

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
August 1, 2017

The Wayne County Board of Equalization meeting was called to order by Chairman Larson at 9:00 a.m. on Tuesday, August 1, 2017, in the upstairs conference room of the Courthouse. Chairman Larson, Members Burbach and Rabe, Assessor Duffy, Attorney Pieper, Sheriff Dwinell, and Clerk Finn were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on July 27, 2017. A current copy of the Open Meetings Act was posted and accessible to the public.

A motion to approve the agenda was made by Burbach and seconded by Rabe. Roll call vote: Burbach, Rabe, Larson – aye; motion carried.

A motion to approve the minutes of July 20, 2017, protest hearings was made by Rabe and seconded by Burbach. Roll call vote: Rabe, Burbach, Larson – aye; motion carried.

A motion to receive the annual report of cemetery property ownership and usage was made by Burbach and seconded by Rabe. Roll call vote: Burbach, Rabe, Larson – aye; motion carried.

A motion to approve a tax list correction due to a clerical error was made by Rabe and seconded by Burbach. Roll call vote: Rabe, Burbach, Larson – aye; motion carried.

The meeting was adjourned.

Debra Finn, Wayne County Clerk

Wayne, Nebraska
August 1, 2017

The Wayne County Board of Commissioners meeting was called to order by Chairman Rabe at 9:05 a.m. on Tuesday, August 1, 2017, in the upstairs conference room of the Courthouse. Chairman Rabe, Members Burbach and Larson, Attorney Pieper, Sheriff Dwinell, and Clerk Finn were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on July 27, 2017. A current copy of the Open Meetings Act was posted and accessible to the public.

Rabe presented the following consent agenda items:

- a. Approve minutes of July 18, 2017
- b. Approve fee reports
- c. Approve payroll
- d. Approve Wayne Aerie 3757 F.O.E. Special Designated Liquor License Application for wedding reception on September 16th from 4:00 p.m. until midnight at the Wayne County Fairgrounds Commercial Building
- e. Approve County Burial Application No. 17-02
- f. Approve withdrawal of Cusip 3134GAU77 as pledged securities held by State Nebraska Bank & Trust, Wayne

A motion to approve the consent agenda was made by Larson and seconded by Burbach. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

A motion to approve the regular agenda was made by Burbach. Larson said he would like to move Item 5. “Health insurance cost savings programs” to just before Item 8. “Comments, concerns, questions” to permit more time for discussion. A motion was made by Larson and seconded by Burbach to approve the amended agenda. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

A motion to approve the claims and fee reports was made by Larson and seconded by Burbach. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

Clerk of District Court Deb Allemann-Dannelly asked about the status of the courthouse security committee. Referencing projects in some of the area court systems, Dannelly asked what was being considered in Wayne. The

committee has not met recently, but will consider her examples at their next meeting. Dannelly confirmed her inquiry was not initiated by a Judge.

A supplemental agreement to delineate wetlands for utility relocation needed for Project No. BRO-7090(20) at a cost of \$1,227.18 was reviewed. A motion was made by Larson and seconded by Burbach to approve Resolution No. 17-7. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

Resolution No. 17-7: “Whereas: Wayne County and Felsburg, Holt & Ullevig, have previously executed a NEPA services agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: Wayne County understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: Wayne County and Felsburg, Holt & Ullevig wish to enter into a supplemental NEPA services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Wayne County, Nebraska that: James Rabe, Chair of the Wayne County Board of Commissioners is hereby authorized to sign the attached NEPA services Supplemental Agreement No. 3 between Wayne County and Felsburg, Holt & Ullevig.

Wayne County is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Agreements.

NDOR Project Number: BRO-7090(20), NDOR Control Number: 32067, NDOR Project Description: Wayne West.”

A Department of Environmental Quality construct permit application for David Hansen dba Sholes Piggery, LLC in N1/2 32-T27N-R1E was submitted to the board for review. Construction of a gilt developer barn, gestation and farrowing barns for up to 6100 head is proposed.

Bridge Project Manager Mark Casey reported:

- Work on Project C-90 (261) is catching up to the original projections. Two crews will be coming in.
- A scrap tire recycling event is scheduled for August 11th and 12th. Butler County Landfill would like the county or a private contractor to load their trucks.
- Bids for a gravel truck for District #3 will be opened on September 5, 2017.
- Appointment of a Flood Plain Administrator will be on the August 15th agenda.

