

**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  
April 2, 2013

The Wayne County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, April 2, 2013 in the upstairs conference room of the Courthouse.

Burbach read the "Citizens Comments" guidelines from the agenda.

Roll call was taken and those in attendance included Chairman Burbach, Members Rabe and Wurdeman, and Clerk Finn.

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on March 21, 2013.

A current copy of the Open Meeting Act was posted in the meeting room and accessible to the public.

It was noted that Mark Mainelli would not be attending the meeting. Motion by Rabe, second by Wurdeman to approve the amended agenda and the minutes of the March 16, 2014 meeting. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

The commissioner meeting recessed and the board convened as a Board of Equalization at 9:15 a.m. on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The board reconvened as Board of Commissioners at 9:25 a.m. on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Dale Krusemark stated water is filling in the ditch along land he owns in Sec. 16-T25N-R4E due to a silted tube. He was advised to speak to the board about his liability concerns -- If there was a wreck, and someone would drown, would Krusemark or the county be liable?

The water flows out of Krusemark's land but can't go through the tube because the dirt is about 4 foot higher at the south end of the tube than any other place.

Wurdeman said he tried to fix the problem last year. He contacted the land management company to see if the county could go on the property and clean out that tube, but his request was denied. Wurdeman was told by the county attorney that there is nothing the county can do when the landowner says no.

Currently there is about 300 feet of water on Krusemark's side needing to drain. Krusemark had his side cleaned out, and asked if the county could cut out the ditch on the other side so the water could drain.

Wurdeman will shoot the area with a transit to see if working on the ditch would help. He will also contact the land management company, explain the liability concerns, and see if the county can get permission to go on the property.

The bids opened for paving the courthouse parking lot from the east side of the east drive to the east boundary line were: Everett Schultz - \$13,075.00, Robert Woehler & Sons Construction, Inc. - \$22,758.75, and Leseberg Masonry and Construction - \$14,036.80. The concrete bid was 47B, no rebar, 7" thick. The county will do the tear-out, hauling, and sink hole if possible. Everett Schultz was low bidder and will be contacted for reference projects.

An Interlocal Agreement with Cedar County for a bridge replacement project was reviewed. The total shared project costs are estimated to be \$58,800.00. Wayne County is responsible for 100% of preliminary engineering, 50% of materials cost, 100% of Right-of-way costs, 100% of utility relocation costs and 100% of construction costs. Cedar County is responsible for 50% of materials cost. Motion by Rabe, second by Wurdeman to approve the Interlocal Agreement for Carroll Northeast, Project No. C-90(330), Structure No. C009010205, between Sec. 2-T27N-R2E Wayne County and Sec. 35-T28N-R2E Cedar County. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

County Burial Application No. CB13-01, for \$2,312.78 was approved on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Imprest Account check number 13020093 for \$33.00 was returned due to duplicate payment. Motion by Wurdeman, second by Rabe to cancel check number 13020093. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

A dividend check of \$7,623.00 from Employers Mutual Casualty Company for the 07/01/11 to 07/01/12 policy period was received and deposited in General Fund. The county's loss ratio for that period was 1.61%.

A resolution setting the date for a recall election and the question to be submitted to the voters of County Commissioner District 1 was reviewed. Resolution No. 13-06 was adopted on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-nay; motion carried.

**Resolution No. 13-06:**

**WHEREAS**, on January 24, 2013, a Recall Affidavit was filed against Kelvin Wurdeman, Wayne County Commissioner District #1 by Jerold Meyer, Principal Circulator, and

**WHEREAS**, on February 13, 2013 said petitions were issued to the Principal Circulator Jerold Meyer, and

**WHEREAS**, on March 14, 2013, said petitions were returned to the County Clerk's Office for signature verification, and

**WHEREAS**, after the completion of the verification of signatures the following certification was made by the Wayne County Clerk on March 14, 2013 and service was made on Kelvin Wurdeman and the Governing Body (Wayne County Board of Commissioners) on March 15, 2013 by personal service:

Total number for recall purposes: 250

Total signatures submitted: 342

Total rejected signatures: 0

Total valid signature: 342

**WHEREAS**, the Governing Body, said Board of Commissioners, hereby finds by said certification that the total number of valid signatures required by law for purposes of a Recall Election has been met;

**NOW THEREFORE BE IT RESOLVED**, by the Wayne County Board of Commissioners that a Recall Election shall be held on May 14, 2013 for the purpose of submitting to the voters of County Commissioner District 1, County of Wayne, Nebraska, the following question:

Shall Kelvin "Wurdeman be removed from the Office of County Commissioner District 1?

