

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
November 5, 2013

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

Debra Finn, Wayne County

Clerk

Wayne, Nebraska
November 5, 2013

The Wayne County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, November 5, 2013 in the upstairs meeting room of the Courthouse.

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

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on October 24, 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 October 15, 2013, meeting were approved as printed in the Commissioner's Record.

Dave Ewing and Marion Arneson of Midwest Land Company provided information on publically auctioning the county-owned property at 421 Centennial Road (Health & Human Services building) and 1609 Chiefs Way (Noxious Weed building). It was agreed that if the county offered the property for sale, the property it would be offered and conveyed in "as is" condition, the tracts would be auctioned separately, the tracts would be conveyed using legal descriptions according to existing surveys, marketable title would be conveyed by Special Warranty Deed, and the buyer would be responsible for the cost of title insurance if needed.

A public hearing to receive testimony on this proposed sale has been scheduled for Thursday, November 7, 2013. An auction listing agreement with Midwest Land Company will be reviewed by the county attorney.

Linda Kirsch spoke against the proposed condemnation of a 3.17 acre tract of land for road purposes. The land is located in the South ½ of Southwest ¼ of Section 23, T25N, R2E of the 6th P.M. and is owned by Kirsch's parents, LeRoy and Lone Rubeck. Kirsch did not have any new information on the land, but stated if the board started court proceedings then she would also (start court proceedings), and she would ask the board to resign.

Rabe made a motion to adopt Resolution No. 13-28 starting eminent domain proceedings. Larson asked if every possibility had been explored, and questioned if everyone understood what would take place. Rabe stated they have been trying to work this out for almost three years, and this was the only option left. After further discussion Rabe re-stated his motion to adopt Resolution No. 13-28 "with regret". Larson seconded the motion. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

Resolution No. 13-28: WHEREAS, pursuant to the laws of the State of Nebraska, the County of Wayne is charged with the duty of constructing, maintaining and improving county roads and bridges

within the county, and is authorized to exercise the power of eminent domain in conjunction with its performance of such duties; and

WHEREAS, the County has concluded that it is necessary for the safety and convenience of the traveling public to improve 848th Road which improvements consist of re-grading of slope, culvert and driveway construction; and

WHEREAS, certain right-of-way, more particularly described and shown in Exhibit A, attached hereto and hereby incorporated by third reference, must be acquired in order to successfully improve 848th Road; and

WHEREAS, the County has contacted LeRoy Rubeck and Lone Rubeck, who are the record owners of said property, and the County has made good faith offer to purchase from them the needed right-of-way shown and described in Exhibit A, attached hereto; and

WHEREAS, the County has made reasonable efforts to induce said individuals to accept its offers, as shown in Exhibit B, attached hereto, but has been unable to reach an agreement to purchase said property, as shown in Exhibit C.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Wayne County, Nebraska, that eminent domain proceedings be instituted in the County Court of Wayne County, Nebraska, in order to acquire the needed right-of-way shown and described on Exhibit A, attached, from the above named parties.

