

**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  
February 19, 2013

The Wayne County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, February 19, 2013 in the upstairs conference room of the Courthouse.

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

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on February 7, 2013.

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 February 5, 2013, meeting were approved as printed in the Commissioner's Record.

As Chairman of the Board of Equalization, Commissioner Wurdeman requested the Board of Equalization's public hearing be removed from the agenda and rescheduled in March. Motion by Rabe, second by Wurdeman to approve the amended agenda. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Assessor Duffy requested executive session for personnel discussion. Motion by Rabe, second by Wurdeman to enter executive session at 9:41 a.m. to discuss personnel issues; attendees to include the commissioners, Duffy, and Finn. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried. The board reconvened in open session at 10:16 a.m.

Motion by Wurdeman, second by Rabe to recess the commissioner meeting and convene a public hearing on the proposed One and Six Year Road Improvement Plan. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

A public hearing on the proposed One and Six Year Road Improvement Plan convened at 10:30 a.m. Those in attendance included Chairman Burbach, Members Wurdeman and Rabe, Clerk Finn, Jeff Wagner of Mainelli Wagner & Associates, Inc., Patty Wurdeman, Linda Kirsch, and Mike Carnes of The Wayne Herald.

Projects in the road improvement plan were reviewed. There are 25 projects scheduled for 2013. Wurdeman added Project C-90(596) to the One-Year Plan.

Linda Kirsch questioned if the big bridge (Bridge C009002110) on the road with three bridges, (Mile 848 of 568<sup>th</sup> Avenue), was on the state easement. She stated the road is not where it is supposed to be, which means the bridge is on Rubeck property. Kirsch also asked what the plans are for the curved road going through their (Rubeck) property. Rabe responded he did not know where things stood; he thought they were trying to get a correct legal description. Kirsch told the board "no more surveys"; they are to stay off their (Rubeck) property.

Motion by Rabe, second by Wurdeman to close the hearing at 11:16 a.m.

Motion by Rabe, second by Wurdeman to adopt Resolution No. 13-02. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

**Resolution No. 13-02:** Whereas, the County Highway Department has prepared and presented a One and Six Year Plan for Highway Improvement for Wayne County, Nebraska, and;

Whereas, a public meeting was held on the 19th day of February 2013, to present this plan, and all objections and recommendations to said plan were considered;

Therefore, be it resolved by the County Commissioner of Wayne County, Nebraska, that the plan and data as furnished and/or revised are hereby in all things accepted and adopted.

The formation of a coalition to research and implement solutions for stream channel erosion and degradation had previously been discussed with Mark Mainelli of Mainelli Wagner & Associates, Inc. A resolution expressing support to pursue potential funding sources for grade control mitigation projects was proposed. Motion by Wurdeman, second by Rabe to adopt Resolution No. 13-03. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

**Resolution No. 13-03:** WHEREAS, much of eastern Nebraska consists of soils which are highly susceptible to erosion and stream degradation; and

WHEREAS, the erodible streambeds of eastern Nebraska are unstable and are widening due to degradation which results in damage to public and private infrastructure such as bridges, culverts, utility lines, loss of farmland, etc. and

WHEREAS, the Hungry Canyon Alliance, Inc. is a coalition of counties in Iowa which was developed specifically to research and implement solution to the problem of stream channel erosion and degradation of western Iowa, and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners/Supervisors of Wayne County, Nebraska would support a similar coalition of counties seeking County, State, and Federal funding sources to limit stream channel degradation in the impacted region of eastern Nebraska.

Wakefield City Administrator Jim Litchfield presented a payment plan for the City of Wakefield and Dixon County to reimburse Wayne County \$95,325.05 for their share of Project C-90(548) Wakefield East. The City of Wakefield will make payments over six years; Dixon County will make payments over five years. The payment plan was accepted.

