

**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  
April 7, 2009

The Wayne County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, April 7, 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 March 26, 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 March 17, 2009, meeting were approved as printed in the Commissioner's Record.

Motion by Wurdeman, second by Burbach to remove executive session from the agenda. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Commissioner Rabe read aloud the following letter presented by Dennis Otte and signed by numerous individuals :

“Re: work done by the county on private property at tax payer expense

We have come to the County Commissioners to bring a concern before you. The problem is we as a group do not understand why it is right for county equipment and employees to be doing contractor work on private property. The county should not be in direct competition with private contractors.

If the county needs concrete for stabilization, why not notify the contractors where concrete is needed and let them do their work? The county should not be digging foundations out.

This practice needs to stop immediately. This has been a win win situation for certain property owners. The property owner has benefited financially at tax payer expense. It treats people unfairly.

Are the commissioners saying that farmers can call the county for their clean up jobs at tax payer expense? Mr. Rabe, is this true? Mr. Burbach, is this true? Mr. Wurdeman, is this true? Where is this going to stop?

A possible solution would be to provide contractors a concrete disposal site in each district. The county probably would have plenty of concrete available to haul away from each designated site without compromising private contractors.”

The following points were discussed with those in attendance:

- Contractors delivering to a particular site rather than the county going on private property
- Possible locations of bulk disposal sites
- The difficulty of regulating the quality of what is dumped. Contractors may be aware of what meets DEQ guidelines for “clean” concrete but the public does not.
- The availability of concrete when the county is working on projects. The county usually works on projects that need concrete in the late winter/early spring.
- It was agreed that communication between the county and the contractors would minimize problems.

Attorney Pieper presented a resolution to the board for consideration. The resolution required the use of county employees and equipment in return for private property be in writing and approved by the Board prior to the commencement of any activity. Wurdeman felt the resolution would hinder the district from doing it's job and would end up costing more money. No action was taken.

Highway Superintendent Carlson reported Gene Lutt had requested the county terminate the temporary construction easement for Soft Match Project C009003025, 6 miles south, and 3.3 miles east of Wayne. Motion by Wurdeman, second by Burbach to terminate the easement. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Burbach reported on fuel tank replacement. Self-contained 10,000 and 15,000-gallon units that can be divided into separate tanks are available. Additional information on the tanks will be obtained and submitted for fire marshal approval.

The solicitation of an engineering service proposal from Mainelli-Wagner for a Federal Aid Project to replace Bridge C009030820, 5 miles north and 2.3 miles west of Wayne, 861st Road, Mile 573 was approved on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

An agreement with the State for Federal Aid Project BRO-7090 (20), Wayne West, 2 miles west and 0.6 mile south of Wayne was presented. Carlson noted that the federal share would be 80% and the state share would be from 0 – 10% of the project costs when bridge replacement funds are available. The county is responsible for the balance of the cost. Motion by Wurdeman, second by Burbach to sign the agreement. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Carlson was authorized to solicit engineering service proposals from six engineering firms for Wayne County projects in 2009 – 2011. The motion was made by Burbach, second by Wurdeman; roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Quotes opened on April 6<sup>th</sup> for small round culverts were reviewed. Motion by Wurdeman, second by Burbach to accept the culvert quotes submitted by Presco Sales & Service. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

An application submitted by S&S Construction/Greg Owens to place a power line in county road right of way was approved on motion by Wurdeman, second by Burbach. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

An application submitted by S&S Construction/Brent Pick to place a power line in county road right of way was approved on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

Aaron Gilson of US Bank presented information on the purchasing card program available to counties affiliated with the Nebraska Association of County Officials. The differences between a purchase card and a credit card were discussed as well as administration and maintenance features. No action was taken.

UNL Extension Educator Amy Topp was authorized to enter in to a new lease on a color printer/copier.

District Forester Steve Rasmussen presented a plan to plant ten young trees on the courthouse grounds to replace the seven trees that were removed. Rasmussen recommended a diversity of trees on the courthouse square that could also be used for educational purposes. The City of Wayne has all of the recommended trees available for a charge of \$25.00 per tree which includes planting. The board authorized Rasmussen to proceed with the project.

Cuming County Supervisors Clarence Tichota and Steve Sill asked if the board had any changes they wanted to make to the interlocal agreement for emergency management services; none were given. The EMPG grant application period will open on May 1<sup>st</sup> and the application will be submitted as Wayne-Cuming County with the counties splitting the funds.

Clerk Finn and Melissa Rabbass of the District Court office presented website development information. Joint participants include the City of Wayne, Wayne Area Economic Development, Wayne Community Schools, Wayne Library, and the county. The board agreed to cover up to \$15,000 of the project cost as long as links to the villages are made available.

A vacancy in the cleaning/maintenance position was discussed at length. It was decided to contract for part-time cleaning and light maintenance, applications will be accepted until May 1st.

District Court Clerk Deb Allemann-Dannelly reported the preparation work and painting work in the kitchen would be done by road maintenance workers on Friday, April 10<sup>th</sup>. Surplus equipment will be readied for auction.

As per the lodging committee's recommendation, motion by Wurdeman, second by Burbach to approve a \$1,000 lodging tax grant for the County Fair, \$1000 grant for the Wayne Chicken Show, and \$1,000 for Henoween /Last Cluck Sunday. Roll call vote: Wurdeman-aye, Burbach-aye, Rabe-aye; motion carried.

