

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
May 6, 2013

The Wayne County Board of Equalization met in regular session at 9:00 a.m. on Monday, May 6, 2013 in the basement 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 25, 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.

During the April 16, 2013 meeting the board tabled action on the tax exemption granted to Majestic Theatre until June 18, 2013. Duffy reported that a decision needed to be made by June 1st. Motion by Rabe, second by Burbach to change the decision date to May 21, 2013. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

The meeting was adjourned at 9:04 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
May 6, 2013

The Wayne County Board of Commissioners met in regular session at 9:15 a.m. on Monday, May 6, 2013, in the basement 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 25, 2013.

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

Kim Hansen's appointment was rescheduled for the May 2, 2013 meeting. The amended agenda and the minutes of the April 16, 2013 meeting were approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

Representing Beverly Hills Homeowners Association, Maribeth Bobeldyke said the Association would like the county to take over maintenance of the roads in the Subdivision, and asked what they needed to do to make that happen. She compared their request to what is being done for Muhs Acres.

Bobeldyke explained that when Stephen Falk platted Beverly Hills Subdivision the streets and alleys were dedicated to the Beverly Hills Estates Homeowners Association, and the Homeowners Association was responsible for maintenance. Falk took care of the roads originally, but has not been involved with maintenance of the roads for the last seven years.

The Association would be willing to cover the costs of bringing the roads up to code. They would also cover the cost of rock if the county would maintain the roads. The second option would be to dedicate the roads to the county; Bobeldyke said the Association would have no problem getting the necessary petition signatures for that process.

Rabe stated he had previously been told by the county attorney to stay out of the subdivision because they didn't know where the utility lines laid or how deep they were buried. Bobeldyke stated there is about 1.5 miles of road in the subdivision. Everyone has their own wells, phone lines shouldn't be a problem, but cable lines will need attention.

Bobeldyke will get more information on right of way and easements in the subdivision. Rabe will discuss the proposals with the county attorney and get back to Bobeldyke.

A Federal Fund Purchase Property Supplemental Agreement that would replace the Highway Bridge Program funding for the Federal Funds Purchase Program with funds from other federal funding categories was discussed. The LPA (Local Public Agency) clerk was to witness the county's signature on the agreement. Wurdeman recommended no action until Joel Hansen, the county's RC (Responsible Charge), was present to witness signage of the agreement. No action was taken.

Wurdeman then expressed his concern whether Hansen had enough time to cover the duties of Responsible Charge. A recent e-mail indicated he did not have time to work on the paperwork for a project the county needed to move forward on. Because of this, Wurdeman sought assistance elsewhere to keep the project moving. Wurdeman questioned if the county should meet with the City of Wayne, and see if Hansen needed to give up his duties in Carroll or Laurel so that when the county needed something, it would be done.

A request for proposals for preliminary engineering and environmental documentation preparation for bridge replacement project BRO-7090(20), CN 32067, Wayne West is being prepared. Motion by Wurdeman, second by Rabe that the three commissioners serve as the selection committee. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

An application for Brendon Pick to be listed as one of the managers on the Wayne County Ag Society's Liquor License was received. Pick would replace Pat Gray on the license; the second manager is John Williams. Motion by Rabe, second by Wurdeman to approve the manager application of Brendon Pick. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye, motion carried.

Burbach reported that Wayne City Administrator Lowell Johnson has agreed to serve as the Flood Plain Administrator for Wayne County. Johnson has the training, and felt since the county does not give out building permits it wouldn't require too much time. Motion by Rabe, second by Wurdeman to appoint Johnson to serve as Wayne County Flood Plain Administrator. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

The addition of Cusip #36225FKK4 and Cusip #36225FB65, as submitted by First Nebraska Bank, was approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

Jody (Mrs. Ray) Kingsley expressed her concerns with the Sholes Road and their driveway. She had traveled a five-mile radius from their place and no other lanes were cut like theirs. Burbach said the ditch is higher than the road so the water that runs down Kingsley's lane cuts along the edge between the ditch and the road. The maintainer blade dropped in the ditch cut and scarred their driveway. Burbach stated the county would get the ditch cleaned out this summer.

Kingsley asked what would be done with all the silt and garbage from the ditch. Burbach said it would be put farther down on the road; that was unacceptable to Kingsley. She said, "You do not put the garbage up on the road; you have to take it out of the ditch and spread it elsewhere; roads have to be built with good dirt."