Exhibit A: A tract of land located in the South ½ of the Southwest ¼ of Section 23, T25N, R2E of the 6th P.M., Wayne County Nebraska, more particularly described as Commencing at the Southwest corner of the Southwest ¼ of Section 23, T25N, R2E of the 6th P.M., Wayne County, Nebraska, thence N. 00°00'00" E on assumed bearing on the West line of said Southwest ¼, 795.04 feet; thence N 90°00'00" E and perpendicular to said West line , 33.00 feet to the Point of Beginning, said point being on the East Right-of-Way line of 568 Avenue; thence N 90°00'00" E and perpendicular to said West line, 61.10 feet; thence S 55°29'58" E, 86.56 feet; thence N 34°30'02" E, 10.00 feet; thence S 55°29'58" E, 593.01 feet to a point of curvature; thence Southeasterly on a 217.00 foot radius to the right, 88.37 feet, of which said curve has a chord bearing of S 43°50'15" E, 87.73 feet; thence S 32°10'32" E, 297.27 feet to a point of curvature; thence Southeasterly on a 283.00 foot radius curve to the left, 153.10 feet, of which said curve has a chord bearing of S 47°40'25" E, 151.24 feet to a point on the South line of said Southwest ¼; thence N 88°52'57" E on said South line, 1646.55 feet to the Southeast corner of said Southwest ¼; thence N 01°07'03" W and perpendicular to said South line, 33.00 feet to a point on the North Right-of-Way line of 848 Road; thence S 88°52'57" W and parallel to said South line, 1513.93 feet to a point of curvature; thence Northwesterly on a 217.00 foot radius curve to the right, 223.23 feet of which said curve has a chord bearing of N 61°38'47" W, 213.52 feet; thence N 32°10'32" W, 297.27 feet to a point of curvature; thence Northwesterly on a 283.00 foot radius curve to the left, 115.20 feet, of which said curve has a chord bearing on N 43°50'15" W, 114.41 feet; thence N 55°29'58" W, 805.91 feet to a point on the said East Right-of-Way line of 568 Avenue; thence S 00°00'00" E and parallel to said West line, 134.19 feet to the Point of Beginning, containing 3.17 acres, more or less.

Dated this 5th day of November, 2013 at the Wayne County Courthouse, Wayne, Wayne County, Nebraska.

It was noted that an emergency meeting was held on Thursday, October 29, 2013, at the request of representatives of the Nebraska Emergency Management Agency and the Federal Emergency Management Agency, to discuss preliminary damage assessments from the October 4, 2013 tornado. No official action was taken during this meeting.

The plat of Signature Estates, being a replat of Sig-Nature Lake Estates, a Subdivision in part of the Southwest ¼ and the South ½ of the South ½ of the Northwest ¼ of Section 34, Township 25 North, Range 1 East of the 6th P.M., Wayne County, Nebraska was approved on motion by Rabe, second by Larson. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

The bid tabulation and a resolution prepared by the Nebraska Department of Roads for Federal Aid Project BR-3100(1), Winside East, Structure No. C009002618, 2 miles west of Winside were

reviewed. Motion by Rabe, second by Larson to authorize the Chairman to sign the resolution awarding the contract to Dixon Construction Co., Correctionville, IA. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried. Dixon Construction Company's bid for grading, culverts, bridge and general items was \$458,422.30.

A certification that stated \$18,922.43 in distress warrants had been issued to the Wayne County Sheriff for collection was received, and placed on file.

A listing of the delinquent personal taxes to be stricken from the tax list report was received and placed on file.

As per the Lodging Committee's recommendations, motion by Rabe, second by Larson to award a \$1000 grant to Downtown Wayne Promotions for Christmas on Main, and a \$200 grant to Christmas-N-Carroll Craft Show. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

The Countywide Cost Allocation Plan prepared by MAXIMUS was approved on motion by Rabe, second by Larson. Roll call vote Rabe-aye, Larson-aye, Burbach-aye; motion carried. A request for reimbursement of indirect costs for the Clerk of District Court, and for both direct and indirect costs for space provided for the Health & Human Services office was signed.

Voter registration for the election of officers at the Nebraska Association of County Officials convention was discussed. Motion by Larson, second by Rabe to designate Burbach as Wayne County's delegate and Finn as alternate. Roll call vote: Larson-aye, Rabe-aye, Burbach-aye; motion carried.

Emergency Manager Kemnitz reported that clean-up work from the tornado has continued. The steel has been picked out of the creek but other debris remains. Paperwork is being submitted to Tom Hansen for compilation.

Burbach reported a partial settlement on the Noxious Weed Department building, the Health & Human Services building, and the garage would be received within a week or so. Burbach has contractors preparing replacement cost estimates.

