

Wayne, Nebraska
June 16, 2020

The Wayne County Board of Equalization meeting was called to order by Chairman James Rabe at 9:00 a.m. on Tuesday, June 16, 2020, in the courtroom of the Wayne County Courthouse. Chairman Rabe, Members Dean Burbach and Terry Sievers, Clerk Debra Finn, and Sheriff Jason Dwinell were present. Notice of this meeting was published in the Wayne Herald on June 11, 2020. A current copy of the Open Meetings Act was posted and accessible to the public.

A motor vehicle exemption application for Mosaic was presented for approval by Treasurer Tammy Paustian. A motion was made by Sievers and seconded by Burbach to approve the exemption. Roll call vote: Sievers, Burbach, Rabe – aye; motion carried.

A listing of real property that was over/undervalued on the March 15th assessment roll was approved on a motion made by Burbach and seconded by Sievers. Roll call vote: Burbach, Sievers, Rabe – aye; motion carried.

The meeting was adjourned.

Debra Finn, Wayne County Clerk

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June 16, 2020

The Wayne County Board of Commissioners meeting was called to order by Chairman Dean Burbach at 9:05 a.m. on Tuesday, June 16, 2020, in the courtroom of the Wayne County Courthouse. Chairman Burbach, Members James Rabe and Terry Sievers, Attorney Amy Miller, Clerk Debra Finn, and Sheriff Jason Dwinell were present. Notice of this meeting was published in the Wayne Herald on June 4, 2020. A current copy of the Open Meetings Act was posted and accessible to the public.

Chairman Burbach presented the following consent agenda items:

- a. Approve minutes of June 2, 2020, as printed in the Commissioners Record
- b. Approve fee reports
- c. Approve payroll
- d. Approve withdrawal of Cusip No. 590127CR5 for \$56,000; Cusip No. 946158CK6 for \$150,000; and Cusip No. 881553AA9 for \$250,000 as pledged securities held by State Nebraska Bank & Trust
- e. Approve addition of Cusip 3130AJHS1 for \$250,000 as pledged security held by State Nebraska Bank & Trust
- f. Approve Special Designated Liquor License for White Dog Pub, Inc. for a reception at the Wayne County Fairgrounds Commercial Building from 2:00 p.m. until midnight on August 1, 2020
- g. Approve Special Designated Liquor License for Wayne County Ag Society for grandstand entertainment from 5:00 p.m. until 11:00 p.m. on July 23rd, and from 4:00 p.m. until 12:00 a.m. on July 24th, July 25th and July 26, 2020.
- h. Receive 2019 Delinquent Tax Listing and place on file. There are \$20,305.15 in delinquent personal taxes, and \$433,344.96 in delinquent real estate taxes.

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

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

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

Country Treasurer Tammy Paustian was present to discuss paying overtime rather than awarding comp-time to employees that had to stay late to help customers. She reported the traffic in the treasurer’s office has not been overwhelming since re-opening to the public, but that may change when the Governor lifts his executive order. Sievers

stated he didn't feel this was any different than the roadmen in the winter with a snowstorm. They come in early and stay late pushing snow, and receive comp-time. Paustian will keep the Board informed of the comp-time earning status.

A motion was made by Rabe and seconded by Sievers to approve a NE Highway Allocation Fund Pledge Bonds Series 2014 interest payment of \$3,696.25, a NE Highway Allocation Fund Pledge Bonds Series 2015 interest payment of \$13,218.75, and a NE Highway Allocation Fund Pledge Bonds Series 2019 interest payment of \$13,230.07, for a total of payment of \$30,145.07. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

Emergency Manager Nic Kemnitz reported York County has requested use of the Northeast Planning, Exercise, and Training Region's Portable Communication Tower that is housed in Wayne. Their tower has been damaged and is being replaced with a new one. They would like to move their communication antennas to the portable tower, so they don't lose coverage while their tower is being replaced. Kemnitz was authorized to deliver the mobile tower and assist York County in getting their equipment operational.