Kingsley felt this has led to problems with many of the county's road projects. You cannot get good compaction when you put silt and garbage on the roads, or when you use a maintainer and not a sheep's foot. She was also concerned that the roads aren't crowned enough to drain, and you can't pull over to the side of the road because the shoulders are collapsing. Discussion continued with grading, gravel, ditches and traffic along the Sholes Road.

Kingsley offered to provide the county with a place to spread the silt, and provide any necessary dirt if Burbach would put a tentative plan in writing as an agreement. She also stated that Ronald and Howell Rees would also work with him if plans were agreed to and put in writing. Burbach stated it would be late summer before they could work on the project.

Sheriff LeRoy Janssen reported the old light bars did not fit the new cruisers, so they would be spending approximately \$4,000 for two light bars and two cages.

Executive Director Judy Funk presented information on the Animal Shelter of Northeast Nebraska, formerly known as the Northeast Nebraska Humane Society. Their mission is to re-home animals, and to educate kids about the care of dogs and cats. They are turning down 2-3 calls daily for animals that need to be re-homed. Their vision is to build a shelter to service Cuming, Stanton, Wayne, Pierce and Madison counties. Land has been donated in Pierce County for a building, and they are currently in the capital campaign phase. The county can help with public education so people understand who they are and what they are doing.

As per the lodging tax committee's recommendation, a grant of \$50.00 for Northeast Nebraska Travel Council dues, and a grant of \$250 for the June Jubilee Craft Show were approved on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Application No. 13-05-01 submitted by Loberg Farms for permission to update an electrical line in county road right of way along 862 Road and 568 Avenue was approved on motion by Wurdeman, second by Rabe. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

Action on Application No. 13-05-02 submitted by the City of Wayne to run sewer line down the center of road right east from the intersection of 577th Ave and Chiefs Way was tabled. The application stated that both lanes of traffic would be closed for no more than ninety days, local access would be maintained at all times, and the proposed work would take place between July 1, 2013 and December 31, 2013. Wurdeman wants Joel Hansen to come to the next meeting and give them a better window of time for the project so he can schedule the paving of Chiefs Way.

Rabe was asked if he still intended to proceed with an offer to buy the Rubeck road. Rabe stated he is waiting for Terry Schulz to provide a complete legal description of the land.

The legal description for the 30 foot permanent easement Lowell Heggemeyer had requested from the southwest corner of his property line heading east to Pearl Street was reviewed. Wurdeman questioned if he gave the easement could Heggemeyer park on the property. He was in agreement with giving access to the building, but not parking rights.

Motion by Rabe, second by Wurdeman to recess the meeting for lunch at 12:08 p.m. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

The meeting reconvened at 1:25 p.m. on motion by Rabe, seconded by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Wurdeman questioned why Schuttler was still working for the county when his resignation was accepted effective April 30th.

During the April 16, 2013, meeting Marlin Schuttler's resignation, effective April 30, 2013, was accepted, advertising of the position was authorized, and Burbach stated Schuttler had agreed to help if needed during the month of May. Burbach and Rabe said their intention was for him to continue until the new person was in place.

Wurdeman stated the resignation had been accepted so Schuttler was no longer insured, and could not work for the county unless the position was advertised. He recommended Schuttler be hired as a temporary consultant to teach the new person, but he couldn't do anything until that time. Wurdeman did not intend for Schuttler to continue as an employee, just to assist in training the new person.

Warnemunde Insurance was contacted. Schuttler's coverage as a Weed Superintendent ended on April 30, 2013, but his coverage as an employee continued as long as he was paid as an employee.

Burbach felt Schuttler was just trying to help the county out, as per the weed board's request. Wurdeman questioned if he needed to be there every day, if there was anything to do since it was too cold to spray. Schuttler was contacted and asked about his schedule. The board then authorized Schuttler to attend scheduled meetings through May 21, 2013.

Fee Reports: Debra K. Allemann-Dannelly, Clerk of District Court, \$1,129.52 (Apr Fees); LeRoy W. Janssen, County Sheriff, \$1,641.39 (Mar Fees).