Sheriff Janssen reported the cell-phone contracts with Verizon were up for renewal, and noted it would be a good time to look at what the county has for equipment and services vs. what the county wants. Motion by Rabe, second by Larson to authorize Janssen to negotiate a government contract with Verizon. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

Janssen also reported he had three cruisers that he was going to list on Big Iron. The board was in agreement with that decision, and asked Janssen to include the 1976 Chevrolet pickup previously used by the Noxious Weed Department.

Fee Reports: Debra K. Allemann-Dannelly, Clerk of District Court, \$1,405.75 (Oct Fees), LeRoy W. Janssen, County Sheriff, \$1,094.26 (Sept Fees).

Claims:

GENERAL FUND		Salaries \$54,747.42;
Barnes, Ann M.	RE	684.78
Miller, Amy K.	RE	122.61
Junck, JoAnn M.	RE	1,584.11
Albin, Mark D.	OE	1,722.79
American BroadBand CLEC	OE	1,772.40
Appeara	OE	370.26
Black Hills Energy	OE	107.16
Bomgaars	OE	357.41
Carhart Lumber Company	SU	8.94
Claussen & Sons Irrigation Inc	OE	100.00

Clean-to-a-T	OE	2,600.00
Copy Write/Keepsake	SU	457.02
DELL Marketing	CO	3,232.43
Eastern NE Telephone Company	OE	85.94
Farmers Co-operative, Pilger	MA	505.01
First Nebraska Bank of Wayne	SU	90.57
Fredrickson Oil Company	MA	464.08
Greve, Arthur	OE	8.10
Hrouda, Jeffrey L.	OE	2,379.40
Hytrek Lawn Service	OE	510.00
Iowa Office Supply Inc.	RP	162.93
Jorgensen Law Office	OE	2,819.01
Junck, Lynn	OE	9.45
Klein Electric - Mark Klein	RP	60.00
Knutson, Eric W.	RE	142.38
Madison County Sheriff	OE	1,450.00
Maximus Inc.	OE	1,650.00
Microfilm Imaging Systems	ER	155.00
Midwest Service & Sales Co.	SU	170.11
MIPS Inc.	SU,ER,CO	3,594.73
Morland Easland & Lohrberg	OE	428.42
NACO	OE	1,080.00
NACVSO	OE	30.00
National Assoc of Counties	OE	450.00
Nebraska Public Health Env Lab	OE	105.00
Nebraska.gov	OE	4.00
Niemann, Roger	CO	241.65
Pieper & Miller	OE	160.00
Providence Medical Center	OE	60.00
Quality Printing & Office Supplies	SU,OE	701.73
Ramada Inn, Kearney	OE	77.00
Shopko	SU	35.96
Tacos & More	OE	23.96
The Apothecary Shop	OE	267.22
The Blue Cell LLC	OE	8,090.10
Thurston County Sheriff	OE	3,000.00
TRANE	RP	1,184.71
US Cellular	OE	179.54
United HealthCare of the Midlands	OE	70,290.96
Van Diest Supply Company	SU	630.00
Warnemunde Insurance	OE	33.00
Wayne Auto Parts	OE	12.72
Wayne County Clerk	OE	20.00

Wayne County Clerk of District Court	OE	271.00
Wayne County Sheriff	SU,OE	107.50
Wayne Herald/Morning Shopper	OE	736.05
Wayne, City of	OE	2,498.31
Wayne, City of	OE,CO	3,519.20
Western Office Technologies	RP,SU	258.92
WEX Bank	MA	134.39
WSC Instructional Resource Center	SU	21.28

COUNTY ROAD FUND
Salaries \$33,085.20;