Highway Superintendent Mark Casey reported Jeff Wagner of Mainelli Wagner has reviewed plans for six of the twenty Sholes Wind Project access roads that did not meet sight distance requirements. The plans submitted by Snyder & Associates were rejected. For the remaining driveways to meet requirements, they will need to either go to the edge of their easement, obtain additional ROWs or easements, or move some driveways. The sight-distance requirement was included in the original road maintenance agreement.

Nick Coil, Tradewind Energy Director of Development for Wind and Solar, expressed his concern about their relationship with the county. He felt there had been a lot of miscommunication, resulting in very little progress towards approving a road maintenance agreement. The county wants final designs for the project, but Tradewind can't provide them because the project hasn't progressed that far.

Tradewind needs to have a signed road maintenance agreement to take to the investment committee. This agreement conveys to the committee that the county will allow them to use the roads while building the project. Along with the road maintenance agreement they take a preliminary design. If funding is obtained, they continue with the project, develop final designs, and finalize road details with a Road Impact Report.

Casey and the Board maintained that after experiencing two wind projects, they have learned they must work out all the details up front, and include them in the Road Maintenance Agreement. They need to see final designs for the project before they will sign a Road Maintenance Agreement. The Board agreed to continue the conversation with Coil later in the meeting.

David Levy, representing Plum Creek Wind, LLC, presented a decommissioning agreement for the Board's consideration. The agreement is very similar to the Shole's Decommissioning Agreement. The bond with the county will cover the cost to repair the roads. The road haul agreement clause will be set in 20-25 years. A motion was made by Rabe and seconded by Sievers to approve the Plum Creek Wind Decommissioning Agreement with the road haul agreement addendum. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

Doug Elting of Berggren Architects reported that the restoration work on the south porch of the courthouse is nearly finished. There are two stones yet to be replaced and the railings to be set. The carpentry work will be started next. The expected completion date for the project is the end of July.

Elting told the Board they have made a lot of progress with the building. He asked them to consider continuing to set aside a certain amount for courthouse maintenance, possibly \$120,000 a year. It could be used for mechanical items such as boiler replacement, maintaining the building, or further tuckpointing. The county had the money in the bank for the repairs this time, he recommended continuing to set money aside so there would be money available in the future.

The purchase of Russell Barelmann property and severed mineral rights for road project C-90(623) was discussed. A 3.92-acre tract in Section 27-T25N-R4E will be used to realign 579th Ave. A motion was made by Sievers and seconded by Rabe to enter Executive Session at 10:41 a.m. to discuss the property purchase. Participants in the session were to include the Burbach, Rabe, Sievers, Casey, Miller, and Finn. Roll call vote: Sievers, Rabe, Burbach – aye; motion carried. A motion was made by Rabe and seconded by Sievers to come out of Executive Session at 10:53 a.m. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried. A motion was made by Rabe and seconded by Sievers to authorize the county attorney's office to negotiate the purchase of the Barelmann property and severed mineral rights. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

Resolution No. 20-07, transferring \$20,000.00 from Miscellaneous General Function to Child Support Agreement Function of General Fund, was approved on a motion made by Sievers and seconded by Rabe. Roll call vote: Sievers, Rabe, Burbach – aye; motion carried.

Resolution No. 20-07: “WHEREAS, County Attorney Miller proposed having the county take over the legal services for the county child support program rather than continuing to contract for these legal services; and WHEREAS, the Nebraska Department of Health & Human Services would reimburse 66% of time, benefits, and office expenses spent on the program; and

WHEREAS, the Wayne County Board of Commissioners approved the proposal on January 21, 2020; and

WHEREAS, the county attorney took over the county child support legal services effective March 23, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Wayne County Board of Commissioners that the sum of \$20,000 be transferred from the Miscellaneous function of General Fund to the Child Support Assistance function of General Fund to fund the program from March 23, 2020 – June 16, 2020.”

