

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 21, 2017

The Wayne County Board of Commissioners meeting was called to order by Chairman Rabe at 9:00 a.m. on Tuesday, March 21, 2017, in the upstairs conference room of the Courthouse. Chairman Rabe, Members Burbach and Larson, Attorney Pieper, Sheriff Dwinell, and Clerk Finn were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on March 9, 2017. A current copy of the Open Meetings Act was posted and accessible to the public.

Rabe presented the following consent agenda items:

- a. Approve minutes of March 7, 2017 meeting as printed in the Commissioners Record
- b. Approve fee reports
- c. Approve payroll
- d. Accept Return of Sale Proceedings - \$41,284.26 received from sale of delinquent real estate taxes on March 6, 2017

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

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

One bid was received for concrete surfacing around the courthouse. A motion was made by Larson and seconded by Burbach to accept the bid of \$102,200.00 submitted by OCC Builders, LLC. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

A motion was made by Larson and seconded by Burbach to accept a fencing bid that arrived by mail ten minutes late; the bid was postmarked five days earlier and had been misrouted. Roll call vote: Larson, Burbach, Rabe – aye; motion carried. Bids received from NoSwett Fencing & Decks, Elkhorn Fence, LLC, and Midwest Fence Company-Guardrail Systems Inc. for perimeter fencing and gates for the District #1 shop complex were opened. A motion was made by Larson and seconded by Burbach to accept the base bid of \$24,745.00 submitted by Elkhorn Fence, LLC and to negotiate on the gates. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

Based on his study of 573rd Ave between 853rd Road and South Logan Creek, Highway Superintendent Casey recommended that segment of the road be permanently closed. The Board could then decide whether the right-of-way in question should be vacated, abandoned or retained.

A motion was made by Larson and seconded by Burbach to approve Resolution No. 17-03. Roll call vote: Larson, Burbach, Rabe – aye; motion carried.

Resolution No. 17-03: “BE IT RESOLVED by the Board of Commissioners of Wayne County, Nebraska that whereas a request was made by the County Board and adjacent landowners to vacate a portion of county road hereinafter described due to lack of use, the road is a dead-end road and to reduce liability; and,

WHEREAS by action of said board on February 7th, 2017, County Highway Superintendent Mark Casey was directed to perform a study thereof and report to the Board as provided by the laws of the State of Nebraska; and,

WHEREAS on March 15th, 2017, County Highway Superintendent reported that said road is a dead end, has no use by the general public and is a liability to the county, it was recommended that the road be vacated and the public right-of-way be returned to the adjacent landowners.

NOW THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED on this 21st day of March, by the Board of Commissioners of Wayne County, Nebraska that a public hearing be held at 9:30 am on April 18th, 2017, at the County Commissioners Room in the Wayne County Courthouse in Wayne,

Nebraska at which time all persons interested in said road to be vacated and abandoned may appear and be heard; that said road is described and located as 573rd Avenue, a county road right-of-way 66' feet in width, located on the section line between Sections 33 and 34, T26N, R3E, and from 853rd Road and South Logan Creek for an approximate distance of 1,110 feet, in Wayne County, Nebraska.”

A motion was made by Burbach and seconded by Larson to approve Resolution No. 17-04, and to authorize the Chairman to sign a letter to Board of Public Roads Classifications and Standards requesting a Relaxation of Standards for the Design Speed on County Project C-90(620). Roll call vote: Burbach, Larson, Rabe – aye; motion carried.

Resolution No. 17-04: “WHEREAS, Wayne County intends to construct the project Wayne Southwest, C-90(620), which includes roadway grading, bridge removal and construction of a concrete box culvert, in Sections 28, 33 and 34, T26N, R3E southwest of Wayne, Nebraska, and;

WHEREAS, 853rd Road, from 572nd Avenue to State Highway 15, has a National Functional Classification of “Local” and a State Functional Classification of “Local” and has a recorded average daily traffic of 23 vehicles a day in the project area, and;

WHEREAS, The Nebraska Board of Public Roads Classifications and Standards requires the project meet the standards for New and Reconstructed Roads in Rural Areas, per table 001.03J, which requires a minimum design speed of 50 miles per hour for unpaved roadways, and;

WHEREAS, The Nebraska Board of Public Roads Classifications and Standards requires a design exception if the minimum design requirements cannot be met, and;

WHEREAS, Project No. C-90(620) ties into and propagates the design of Project No. C-90(610), located immediately east of and adjacent to Project No. C-90(620), which was designed in 2014 and began construction in 2015 to the governing Minimum Design Standards at the time, of which the minimum design speed was 30 miles per hour, and;

WHEREAS, Project No. C-90(610) is appropriately signed and posted for 30 miles per hour, and;

WHEREAS, To design Project No. C-90(620) to the current Minimum Design Speed of 50 miles per hour would require larger horizontal curves, a longer project length, the removal and/or relocation of an existing building and septic system, the removal of mature trees, acquisition of additional Right-of-Way, and would result in unnecessary hardship to the County and adjoining landowners, and;

WHEREAS, The proposed 30 miles per hour design would propagate the design from Project No. C-90(610) and would greatly improve the safety of the existing roadway conditions, by eliminating an L-intersection, and improving the sight distance and alignment of the T-intersection. The roadway will be constructed with two 10-foot lanes, and 4-foot shoulders, and;

WHEREAS, The realigned roadway will also provide additional benefits, including, eliminating the need for channel bank stabilization and associated environmental impacts and creating a better alignment for the proposed box culvert with the existing channel.

