

Wayne, Nebraska
April 6, 2021

The Wayne County Board of Equalization meeting was called to order by Chairman James Rabe at 9:00 a.m. on Tuesday, April 6, 2021, in the Wayne County Courthouse courtroom. Chairman Rabe, Members Dean Burbach and Terry Sievers, Assessor Dawn Duffy, 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 March 25, 2021. A copy of the Open Meetings Act was posted and accessible to the public.

Tax List Corrections 48 – 51 changing the distribution of tax dollars for Wayne Rentals were approved on motion by Sievers and seconded by Burbach. Roll call vote: Sievers, Burbach, Rabe - aye; motion carried.

The meeting was adjourned.

Debra Finn, Wayne County Clerk

Wayne, Nebraska
April 6, 2021

The Wayne County Board of Commissioners meeting was called to order by Chairman Terry Sievers at 9:05 a.m. on Tuesday, April 6, 2021, in the Wayne County Courthouse courtroom. Chairman Sievers, Members Dean Burbach 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 March 25, 2021. A copy of the Open Meetings Act was posted and accessible to the public.

Chairman Sievers presented the following consent agenda items:

- a. Approve minutes of March 16, 2021, as printed in the Commissioners Record
- b. Approve fee reports – Debra K. Allemann Dannelly, Clerk of District Court, March Fees \$2,368.30
- c. Approve payroll, with each commissioner abstaining from approving their own claim
- d. Approve a Special Designated Liquor License for White Dog Pub, Inc. to serve at a wedding reception at the Wayne County Fairgrounds Commercial Building on June 26, 2021, from 3:00 p.m. until midnight
- e. Approve a Special Designated Liquor License for White Dog Pub, Inc. to serve at a wedding reception at the Wayne County Fairgrounds Commercial Building on Oct 16, 2021, from 3:00 p.m. until midnight
- f. Approve a Special Designated Liquor License for Oak Street Station LLC for Open House for Golf Course at the Logan Valley Golf Course on April 17, 2021, from 8:00 a.m. to 11:59 p.m.
- g. Approve Resolution 21-07 declaring LD Day

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

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

The Allo Communication utility application to bore fiber line along 855th Rd and 577th Ave was again presented for approval. Final details had been agreed upon since the March 16th meeting. Rabe made a motion and Burbach seconded approving the application. Roll call vote: Rabe, Burbach, Sievers – aye; motion carried. Bauer Underground will contact the Sievers when they are close to getting started.

Emergency Manager Nic Kemnitz reported an increase in statewide COVID hospitalizations. PPE shipments are now taking place monthly rather than weekly. Kemnitz will be participating with the Wakefield, Wayne, and Winside Schools in an Emergency Operations Planning Training being hosted by the State via Zoom. An Emergency Response Planning Meeting is being conducted on April 22nd in preparation for the upcoming MayDay STOL event. Kemnitz will also participate in the Rural Region One Medical Response System (RRMRS) Medical Burn Surge Exercise.

The Nebraska Association of County Officials has contracted with Zelle Human Resource Solutions to provide personnel issue assistance to counties at a reduced cost. Counties can contract on an hourly basis, monthly retainer, or for special projects. A proposal to review, make recommendations, and revise the Wayne County employee handbook for a fee of \$5,000 was accepted on motion by Rabe and second by Burbach. Roll call vote: Rabe, Burbach, Sievers – aye; motion carried.

Treasurer Tammy Paustian reported the interest rate on CD's is very low at this time. She has some maturing 24-month CD's that she is investing for only 12 months, hoping that interest will be better next year.

Wayne County is to receive \$1,836,000 from the COVID American Rescue Plan Act. There will be stipulations on how the money can be spent, and it must be held in a special reserve fund since it is federal money. Paustian is considering depositing the federal money in NPAIT, so local banks don't have to worry about pledging additional securities. She will be checking into interest rates first. The money is to arrive within ninety days.