Claims:**GENERAL FUND****Salaries \$1,406.25;**

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|------------------------------------|-------|----------|
| Wieland, Bradley K. | RE | 39.05 |
| Barnes, Ann M. | RE | 287.59 |
| Pieper, Diane K. | RE | 28.65 |
| Junck, JoAnn M. | RE | 1,508.68 |
| Albin, Mark D. | OE | 500.50 |
| All Flags LLC | SU | 259.19 |
| American BroadBand CLEC | OE | 1,775.82 |
| Appeara | OE | 297.05 |
| Arnie's Ford Mercury | MA,RP | 192.22 |
| BargClan After 5 Repair | SU | 180.65 |
| Big Red Printing | SU | 280.92 |
| Black Hills Energy | OE | 685.52 |
| Bomgaars | SU | 97.81 |
| CardMember Service | SU | 32.96 |
| CardMember Service | RE | 342.69 |
| Carhart Lumber Company | SU | 10.48 |
| Carroll Station Inc., The | MA | 614.74 |
| Copy Write/Keepsake | SU | 65.16 |
| CVSOAN Treasurer | OE | 200.00 |
| Egley, James G. | OE | 125.00 |
| Election Systems & Software | OE | 1,465.83 |
| Flood, Ann | OE | 50.00 |
| Iowa Office Supply Inc. | RP | 129.29 |
| Jack's Uniforms & Equipment | OE | 99.90 |
| Johnson Morland Easland & Lohrberg | OE | 874.97 |
| Madison County Sheriff | OE | 256.24 |
| Mainelli Wagner & Assoc Inc | OE | 600.00 |
| Menard's | SU | 549.00 |
| MIPS Inc | ER,CO | 2,468.19 |
| NE Assoc of County Treasurers | OE | 120.00 |
| Nebraska District Court | OE | 207.50 |
| Nebraska Emergency Equipment | CO | 640.00 |
| Osmond Pharmacy | OE | 617.70 |
| Pieper & Miller | OE | 160.00 |
| Quality Inn & Suites, North Platte | OE | 276.00 |
| Quality Printing & Office Supply | SU | 445.78 |
| Schaffer, Marjorie | OE | 50.00 |
| Tacos & More | OE | 11.98 |

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| Thompson Lock & Key Service | SU | 85.00 |
| United HealthCare of the Midlands | PS | 66,209.40 |
| Wayne County Clerk of District Court | OE | 70.00 |
| Wayne County Historical Society | OE | 2,500.00 |
| Wayne County Sheriff | OE | 44.00 |
| Wayne Herald/Morning Shopper | OE | 1,536.77 |
| Wayne State College Library | SU | 16.22 |
| Zach Oil Co | MA,OE | 816.92 |

COUNTY ROAD FUND
Salaries \$31,410.00;

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|--------------------------------------|-------|-----------|
| Appeara | OE | 40.00 |
| B's Enterprises Inc | MA | 72.00 |
| Black Hills Energy | OE | 142.40 |
| Bomgaars | SU,MA | 232.26 |
| CardMember Service | SU | 33.00 |
| Central Sand & Gravel Company | MA | 407.02 |
| Eastern Nebraska Telephone Company | OE | 50.91 |
| Eastern Nebraska Trailer Repair Inc | OE | 35.00 |
| Elkhorn Valley Sand & Gravel | MA | 11,791.58 |
| Fasternal | SU | 193.95 |
| Fredrickson Oil Company | SU | 480.13 |
| Grossenburg Implement | RP,ER | 2,023.78 |
| Hank's Front End Service Inc | RP | 110.00 |
| HireRight Solutions Inc | OE | 169.60 |
| John's Welding & Tool | RP | 33.85 |
| Mainelli Wagner & Assoc Inc | CO | 13,456.34 |
| Martin Marietta Materials | MA | 652.75 |
| Matteo Sand & Gravel Co Inc | MA | 1,317.38 |
| Menard's | SU | 79.69 |
| Midwest Services & Sales Co | MA | 2,062.80 |
| NMC Exchange LLC | RP | 234.28 |
| Northeast Nebraska Public Power Dist | OE | 259.43 |
| Rabe, James | RP | 90.00 |
| Stalp Gravel Company | MA | 11,130.84 |
| US Cellular | OE | 89.35 |
| Wayne Auto Parts | RP | 191.99 |
| Wayne, City of | OE | 109.07 |
| Winside, Village of | OE | 186.09 |

LODGING FUND

| | | |
|------------------------------|----|--------|
| Nebraska Life Publishing Inc | OE | 500.00 |
| Nebraskaland Magazine | OE | 500.00 |

INHERITANCE TAX FUND

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|-------------------|----|-------|
| Beiermann, Merlin | PS | 12.00 |
|-------------------|----|-------|

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|---------------------|----|-------|
| 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 |

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 May 6, 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 8th day of May, 2013.

Debra Finn, Wayne County Clerk