

**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  
October 2, 2012

The Wayne County Board of Equalization convened at 9:00 a.m. on Tuesday, October 2, 2012. Those in attendance included Chairman Wurdeman, Members Rabe and Burbach, Deputy Assessor Joann Junck and Clerk Finn.

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on September 20, 2012.

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

The minutes of the September 18, 2012, meeting were approved as printed in the Commissioner's Record.

The agenda was approved.

Tax dollar requests submitted by various governmental entities were reviewed. Motion by Rabe, second by Burbach to set the following 2012 tax rates; roll call vote: Rabe-aye, Burbach-aye, Wurdeman-aye; motion carried.

<b>2012 TAX RATES</b>				
<b>Wayne County, Nebraska</b>				
Tax Rates are set as cents per \$100 of Actual Valuation				
<u>Governmental Entity</u>	<u>Valuation</u>	<u>Fund</u>	<u>Tax Request</u>	<u>Tax Rate</u>
<b>Wayne County</b>	1,183,190,859	General	\$ 3,796,391.80	0.320860
		Courthouse Imp	\$ 173,447.05	0.014659
		Total	\$ 3,969,838.85	0.335519
<b>Ag Society</b>	1,183,190,859	General	\$ 68,113.13	0.005757
<b>ESU #1</b>	6,781,552,240	General	\$ 1,017,233.00	0.015000
<b><u>CITIES AND VILLAGES</u></b>				
<b>Village of Carroll</b>	6,700,500	General	\$ 27,891.00	0.416253
<b>Village of Hoskins</b>	8,397,667	General	\$ 41,950.00	0.499544
<b>Village of Sholes</b>	629,132	General	\$ -	0.00000
<b>City of Wayne</b>	180,803,972	General	\$ 651,960.48	0.360590
		Bond	\$ 92,250.00	0.051022
		Total	\$ 744,210.48	0.411612
<b>Wayne Airport Authority</b>	180,803,972	Airport General	\$ 62,439.52	0.034534
		Airport Bond	\$ 12,324.00	0.006816
		Total	\$ 74,763.52	0.041350

<b>Village of Winside</b>	11,292,287	General	\$ 56,380.00	0.499279
		Fire Hall Bond	\$ 17,980.00	0.159224
		Total	\$ 74,360.00	0.658503

**RURAL FIRE PROTECTION DISTRICTS**

<b>Carroll Fire Dist #1</b>	193,505,735	General	\$ 28,566.00	0.014762
		Bond	\$ 26,488.00	0.013688
		Total	\$ 55,054.00	0.028450

<b>Wayne Fire Dist #2</b>	331,629,353	General	\$ 32,820.00	0.009897
		Sinking	\$ 21,000.00	0.006332
		Total	\$ 53,820.00	0.016229

<b>Hoskins Fire Dist #3</b>	282,792,742	General	\$ 50,758.00	0.017949
		Sinking	\$ 10,000.00	0.003536
		Bond	\$ 47,700.00	0.016867
		Total	\$ 108,458.00	0.038352

<b>Winside Fire Dist #4</b>	118,647,063	General	\$ 26,479.00	0.022317
		Sinking	\$ 9,000.00	0.007586
		Total	\$ 35,479.00	0.029903

<b>Wakefield Fire Dist #9</b>		General	\$ -	0.032000
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**SCHOOL DISTRICTS**

<b>School District #17</b>	601,213,303	General	\$ 5,907,625.34	0.982617
		Bond	\$ 512,677.62	0.085274
		Special Building	\$ 368,163.63	0.061237
		Qualified Capital Bond	\$ 308,080.81	0.051243
		Total	\$ 7,096,547.40	1.180371

<b>School Dist #560</b>	293,920,648	General	\$ 2,820,444.42	0.959594
		Bond	\$ 76,192.38	0.025923
		Special Building	\$ 178,060.60	0.060581
		Qualified Capital Bond	\$ 79,593.05	0.027080
		Total	\$ 3,154,290.45	1.073178

<b>School District #95R</b>	238,626,601	General	\$ 2,789,373.23	1.168928
		Special Building	\$ 62,839.61	0.026334
		Total	\$ 2,852,212.84	1.195262

Meeting was adjourned.