Appeara	OE	40.00
Arnie's Ford Mercury	RP	123.29
Backus Sand & Gravel	MA	6,706.70
Bauer Built	RP	317.59
Black Hills Energy	OE	47.70
Bomgaars	SU	302.38
Axles & Gears Inc.	RP	175.00
Elkhorn Valley Sand & Gravel	MA	8,625.35
Fredrickson Oil Company	OE	23,602.50
Grossenburg Implement	RP,ER	3,029.26
HireRight Solutions Inc.	OE	42.40
Hradec Diesel Inc.	RP	184.75
John's Welding & Tool	SU,RP	81.20
Kimball Midwest	SU	94.25
Martin Marietta Materials	MA	1,257.90
Matteo Sand & Gravel Co. Inc	MA	6,697.78
Midland Equipment Inc.	RP	1,456.85
Midwest Service & Sales Co.	MA	3,025.91
NMC Exchange LLC	RP	952.59
Northeast Nebraska Public Power Dist	OE	167.07
Stalp Gravel Company	MA	10,938.42
Tri-State Communications Inc.	RP	89.00
Warren Garage Door Inc.	RP	25.00
Wayne Auto Parts	RP,SU	691.00
Wayne, City of	OE	100.21
Winside, Village of	OE	97.61

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
Tietgen, Shirley	PS	103.86

Motion by Rabe, second by Larson to recess the meeting until Thursday, November 7th at 9:00 a.m.

The meeting reconvened at 9:00 a.m. on Thursday, November 7, 2013. Those in attendance included Chairman Burbach, Members Larson and Rabe, and Clerk Finn.

Bids for debris disposal from the Wayne Municipal Airport and the Wayne Summer Sports Complex/Rugby Park were opened. Bids were received from Waste Connections of Nebraska, Milo Meyer Construction/Gill Hauling, and John Prouty Construction Inc./Butler County Landfill/Larry Jensen. Phone calls were made to clarify information on bids received. Motion by Rabe, second by Larson to accept the low bid of \$80 per ton for loading, hauling & disposal submitted by John Prouty Construction Inc. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

Motion by Rabe, second by Larson to open a public hearing on the proposed sale of county-owned property. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

A public hearing to receive taxpayer support, opposition, or observations relating to the proposed sale of county-owned property at 421 Centennial Road (Health & Human Services building) and 1609 Chiefs Way (Noxious Weed Building) convened at 10:26 a.m.

Those in attendance included Chairman Burbach, Members Larson and Rabe, and Clerk Finn. Advance notice of this hearing was published in The Wayne Herald, a legal newspaper, on October 31, 2013.

The sale of the two pieces of property was being considered as a result of the October 4, 2013 tornado damage; the county would relocate those offices rather than rebuilding on those sites.

No testimony was received.

The hearing closed at 11:10 A.M.

Motion by Larson, second by Rabe to reconvene the commissioner meeting. Roll call vote: Larson-aye, Rabe-aye, Burbach-aye; motion carried.

Motion by Rabe, second by Larson to sell the county-owned property at 421 Centennial Road (Health & Human Services building) and 1609 Chiefs Way (Noxious Weed Building). Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

Motion by Larson, second by Rabe to contract with Midwest Land Company to conduct an auction of the two pieces of property, as separate units, on December 2, 2013, at 9:30 a.m. in the courthouse lobby. Roll call vote: Larson-aye, Rabe-aye, Burbach-aye; motion carried. An auction listing agreement and an Agency Disclosure Acknowledgement were signed

Larson proposed purchasing a 1.51 acre tract that adjoins the county yard to increase the size of the county yard, and to be used for the relocation of the Noxious Weed Department. The tract, located in the Northeast Quarter of the Southeast Quarter of Section 13, Township 26 North, Range 3 East, is owned by the City of Wayne. Relocation of the county yard may be considered in the future, but the purchase of this tract will enable the county to meet current needs. Motion by Rabe, second by Larson to offer \$50,000 to the City of Wayne for the tract of land. Roll call vote: Rabe-aye, Larson-aye, Burbach-aye; motion carried.

The board worked on identifying and prioritizing projects for the 2014 One and Six Year Plan and for the issuance of highway allocation bonds. The following schedule was agreed to and will be forwarded to Mark Mainelli of Mainelli Wagner & Associates:

