

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
January 5, 2016

The Wayne County Board of Commissioners meeting was called to order by Chairman Larson at 9:00 a.m. on Tuesday, January 5, 2016, in the upstairs conference room of the Courthouse. Chairman Larson, Members Burbach and Rabe, Attorney Pieper, and Clerk Finn were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on December 17, 2015. A current copy of the Open Meetings Act was posted in the meeting room and accessible to the public.

Larson presented the following consent agenda items:

- a. Approve minutes of December 15, 2015, meeting as printed in the Commissioners Record
- b. Approve withdrawal of Cusip 878848FX3 pledged by Elkhorn Valley Bank
- c. Approve cancellation of check no. 15110062 dated 11/3/2015
- d. Appoint Daryl Mundil as a member of the Veterans Service Committee. This appointment is effective through May of 2018.
- e. Appoint Dr. Mark McCorkindale as County Coroner's Physician.

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

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

A listing of the Wayne County Extension Board members for the year 2016 was reviewed and approved.

A motion to appoint Nic Kemnitz as the primary representative and Jason Dwinell as an alternate representative to the Emergency Management Regional group known as the Northeast Region was made by Rabe and seconded by Burbach. Roll call vote: Rabe, Burbach, Larson - aye; motion carried.

Kemnitz presented a quote of \$15,737.00 submitted by Motorola for a GTR 8000 Base Radio with VHF and conventional mixed mode operation. This unit will replace the current fire channel repeater. Purchase of the unit was approved in the 2015-16 budget.

Mark Casey provided a road/bridge project update and reported preliminary work is being done on the One & Six Year Road Improvement Plan. Casey also reported an extension has been requested for debris cleanup for Disaster 4225, and short-bridge deck replacement for Disaster 4156.

A motion to accept the net bid of \$184,073.00 submitted by Murphy Tractor & Equipment for a 2016 John Deere 644K wheel loader was made by Burbach and seconded by Rabe. Roll call vote: Burbach, Rabe, Larson - aye; motion carried.

A motion to approve Resolution No. 16-01, authorizing the signing of a preliminary engineering service agreement with JEO Consulting Group, Inc. for NDOR Project BRO-7090(20) was made by Rabe, seconded by Burbach. Roll call vote: Rabe, Burbach, Larson; motion carried. The agreement was signed.

Resolution No. 16-01: "Whereas: Wayne County is developing a transportation project for which it intends to obtain Federal funds;

Whereas: Wayne County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: Wayne County and JEO Consulting Group wish to enter into a Professional Services Agreement to provide preliminary engineering services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Wayne County that: Randy Larson, Chair of the Wayne County Board of Commissioners, is hereby authorized to sign the attached preliminary engineering services agreement between Wayne County, Nebraska and JEO Consulting Group, Inc. NDOR Project Number: BRO-7090(20); NDOR Control Number: 32067; NDOR Project Description: Wayne West."

Concerns that the current application to place utilities in county road right of way did not include an expiration date were discussed. A motion to require the applicant to reapply if work is not completed within sixty days of the application date was made by Rabe and seconded by Burbach. Roll call vote: Rabe, Burbach, Larson - aye; motion carried.

Resolution No. 16-02, to start condemnation action in County Court for Bridge Project C-90(261), Bridge 009001220, was approved by motion made by Burbach, second by Rabe. Roll call vote: Burbach, Rabe, Larson - aye; motion carried.

Resolution No. 16-02: "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 859th Road which improvements consist of replacement of bridge, 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 incorporation by this reference, must be acquired in order to successfully improve 859th Road; and

Whereas, the County has contacted Daryl Hahn and Lisha L. Hahn, 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.

Now, Therefore, Be It Resolved, by the Board of County Commissioners of Wayne County, Nebraska, that eminent domain proceedings be instituted in the Court 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: Permanent Easement Properties:

A tract of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 27 North, Range 2 East of the 6th Principal Meridian, Wayne County, Nebraska, more particularly described as follows: Referring to the SE corner of the SW $\frac{1}{4}$ of Section 27, Township 27 North, Range 2 East; thence west, along the south line of said SW $\frac{1}{4}$, a distance of 429.84 feet; thence north, perpendicular, a distance of 33.00 feet, to the point of beginning; thence continuing north, along the last described course, a distance of 117.00 feet; thence west, perpendicular, to the centerline of Deer Creek, said centerline being the property line; thence southeasterly, along said property line, to a point being 33.00 feet north of the south line of said SW $\frac{1}{4}$; thence east, to the point of beginning containing 0.91 acres, more or less.

