

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 16, 2013

The Wayne County Board of Equalization met in regular session at 9:00 a.m. on Tuesday, April 16, 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 April 4, 2013.

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

The agenda was approved on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

The meeting was recessed to convene a public hearing on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

A public hearing to review tax exemption applications and reaffirmations for real and/or tangible personal property convened at 9:01 a.m.

Those in attendance included Chairman Wurdeman, Members Burbach and Rabe, Assessor Duffy, and Clerk Finn. Jeff Morlok representing Forward Wayne dba Majestic Theatre was also present.

Duffy reported the Nebraska Department of Revenue has requested the Board reconsider the tax exemption they granted to the Majestic Theatre. The decision in the Department of Revenue v. Kearney Board of Equalization & Pioneer Village was recommended as a point of reference. Duffy was told if the county does not deny the tax exemption, the Department of Revenue will protest the decision to the Nebraska Tax Equalization and Review Commission, and ask that the Commission find the property subject to taxes.

The property's primary use must be for religious, educational, charitable, or cemetery purposes to qualify for an exemption. The Majestic is used for educational and charitable purposes, but it is primarily used as a theatre. Jeff Morlok requested the county defer making a decision until the Directors have time to research options.

A motion to adjourn the public hearing was made by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

The board reconvened in open session at 9:10 a.m.

A motion was made by Rabe, seconded by Burbach, to table action on the tax exemption granted to Majestic Theatre until June 18, 2013. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

The meeting was adjourned at 9:16 a.m. on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

Debra Finn, Wayne County Clerk

Wayne, Nebraska
April 16, 2013

The Wayne County Board of Commissioners met in regular session at 9:16 a.m. on Tuesday, April 16, 2013 in the upstairs conference room of the Courthouse.

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 April 4, 2013.

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

An application for permission to place a utility line in county road right of way was added to the agenda. The amended agenda and the minutes of the April 2, 2013 meeting were approved on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Lowell Heggemeyer told the board he purchased property next to the county yard a few years ago, with the intention of buying the county yard should the county relocate the road department. Heggemeyer's building is right on the property line; if the county property sold, and he did not get the bid, he could lose access to the overhead door of his building. To prevent the possibility of being landlocked, he requested a 30' permanent easement from the southwest corner of his property line heading east to Pearl Street. Heggemeyer was told to bring the legal description of the land to the board for approval prior to drafting an easement.

Marlin Schuttler's letter of resignation, effective April 30, 2013, was accepted on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried. Schuttler has served as Noxious Weed Control Superintendent since January 2, 1990.

Advertising for a part-time Noxious Weed Control Superintendent was authorized on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried. Applications will be accepted until 5:00 p.m. on Thursday, May 9th. It is very possible that the new superintendent would not be able to start until June 1. Burbach stated Schuttler had agreed to help if needed during the month of May.

Emergency Manager Nic Kernnitz reported the county may have to buy a new duplexer for the fire repeater at the ETV tower. Motorola is going to work on it one more time, but one of the duplexer tuners physically arcs, causing the radio to cut out. They have borrowed the public service antenna to allow the fire repeater to function without a duplexer for right now. Replacement cost for the duplexer is estimated at \$1,700 - \$2,000.

Kernnitz also reported that an American Red Cross Shelter was opened at the Wayne Community Activity Center on March 6th for people without power. Cots were set up and a hot shower was available. A few people came in from the Carroll area and stayed until 10:00 p.m., when their power was restored. About 15 families from Pilger were expected but a generator was found for them.

Kim Hansen and Deb Allemann-Dannelly presented cleaning bid specifications for the courthouse and the court services building. The specs were reviewed and approved.

The time of day to clean was discussed. During the day the provider will need to work around driver's examiners, depositions, mediation, county court and district court. Evening cleaning would have to work around meetings. It was decided to let the winning bidder choose their time to clean as long as they work around the building schedule.

The county will be responsible for rag service, carpet cleaning, window cleaning and buffing floors. Cleaning supplies can be included in bids or the county can provide the products. Cleaning personnel must have identification available upon request, and on file with the county prior to cleaning.