Employee technology grant 09-02 for \$1,000 was approved on motion by Burbach, second by Wurdeman. Roll call vote: Burbach-aye, Wurdeman-aye, Rabe-aye; motion carried.

**Fee Reports:** Debra K. Allemann-Dannelly, Clerk of Dist Court, \$863.75 (Mar Fees), Karen McDonald, Treasurer, \$374.00 (1<sup>st</sup> Qtr Fees).

**Claims:**

<u>GENERAL FUND</u>		<u>Salaries \$2,545.36;</u>
All Native Office	SU	34.99
Alltel	OE	215.45
Alltel	OE	129.81
Appeara	OE	280.86
Barnes, Ann	RE	31.35
Big Red Printing	SU	214.56
Black Hills Energy	OE	1,276.54
Bomgaars	SU	16.54
Burkett, Mandy R., (Atty)	OE	315.00
Claritus	OE	275.00
Copy Write/Keepsake	SU	74.60
DDSS Inc.	ER	100.20
DELL	SU	1,347.52
Echo Group Inc.	SU	28.84
Finn, Debra	RE	79.59
First National Bank, Wayne	SU	10.16
Gamble, Keith	PS	20.00
Holiday Inn, Kearney	OE	149.90
Iowa Office Supply Inc.	SU,RP	99.76
Jacobsen, Duane	RP,SU	285.30
Junck, Jo	RE	1,145.24
Madison County Court	OE	2.50
McDonald, Karen	RE	29.70
Microfilm Imaging Systems	ER	155.00
MIPS Inc.	SU,CO,OE	2,422.72
NACO	OE	180.00
Nebraska Assoc of Co Engineers	OE	70.00
Nebraska Assoc of Emerg Mgmt	OE	50.00
Norfolk Printing Co., Inc.	OE	58.05
Northeast Equipment	RP	29.22
Northeast Nebraska Juv Services	OE	14,966.36
Nuss, Jean C.	PS	20.00
Owens, Milton	PS	20.00
Pierce County Sheriff's Dept	OE	35.98
Ping Tree Service	OE	285.00

Redfield & Company Inc.	SU	238.44
Region IV Inc.	OE	2,677.25
Reliable	SU	54.44
Rohlf, Virgil	PS	20.00
State National Bank & Trust	SU	30.00
Stratton & Kube PC	OE	1,141.40
Trane	RP	806.25
Trinity Lutheran Church	RE	273.90
United Healthcare of the Midlands	OE	54,468.35
Wayne County Clerk of Dist Court	OE	197.00
Wayne County Sheriff	OE	66.50
Wayne Herald/Morning Shopper	OE	267.96
Wayne, City of	OE	1,126.32
Wayne, City of	OE	3,000.00
Western Office Products Plus	SU,RP	195.93
XM Satellite Radio	OE	51.99
Zach Oil Co	MA	24.75

**COUNTY ROAD FUND**

**Salaries \$27,896.40;**

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Alltel	OE	86.56
Appera	OE	60.00
B's Enterprises Inc.	OE	572.00
Backus Sand & Gravel	MA	340.22
Black Hills Energy	OE	343.34
Bomgaars	SU,MA	631.80
Carhart Lumber Company	RP	9.87
Cemex	MA	332.88
Cornhusker International Trucks	RP	2,580.04
David Haney	RP	35.00
DMC Repair	RP,SU	146.99
Eastern NE Telephone Company	OE	41.23
Elkhorn Valley Sand & Gravel	MA	3,524.71
Filter Care	RP	36.40
Fredrickson Oil Company	MA,RP	5,264.59
GI Trailer	RP	214.36
Gary Backhaus Gravel	MA	2,238.28
Graham Tire Co., Inc.	RP	94.91
Hradec Diesel Inc.	RP	39.96
Jerry's Body Shop	RP	635.88
Linweld	RP	87.70
Mainelli Wagner & Assoc Inc.	CO	7,150.00
Menard's	SU,RP	280.68
Midland Equipment Inc.	RP,SU	307.23
Midwest Service & Sales Co.	MA,RP	2,239.30
NMC Exchange LLC	RP,MA	420.45

Northeast Equipment	RP,RE	3,094.03
Northeast Nebraska Public Power Dist	OE	456.55
Northeast Nebraska Telephone Co.	OE	56.14
S&S Willers Inc.	MA	4,666.88
Stalp Gravel Company	MA	5,158.48
US Cellular	OE	98.79
Walton, Rick	RP	5.00
Wayne Auto Parts	RP,MA	608.00
Wayne, City of	OE	136.80
Winside, Village of	OE	143.42
Zach Oil Co	MA	63.68

**SNOW REMOVAL & EQUIPMENT FUND**

NMC Exchange LLC	CO	180,261.57
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**INHERITANCE TAX FUND**

Beiermann, Merlin	PS	12.00
Carlson, Ellen	PS	23.08
Gansebom, Laurie	OE	1,000.00
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**

Arnie's Ford Mercury	MA,RP	248.48
Carroll Station Inc., The	MA,RP	711.95
ConocoPhillips	MA	24.39
Fredrickson Oil Company	RP	448.80
Jack's Uniforms & Equipment	SU	233.85
Wayne County Treasurer	CO	5.00
Zach Oil Co	SU,OE,MA,RP	555.98

**NOXIOUS WEED CONTROL FUND**

Wayne, City of	OE	34.54
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Meeting was adjourned.

Debra Finn, Wayne County Clerk

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No Board of Equalization Session Held

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 26, 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 10th day of April, 2009.

Debra Finn, Wayne County Clerk