- Yes
- No

Chairman Burbach reported that Noxious Weed Superintendent Marlin Schuttler had submitted a letter of resignation. Acceptance of the resignation will be on the agenda of the April 16<sup>th</sup> meeting. Wurdeman recommended the board not advertise the position until the resignation is formally accepted. The Noxious Weed Board will be asked to assist with the preparation of a job description.

Wurdeman asked if the commissioners were going to make the position part-time with weed superintendent duties only, or if they were going to make it full-time and put the individual in charge of road/bridge signs and snow removal at the courthouse. Rabe thought it would depend on whom they hired; Burbach said he would like the position to go back to full-time. Wurdeman stated he fought to make it part-time and he would not vote to make it a full-time position if there weren't enough duties to justify full-time. The position will be advertised as a part-time noxious weed position; if additional duties arise, they will be dealt with at that time.

The date of the May 7, 2013 commissioner meeting was changed to Monday, May 6<sup>th</sup> to accommodate Wurdeman's schedule.

Emergency Manager Nic Kemnitz reported Wayne State College was very receptive of the Military Search & Rescue Training in 2014. The Frey Conference Center has been reserved for the week; participants will be encouraged to eat on campus during training. A block of 25 rooms at the Cobblestone Inn has been reserved.

The Northeast Nebraska Planning, Exercise & Training Region is using Homeland Security funds to conduct two full-scale search & rescue exercises on Saturday, April 20<sup>th</sup>. The trainings for local responders will be conducted in Center and Neligh. Wayne County's EOC trailer will be setup at the Neligh location.

Kemnitz also reported that work on the LEOP is almost complete. All the communities have signed-off on the plan and he is waiting for public health department to finish.

Development of an agreement for usage of the EOC trailer was discussed. Consideration has to be given to counties that have contributed equipment to the trailer, counties within the district, what equipment is used, what personnel costs are involved, etc. It was agreed that a standard policy would be difficult to establish. The actual cost per day will need to be determined, and then it will depend upon the situation.

Clerk of District Court Deb Allemann-Dannelly reported Judge Johnson and Judge Kube would like to keep the District Judge offices open in the court services building. This would permit the court reporter to maintain an office in Wayne, and a second courtroom would continue to be available when county and district court have scheduling conflicts. The Sheriff's Department will be given access to the courtroom for trainings.

Allemann-Dannelly reported that the judge's bench in the court services building has four big cracks going down the front. Over the last two years both Judge Ensz and Allemann-Dannelly have talked to Jeff Morlok about the bench but no work has been done. After looking at the bench, the board authorized Allemann-Dannelly to contact someone that works with wood to see what can be done.

County Court Clerk Magistrate Kim Hansen reported bid specifications for cleaning the courthouse had been circulated throughout the courthouse. The responses received were very consistent from office to office. Burbach asked if anyone has spoken with the cleaning service about the concerns. Finn reported she had spoken with the local supervisor about some of the concerns, and told her the county was considering having the work bid again.

Hansen asked if the board would consider bidding cleaning of the court services building at the same time. Wurdeman and Rabe thought employees that worked in the court services building could take care of the cleaning, especially if it was only cleaned once a week. Janssen replied he has one part-time employee, and she wasn't interested in cleaning. As for his full-time employees, he preferred to stay away from the impact of Fair Labor laws on an employee with multiple job titles.

Rabe questioned if it could be part-time cleaning and part-time weed spraying position. Hansen questioned part-time cleaning and part-time maintenance position.

Bid specifications to clean the courthouse and to clean the court services building will be compiled as separate bids and as a joint bid. The specifications will be reviewed by the board during their next meeting.

The board questioned Hansen about a claim for payment of 2011 court appointed attorney fees. Hansen responded that the attorney filed the claim on a timely basis, the county judge had approved the claim on a timely basis; but it wasn't until last week that she heard it hadn't been filed for payment. Since the claim did not come before the board within the statutory 90 days, the board requested a new order for payment be approved by the county judge and then the claim be resubmitted.