NOW, therefore be it resolved, that the Board of Commissioners of Wayne County, Nebraska: Hereby respectfully request the Nebraska Board of Public Roads Classification and Standards grant a “Relaxation of Minimum Design Standards” for design speed from the required standard of 50 miles per hour to 30 miles per hour for the horizontal alignment at this project location.”

Casey reported that the county received their 2016 allocated distribution of STP Funds \$77,898.31 and Bridge Funds \$136,113.30 from the Federal Funds Purchase Program.

County road agreements used by counties to protect their roads during construction of wind energy projects were discussed. Examples of area agreements will be obtained and studied. The discussion will continue when the meeting reconvenes.

Jennifer Jackson of Heartland Counseling of South Sioux City presented information on rehabilitation and counseling services provided by their company for youth and adults.

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

Fee Reports: Jason Dwinell, County Sheriff, \$1,182.32 (Feb Fees); Debra Finn, County Clerk, \$18,128.12 (Feb Fees).

Claims:

GENERAL FUND	Salaries \$55,490.87;	
American BroadBand CLEC	OE	154.00
Appeara	OE	395.67
Arnie's Ford Mercury	RP	164.53
Black Hills Energy	OE	81.33
CardMember Service	OE	7.20
CardMember Service	SU	52.00
CardMember Service	SU	19.00
CardMember Service	OE	45.02
Carroll, Station Inc., The	MA	180.13
CVSOAN	OE	310.00
DAS State Accounting	ER	99.00
Egley, Fullner, Montag & Hockabout	OE	4,733.58
Farmer's Cooperative, Pilger	MA	170.74
Fredrickson Oil Company	RP,MA	172.00
Graham Tire Sioux City	RP	552.60
HomeTown Leasing	ER	122.92
JB Mart Inc	MA	22.30
KONE'	RP	1,264.32
Madison County Sheriff	OE	700.00
MIPS Inc.	SU	16.44
NACVSO	OE	30.00
Nebr Emergency Management Agency	OE	85.00
Nebr Assoc of Co Engineers,Hwy Supt etal	OE	50.00
Northeast Nebraska Telephone Co	OE	104.13
Pieper & Knutson	ER,OE	2,883.79
Pierce County Sheriff's Dept	OE	1,100.00
Quality Printing & Office Supplies	SU	612.04
Shopko	SU	21.99
Tacos & More	OE	20.37
The Apothecary Shop	OE	108.02
Thurston County Sheriff	OE	2,250.00
Tower Plastics Mfg Inc	SU	282.21
US Cellular	OE	227.68
United HealthCare Insurance Company	OE	65,520.03
Verizon Wireless	OE	40.01
Wakefield Republican, The	OE	30.00
Waste Connections of Nebraska	OE	120.00
Wayne County Clerk of District Court	OE	108.00
Wayne County Sheriff	OE	158.58
Wayne Herald/Morning Shopper	OE	1,430.83
Wayne, City of	OE	7,343.04
Woehler Trailer Court LLC	ER	700.00

COUNTY ROAD FUND

Salaries \$27,494.40;

Appeara	OE	20.00
Arnie's Ford Mercury	RP	73.05
Bauer Built	RP	2,897.38
CardMember Service	RP,SU	622.20
Carroll Station Inc., The	MA	13,566.26
Carroll, Village of	OE	96.50
Cross-Dillon Tire	RP	2,419.12
Farmer's Cooperative, Pilger	OE,MA	4,360.32
Fredrickson Oil Company	RP	368.00
John's Welding & Tool - John Etter	RP	13.23
Martin Marietta Materials	MA	5,135.86
Matheson Tri-Gas Inc.	SU	153.57
Matteo Sand & Gravel Co Inc	MA	10,227.48
Midwest Service & Sales Co	MA	2,950.60
Murphy Tractor & Equipment Co	RP	423.36
NMC Exchange LLC	RP,MA	2,041.50
Northeast Tire Service	RP	64.00
Peterbilt of Norfolk	RP	80.90
Pick Equipment & Chopping	OE	1,200.00
RDO Truck Centers	RP	258.16
S&S Willers Inc-dba Pilger Sand & Gravel	MA	23,175.84
Stalp Gravel Company	MA	4,836.63
Wayne Auto Parts	RP,SU	98.04
Wayne NAPA	RP,SU,MA	676.67
Wayne, City of	OE	536.03
Weldon Parts Norfolk	RP	88.93
Winside, Village of	OE	171.93

COUNTY IMPROVEMENT FUND

Vakoc Builder's Resource	CO	25.39
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The meeting was recessed until Monday, March 27, 2017 at 9:00 a.m.

The Wayne County Board of Commissioners meeting was called to order by Chairman Rabe at 9:00 a.m. on Monday, March 27, 2017, in the upstairs conference room of the Courthouse. Chairman Rabe, Members Burbach and Larson, and Clerk Finn were present. Sheriff Dwinell, Attorney Pieper, and Highway Superintendent Casey joined later.

The need for a county roads agreement during the construction phase of wind energy projects was deemed necessary. A work session was conducted to determine what the county's priorities were and what topics needed to be included in the agreement. Pieper will prepare a draft agreement for the board's review prior to the next commissioner meeting.

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 21, 2017, 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 29th day of March, 2017.

Debra Finn, Wayne County Clerk