A tract of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 27 North, Range 2 East of the 6th Principal Meridian, Wayne County, Nebraska, more particularly described as follows: Referring to the SE corner of the SW $\frac{1}{4}$ of Section 27, Township 27 North, Range 2 East; thence west, along the south line of said SW $\frac{1}{4}$, a distance of 429.84 feet; thence north, perpendicular, a distance of 33.00 feet, to the point of beginning; thence continuing north, along the last described course, a distance of 37.00 feet; thence east, perpendicular, distance of 80.00 feet; thence south, perpendicular a distance of 37.00 feet; thence west, to the point of beginning, containing 0.07 acres, more or less.

A tract of land located in the NW $\frac{1}{4}$ of Section 34, Township 27 North, Range 2 East of the 6th Principal Meridian, Wayne County, Nebraska, more particularly described as follows: Referring to the NE corner of the NW $\frac{1}{4}$ of Section 34, Township 27 North, Range 2 East; thence west, along the north line of said NW $\frac{1}{4}$, a distance of 279.84 feet; thence south, perpendicular, a distance of 33.00 feet, to the point of beginning; thence southwesterly, along a line deflecting 81 degrees 39 minutes 52 seconds right, from the last described course, to the centerline of Deer Creek, said centerline being the property line; thence northwesterly, along said property line, to a point being 33.00 feet south of the north line of said NW $\frac{1}{4}$, thence east, to the point of beginning, containing 0.08 acres more or less, and being a part of Lot 2, Hahn Lot Split in Section 34, Township 27 North, Range 2, East of the 6th P.M., Wayne County, Nebraska.

Temporary Easement Property:

A tract of land located in the NW $\frac{1}{4}$ of Section 34, Township 27 North, Range 2 East of the 6th

Principal Meridian, Wayne County, Nebraska, more particularly described as follows: Referring to the NE corner of the SW¼ of Section 27, Township 27 North, Range 2 East; Thence west, along the north line of said NW¼, a distance of 429.84 feet; thence south, perpendicular, a distance of 33.00 feet to the point of beginning; thence continuing south, along the last described course, a distance of 32.00 feet; thence west, perpendicular, to the centerline of Deer Creek, said centerline being the property line, thence northwesterly, along said property line, to a point being 33.00 feet south of the north line of said NW¼; thence east, to the point of beginning containing 0.20 acres, more or less of which 0.08 acres, more or less, is being acquired as permanent easement, the remaining 0.12 acres more or less, and being a part of Lot 2, Hahn Lot Split in Section 34, Township 27 North, Range 2, East of the 6th P.M., Wayne County, Nebraska.”

The need to update Section 2-009.01A -- Payment for Medically Necessary Services section of Wayne County General Assistance Guidelines was discussed. A motion was made by Rabe and seconded by Burbach to include the statement “Payment for medical services will be made to the provider at the rate determined by Medicaid standards.” Roll call vote: Rabe, Burbach, Larson - aye; motion carried.

Reorganization:

A motion was made by Rabe and seconded by Burbach to appoint Larson as Chairman of the Board of Commissioners, Burbach as Chairman of the Board of Equalization, and Rabe as Vice-Chair of both the Board of Commissioners and the Board of Equalization. Roll call vote: Rabe, Burbach, Larson - aye; motion carried.

A motion was made by Burbach and seconded by Rabe to authorize the Chairman of the Board of Commissioners to sign road/bridge reports in 2016. Roll call vote: Burbach, Rabe, Larson - aye; motion carried.

A motion was made by Rabe and seconded by Burbach to re-appoint the board members to represent Wayne County on the following boards: Area Agency on Aging – Burbach, alternate-Larson; Northeast NE Economic Development – Larson; Northeast Juvenile Services, Inc. – Larson, alternate-Rabe; Northeast NE Public Health – Rabe; Northeast NE RC&D – Rabe; Northstar Services – Rabe; Region IV Mental Health – Rabe, alternate-Burbach; Wayne Area Economic Development – Burbach, alternate-Rabe; Wayne County Safety Committee-Burbach; Wayne Business & Industry Committee – Larson. Roll call vote: Rabe-aye, Burbach-aye, Larson-aye; motion carried.

