

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
March 3, 2009

The Wayne County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, March 3, 2009 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 February 19, 2009.

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 17, 2009, meeting were approved as printed in the Commissioner's Record.

Jo Junck reported that a committee had been formed to look into updating the kitchen area in the courthouse basement. Their primary focus is improvements that could increase the utilization of the area, and be completed prior to Wayne Q125 courthouse tours scheduled in August. Suggestions included fresh paint, new flooring, a different refrigerator and microwave, and removal of the built in cupboards in the dining area. Estimates for the various suggestions will be obtained.

The board listened to several concerns Bud Neel had with the proposed cleaning description. The board agreed that maintenance is the primary responsibility, Neel will be responsible for his own prioritizing, and that the combined maintenance/cleaning position will be reviewed at the end of April. Neel offered to do the deep cleaning prior to the position being combined; the offer was accepted.

Employee technology grant 09-01 for \$1,141.00 was approved on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

As per the Wayne County Convention and Visitor's Bureau recommendation, motion by Wurdeman, second by Burbach to award \$500 grant to the Elderfest, and \$100 to the Winside Volunteer Fireman's Association annual street dance. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

A substitution of securities submitted by Farmers State Bank was approved on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

A withdrawal of securities submitted by First National Bank was approved on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Warrant 09020107 drawn on county road fund was cancelled on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Motion by Burbach, second by Wurdeman to recess the commissioner meeting at 11:32 a.m. and convene as a Board of Equalization.

The Board of Commissioners meeting reconvened at 11:37 a.m.

Solicitation of informal culvert bids was discussed; a listing of culverts needed by each district will be compiled and pricing will be monitored.

Highway Superintendent Carlson presented information on the new policies and regulations that will be implemented with the adoption of a new Local Public Agency manual effective March 9, 2009. These guidelines will result in a significant increase in federal aid project costs. Motion by Wurdeman, second by Burbach to adopt Resolution No. 09-06. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Resolution No. 09-06: WHEREAS, the Nebraska Department of Roads (NDOR), under direction of the Federal Highway Administration (FHWA), is currently writing a new Local Public Agency (LPA) manual, providing for policy and regulations to be implemented on local federal aid projects, with the intention of adopting the manual on March 9, 2009; and

WHEREAS, it has come to the attention of the Board of Commissioners of Wayne County that, based on 23CFR1.33, the design engineer for a federal aid project will not be allowed to provide construction management services on the same project and a county highway superintendent or city street superintendent will not be

allowed to provide either design engineering services or construction management services on any federal aid project; and

WHEREAS, the Board of Commissioners of Wayne County finds that the above requirements are an arbitrary and capricious interpretation of 23CFR1.33 and will create a hardship to the local agencies by adding additional costs to each project and,

WHEREAS, engineering issues are only one item of concern in the proposed LPA manual and until it is reviewed by the local public agencies, it is impossible to know what other items will be detrimental to local public agencies and contrary to public interest; and

WHEREAS, it is the intention of the NDOR that the LPA Manual will not be made public until it is completed and approved by the FHWA thus allowing for no public input from the entities that it affects;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Wayne County that the Governor of the State of Nebraska is respectfully requested and strongly urged to require the Nebraska Department of Roads to do the following prior to adoption of the Local Public Agency Manual:

1. Remove the requirements based on 23CFR1.33 as stated above.
2. Allow a 120 day public comment period prior to adoption of the LPA Manual
3. Conduct at least three public hearings across the state to receive local input
4. Provide citations from the Code of Federal Regulations or Nebraska Revised Statutes for all applicable policies in the Local Public Agency Manual and, where there is controversy regarding interpretation of law, obtain a legal opinion as to the validity of the interpretation.
5. Allow counties to approve policies that the FHWA or NDOR requests, but are not mandatory, prior to becoming part of the LPA Manual.

Lawn fertilizing/weed control quotes for the courthouse and the health & human service lawns were reviewed. Motion by Wurdeman, second by Burbach to accept the quote of \$1,260 for the courthouse and \$195 for the health & human service lawn as presented by Y&Y Lawn Service. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Lawn sprinkler service quotes for the courthouse were reviewed. Motion by Wurdeman, second by Burbach to accept the quote of \$175.00 submitted by Eischeid Artificial Rain. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Fee Reports: Debra Allemann-Dannelly, Clerk of District Court, \$1,346.18 (Feb Fees); LeRoy Janssen, County Sheriff \$837.08 (Dec Fees) and \$1,106.98 (Jan Fees).

