

The Wayne County Board of Commissioners meeting was called to order by Chairman Dean Burbach at 9:00 a.m. on Tuesday, August 4, 2020, in the meeting room of the Public Safety Annex. Chairman Burbach, Members Terry Sievers and James Rabe, Attorney Amy Miller, Sheriff Jason Dwinell, and Clerk Debra Finn were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on July 23, 2020. A current copy of the Open Meetings Act was posted and accessible to the public.

The following consent agenda items were presented:

- a. Approve minutes of July 21, 2020, as printed in the Commissioners Record
- b. Approve fee reports
- c. Approve payroll
- d. Approve withdrawal of Cusip No. 3130AJHS1 as pledged security for State Nebraska Bank & Trust, Wayne
- e. Cancel check #18040111 payable to RF Machine Works. This check was dated 4/17/18 for \$379.76 drawn on county road fund.

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

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

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

Wayne County Ag Society President Dave Jaeger, Treasurer Dave Ley, and Board Members Jared Heithold and Merlin Felt presented their 2020-21 Tax Dollar Request of \$90,000, the same amount they received last year. The county had a 4-H/FFA fair only this year, but there were still fixed expenses that had to be paid. Upcoming projects include the concrete in front of the grandstand and connecting sidewalks to the new walking trail. A new 4-H building is in the future.

Compared to counties in the area with similar valuations, the Wayne County request is lower. An overview of the Ag Society's financial condition, including fixed expenses, donations, and projections for the next two years was discussed. A listing of several capital expenditures made over the last ten years was distributed and reviewed. It was noted that all major improvements were made with volunteer labor. The Ag Society board members were thanked for their hard work and dedication.

The preliminary tax requests were reviewed, and no significant increases were found. A motion was made by Rabe and seconded by Sievers to approve the following Resolutions. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

**Resolution No. 20-10:** Wayne County Ag Society, General Fund \$90,000.00

**Resolution No. 20-11:** Wayne County Library Association \$13,000.00

**Resolution No. 20-12:** Carroll Rural Fire Protection District No. 1, General Fund \$38,766.00, Bond Fund \$35,898.00, Total \$74,664.00

**Resolution No. 20-13:** Wayne Rural Fire District No. 2, General Fund \$66,240.00, Sinking Fund \$21,000.00, Total \$87,240.00

**Resolution No. 20-14:** Hoskins Rural Fire District No. 3, General Fund \$55,000.00, Sinking Fund \$10,500.00, Total \$65,500.00

**Resolution No. 20-15:** Winside Rural Fire District No. 4, General Fund \$35,148.00, Sinking Fund \$14,000.00, Total \$49,148.00

**Resolution No. 20-16:** Wakefield Rural Fire District, General Fund \$110,000.00

Building maintenance issues were discussed. The lean-to roof on the north side of the courthouse is rotting. Opinions differed on whether the lean-to should be repaired, removed, or replaced. Pat Brentlinger, Building Maintenance, said the lean-to is used for storage, to protect the entrance into the basement, and to cover some pipes. No decisions were made.

The current chiller at the courthouse was installed in 2002 and has recently been having maintenance issues. A quote of \$92,911.00 for replacement was received from Trane. A motion was made by Rabe and seconded by Sievers to accept the quote. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried. Installation of the chiller in the fall will be requested.

Nick Coil of Tradewind Energy was present to answer any final concerns before the vote on the Haystack Road Maintenance Agreement.

Doug Nelson stated that the property taxes collected from the wind power companies are \$3,518 per megawatt, which is only 15% of the tax he pays on real estate. The rate was set by the legislature; what can be done to make up the difference?

Nelson questioned when a road is being used by ag operations and wind construction simultaneously, who has the right of way? The rules of the road apply. Nelson had three points in the maintenance agreement for the board to consider. 1. *The county should require a refundable advance cash deposit by Haystack to cover expenses incurred by the county caused by unperformed obligations.* Nelson noted it would be very difficult to recover now that Haystack is an ENEL company, which means going to an international court if you have to sue. Currently, the county does the work and bills the company. There is a \$10,000 insurance policy that will cover if the county doesn't get paid. 2. *There should be a deadline to remove turbines after decommissioning.* We don't know that it can be covered adequately in the maintenance agreement. This will need to be addressed in the decommissioning agreement. 3. *The \$10,000,000 liability insurance should be moved up to a Grade A+ company.* Nelson recommended they not accept a Class B insurance, and that they make sure that ENEL does not have an interest in, or own the insurance company. Nelson was thanked for sharing these concerns.

Burbach's stated he was concerned that they also maintain non-heavy used roads traveled by maintainers and service vehicles. Coil replied they are going to maintain all roads used for construction traffic.

The 50' setback requirement on page 8 of the agreement was discussed. Rather than restricting the exception to minimum maintenance roads, the board preferred to review each exception. A motion was made by Sievers and seconded by Rabe to amend **Section 2. (y)** of the agreement to state "unless approved by the county," instead of restricting it to minimum maintenance roads, and to approve the Haystack Road Maintenance Agreement with that amendment. Roll call vote: Sievers, Rabe, Burbach – aye; motion carried.

A motion to exempt a 1/3-mile stretch starting about 50' W along 855<sup>th</sup> Rd 565Ave from the setback requirements in the Haystack Road Maintenance Agreement was made by Rabe and seconded by Sievers. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

Coil told the board there would be 69-78 turbines, a combination of lower and higher capacity. It is still a 300 mg project, although they have been approved for up to 660 mg.