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

Fee Reports: Debra K. Allemann-Dannelly, Clerk of District Court, \$813.50 (Dec Fees).

Claims:

GENERAL FUND		Salaries \$61,997.22;
Barnes, Ann M.	RE	237.48
Duffy, Dawn M.	RE	27.83
Junck, JoAnn M.	RE	1,791.34
Kemnitz, Nicholas C.	RE	20.00
Knutson, Eric	RE	58.65
McDonald, Karen S.	RE	33.34
Advanced Correctional HealthCare	OE	44.30
Albin, Mark D.	OE	356.25
American BroadBand CLEC	OE	2,046.62
Black Hills Energy	OE	830.34
Bomgaars	RP,SU	416.41
Clean To A T LLC	OE	2,600.00
Copy Write/Keepsake	SU	65.69
Counsel	RP	128.32

Eakes Office Solutions	SU	135.80
Eastern NE Telephone Company	OE	87.42
Fairfield Inn & Suites, Kearney	OE	2,798.60
Farm & Home Publishing Ltd	SU	999.00
Floor Maintenance	SU	69.39
Jerry's Trailers & Campers Inc.	RP	171.32
KONE'	RP	1,180.26
MailFinance	ER	1,326.00
MIPS Inc.	ER.CO	2,776.55
NAPA of Wayne	OE	35.24
National District Attorney's Association	OE	101.00
Nebraska Public Health Env Lab	OE	210.00
Northeast Nebraska Telephone Co	OE	105.66
Nuss, Jean C.	PS	20.00
Owens, Milton	PS	20.00
Pieper & Knutson	OE	1,129.86
Pierce Telephone Company	OE	75.00
Providence Medical Center	OE	83.00
Quality Printing & Office Supplies	SU	502.01
Region IV Behavioral Health System	OE	4,815.00
Region IV Inc.	OE	2,677.25
Shopko	SU	12.55
State Nebraska Bank	SU	33.32
State of Nebraska Dept Correctional Serv	OE	1,880.12
Thurston County Sheriff	OE	2,750.00
US Cellular	OE	522.63
Waste Connections of Nebraska	OE	115.00
Wayne Area Economic Development Inc.	OE	8,100.00
Wayne County Clerk of District Court	OE	107.00
Wayne County Sheriff	OE	169.47
Wayne, City of	OE	1,133.89
Western Office Technologies	SU	4.99
COUNTY ROAD FUND	Salaries \$33,835.20;	
Ambroz, Connie J.	ER	60.00
Backus Sand & Gravel	MA	9,805.60
Black Hills Energy	OE	310.74
Bomgaars	SU	667.92
Caterpillar Financial Services	ER	3,871.41
Cross-Dillon Tire	RP	5,000.00
Ellis Home Services	RP	200.00
Faith Regional Physician Services	OE	159.50
Grossenburg Implement	RP,SU	3,681.79
Herbst Construction Inc.	CO	21,475.28
Island Supply Welding Co	SU	364.88
Martin Marietta Materials	MA	336.64
NMC Exchange LLC	RP	1,408.57
Northeast Nebraska Public Power Dist	OE	267.00
Quality Transmission & Alignment	RP	593.59

S&S Willers Inc.	MA	21,045.48
Scheer's Ace Hardware	SU	25.98
Wayne, City of	OE	189.89
Winside, Village of	OE	161.66
ROD PRESERVATION & MODERNIZATION FUND		
MIPS Inc.	OE	128.06
INHERITANCE TAX FUND		
Clark, Marian	PS	23.08
Johnson, Lorraine	PS	21.00
Kraemaer, Maxine	PS	25.00
Meyer, Leon F.	PS	15.00
Mundil, Joseph Edward	PS	57.70
Nissen, Robert	PS	17.00
Owens, Eleanor	PS	14.00
Rethwisch, Dwaine	PS	18.69
Rohdes, Earl	PS	34.62

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 January 5, 2016, 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 11th day of January, 2016.

Debra Finn, Wayne County Clerk