Veterans Service Officer Brad Wieland discussed the update to the avenue of flags at the south entrance of the courthouse. He proposed replacing the twelve smaller flagpoles with eight poles, four on each side of the sidewalk, placed 20 feet apart. These would be 25' poles with sleeves that go three feet into the ground, like the ones at the cemetery. The estimated cost for the eight poles plus shipping would be \$6,015.00.

Wieland said the veterans and citizens would greatly appreciate it if the county would pay for the poles, as they will be set on county property. Burbach questioned why the change, at last report the Veterans Clubs were going to pay for the poles. Wieland responded the clubs don't have that kind of money; they use their money for scholarships and they support non-profit organizations. Wurdeman asked if the monument committee would pay for the flagpoles. Wieland had not asked them; he felt the county needed to take responsibility. The board agreed to pay for the flagpoles and to help with installation, but told Wieland to bring three flagpole quotes for their review.

At 12:05 p.m., the board recessed for lunch on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The meeting reconvened at 1:27 p.m. on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Flooring quotes for the elevator access areas were not received.

Wieland presented flagpole quotes from Flagworks, American Flag and Flagpole Company, and The Flagpole Company. Motion by Rabe, second by Wurdeman to accept the quote of \$6,015 submitted by Flagworks. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Wurdeman will contact Schultz for project references.

Allemann-Dannelly received authorization to contact Squeaky Clean and have the courthouse windows cleaned after the paving project is complete.

Cleanup of the courthouse lawn by road maintenance workers was set for Friday at 1:00 p.m.

At 2:25 p.m., the board recessed until Friday, April 5<sup>th</sup> at 1:00 p.m. on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The commissioner meeting reconvened at 1:12 p.m. on Friday April 5, 2013 on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Those in attendance were Chairman Burbach, Members Rabe and Wurdeman, and Clerk Finn.

A copy of the Open Meetings Act was on the table.

The board discussed their findings on Schultz's references. The paving bid of \$13,075.00 submitted by Everett Schultz was accepted on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The meeting was adjourned at 1:27 p.m. on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

**Fee Reports:** Debra K. Allemann-Dannelly, Clerk of District Court, \$1,043.25 (Mar Fees).

**Claims:**

**GENERAL FUND**

Junck, JoAnn M.	RE	1,508.68
Janssen, LeRoy W.	RE	88.78
Broders, Denise R.	RE	33.90
American Broadband CLEC	OE	1,930.73
Arnie's Ford Mercury	MA,RP	406.37
Black Hills Energy	OE	1,004.84
Bomgaars	SU,OE,RP	89.40
Ecolab Pest Elimination Service	OE	53.00
Hasemann Funeral Home	OE	2,312.78
Iowa Office Supply Inc	RP	101.52
Johnson Morland Easland & Lohrberg	OE	1,245.00
Jorgensen Law Office-Kate Jorgensen	OE	6,622.80
K&M Reporting	OE	83.20
KONE'	RP	1,105.95
MailFinance	ER	1,326.00
Mainelli Wagner & Assoc Inc	OE	3,329.97
Maximus Inc	OE	1,442.91
MIPS Inc	ER,CO	2,468.19
NACO	OE	65.00
Northeast Nebraska Juvenile Serv Inc	OE	15,466.89
Northeast Nebraska RC&D Inc	OE	1,000.00
Northeast Research & Extension Center	CO	1,035.96