Resolution No. 20-08, transferring \$23,000 from Miscellaneous General function of General Fund to County Jail Function of General Fund, was approved on a motion made by Sievers and seconded by Rabe. Roll call vote: Sievers, Rabe, Burbach – aye; motion carried.

Resolution No. 20-08: “WHEREAS, the budget which had been allocated to the County Jail function of the County General Fund for the 2019-20 fiscal year is insufficient to meet operating expenses, due to costs associated with Board of prisoners, to the extent that it will be unable to make final payments of claims for the balance of the current year; and

WHEREAS, there are unexpended funds available in the Miscellaneous function of the County General Fund for the 2019-20 fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Wayne County Board of Commissioners that the sum of \$23,000 be transferred from the Miscellaneous function of General Fund to the County Jail function of General Fund.”

Resolution No. 20-09, transferring unused funds from County Road Districts #1-Wayne, #2-Carroll, #3-Winside to Snow Removal and Equipment Fund, was approved on a motion made by Rabe and seconded by Sievers. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

Resolution No. 20-09: “WHEREAS, on June 5, 1990 the Wayne County Board of Commissioners created and established the Snow Removal and Equipment Fund; and

WHEREAS, said Board on said date provided that the revenues of the Snow Removal and Equipment Fund should consist of cash transfers of unexpended funds from the County Road and Bridge Fund; and

WHEREAS, this is the last Commissioners meeting for the 2019-20 fiscal year and unexpended funds in the County Road and Bridge Fund exist,

NOW, THEREFORE, BE IT RESOLVED by the Wayne County Board of Commissioners that the following amounts be transferred from the County Road and Bridge Fund to the Snow Removal and Equipment Fund; District #1 - \$189,900.66, District #2 - \$230,211.14, District #3 - \$388,723.07.”

The discussion with Nick Coil continued. It became apparent that Tradewind approaches some stages of the wind power project differently than the two companies Wayne County previously worked with. The intent to work with the county was there, but the terminology, process, and timelines were different. The Board agreed that Coil could tell his investors that they would let Tradewind use Wayne County roads for their project and that a document with defined road use terms would be coming in the future. Coil and the County Attorney’s office will work together on the road maintenance agreement and bring it before the Board on July 7, 2020, at 10:15 a.m.

A motion was made by Sievers to enter Executive Session at 12:10 p.m. to discuss personnel. Participants in the session were to include the Burbach, Rabe, Sievers, Miller, and Finn. Roll call vote: Sievers, Rabe, Burbach – aye; motion carried. A motion was made by Rabe and seconded by Sievers to come out of Executive Session at 12:46 p.m. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

The next meeting will be on Tuesday, July 7th, in the courtroom at the Wayne County courthouse.

Fee Reports: Jason Dwinell, County Sheriff, \$1,064.41 (May Fees); Debra Finn, County Clerk, \$8,827.50 (May Fees).

Abbreviations: PS - Personal Services, **OE** - Operating Expenses, **SU** - Supplies, **MA** - Materials, **ER** - Equipment Rental, **CO** - Capital Outlays, **RP** - Repairs, **RE** - Reimbursement.

Claims:

GENERAL FUND		Salaries \$70,081.66;
Barnes, Ann M.	RE	269.68
Quinn, Tarrin	RE	22.13
Albin, Mark D.	OE	3,911.27
All Star Trailers	CO	6,627.00
American BroadBand	OE	2,532.53
Appeara	OE	247.90
Arnie's Ford Mercury	RP	52.24
Best Buy Business Advantage Acct	CO	255.71
Big Red Printing	SU	357.22
Bomgaars	SU	35.79
CardMember Service	SU	787.60
CardMember Service	SU,CO	1,438.40
Carhart Lumber Company	SU	61.23
Centec Cast Metal Products	SU	190.96
Claussen & Sons Irrigation Inc.	OE	286.00
Connecting Point	SU	150.00
Dakota County Correctional Facility	OE	385.00
DAS State Accounting	ER	120.88
Eakes Office Solutions	SU	17.60
Electronic Engineering	SU	576.80
Finn, Lori	RE	45.04
Farmer's Cooperative, Pilger	MA	132.91
Fischer Supply	SU	34.00
Heithold, Jason	RE	17.15
HomeTown Leasing	ER	121.85
Jack's Uniforms & Equipment	SU	738.36
Janke, Parker	RE	37.77
Jorgensen Law Office, Kate Jorgensen	OE	28,710.23
KONE'	SU	1,351.53
Kufner, Mytzy	RE	18.16
Lundahl, Sherri	RE	34.91
Lutt Oil	MA,OE	868.65
Madison County District Court	OE	50.00
Madison County Sheriff	OE	28.29
McDonald, Christal	OE	50.00
Microfilm Imaging Systems	ER	115.00
MIPS Inc	ER,CO	2,700.17
National Business Furniture LLC	SU	711.00
Northeast Nebraska Telephone Co	OE	82.95
One Office Solution	SU	157.53
Pac-N-Save	SU	2.98
Peitz GMC Service Inc	CO	500.80
Pierce County Sheriff's Dept	OE	1,850.00

Quality Printing & Office Supplies	SU,CO	2,498.89
Rasmussen, Annette	RE	25.03
Thurston County Sheriff	OE	1,850.00
US Cellular	OE	459.67
United HealthCare of the Midlands	OE	48,276.94
University of Nebraska	OE	2,000.00
USPS - Hasler	OE	25,000.00
Verizon Wireless	OE	40.01
Warnemunde Insurance & Real Estate	OE	180,806.00
Waste Connections of Nebraska	OE	135.68
Wayne County Court	OE	372.00
Wayne County Historical Society	OE	5,000.00
Wayne County HRA Account	PS	75,000.00
Wayne County Sheriff	OE	349.28
Wayne County Treasurer	OE	115.50
Wayne Fire Hall	ER	40.00
Wayne Herald/Morning Shopper	OE	2,992.64
Wayne, City of	OE	1,041.67
Winside American Legion	ER	20.00
Woehler Trailer Court LLC	ER	700.00
COUNTY ROAD FUND	Salaries \$26,950.70;	
A&R Construction	OE	234,499.24
Appeara	OE	40.00
Backus Sand & Gravel	MA	26,491.26
B's Enterprises, Inc	CO	41,508.20
Carroll Station Inc., The	MA	10,795.33
Carroll, Village of	OE	103.10
Caterpillar financial Services	ER	8,843.79
CNH Industrial Capital America LLC	ER	2,256.69
Farmer's Cooperative, Pilger	RP,MA	18,320.75
Gary Backhaus Gravel	MA	9,609.60
Grossenburg Implement	RP,MA	147.48
Hansen Brothers Parts & Services Inc.	RP	303.52
John's Welding & Tool, LLC	SU	268.19
Martin Marietta Materials	MA	4,040.12
Matteo Sand & Gravel Co Inc.	MA	7,611.76
Midwest Diesel Inc.	RP	1,906.60
Midwest Service & Sales Co	CO	8,158.66
NMC Exchange LLC	RP	148.37
RDO Truck Centers	RP	584.64
Roeber Repair LLC	RP	383.00
S&S Willers Inc.	MA	38,804.04
Seals & Service Inc.	RP	256.00
Wayne Auto Parts	RP	1,288.17
Wayne, City of	OE	594.83
Weldon Parts Norfolk	RP	292.89
Winside, Village of	OE	117.42

ROD PRESERVATION & MODIFICATION FUND

Microfilm Imaging Systems	OE	250.00
MIPS Inc	OE	128.70
COUNTY IMPROVEMENT FUND		
Berggren Architects	CO	5,054.15

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 June 16, 2020, 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 19th day of June, 2020.

Debra Finn, Wayne County Clerk