To add the funds to the county budget, Resolution No. 21-08 was approved on a motion made by Burbach and seconded by Rabe. Roll call vote: Burbach, Rabe, Sievers – aye; motion carried.

Resolution No. 21-08: "WHEREAS, the Wayne County Board of Commissioners has been advised by the Nebraska State Auditor's office to establish Fund 2580 COVID American Rescue Plan; and

THEREFORE BE IT HEREBY RESOLVED by the Wayne County Board of Commissioners to direct the County Treasurer to establish/add Fund 2580 COVID American Rescue Plan and to direct the County Clerk to establish/add Fund 2580 COVID American Rescue Plan in the County Budget.

AND that the same is hereby approved."

The manager application for Logan Valley Golf Course at Wakefield was reviewed. There were no concerns expressed. A motion was made by Rabe and seconded by Burbach to recommend approval of the manager for Logan Valley Golf Course to the Nebraska Liquor Control Commission. Roll call vote: Rabe, Burbach, Sievers – aye; motion carried.

Highway Superintendent Mark Casey reported receiving a utility permit application from John Mangels, and 11 applications from Pierce Telephone Company. All the applications met requirements and will be approved.

At 9:47 a.m., a motion was made by Rabe and seconded by Burbach to enter closed session to discuss potential litigation with Herbst Construction over the liquidation of damages for BRO-7090(20) Wayne West (aka the Temme bridge). Individuals included in the closed session were Commissioners Sievers, Rabe, Burbach, Attorney Miller, Highway Superintendent Mark Casey, Engineer Mark Mainelli, Department of Roads Staff Jeff Francis and Pat Boyle, Sheriff Dwinell and Clerk Finn. Roll call vote: Rabe, Burbach, Sievers – aye; motion carried.

A motion was made by Burbach and seconded by Rabe to reconvene open session at 10:10 a.m. Roll call vote: Burbach, Rabe, Sievers – aye; motion carried.

Doug Elting of Berggren Architects submitted Change Order 3 for finish work to the east and south entrances, Change Order 5 for the small gutter installation work, and Alpha Change Order C to use the masonry allowance for the exit hardware, tuckpointing priority work, and to supply and install automatic door bottoms for the east and south entrances. The board disagreed with payment for all three sets of exit hardware; their opinion was they should only pay for the set used.

David Levy of Baird Holm LLP appeared before the board as a representative of NextERA for the Sholes Wind Project. There has been a lot of frustration trying to negotiate acceptable drives for the Sholes Wind Project. Levy asked if something different could be worked out for Turbine 17 and Turbine 35; the county's requested change would require an extra half acre of land, which seemed questionable for one pickup a week to travel on.

Levy told the board that the way wind leases work is they get signed leases, then the wind farm is developed, and then they agree upon the location of the wind turbines. If the driveways are changed, they may have to re-negotiate with the landowner. Burbach and Casey maintained it is a safety issue, and NextERA knew the drives had to meet certification requirements in Title 428, Chapter 2 before the project started. After debating the situation, it was agreed to have Engineer Mark Mainelli work with NextERA to try and find ways to make the current drives meet guidelines. Temporary safety signage will be installed until the driveways meet certification requirements.

Rabe made a motion, seconded by Burbach, to approve the Wayne County Convention & Visitors Bureau Committee recommendations on the following Lodging Tax Grant Applications: #21-01, approved \$1,300 for Cars-N-Carroll Show & Shine on September 26, 2021; #21-02, approved \$500 for Gene Topp Memorial Car Show on June 20, 2021; #21-03, approved \$1,500 for Winside Old Settlers & School Alumni Banquet June 18-20, 2021; #21-04, approved \$2,000 for radio advertising for the Wayne County Fair July 22-25, 2021; #21-05, approved \$2,000 for fair book printing for the Wayne County Fair July 22-25, 2021; #21-06, approved \$3,000 for advertising Wayne County in News Channel Nebraska Best of Northeast Nebraska Backroads Passport Program; #21-07, approved \$2,000 for promotion of

Henoween on July 9, 2021; #21-08, approved \$2,000 for promotion of Wayne Chicken Show July 9-11, 2021. Roll call vote: Rabe, Burbach, Sievers – aye; motion carried.