Debra Finn, Wayne County Clerk

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The Wayne County Board of Commissioners met in regular session at 9:15 a.m. on Tuesday, October 2, 2012 in the upstairs conference room of the Courthouse.

Roll call was answered by Chairman Rabe, Members Wurdeman and Burbach, and Clerk Finn.

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on September 20, 2012.

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

The agenda was approved.

The minutes of the September 18, 2012, meeting were approved as printed in the Commissioner's Record.

Jeff Morlok asked if there was some way to get south Centennial Road from Highway 35 to the bridge paved. It has been discussed for at least twenty years and nothing has happened; yet new paving projects for Bomgaars on Pheasant Run, and the new CVA east of Wakefield have been completed. Morlok stated the property owners along Chief's Way would work with the county, and he is willing to do anything he could to get the process started. The board stated Pheasant Run was paved by the City of Wayne; Dixon County and the City of Wakefield are contributing towards the paving east of Wakefield. The cost of paving South Centennial from Highway 35 to the bridge is estimated at \$300,000 - \$400,000 plus engineering, and they don't know where the money will come from. Bonds could be issued but bridge repair is a priority at this time.

Kelly Hammer asked about the county's dirt work policy. The board previously discussed a policy, examples were reviewed, but a written policy had not been developed. Wurdeman stated he designed his own policy because the other two road districts do not have the problems his district does. A copy of what Wurdeman intends to use when dirt is moved out of the project area was reviewed. Wurdeman stated the policy was not with the county, just with his district.

A petition in support of an election to recall Kelvin Wurdeman as Wayne County Commissioner District 1 was submitted on September 20, 2012. The signatures were verified on September 21<sup>st</sup>, and the drive was successful. As governing board of the county, the commissioners are required to set a date for the recall election. Finn recommended November 20<sup>th</sup> or December 4<sup>th</sup>, and submitted a resolution for the board's consideration.

Patty Wurdeman requested the recall election be held on November 6<sup>th</sup>, the same day as the General Election, which would comply with Nebraska statute 32-1306 : *"(2) The governing body of the political subdivision shall order an election to be held not less than thirty nor more than seventy-five days after the notification of the official whose removal is sought under subsection (1) of this section, except that if any other election is to be held in that political subdivision within ninety days after such notification, the governing body of the political subdivision shall provide for the holding of the recall election on the same day. . ."*

Finn explained that in addition to the requirements in Nebraska statute 32-1306, the county had to meet federal UOCAVA (Uniformed Overseas Citizens Absentee Voting Act) requirements. This act requires ballots be sent to military and overseas voters at least 45 days prior to Election Day. In order to comply with UOCAVA requirements the earliest date a recall election could be held would be November 20<sup>th</sup>.

Attorney Pieper recommended the board wait to make a decision until he had the opportunity to visit with the Nebraska Secretary of State's Office, and had a directive in writing.

ROW Application 12-10-01, submitted by Northeast Nebraska Public Power, to run wire to a bin site in Section 11, Township 27N, Range 1 E was approved on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

ROW Application 12-20-02, submitted by Roger Willers, to tile about 100 feet west of the intersection of 857 Road and 571 Avenue was approved on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Bids received from Horizon Construction and Bethune Contracting for remodeling the former sheriff's office, located in the southeast corner of the courthouse basement, were reviewed. Motion by Burbach,

second by Wurdeman to accept the bid of \$16,646.04 submitted by Bethune Contracting. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried. Bethune will be asked to provide a start date.

The return of the Distress Warrants issued on November 1, 2011, was reviewed. Fifty-two distress warrants totaling \$30,801.96 were issued, 29 warrants totaling \$23,648.25 were paid.