Phil Lorenzen of D.A. Davidson & Co. presented Resolution No. 17-08 authorizing the issuance of not to exceed \$470,000 in bond anticipation notes to fund Rural Road Improvement District 2016-1; Project C-90 (595) paving part of South Centennial Road. A motion was made by Larson and seconded by Burbach to approve Resolution No. 17-08. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

Resolution No. 17-08: “A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2017, OF THE COUNTY OF WAYNE, IN THE STATE OF NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN RURAL ROAD IMPROVEMENT DISTRICT No. 2016-1 OF THE COUNTY; PRESCRIBING THE FORM OF SAID NOTES; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE TERMS AND PROVISIONS RELATING TO SAID NOTES, SUBJECT TO THE PARAMETERS HEREIN, AND TO ENTER INTO A CONTRACT ON BEHALF OF THE COUNTY FOR THE SALE OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION RURAL ROAD IMPROVEMENT DISTRICT BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; DESIGNATING THE NOTES AS QUALIFIED TAX EXEMPT OBLIGATIONS; AND ENTERING INTO A CONTRACT ON BEHALF OF THE COUNTY WITH THE HOLDERS OF SAID NOTES

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WAYNE, IN THE STATE OF NEBRASKA:

Section 1. The Board of Commissioners (the “Board”) of The County of Wayne, in the State of Nebraska (the “County”) hereby finds and determines that by resolution of the County heretofore adopted, Rural Road Improvement District No. 2016-1 (the “District”) was heretofore created as provided by law pursuant to Sections 39-1638 et seq., R.R.S. Neb. 2012, as amended (the “Act”); that Mainelli Wagner & Associates, Inc., the special engineers for the County, prepared estimates for the cost of construction of road, highway, drainage, and related improvements in the District (collectively, the “Project”); that bids for the Project have been opened and tabulated; that the County has entered into contract for construction of the Project; and, that there has been placed on file the County’s special engineers’ estimate showing that the Project costs, including costs of engineering and costs of issuance and underwriting and a portion of interest to accrue on the hereinafter-described Notes during construction, will be not less than \$450,000; that to provide

interim financing for a portion of the cost of the Project, pending the issuance of its general obligation rural road improvement district bonds pursuant to the Act or the application of other available funds to pay costs of the Project, it is necessary for the County to have funds available to meet its payment obligations for the costs of the Project; that the County has authority under Section 10-137, R.R.S. Neb. 2012, to issue bond anticipation notes for the purpose of providing funds to pay a portion of the costs of the Project, including a portion of the interest to accrue on such notes and the costs of issuance thereof; that it is necessary and advisable that the County now issue its bond anticipation notes in the principal amount of not to exceed \$450,000 to provide for payment of a portion of the costs of the Project, pending permanent financing pursuant to the Act; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Bond Anticipation Notes, Series 2017, in the principal amount of not to exceed \$450,000, to provide funds to pay a portion of costs of the Project and to pay the costs of issuance of said notes and a portion of the interest to accrue on said Notes, do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing for a portion of the costs of the Project as set out in Section 1 hereof, there shall be and there are hereby ordered issued Bond Anticipation Notes of the County to be known as "Bond Anticipation Notes (Rural Road Improvement District No. 2016-1), Series 2017" in the aggregate principal amount of not to exceed Four Hundred Fifty Thousand Dollars (\$450,000) (herein referred to as the "Notes" or the "notes"), consisting of fully registered notes numbered from 1 upwards in the order of issuance, in the denomination of \$5,000 each, or integral multiples thereof, said notes shall be dated as of date of delivery and each of said notes shall bear interest at the stated coupon interest rate of not to exceed 1.75% per annum, with the principal of said notes to become due and payable as follows: Principal Amount: \$450,000; Maturity: September 15, 2019 - March 15, 2020.

The Notes may be issued in a lesser principal amount, shall mature and bear interest on the dates and shall bear interest at the interest rate or rates per annum (not to exceed the maximum rate set forth above), may be sold at an original issue discount of not to exceed one percent (1.00%) of their par value, and shall sold to the underwriter at an underwriting discount of not be exceed 1.25%, all as set out in Section 12, hereof, as shall be determined by a written designation (the "Designation") signed by the Chairperson of the Board or the County Clerk (each, an "Authorized Officer") on behalf of the County and which shall be agreed to by D.A. Davidson & Co. (the "Underwriter"). The Authorized Officers, or each individually, is hereby authorized to make such determinations on behalf of the County and to evidence the same by execution and delivery of the Designation. Such determination, when made and agreed to by the Underwriter, shall constitute the action of the Board, without further action of the Board.