Bidders will be asked to bid the courthouse and the court services building as separate jobs and as a combined job. The possibility of each building being cleaned by a different company was acceptable to the board. A six-month trial period, followed by a one-year contract will be offered based on performance. Proof of liability insurance will be required for the winning bidder.

Bids will be accepted until 5:00 p.m. on Thursday, May 16th. Bids will be opened and reviewed by Allemann-Dannelly, Hansen and Burbach.

The placement of treads on the refinished stairs was once again discussed. The stairs at the east entry level have been showing wear. Hansen was authorized to order the treads originally chosen if the cost does not exceed \$5,000.

Culvert material bids were received from Metal Culverts, Inc., Midwest Service & Sales Co., and B's Enterprises Inc. for Road District 2 and District 3 inventory. There was a substantial difference in the bids received for the half diaphragms. Wurdeman recommended they take action on the bids until other counties were contacted for references. Burbach called Metal Culverts and asked if the culverts they bid had angle iron around the edges, and how wide the flares were around the headwall. Based on the responses Burbach was concerned that the products bid by Metal Culverts would be flimsy. The second-low bid of \$22,524.24 for helical and annular culverts, bands and diaphragms submitted by B's Enterprises was accepted on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Culvert bids were received from Contech Engineered Solutions, Midwest Service & Sales Co., and Ace/Eaton Metals for Carroll Northeast Project C-90(214), Structure No. C0090000435 on Road 863 between 568 and 569 Ave; and Carroll Northeast Project C-90(330), Structure C009010205 on Road 864 between 568 and 569 Ave. Wurdeman questioned how Contech could be \$30.00 cheaper per foot on the tubes, and if the materials arrived and did not meet expectations could the project wait for a reorder? For the \$8,000 difference between low and second-low bid Burbach thought it was worth taking a chance on Contech. The bid of \$64,006.19 submitted by Contech Engineered Solutions was accepted on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The meeting was recessed for lunch at 12:12 p.m. on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

The meeting reconvened at 1:17 p.m. on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

The addition of security Cusip #455421NQ6, for \$200,000 as submitted by Elkhorn Valley Bank was approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The withdrawal of Cusip #68905FDH9, for \$170,000, as submitted by Elkhorn Valley Bank was approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The addition of security Cusip #3135G0TJ2, #3136G1F46, #3136FT4Q9, #3136G1HJ1, #3133EAX45, #313381C60, #3136G0J36, #313381YL3, totaling \$2,000,000, as submitted by State National Bank & Trust Co., was approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

As per the Lodging Tax Committee's recommendations, grants of \$250 for the Winside Craft Show, \$1,000 for Hallowe'en, \$1,000 for the 33rd Annual Chicken Show, and \$500 for two ads in the NEBRASKAland Magazine were approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

The Nebraska Department of Roads has arranged for Kirkham Michael & Associates, Inc. to perform the inspections and any necessary load re-rating of all fracture critical bridges due for inspection in 2013. The cost for the inspections is estimated to be \$64,901.64. Soft match credit may be used for the 20% local share if credit has been reinstated by FHWA. If credit is not available, the 20% (\$12,980.33) will be billed. Motion by Rabe, second by Wurdeman to enter into an agreement with the Nebraska Department of Roads for Project No. STP-NBIS (99) Control No. 00886, Statewide 2013 Fracture Critical Bridge Inspections and Load Re-ratings. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Resolution No. 13-07 was approved on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Resolution No. 13-07: Whereas: the Nebraska Department of Roads (NDOR) is developing a transportation project, on behalf of the county, for which it intends to obtain Federal funds;

Whereas: Wayne County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: Wayne County and the NDOR wish to enter into a Program Agreement to provide for fracture critical bridge inspection and load re-rating (if necessary) services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Wayne County, Nebraska that: Dean Burbach, Chair of the Wayne County Board of Commissioners is hereby authorized to sign the attached Program Agreement between the Wayne County and the NDOR. Project No. STP-NBIS (99) Control No. 00886, Project Name: 2013 Statewide Fracture Critical Bridge Inspections.

ROW Application No. 13-04-01 submitted by American Broadband to run fiber optic line from the tower located at 57448 854th Rd to the cell tower located at the fairgrounds on Pheasant Run was approved, subject to notification prior to starting the project, on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

Installation of a water softener at the court services building was discussed. A new softener will be purchased and installed; a drinking water line will be available in the break/meeting room.