Motion by Wurdeman, second by Burbach to accept the substitution of Cusip #911759LM8 for Cusip #313375EZ6 as submitted by First National Bank of Wayne. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Motion by Wurdeman, second by Burbach to accept the substitution of Cusip #31331JAQ6 for Cusip #31364FBV2 as submitted by State National Bank & Trust Company. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Participation in the Spirit of Nebraska Pathway, a program that permits donors to sponsor one of a series of tiles that will frame Nebraska's Centennial Mall was discussed. No action was taken.

Finn reported she had just talked to Neal Erickson, Deputy Secretary of State for Elections, about setting the recall election date. He said if the county requested an interpretation there was a likelihood it would say the recall election should not be held in conjunction with the November 6<sup>th</sup> General Election, as the election process that complies with both federal and state laws had already begun. If the county chose to go ahead with November 6<sup>th</sup> the Secretary of State would have to report the UOCAVA violation to the Department of Justice. It was likely that the Department of Justice would seek a consent decree to hold the election open until the overseas and military voters had the required 45 days to return their ballots. This could also impact the county's ability to comply with the November 26<sup>th</sup> results certification deadline. Commissioner Wurdeman countered saying the State was just trying to protect themselves.

Motion by Burbach, second by Wurdeman for the board to enter closed session, along with Attorney Pieper and Clerk Finn, at 1:15 p.m. to discuss the purchase of real estate. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Open session reconvened at 1:38 p.m. Additional information relating to the purchase of real estate will be obtained by the next meeting.

At the request of Clerk of District Court Deb Allemann-Dannelly, there was a motion by Burbach, second by Wurdeman for the board to enter closed session, along with CDC Allemann-Dannelly and Clerk Finn at 1:49 p.m. to discuss personnel. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Open session reconvened at 2:31 p.m. Allemann-Dannelly will obtain additional information and report to the board.

Patty Wurdeman questioned the format of the recall petition that had been circulated citing statute 32-628: "(4) . . . If the petition is circulated by a paid circulator, the statement shall be as follows: This petition is circulated by a paid circulator. If the petition is circulated by a circulator who is not being paid, the statement shall be as follows: This petition is circulated by a volunteer circulator." Finn responded that the petition form circulated came from the Secretary of State's website and was the most current form available, and that she had not heard of any paid circulators.

Pieper returned to the meeting at 3:45 p.m. Pieper had visited with Erickson and received an overview of the information by e-mail. Pieper recommended the resolution setting the date of the recall election state the board chose the November 20<sup>th</sup> date in order to comply with 32-939.02 and Federal Uniformed and Overseas Citizens Absentee Voting Act.

Motion by Rabe, second by Burbach to adopt Resolution No. 12-22. Roll call vote: Rabe-aye, Burbach-aye, Wurdeman-abstained; motion carried.

**Resolution No. 12-22:** WHEREAS, on August 17, 2012, a Recall Affidavit was filed against Kelvin Wurdeman, Wayne County Commissioner District #1 by Kelly Hammer, Principal Circulator, and

WHEREAS, on August 22, 2012 said petitions were issued to the Principal Circulator Kelly Hammer, and

WHEREAS, on September 20, 2012, 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 September 21, 2012 and service was made on Kelvin Wurdeman and the Governing Body (Wayne County Board of Commissioners) on September 21, 2012 by personal service:

Total number for recall purposes: 250

Total signatures submitted: 273

Total rejected signatures: 23

Total valid signatures: 250

**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; and

**WHEREAS**, in order to comply with 32-939.02 and the Federal Uniformed and Overseas Citizens Absentee Voting Act enacted by Congress in 1986 and in light of the fact that ballots for the November 6, 2012 general election have been sent out and some already returned;

**NOW THEREFORE BE IT RESOLVED**, that the Governing Body hereby sets the date for said Recall Election to be held on November 20, 2012 in the voting precincts of County of Wayne, Nebraska.