Doug Elting of Berggren & Associates told the commissioners they were working on the molding and copper work on the east and west windows. They would start on the new windows on the east side on August 17<sup>th</sup>. Installation of the doors is waiting for the hinges to arrive. Production and delivery of heavy-duty hinges have been slowed down by Covid-19. The snow guards will be installed when the copperwork is complete. Elting recommended paying off the balance on the tuckpointing – about \$9-10,000. The lawn will be seeded using a hydroseeding process.

Highway Superintendent Mark Casey reported that bridge 1805P is eligible for \$12,325.88 in FEMA funding for road/dirt work. It is not eligible for \$31,353.03 in bridge repair. The project wasn't flagged, so the eligible portion can't be diverted to an alternate project. We are waiting for a response from NEMA on whether the scope of work can be changed to cover road closure expenses.

Casey also reported:

- Casey and Rabe reviewed the remaining hill cuts in the Plum Creek project and sent a worklist to Blattner and Bradley. The list included repairs and modifications needed at road cuts, intersections, farm field driveways, etc.
- The Nebraska Department of Natural Resources Floodplain Management Division reviewed the county's response to the March 2019 flooding and seemed satisfied with our efforts. They suggested creating a database of improvements within the floodplain so notices can be sent to the flood-damaged parties when necessary.
- Quotes were received on grader blades and will be placed on file.
- Midwest should begin delivery of sets of twin 72" pipes for District #3.

- Bid specs are being composed for replacement of the skid loader.

Burbach made a motion at 10:54 a.m. for the commissioners, Miller and Finn, to go into executive session. Sievers seconded the motion. Roll call vote: Burbach, Sievers, Rabe – aye; motion carried.

A motion was made by Rabe and seconded by Sievers to go back into regular session at 11:18 a.m. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

A motion was made by Rabe and seconded by Sievers to recess the meeting until Tuesday, August 11<sup>th</sup>, at 9:00 a.m. Roll call vote: Rabe, Sievers, Burbach – aye; motion carried.

The meeting reconvened on Tuesday, August 11<sup>th</sup> at 9:05 a.m. in the Public Safety Annex. Chairman Burbach, Members Sievers and Rabe, and Clerk Finn were in attendance.

A budget work session was held.

- January pay raises will be reduced to offset some of the increased health insurance cost.
- Bulk fuel usage by the Weed District and Highway Superintendent will be determined, and credit applied to Road Dist #1.
- Emergency Manager Nic Kemnitz was asked about the communications trailer damaged in York. The same antenna is no longer available. The insurance company is proposing an antenna of lesser quality that will fit the trailer. Those of higher quality will not fit the trailer. The board advised Kemnitz to ask for a cash settlement. Then it could potentially be applied to the purchase of a higher quality antenna and larger trailer.
- CBMP projects will be in Fund 0300 Function 704 instead of the respective road districts. It has been taking two years or more for road districts to recover the funds spent on these projects.
- Base budgets for county road districts will be increased \$50,000, to \$1,150,000.00 per road district, the same as in 2018. This was not a unanimous decision.
- Snow Removal & Equipment has a balance of \$2,538,008.64. There was a heated discussion on whether there should be a cap on how much each road district can accumulate in the fund. Balances by road district are \$477,852.63, \$443,687.76, and \$1,616,468.25.
- District #2 is budgeting for construction of an equipment storage shed in Carroll.
- Funds are on hand to make final payment on the courthouse restoration project.

**Fee Reports:** Debra K. Allemann-Dannelly, Clerk of District Court, \$888.00 (July Fees).

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

**Claims:**

<b>GENERAL FUND</b>	<b>Salaries \$68,041.83;</b>	
Barnes, Ann M.	RE	264.50
Miller, Amy	RE	2.41
Antelope County Sheriff	OE	4,615.00
AT&T Mobility	OE	22.54
Black Hills Energy	OE	88.40
Bomgaars	SU,RP	233.26
Eakes Office Solutions	SU	48.00
Ecolab Pest Elimination Services	OE	61.42
Egley, Fullner, Montag, Morland & Easland	OE	1,842.85
First Concord Benefits Group	OE	91.03
Floor Maintenance	SU	145.31
Hytrek Lawn Service	OE	600.00
Lincoln Regional Center	OE	90.00
Madison County Sheriff	OE	2.50
Main Street Garage LLC	RP	613.27

Miller Law	ER,OE	3,876.95
Overhead Door Co of Norfolk	RP	70.00
Pierce Pharmacy	OE	37.03
Precision IT	OE	85.00
Quadient	SU	21.78
Quality Printing & Office Supplies	SU	372.66
TRANE	RP	712.90
Uline	CO	128.77
Van Diest Supply Company	SU	534.95
Verizon Wireless	OE	40.01
Wattier, Patti	OE	450.00
Wayne County Clerk of District Court	OE	33.00
Wayne County Treasurer	CO	14.00
<b>COUNTY ROAD FUND</b>	<b>Salaries \$25,781.50;</b>	
Black Hills Energy	OE	29.01
Bomgaars	SU,OE	1,098.57
Caterpillar Financial Services	ER	2,947.93
Fredrickson Oil Company	MA	13,014.82
Grossenburg Implement	RP	42.66
HireRight LLC	OE	325.64
Hoskins Mfg Co., Inc	RP	258.38
Martin Marietta Materials	MA	2,698.74
Matteo Sand & Gravel Co Inc.	MA	1,822.88
NMC Exchange LLC	RP	4,581.88
Northeast Power	OE	178.34
Rolling Hills Supply	SU	244.65
<b>LODGING TAX FUND</b>		
Wayne Blue Devil Booster Club	OE	1,500.00

Meeting was adjourned.

Debra Finn, Wayne County Clerk

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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 August 4, 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 17th day of August, 2020.

Debra Finn, Wayne County Clerk