$110,000, and the addition of Cusip #498730AW0 for \$100,000 as proposed by Elkhorn Valley Bank. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Motion by Wurdeman, second by Burbach to approve the substitution of Cusip #911759LM8 for \$300,000 and #911759LM8 for \$450,000 for Cusip #313380UU9 for \$750,000. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Burbach reported that renovation of the old sheriff's office is almost complete. A lease agreement with the state patrol is being drafted by the county attorney.

Fee Reports: Debra K. Allemann-Dannelly, Clerk of District Court, \$1,880.50 (Nov Fees).

Claims:

GENERAL FUND		Salaries \$2,000.00;
Junck, JoAnn M.	RE	1,587.72
Pieper, Michael E.	RE	16.65
Advanced Consulting Engineering Svs	CO	3,558.00
Albin, Mark D.	OE	173.10
American Broadband CLEC	OE	1,838.05
Beiermann Electric	RP	1,957.07
Black Hills Energy	OE	508.82
Bomgaars	SU	238.41
Copy Write/Keepsake	SU	17.49
DELL Marketing	SU	224.97
Ecolab Pest Elimination Serv	OE	47.85
Elite Office Products	SU	124.95
Ewalt Law Office PC LLO	OE	1,989.16
Hasemann Funeral Home	OE	617.00
Hytrek Lawn Service	OE	80.00
Iowa Office Supply Inc	RP	164.07
Jerry's Trailers & Campers Inc	SU	40.00
Johnson Morland Easland & Lohrberg	OE	2,416.86
Jorgensen, Kate	OE	1,902.50
K&M Reporting	OE	71.55
Legion Post #43	CO	385.00
Mainelli Wagner & Assoc Inc	OE	9,882.00
Menard's	SU	315.73
Microfilm Imaging Systems	ER,RP	155.00
MIPS Inc	ER,CO	2,468.19
NACO	OE	1,414.60
Northeast NE Assoc of County Assrs	OE	30.83

Pieper & Miller	OE	2,133.00
Postmaster	OE	110.00
Postmaster	OE	110.00
Quality Printing & Office Supplies	SU	962.02
Shopko	SU	12.99
Wayne County Clerk of Dist Court	OE	134.00
Wayne Herald/Morning Shopper	OE	46.00
Wayne, City of	OE	5,476.52

COUNTY ROAD FUND

Salaries \$20,686.50;

Backus Sand & Gravel	MA	537.18
Black Hills Energy	OE	140.30
Bomgaars	SU,MA	198.26
Eastern NE Telephone Company	OE	85.29
Elkhorn Valley Sand & Gravel	MA	3,794.31
Grossenburg Implement	ER,RP	3,006.61
Hoskins Mfg Co., Inc.	RP	25.00
Kelly Supply Company, The	RP	176.59
Martin Marietta Materials	MA	1,928.25
Matheson Tri-Gas Inc	SU	266.14
NMC Exchange LLC	RP,CO	5,374.96
Northeast Glass	RP	305.00
Northeast Nebraska Public Power Dist	OE	187.52
S&S Willers Inc.	MA	6,716.40
Theisen Construction Inc	CO	9,998.00
US Cellular	OE	89.37
Wayne County Treasurer	CO	10.00
Wayne, City of	OE	94.36
Winside, Village of	OE	131.64

INHERITANCE TAX FUND

Beiermann, Merlin	PS	12.00
Johnson, Lorraine	PS	21.00
Kraemaer, Maxine	PS	25.00
Meyer, Leon F.	PS	15.00
Morris, Orgretta C.	PS	25.00
Nissen, Robert	PS	17.00
Owens, Eleanor	PS	14.00

SNOW REMOVAL & EQUIPMENT FUND

NMC Exchange LLC	OE	35,700.00
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Meeting was adjourned.

Debra Finn, Wayne County Clerk

STATE OF NEBRASKA)
) ss.
COUNTY OF WAYNE)

I, the undersigned, County Clerk of Wayne County, Nebraska, hereby certify that all of the subjects included in the attached proceedings were contained in the agenda for the meeting of December 4, 2012, kept continually current and available for the public inspection at the office of the County Clerk; that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that the said minutes of the meeting of the County Commissioners of the County of Wayne were in written form and available for public inspection within 10 working days and prior to the next convened meeting of said body.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December, 2012.

Debra Finn, Wayne County Clerk