

**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  
June 4, 2013

The Wayne County Board of Equalization did not convene – no items needing action.

Debra Finn, Wayne County Clerk

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Wayne, Nebraska  
June 4, 2013

The Wayne County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, June 4, 2013 in the upstairs conference room of the courthouse. Those in attendance included Chairman Burbach, Member Rabe and Clerk Finn.

Advance notice was published in the Wayne Herald, a legal newspaper, on May 23, 2013.

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

A motion was made by Rabe, seconded by Burbach to approve the agenda and the minutes of the May 19, 2013 meeting. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

Kris Loberg and David Loberg questioned the status of bridge construction and road improvement projects in their area. Six bridges were closed just before harvest last year, and they continue to travel several miles out of their way to get to their property. They were concerned that work has not started on any of the area bridges; in the meantime, the bottom roads are catching all the traffic causing more stress on those bridges.

Burbach said he had been assured by the engineers that his projects would be ready to go early this spring, but that did not happen. Engineering has been completed for the county line, Bill Loberg, and Pat Finn locations, and tubes have been ordered. Burbach noted that it has become a very time consuming process. The county has to wait almost a year for a project to be engineered, then at least three weeks to have the project bid, and another 6-8 weeks to have a culvert built to specifications.

The board was asked if the county could be more pro-active. Since bridges are continuously being inspected, the county should be aware of deteriorating conditions and plan accordingly; improvements could be made before the bridge needed to be closed.

The county prepares a One and Six-Year Road Improvement Plan each year. This plan prioritizes the county's bridge and culvert projects for the current year, and as far out as six years. Decisions are made based on condition, location and cost. The dry weather last year permitted state inspectors to see areas that had previously been under water, which led to deficiencies being discovered sooner and several bridges closed unexpectedly.

The board could consider using a different engineering firm in an effort to get projects engineered faster, but all engineering firms are backlogged due to the changes in state and federal regulations.

In emergencies, the county could try to stabilize a bridge or install a culvert as a temporary resolution. Burbach prefers not to spend the time and money on temporary repairs because they will have to tear the materials back out when the engineering work has been completed.

The board was asked to consider bidding the culverts in bulk, and order during the off-season to get a better price. The county no longer keeps a large supply of culverts in inventory because most projects must be engineered. Culverts are ordered based on the flow, length and skew needed for a specific project. If the county can get ahead on project engineering, then ordering could be done in bulk.

The narrowing of the Sholes Road was discussed. Burbach said the road has gotten pushed out wider than 30 feet, and is now lower than the ditch. He is going to try to clean out the ditch and shore the road back up to 28 feet wide.

Lobergs and Burbach agreed that the county is looking at both an economic issue and a safety issue. The current road and bridge system was not built for the large farm equipment and semi trucks being operated, and many intersections are too narrow for equipment to turn the corners. The board was urged to look forward and be more pro-active.

An interlocal agreement with the Village of Winside for road-related projects was not found. The board agreed that interlocal agreements should be in place with all county villages, the REA, etc. Attorney Pieper was asked to draft an agreement.

As per the Lodging Tax Committee's recommendation, a grant of \$750 was approved for the Wayne County Fair, and \$250 was approved for the Wayne Farmers Market on motion made by Rabe, second by Burbach. Roll call vote Rabe-aye, Burbach-aye; motion carried.

Computer Technology Grant Application No. 13-01 for \$1494.00 was approved on motion by Rabe, second by Burbach. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

A request to lay additional dirt and sod in a gully running down the ditch on the west side of Mile 857 on 579 Ave was received. Rabe took sod from the bottom of the hill and dumped it in the gully to slow down erosion.

Box culvert bids for Hoskins Northeast, C-90(549) Structure No. C009000912, Mile 848 on 561 Ave (Langenberg); and Wayne South, C-90(546), Structure No. C0090003910, Mile 848 on 577 Ave (Mikkelsen); and Winside Northwest, C-90(580), Structure No. C009012410, Mile 565 on 853 Road (Roberts) were received: A&R Construction \$493,902.02 – construction start dates between September 1, 2013 and April 1, 2014; Gus Construction Co., Inc. \$620,100.05 – start dates between July 29 and September 9, 2013; M E Collins Contracting Co., Inc. \$681,965.60 – start date October 22, 2013; Robert Woehler & Sons Construction, Inc. \$564,342.52 – start dates between June 15 and October 15, 2013. A motion was made by Rabe to award the bid to A&R Construction, with the gravel hauling and dirt work to be negotiated at the three work sites. Rabe discussed the gravel hauling and dirt work with Jeff Wagner of Mainelli Wagner & Associates; Wagner recommended the board table action on the bids until next meeting. Rabe withdrew his motion to award the bid; action on the bids will be taken during the June 18, 2013 meeting.

Claim #13060029 submitted by Kelvin Wurdeman for reimbursement of \$4,369.23 for attorney expenses incurred for Case No CI12-85 Kelvin J. Wurdeman, County Supervisor for Wayne County, Nebraska vs. Debra Finn, Wayne County Clerk/Election Commissioner was discussed. The District Judge ordered the county to pay \$133.25 in court costs. The county paid the amount ordered, and a Satisfaction of Judgment was filed. A motion was made by Rabe, seconded by Burbach to deny the claim. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

Deb Allemann-Dannelly, LeRoy Janssen and Kim Hansen reported they are looking into courtroom security options. This has been an on-going process as they try to balance cost with safety and the physical aesthetics of the courtroom. A motion-activated camera system that could be monitored through an IP address is being considered. There has been some discussion on bullet-resistant glass. Metal detecting wands are available at the Sheriff's Office for high security trials. Locker type storage for purses, cameras and bags is being considered. Updates will be given as various options are considered.