To meet the requirements of State Statute 52-118 Everett Schultz will be asked to provide a bond for repaving part of the courthouse parking lot.

Fee Reports: Debra Finn, County Clerk, \$6,668.75 (Mar Fees); Leroy W. Janssen, County Sheriff, \$952.75 (Feb Fees); Karen McDonald, County Treasurer, \$354.00 (1st Qtr Fees).

Claims:

GENERAL FUND		Salaries \$90,034.75;
Junck, Lynn	RE	14.69
Kleensang, Randy L.	RE	25.99
Allemann-Dannelly, Debra K.	RE	33.90
Schuttler, Marlin	RE	146.20
Woslager, Richard R.	RE	14.13
Appeara	OE	298.30
Arnie's Ford Mercury	CO	81,735.00
AS Central Services	ER	60.00
Black Hills Energy	OE	98.38
CardMember Service	SU	38.68
CardMember Service	CO	85.19
Carroll Station Inc., The	MA	949.72
Claritus	SU	155.83
Des Moines Stamp Mfg Co	SU	14.50
Eakes Office Plus	SU	41.97
Egley Fullner Montag & Hockabout	OE	75.00
Elite Office Products	ER	142.33
Farmers Co-operative, Pilger	MA	546.70
Flood, Ann	OE	50.00
Georgetown Law Review	OE	85.00
Holiday Inn, Downtown, Lincoln	OE	168.00
Johnson, Morland Easland & Lohrberg	OE	758.42
Jorgensen Law Office	OE	817.50
Maul & Bodlak LLP	OE	668.75
Microfilm Imaging Systems	ER	155.00
Moonlight Towing	RP	112.00
Nebraska Notary Association	OE	152.25
Olson, Val	OE	50.00
Osmond Pharmacy	OE	35.99
Pieper & Miller	OE,ER	2,579.00
Pierce County Sheriff's Dept	OE	3,900.00
Quality Printing & Office Supplies	SU	152.11
Schaffer, Marjorie	OE	66.95
Shopko	SU	9.98
Sparkling Klean Service Inc.	OE	1,365.00
State National Bank & Trust Co.	SU	27.58
Super 8 Motel	OE	129.90

Thurston County Sheriff	OE	200.00
Topp, Amy	RE	239.56
Toshiba Financial Services	ER	205.62
University of Nebraska IS Comm Ctr	OE	54.28
Verizon Wireless	OE	54.92
Verizon Wireless	OE	243.34
Waste Connections of Nebraska	OE	170.85
Wattier, Patti	OE	375.00
Wayne County Clerk of District Court	OE	105.00
Wayne County Sheriff	OE	469.86
Wayne County Treasurer	OE	490.33
Wayne Herald/Morning Shopper	OE	649.39
Wayne, City of	OE	3,000.00
Western Office Technologies	SU	4.97
WEX Bank	MA	143.92
Zach Heating & Cooling	OE	47.50
Zach Oil Co.	MA,OE	658.60
Wayne Baseball Assoc.	SU	150.00

COUNTY ROAD FUND

Salaries \$20,940.00;

Appeara	OE	66.90
Backus Sand & Gravel	MA	27,725.81
Bauer Built	MA	3,122.64
Carroll Station Inc., The	MA	108.75
Carroll, Village of	OE	76.11
Elkhorn Valley Sand & Gravel	MA	2,068.15
Farmers Co-operative, Pilger	OE	371.70
Fredrickson Oil Company	MA	280.50
Hradec Diesel Inc	RP	187.45
John's Welding & Tool	SU	26.00
Kimball Midwest	SU	132.24
Midland Equipment Inc	RP	194.60
NMC Exchange LLC	RP	1,810.23
Northeast Nebraska Telephone Co	OE	71.90
PowerPlan	RP	2,582.70
Speece Lewis, Inc	CO	147.50
Verizon Wireless	OE	109.85
Vic's Engine Service Inc	RP	268.93
Wayne Auto Parts	RP,SU	550.74

The meeting was adjourned at 4:10pm. on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

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 April 16, 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 18th day of April, 2013.

Debra Finn, Wayne County Clerk