The principal of the Notes and any interest due on the Notes upon maturity or earlier call for redemption shall be payable at the office of BOKF, National Association, Lincoln, Nebraska, as Paying Agent and Registrar (the "Registrar") designated in Section 3 hereof, upon presentation and surrender of the Notes when due or when called for payment prior to maturity. Interest on the Notes shall be calculated on the basis of a 360-day year consisting of twelve 30-day months and shall be payable semiannually on March 15 and September 15, of each year, beginning March 15, 2018 (or such other dates as may be determined in the Designation, each of such dates, an "Interest Payment Date"), from the Date of Original Issue or the most recent Interest Payment Date, whichever is later, until maturity or earlier redemption by check or draft mailed by the Registrar or its successor on such Interest Payment Date to the registered owners of the Notes at such registered owner's address as it appears on the Note register maintained by the Registrar or its successor at the close of business on the fifteenth day (whether or not a business day) immediately preceding such Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof.

Section 3. BOKF, National Association, Lincoln, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Notes. The Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the County and the Registrar, the form of which shall be acceptable to and approved and executed by an Authorized Officer. The Registrar shall have only such duties and obligations as are expressly specified by this Resolution and the Paying Agent and Registrar's Agreement, and no other duties or obligations shall be implied to the Registrar, except as may be set forth in a written agreement between the County and a successor Registrar.

The County reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. The Authorized Officers, or each individually, is authorized to remove the Registrar as provided herein if such officer determines that removal is in the best interest of the County. Upon such removal, any Authorized Officer is authorized to appoint a successor Registrar

and to execute an agreement with such successor Registrar in a form substantially similar to the Paying Agent and Registrar's Agreement, but with such changes as such officer shall deem appropriate or necessary.

The Registrar shall keep and maintain for the County books for the registration and transfer of the Notes at its designated corporate trust office, as located initially in Lincoln, Nebraska, but subject to change in the discretion of the Registrar upon notice in writing to the County and to the registered owners of the Notes (the "Designated Office"). The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions at the Designated Office of the Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Registrar, on behalf of the County, will deliver at the Designated Office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Note or Notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Notes by this Resolution, one Note may be transferred for several such Notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Notes may be transferred for one or several such Notes, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Note, the surrendered Note shall be canceled and destroyed. All Notes issued upon transfer of the Notes so surrendered shall be valid obligations of the County evidencing the same obligation as the Notes surrendered and shall be entitled to all the benefits and protection of this Resolution to the same extent as the Notes upon transfer of which they were delivered. The County and the Registrar shall not be required to transfer any Note during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. If payments of interest due on the Notes on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Notes as of a special date of record for payment of such defaulted interest as shall be designated by the Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Notes shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the Designated Office is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The Notes shall be subject to redemption, in whole or in part, prior to maturity at any time on or after September 15, 2018 (or such other date as may be determined in the Designation), at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The County may select the Notes to be optionally redeemed in its sole discretion. If less than all Notes of any maturity are to be called for redemption, the Registrar shall select by lot the particular Notes of such maturity to be redeemed. The Notes shall be redeemed only in denominations of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Registrar in exchange for new Notes evidencing the unredeemed principal thereof. The County shall give written notice to the Registrar of its election to redeem Notes at least 45 days prior to the said redemption date, or such shorter period as shall be acceptable to the Registrar. Notice of redemption of any Note called for redemption shall be given, at the direction of the County by the Registrar by mail not less than 30 days prior to the date fixed for redemption (or such shorter period as may be acceptable to the then-registered owner), first class, postage prepaid, sent to the registered owner of such Note at said owner's registered address. Such notice shall designate the Note or Notes to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the Designated Office of the Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such Note to be redeemed. No defect in the mailing of notice for any Note shall affect the sufficiency of the proceedings of the County designating the Notes called for redemption or the effectiveness of such call for Notes for which notice by mail has been properly given and the County shall have the right to direct further notice of redemption for any such Note for which defective notice has been given."

Larson opened the discussion on ways to cut the county's costs on health insurance by referencing the June 20th meeting when he had proposed offering a cash in lieu program and requiring employees to contribute toward dependent coverage. Options and concerns were discussed, Larson will prepare additional spreadsheets for the August 8th meeting.

Items discussed under comments, concerns, questions:

- The City of Wayne will be proposing an amended interlocal agreement for dispatch services with an annual inflationary increase
- The bulk fuel storage tanks in Carroll have been repainted
- Chiefs Way has been opened to traffic. The project went from preconstruction to pouring concrete in a week thanks to Gehring Construction and Mainelli Wagner & Associates
- Work has now started on South Centennial Road
- EMC Insurance Company has requested a quote to rebuild the county shed at 123 S Lincoln Street

The meeting was recessed until Tuesday, August 8, 2017, at 9:00 a.m.