Pieper & Miller	OE	521.64
Providence Medical Center	OE	117.00
Quality Printing & Office Supplies	SU	198.65
Region IV Behavioral Health System	OE	4,484.00
Region IV Inc	OE	2,677.25
Seventh Judicial mental Health Board	OE	171.00
Wayne, City of	OE	1,285.50
<b>COUNTY ROAD FUND</b>	<b>Salaries \$ 20,940.00;</b>	
Black Hills Energy	OE	297.34
Bomgaars	SU	48.29
Carroll Station Inc., The	MA	25,541.09
Eastern NE Telephone Company	OE	87.06
Fischer Feed & Supply Inc.	SU	43.00
Fredrickson Oil Company	MA	1,877.07
Grossenburg Implement	ER	2,000.00
Hank's Front End Service Inc	RP	53.00
Mainelli Wagner & Assoc Inc	CO	10,428.25
Martin Marietta Materials	MA	639.13
Matheson Tri-Gas Inc	SU	11.64
Midland Equipment Inc.	RP	182.49
NMC Exchange LLC	RP	4,148.65
Northeast Auto Glass	RP	208.00
Northeast Nebraska Public Power Dist	OE	284.04
Peterbilt of Norfolk	RP	1,109.96
S&S Willers Inc.	MA	28,402.03
Stern Oil Co., Inc	MA	4,704.59
US Cellular	OE	89.49
Vic's Engine Service Inc.	RP	42.49
Wayne, City of	OE	183.86
Weldon Parts Norfolk	RP	318.93
Winside, Village of	OE	191.68
<b>INHERITANCE TAX FUND</b>		
Beiermann, Merlin	PS	12.00
Carlson, Ellen	PS	23.08
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

Debra Finn, Wayne County Clerk

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Wayne, Nebraska  
April 2, 2013

The Wayne County Board of Equalization met in regular session at 9:15 a.m. on Tuesday, April 2, 2013 in the upstairs conference room of the courthouse. Those in attendance included Chairman Wurdeman, Members Burbach and Rabe, Assessor Duffy and Clerk Finn.

Advance notice was published in the Wayne Herald, a legal newspaper, on March 21, 2013.

A current copy of the Open Meeting Act was posted in the meeting room and accessible to the public.

Motion by Rabe, second by Burbach to approve the agenda. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

An acceleration of taxes on a mobile home, owned by Tom Jacobsen, being moved out of county was approved on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

Duffy presented her recommended values on properties that had been denied permissive tax exemptions during the March 19<sup>th</sup> meeting.

The following recommendations were made, followed by board action:

- Parcel ID #80188.01 - South 50' of Lot 1, Block 1, Spahr's Addition to Wayne; a vacant lot owned by Grace Lutheran Church - \$9,040.00. Motion by Rabe, second by Burbach to set the value of South 50' of Lot 1, Block 1, Spahr's Addition to Wayne at \$9,040.00. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.
- Parcel ID # 4673.01 – Lot 5B of the Administrative Replat of South 20' of Lot 4 & all Lots 5 & 6 except South 20' of Lot 6, Block 5, Roosevelt Park Addition to Wayne; a vacant lot owned by Norfolk Area Habitat for Humanity - \$1,330.00. Motion by Rabe, second by Burbach to set the value of Lot 5B of the Administrative Replat of South 20' of Lot 4 & all Lots 5 & 6 except South 20' of Lot 6, Block 5, Roosevelt Park Addition to Wayne at \$1,330.00. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.
- Parcel ID #2872.00 – Lot 9, Block 26, Original Wayne; a vacant lot owned by Norfolk Area Habitat for Humanity - \$400.00 on garage and \$5,710.00 on the lot; a total of \$6,110.00. Motion by Rabe, second by Burbach to set the value of Lot 9, Block 26, Original Wayne at \$400.00 on garage and \$5,710.00 on the lot; a total of \$6,110.00. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.
- Parcel ID #80246.00 – Lots 3 & 4, Block 2, Original Winside; a vacant lot owned by St Paul's Lutheran Church - \$400.00 on garage and \$7,225.00 on the lot; a total of \$7,625.00. Motion by Burbach, second by Rabe to set the value of Lots 3 & 4, Block 2, Original Winside at \$400.00 on garage and \$7,225.00 on the lot; a total of \$7,625.00. Roll call vote: Burbach-aye, Rabe-aye, Wurdeman-aye; motion carried.
- Parcel ID#80279.01 – Lots 10, 11 & 12, Block 6, Carroll First Addition; a vacant lot owned by The United Methodist Church at Carroll, Nebraska - \$4,255.00. Motion by Rabe, second by Burbach to set the value of Lots 10, 11 & 12, Block 6, Carroll First Addition at \$4,255.00. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

Motion by Rabe, second by Burbach to adjourn as Board of Equalization at 9:25 a.m. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

Debra Finn, Wayne County Clerk

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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 April 2, 2013, 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 5th day of April, 2013.

Debra Finn, Wayne County Clerk