The meeting was adjourned. Motion by Burbach, second by Wurdeman to rescind the adjournment. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Allemann-Dannelly expressed her frustration with the board limiting her office to a part-time deputy. This staffing change would result in the public not having District Court services available at all times. Allemann-Dannelly presented figures on the revenue generated by the issuance of passports, and the reimbursement funds received through the Title IVD program. Wurdeman state they could not stop her from hiring anyone fulltime as long as she was within her budget.

**Fee Reports:** Debra K. Allemann-Dannelly, Clerk of District Court, \$539.00 (Sept Fees), LeRoy W. Janssen, County Sheriff, \$1,519.29 (Aug Fees).

**Claims:**

**GENERAL FUND**

Junck, JoAnn M.	RE	1,469.16
Rabbass, Melissa H.	RE	16.44
Frank, Jesse D.	RE	11.76
Miller, Amy K.	RE	18.32
Pieper, Michael	RE	8.33
Wieland, Bradley K.	RE	25.72
American Broadband CLEC	OE	1,837.82
Black Hills Energy	OE	52.26
Bomgaars	SU	1.49
Carhart Lumber Company	SU	28.46
Copy Write/Keepsake	SU	21.59
Doc Jay's Auto Repair - Jason Ladely	RP	754.42
Eakes Office Plus	SU	33.70
Ecolab Pest Elimination Service	OE	47.85
Iowa Office Supply Inc	RP	170.20
Jack's Uniforms & Equipment	SU	315.00
Jorgensen, Kate	OE	3,716.25
Klein Electric - Mark Klein	RP,SU	108.97

Louderback Drug	OE	250.15
MIPS Inc	ER,CO	2,468.19
NACO	OE	40.00
Nebraska State Historical Society	OE	1,300.00
Northeast Nebr Juvenile Services Inc	OE	3,750.00
NSA/POAN Conference	OE	210.00
Pieper & Miller	OE	406.99
Providence Medical Center	OE	468.00
Quality Inn & Conference Center	OE	254.85
Quality Printing & Office Supplies	SU	30.57
Region IV Behavioral Health System	OE	2,677.25
Secretary of State	SU	50.00
Seventh Judicial Mental Health Board	OE	50.00
The GPS Store	OE	119.90
TRANE	RP	13,466.85
Tri-State Communications Inc.	CO	1,380.00
Wayne County Clerk of District Court	OE	35.00
Wayne, City of	OE	4,447.17

**COUNTY ROAD FUND**

**Salaries \$20,748.00;**

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Backus Sand & Gravel	MA	5,980.31
Bomgaars	SU	186.80
Carhart Lumber Company	MA	31.45
Carroll, Village of	OE	76.11
Eastern NE Telephone Company	OE	85.29
Elkhorn Paving	CO	119,772.21
Elkhorn Valley Sand & Gravel	MA	581.47
Fredrickson Oil Company	MA	52,327.98
Grossenburg Implement	RP,SU,ER	3,145.42
Helena Chemical Company	OE	720.00
Hoskins Mfg Co., Inc	RP	190.41
Johnson, Rod D.	CO	2,000.00
Manzer Equipment Inc	CO	8,000.00
Martin Marietta Materials	MA	625.92
Midland Equipment Inc	RP	702.16
Midwest Service & Sales Co.	MA	1,921.71
Northeast Nebraska Public Power Dist	OE	167.00
Otte Construction Inc	OE	120.00
Roman, Ransom G.	CO	1,000.00
US Cellular	OE	89.05
Wayne, City of	OE	109.15
Winside, Village of	OE	84.59
Wise-Mack Inc	Rp	110.51

**SNOW REMOVAL & EQUIPMENT FUND**

Midwest Service & Sales Co.	MA	52,664.36
Nebraska Dept of Roads	CO	2,727.76

**LODGING FUND**

Wayne Area Economic Development Inc	OE	2,000.00
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**INHERITANCE TAX FUND**

Beiermann, Merlin	PS	12.00
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
Tri-State Communications	CO	41,166.25

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 October 2, 2012, 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 October, 2012.

Debra Finn, Wayne County Clerk