Allemann-Dannelly and Hansen are getting plumber estimates for replacement of the second floor bathroom fixtures.

No action was taken on the proposed road maintenance in Beverly Hills Subdivision. The board is going to defer action until the commissioner vacancy is filled. A joint meeting will then be scheduled with representatives of the subdivision, the county attorney, and a representative of Mainelli Wagner.

Linda Kirsch stated she is still searching records for the correct property line for her parents, LeRoy & lone Rubeck, and the location of easements and road right of way. Since she is still searching she did not see the need for the county to be in a rush to sign papers. Rabe stated the county would make an offer to buy the crooked road as soon as the county receives the land survey requested from County Surveyor Terry Schulz. Kirsch replied her parents would not accept the offer, and would go to court.

Because of the April 1<sup>st</sup> tree/brush burn in Road District #1 that caught a vacant house with asbestos siding on fire, Emergency Manager Nic Kemnitz and LeRoy Janssen have been in contact with several agencies including the Department of Social Services, Department of Environmental Quality, the State Fire Marshal and Environmental Services. In an attempt to ensure the safety of those involved in the clean up, and that proper procedures are followed, the recommendation was for the county to put their Emergency Manager in charge of the asbestos cleanup.

It is unknown if the county forces will be able to do the work or if the project must be bid. It has been estimated that four side-dump loads of debris will need to be hauled to David City. A motion was made by Rabe, seconded by Burbach to authorize Emergency Manager Nic Kemnitz to go forward with the cleanup effort on the Claybaugh property located on the east side of Mile 857 on 579 Avenue. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

A motion was made by Rabe, seconded by Burbach to recess for lunch as 12:08 p.m. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

A motion was made by Rabe, seconded by Burbach to reconvene at 1:17 p.m. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

Road District No. 1 Foreman Terry Sievers gave an update to the board on the operations of the road crew including gravel hauled, projects worked on, and maintenance requests. The availability of gravel continues to be an issue for the county, many pits limit the number of loads that can be hauled each day, or are not pumping at all.

Notice was received from Backus Sand & Gravel that the price of gravel at the Pierce pit is now \$7.40 per ton.

The board briefly discussed ways to shorten the length of commissioner meetings. The only change supported was taking a break to return phone calls rather than answering cell phones during the meeting.

Motion by Rabe, seconded by Burbach to adjourn the meeting at 2:14 p.m. Roll call vote: Rabe-aye, Burbach-aye; motion carried.

**Fee Reports:** None.

**Claims:**

GENERAL FUND		Salaries \$900.00;
Barnes, Ann M.	RE	200.58
Junck, JoAnn M.	PS	1,508.68
Jenkins, Todd L.	RE	57.50
American BroadBand CLEC	OE	1,992.76
BargClan After 5 Repair	SU	161.45
Fitzgerald Vetter & Temple	OE	787.98
Black Hills Energy	OE	324.40
Carhart Lumber Company	SU	149.52
Claussen & Sons Irrigation Inc	OE	332.18
Eakes Office Plus	SU	20.65
Ecolab Pest Elimination Service	OE	53.00
Egley, James G	OE	125.00
Ellis Plumbing Heating & A/C	RP	120.33
Flood, Ann	OE	50.00
Hrouda, Jeffrey L	OE	328.30
Johnson Morland Easland & Lohrberg	OE	1,066.84

Jorgensen Law Office	OE	6,021.30
Knutson, Eric W	RE	38.42
	OE,SU,ER,C	
MIPS Inc	O	3,589.68
NACO	OE	1,477.68
Nebraska County Attorneys Assoc.	OE	1,140.00
Olson Court Reporting	OE	67.50
Olson, Val	OE	50.00
Pieper & Miller	OE	652.22
Quality Printing & Office Supplies	SU	63.40
Redfield & Company Inc	SU	163.86
Schaffer, Marjorie	OE	66.95
Tacos & More	OE	11.98
Wayne County Treasurer	RP	78.92
Wayne, City of	OE	1,459.90
Western Office Technologies	SU	15.98

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**COUNTY ROAD FUND**
**Salaries \$20,940.00;**


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Andrew Repair	RP	23.00
Backus Sand & Gravel	MA	4,075.63
Black Hills Energy	OE	82.96
Brudigam, John	OE	100.00
Carhart Lumber Company	SU	1.49
Eastern NE Telephone Company	OE	85.91
Elkhorn Valley Sand & Gravel	MA	9,266.45
Fredrickson Oil Company	MA	9,992.40
GI Trailer	RP	971.49
Grossenburg Implement	RP,ER,MA	2,108.35
Helena Chemical Company	OE	117.50
Mainelli Wagner & Assoc Inc	CO	12,023.49
Martin Marietta Materials	MA	945.33
Matteo Sand & Gravel Co Inc	MA	3,877.18
NMC Exchange LLC	RP	2,865.52
Norfolk NAPA	RP	10.58
Northeast NE Public Power District	OE	219.22
US Cellular	OE	94.35
Wayne, City of	OE	182.48
Winside, Village of	OE	103.20

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**INHERITANCE TAX FUND**


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Beiermann, Merlin	PS	12.00
Biermann, Sharolyn F	OE	1,494.00
Hitchcock, Richard	PS	80.78
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

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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 June 4, 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 7th day of June, 2013.

Debra Finn, Wayne County Clerk