The Wayne County Board of Commissioners meeting was called to order by Chairman Rabe at 9:00 a.m. on Tuesday, August 8, 2017, in the upstairs conference room of the Courthouse. Chairman Rabe, Members Burbach and Larson, Attorney Pieper, Sheriff Dwinell, and Clerk Finn were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on August 3, 2017. A current copy of the Open Meetings Act was posted and accessible to the public.

Advanced Consulting Engineering Project Manager John Zwingman spoke to the board about the need for corner locates for the wind tower project. Research for ties and corner calls, county excavation and corner setting could total \$1,000 to \$1,500 per corner. Zwingman will contact other counties to see how they handled these costs.

Dwinell reported the Security Committee is considering installing additional locks in the courthouse. The State Fire Marshall will review potential locations, and a locksmith will be consulted. The committee is also researching a wired camera system.

Larson gave updated information on a cash in lieu program for health insurance. Potential savings with the implementation of cash in lieu, and employees contributing toward their dependent’s coverage was discussed.

Several officials and employees spoke to the board stressing the role of insurance in their employment with the county. After extensive debate, a motion was made by Burbach and seconded by Larson to implement a cash in lieu program with payments of \$375, and a 5% employee contribution rate toward dependent health coverage, both to be effective January 1, 2018. Roll call vote: Burbach, Larson – aye, Rabe – nay; motion carried.

A budget work session was held.

Philip Clement and Kimberly Dickey of NEXtera Energy and David Levy of BairdHolm Attorneys at Law were present to discuss the Sholes Wind Energy Project. NEXtera is still in the process of acquiring the necessary leases. Once the boundaries are set the surveying can be done and they can determine where the turbines will go. Work will start in the spring of 2018 or 2019. OPPD has a contract for the energy produced. Numerous questions from the board and the public were answered.

Fee Reports: None.

Claims:

GENERAL FUND		Salaries \$57,784.35;
Bratcher, Clayton W.	RE	12.95
Advanced Correctional HealthCare	OE	6.40
Bomgaars	SU,RP	127.14
Brown Plumbing, Heating & A/C	RP	103.00
CardMember Service	OE	192.47
Cedar County Sheriff	OE	850.00
Centec Cast Metal Products	OE	428.20
Claritus	SU	44.32
Ecolab Pest Elimination Services	OE	59.34
Floor Maintenance	SU	62.41
Greenwood Cemetery Assoc.	OE	450.00

Hasemann Funeral Home	OE	2,500.00
Jack's Uniforms & Equipment	SU	88.85
Jerry's Trailers & Campers Inc.	RP	282.28
Jorgensen Law Office, Kate Jorgensen	OE	6,730.04
K&M Reporting	OE	347.60
Nebraska County Attorneys Assoc.	OE	1,240.00
Pieper & Knutson	OE	237.90
Pottawattamie Co Sheriff's Dept.	OE	36.00
Quality I Graphics	SU	265.00
Quality Printing & Office Supplies	SU	724.14
Shopko	SU	47.36
Tower Plastics Mfg Inc.	SU	600.84
United HealthCare Insurance Company	PS	64,024.77
Univ Nebraska Medical Center	OE	1,875.00
Wayne County Clerk	OE,PS	248.19
Wayne County Clerk of District Court	OE	36.00
Wayne County Treasurer	OE	35.00
Wayne NAPA	RP	20.93
COUNTY ROAD FUND	Salaries \$26,956.80;	
B's Enterprises Inc.	MA	9,480.00
Bomgaars	SU,MA,RP	229.70
Deere Credit Inc.	ER	3,446.15
Dixon Construction Co.	CO	61,957.12
Grossenburg Implement	MA	141.00
Hefti, Travis	ER	200.00
Martin Marietta Materials	MA	2,389.75
Matteo Sand & Gravel Co. Inc.	MA	964.32
Midwest Service & Sales Co.	MA	5,795.20
NMC Exchange LLC	RP,MA	6,224.85
Northeast Power	OE	192.59
RDO Truck Centers	RP	2,121.07
Weldon Parts Norfolk	RP	156.60
LODGING TAX FUND		
Gene Topp Memorial Car Show	OE	250.00
Wayne Rugby Tournament	OE	2,297.50
Winside Pride	OE	1,500.00
INHERITANCE TAX FUND		
Johnson, Lorraine	PS	21.00
Kraemaer, Maxine	PS	25.00
Meyer, Leon F.	PS	15.00
Nissen, Robert	PS	17.00

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 August 1, 2017, 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 10th day of August, 2017.

Debra Finn, Wayne County Clerk