Claims:

<u>GENERAL FUND</u>		<u>Salaries \$1,180.80;</u>
All Native Office	SU	6.94
Alltel Communications	OE	59.99
Black Hills Energy	OE	1,482.03
Bomgaars	SU	5.58
Burkett, Mandy R. (Atty)	OE	2,388.75
Center for BioPreparedness Education	OE	95.00
Claritus	SU	36.86
Copy Write/Keepsake	SU,CO	169.48
DELL	CO	1,812.26
Des Moines Stamp Mfg Co	SU	151.75
Echo Group Inc.	SU	46.02
Floor Maintenance	SU	140.38
Iowa Office Supply Inc.	RP	59.43

Junck, Jo	RE	1,145.24
Keenan Law PC LLO	OE	506.25
Kelly Supply Company, The	SU	3.27
Marriott Hotels & Resorts	OE	10.70
Microfilm Imaging Systems	OE	532.44
MIPS Inc.	SU,CO	2,969.36
Olds Pieper & Connolly	OE	1,846.77
NACO	OE,SU	530.00
Northeast NE Assoc of Co Assrs	OE	25.00
Northeast NE Assoc of Co Officials	OE	180.00
Northeast Nebraska Juvenile Services	OE	2,687.50
Pierce County Sheriff's Dept.	OE	3,950.00
Reeg, Joyce	RE	54.07
Tacos & More	OE	18.87
TeleBeep, Inc.	OE	17.11
Trinity Lutheran Church	RE	74.25
United Healthcare of the Midlands	PS	53,359.37
Wattier, Patti	OE	375.00
Wayne County Clerk of Dist Court	OE	60.00
Wayne Herald/Morning Shopper	OE	44.00
Wayne, City of	OE	1,179.41
Western Office Products Plus	SU,RP	6.08
Wingate Inn, Kearney	OE	213.00
XM Satellite Radio	Ode	51.99

COUNTY ROAD FUND

Salaries \$18,597.60;

Ag & Industrial Engine Machine	RP	1,443.59
Arnie's Ford Mercury	RP	452.92
Black Hills Energy	OE	405.79
Bomgaars	SU,MA,OE	403.29
Carhart Lumber Company	SU	28.98
Caterpillar Financial Services	ER	4,425.61
Corn Belt Manufacturing Inc.	RP	1,368.54
Cornhusker International Trucks	RP	38.00
Eastern NE Telephone Company	OE	48.08
Elkhorn Valley Sand & Gravel	MA	417.74
Gary Backhaus Gravel	MA	2,873.13
Menard's	SU	203.35
Midwest Service and Sales Co.	MA	807.10
NMC Exchange LLC	RP	2,075.49
Northeast Nebraska Public Power Dist	OE	498.93
S&S Willers Inc.	MA	4,674.49
Tube City IMS LLC	SU	560.80
US Cellular	OE	64.58

USIS Commercial Services	OE	66.34
Vic's Engine Service Inc.	RP	141.49
Wayne, City of	OE	222.33
Winside, Village of	OE	230.46
RELIEF/MEDICAL FUND		
Heafey-Heafey-Hoffmann-Dvorak-Cutle	OE	1,700.00
INHERITANCE TAX FUND		
Biermann, Sharolyn	OE	1,141.00
Johnson, Lorraine	PS	21.00
Kraemaer, Maxine	PS	25.00
Lindsay, Russell Jr.	PS	14.00
Meyer, Leon F.	PS	15.00
Morris, Orgretta C.	PS	25.00
Nissen, Robert	PS	17.00
Owens, Eleanor	PS	14.00
Rees, Dorothy	PS	16.00
Stipp, Doris M.	PS	23.00
SPECIAL POLICE PROTECTION FUND		
Bomgaars	SU	4.00
NE Nebraska Sheriff's & Peace Officers	OE	50.00
NOXIOUS WEED CONTROL FUND		
NE Nebraska Assoc of Co Officials	OE	20.00
Wayne, City of	OE	35.22

Meeting was adjourned.

Debra Finn, Wayne County Clerk

Wayne, Nebraska
March 3, 2009

The Wayne County Board of Equalization convened at 11:30 a.m. on Tuesday, March 3, 2009. Those in attendance included Chairman Wurdeman, Members Rabe and Burbach, and Clerk Finn.

Advance notice of this meeting was published in the Wayne Herald, a legal newspaper, on February 19, 2009.

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

The minutes of the February 17, 2009, meeting were approved as printed in the Commissioner's Record.

The agenda was approved.

Tax list corrections were approved for Nebraska Game & Parks Commission, City of Wayne, Jeff Ellis/Laundromat, Jill Ellis/The Hair Studio

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 March 3, 2009, 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 6th day of March, 2009.

Debra Finn, Wayne County Clerk