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

Abbreviations: SU-Supplies, MA-Materials, RP-Repairs, OE-Operating Expense, ER-Equipment Rent, CO-Capital Outlays

General Fund Salaries and Reimbursements: \$79,966.79; Albin, Mark D., Court OE \$455.75; Arnie’s Ford, RP \$51.79; Black Hills Energy, OE \$649.67; Bomgaars, SU \$11.84; Cardmember Services, SU \$70.60; Carhart Lumber Company, SU \$19.99; Centec Cast Metal Products, OE \$401.87; DAS State Accounting, OE \$45.00; Eakes Office Solutions, CO \$190.53; Ecolab Pest Elimination Service, OE \$61.42; Egley, Fullner, Montag, Morland & Easland, OE \$997.50; Feld Fire, OE \$366.95; First Concord Benefits Group, OE \$105.00; Floor Maintenance, SU \$142.39; Government Forms & Supplies, SU \$247.00; Heartland Fire Protection Company, RP \$235.72; Johnson, Mark, SU \$26.48; Lynn Peavey Company, SU \$58.70; Madison County Sheriff, OE \$28.29; Midwest Alarm, RP \$218.75; Miller Law, SU,OE,ER \$4,053.90; Morrill County Court, OE \$2.25; NE Assn of County Treasurers, OE \$100.00; NE Health & Human Services, OE \$168,00; NE State Fire Marshall, OE \$120.00; One Office Solution, Office, SU \$280.98; Precision IT, SU \$63.00; Quadiant, ER \$1,284.27; Quality Printing & Office Supplies, SU,CO \$2,602.42; Security Shredding Services, OE \$70.00; Verizon Wireless, OE \$40.01; Patti Wattier, OE \$900.00; Wayne County, OE \$10.00; Wayne County Clerk of District Court, OE \$10.00; Wayne County Sheriff, OE \$33.50; City of Wayne, OE \$896.64;

County Road Fund Salaries & Reimbursements: \$48,911.00; Black Hills Energy, OE \$206.05; Carroll Station Inc., MA \$13,178.80; CNH Industrial Capital America LLC, ER \$2,256.69; Cornhusker International Trucks, ERP \$122.99; DMC Repair, SU \$100.00; Eastern NE Trailer Repair Inc, RP \$227.77; Fastenal, SU \$67.00; Fredrickson Oil Company, RP \$16.00; GI Trailer, RP \$680.24; Grossenburg Imp., RP,MA \$322.27; Lammers Trailer & Repair LLC, RP \$3,745.80; Lance, Mike, SU \$250.00; Matteo Sand & Gravel Co Inc., MA \$1,926.25; Midwest Service and Sales Co., RP \$374.40; NMC Exchange LLC, RP,MA \$751.30; Northeast Glass, RP \$1,675.00; Northeast Power, OE \$267.80; O’Reilly First Call, SU \$350.99; Prairie Fabrication LLC, RP \$672.70; RDO Truck Centers, RP \$637.16; Titan Machinery, RP \$7,286.81; TMS International, MA \$740.90; Wayne, City of, OE \$551.81; Weldon Parts Norfolk, Rd Equip RP \$889.30;

Snow Removal & Equipment Fund: Murphy Tractor & Equipment Co, CO \$336,300.00.

Meeting was adjourned

Debra Finn, Wayne County Clerk

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State of Nebraska)
County of Wayne) ss.

I the undersigned, County Clerk of Wayne County Nebraska, hereby certify that al of the subject included in the attached proceedings were contained in the agenda for the meeting of April 6, 2021, kept continually current and available for the public inspection at the office of the County Clerk; that such subjects were contained in such 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 ten working days and prior to the next convened meeting of said body.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of April, 2021.

Debra Finn, Wayne County Clerk