A supplemental program agreement for Project No. BRO-3100(1), Winside East, located 2.4 miles east of Winside (Allemann) was reviewed. Motion by Rabe, second by Wurdeman to approve the agreement, which increased the State share of construction and construction engineering phases to 20% of all eligible and participating project costs, not paid for with Federal funds. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Motion by Rabe, second by Wurdeman to adopt Resolution No. 13-04. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

**Resolution No. 13-04:** Whereas, Wayne County and the Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1248 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 to applicable to the funding of the Federal-aid project; and

Whereas: Wayne County and NDOR wish to enter into Supplemental Program Agreement No. 2 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: Dean Burbach, Chair of the Wayne County Board of Commissioners is hereby authorized to sign the attached Supplemental Program Agreement No. 2 between Wayne County and the NDOR. Wayne County is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements. NDOR Project Number: BRO-3100(1), NDOR Control Number: 32011, Project Location: Winside East.

A supplemental program agreement for Project No. BRO-7090(20), Wayne West, located 2 miles west and 0.6 miles south of Wayne (Temme) was reviewed. Motion by Wurdeman, second by Rabe to approve the agreement, which increased the State share of construction and construction engineering phases to 20% of all eligible and participating project costs, not paid for with Federal funds. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Motion by Rabe, second by Wurdeman to adopt Resolution No. 13-05. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

**Resolution No. 13-05:** Whereas, Wayne County and the Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1248 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 to applicable to the funding of the Federal-aid project; and

Whereas: Wayne County and NDOR wish to enter into Supplemental Program Agreement No. 1 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: Dean Burbach, Chair of the Wayne County Board of Commissioners is hereby authorized to sign the attached Supplemental Program Agreement No. 1 between Wayne County and the NDOR. Wayne County is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements. NDOR Project Number: BRO-7090(20), NDOR Control Number: 32067, Project Location: Wayne West.

Wayne County owns the South ½ of Lots 1, 2 & 3, Block 4 in the Pleasant View Cemetery of Winside for pauper burials. The County had been asked if it would consider transferring some of the lots back to the association. Rabe presented the Cemetery Association's new proposal - to exchange the grouping of lots for lots located randomly throughout the cemetery. The commissioners agreed it was not necessary to have all of the pauper burial lots in a grouping; the exchange was approved. Rabe will check if specific paperwork is necessary to complete the exchange with the cemetery association.

As per the Lodging Tax Committee's recommendation, grants of \$100 for the Carroll Fire Department Pancake & Omelet Feed, and \$1,000 for Elderfest 2013 were approved on motion by Rabe, second by Wurdeman. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Replacement of the east half of the courthouse parking lot was discussed. The county will tear out and haul away the concrete; Wurdeman will talk to a couple of contractors to determine if bid specifications are necessary for the rest of the project.

Motion by Wurdeman, second by Rabe to recess the meeting for lunch at 12:03 p.m. Roll call vote: Wurdeman-aye, Rabe-aye, Burbach-aye; motion carried.

Motion by Rabe, second by Wurdeman to reconvene the meeting at 1:13 p.m. Roll call vote: Rabe-aye, Wurdeman-aye, Burbach-aye; motion carried.

Safety Committee members Burbach, Hansen, Allemann-Dannelly, and Duffy presented several concerns:

1. Signs need to be re-installed to mark the handicapped parking spaces. *The signs will be re-installed after the work on the parking lot is complete.*
2. The board should reconsider their decision not to put treads on the refinished steps; three complaints have been received this winter. *Rabe and Wurdeman felt people should wipe their feet, and noted that people could slip even if stair treads were installed.*
3. The decorative candles placed in the windows in December operate on numerous extension cords. They need to be replaced with battery-operated candles. *This will be reconsidered next season.*
4. Floor tile is breaking on the main floor; there is replacement tile in the attic. *Someone will look into that.*
5. The carpet needs to be cleaned in several areas of the courthouse. *Stanley Steamer will be contacted for an estimate.*
6. The courthouse parking lot continues to sink. *The board will get a couple of people to look at the parking lot.*

**Fee Reports:** Debra Finn, County Clerk, \$10,886.25 (Jan Fees).

Claims:

<b>GENERAL FUND</b>		<b>Salaries \$89,525.25;</b>
Gansebom, Laurie A.	RE	218.09
Junck, Lynn	RE	14.69
Kleensang, Randall	RE	25.99
Schuttler, Marlin	RE	11.39
Woslager, Richard R	RE	14.13
Miller, Amy K.	RE	22.20
Burbach, Dean E.	RE	20.58
Barker, David E	RE	57.50
Albin, Mark D.	OE	2,071.91
American BroadBand CLEC	OE	87.56
Appeara	OE	372.44
Black Hills Energy	OE	141.40
CardMember Service	OE,CO,SU	316.08
CardMember Service	OE	168.14
CardMember Service	SU	113.95
Carlson, Joel - Stratton DeLay & Doele	OE	414.36
Carroll Station Inc., The	MA	499.08
Copy Write/Keepsake	SU	65.46
Dakota County Correctional Facility	OE	6,109.51
Eakes Office Plus	SU	106.74
Ecolab Pest Elimination Service	OE	47.85
Electronic Engineering	OE	230.00
Elite Office Products	ER	70.02
Evans, Cindy	RE	11.18
Farmers Co-operative, Pilger	MA	770.38
Felt, Delores	RE	15.00
Fredrickson Oil Company	MA,RP	1,202.07
Health & Human Services	OE	33.00
Imdieke, Ellen	RE	15.00
Jager, Huck	RE	12.72
Johnson, Morland, Easland & Lohrberg	OE	202.50
Jorgensen, Kate - Jorgensen Law Office	OE	540.00
Kens/The Apothecary Shop	OE	260.65
Madison County Sheriff	OE	450.00
Microfilm Imaging Systems	ER	155.00
MIPS Inc	ER,CO	2,468.19
Nebraska Department of Revenue	OE	490.00

Osmond Pharmacy	OE	541.95
Osten, Clara	RE	12.67
Pieper & Miller	ER,OE	2,739.00
Pierce County Sheriff's Dept	OE	6,700.00
Postmaster	OE	46.00
Quality printing & Office Supplies	SU,RP	307.49
Shopko	SU	36.95
Sparkling Klean Service Inc	OE	1,365.00
Staybridge Suites	OE	85.99
Thurston County Sheriff	OE	2,100.00
Topp, Amy	RE	10.60
Toshiba Financial Services	ER	350.06
Tri-State Communications Inc	SU	17.00
United Health Care of the Midlands	PS	66,788.46
University of Nebraska IS Comm Ctr	OE	49.30
Verizon Wireless	OE	49.30
Verizon Wireless	OE	243.34
Waste Connections of Nebraska	OE	170.85
Wattier, Patti	OE	375.00
Wayne County Court	OE	2,521.50
Wayne County Sheriff	OE	223.44
Wayne Herald/Morning Shopper	OE	608.57
Wayne, City of	OE	4,204.04
Western Office Technologies	SU	176.99
WEX Bank	OE,MA	138.61
Wingate Inn, Kearney	OE	385.00
Zach Oil Co.	OE	402.33

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**COUNTY ROAD FUND**

**Salaries \$20,940.00;**

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Appeara	OE	60.04
Backus Sand & Gravel	MA	5,868.94
Menard's	SU	41.17
Carhart Lumber company	SU	12.08
Carroll, Village of	OE	76.11
Eastern NE Telephone Company	OE	85.20
Elkhorn Valley Sand & Gravel	MA	1,256.44
Farmers Co-operative, Pilger	MA, OE, SU,RP	28,147.30
Fredrickson Oil Company	MA	1,841.41
John's Welding & Tool	RP	153.18
Manzer Equipment Inc	RP,MA	452.94
Mercy Medical Clinics	OE	159.00
Midwest Service & Sales Co	MA	4,464.14
NMC Exchange LLC	RP	1,288.69
Northeast Nebraska Telephone Co	OE	75.45
Verizon Wireless	OE	318.58

Wayne Auto Parts	OE	998.58
Wayne, City of	OE	249.05
Zach Oil Co.	RP	19.00
<b>LODGING TAX FUND</b>		<b>AMOUNTS</b>
Wayne Herald/Morning Shopper	OE	497.50

Meeting was adjourned.

Debra Finn, Wayne County Clerk

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Wayne, Nebraska  
February 19, 2013

The Wayne County Board of Equalization did not convened at 9:15 a.m. on Tuesday, due to the amendment of the agenda by Chairman Wurdeman.

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 February 19, 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 22nd day of February, 2013.

Debra Finn, Wayne County Clerk