

Wayne, Nebraska
April 20, 2021

The Wayne County Board of Commissioners meeting was called to order by Chairman Terry Sievers at 9:00 a.m. on Tuesday, April 20, 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 April 8, 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 April 6, 2021, as printed in the Commissioners Record
- b. Approve fee reports – Jason Dwinell, County Sheriff \$1,298.92; Debra Finn, County Clerk, \$18,508.00
- c. Approve payroll, with each commissioner abstaining from approving their personal claim
- d. Approve Special Designated Liquor License Permit for Oak Street Station LLC to serve at the Logan Valley Golf Course on May 8, 2021, from 6:00 p.m. until 11:59 p.m.
- e. Approve Special Designated Liquor License Permit for Jerry's Hill Top LLC to serve a wedding reception at the Wayne Fairgrounds Ag Building on May 22, 2021, from 3:00 p.m. until 12:30 a.m.
- f. Approve withdrawal of Cusip #25929RCG8 for \$120,000 as a security pledged by Elkhorn Valley Bank

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.

Emergency Manager Nic Kemnitz received a request to have the EOC Trailer at the MayDay STOL Event as a central spot for Safety/Security information, etc. An Emergency Response Planning Meeting for upcoming MayDay STOL will be held on Thursday, April 21st at 7:00 p.m. at the Wayne Fire Hall. Kemnitz also reported NET will be changing out an electrical transformer at the tower site. Our communications equipment will be powered with a portable generator during that time.

Representing several Wayne County residents, Scott Sievers asked the commissioners to pass the second amendment resolution. This resolution declares support for the constitution and does not allow anyone to infringe upon the right to keep and bear arms. Scott Sievers reminded the commissioners they had taken an oath to support and defend the United States and the U.S. Constitution, and they needed to follow the majority of other counties in Nebraska by passing this resolution.

Resolution No. 21-09 in support of the second amendment to the constitution was adopted on motion by Burbach and second by Rabe. Roll call vote: Burbach, Rabe, Sievers – aye; motion carried.

Resolution No. 21-09: “WHEREAS, the Second Amendment to the United States Constitution provides that it is the right of the people to keep and bear arms, and that right shall not be infringed; and,

WHEREAS, Article 1, Section 1-1 of the Nebraska Constitution also provides the right to keep and bear arms, specifically “for security or defense of self, family, home and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes” and all provides that such right shall not be infringed; and,

WHEREAS, the United States Supreme Court in the District of Columbia v. Heller, 554 U.S. 570 (2008) affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and,

WHEREAS, it is the desire of the Wayne County Board of Commissioners to declare its support of the Second Amendment to the United States Constitution and Article 1, Section 1-1 of the Nebraska Constitution; and,

WHEREAS, the members of the Wayne County Board of Commissioners took an oath to support and defend the United States and Nebraska Constitutions.

NOW, THEREFORE, BE IT RESOLVED, THAT THE Wayne County Board of Commissioners hereby declare that we support the rights and liberties of all Wayne County citizens guaranteed by the United States and Nebraska Constitutions.

BE IT FURTHER RESOLVED THAT THIS Board affirms its support for the duly elected Sheriff of Wayne County, Nebraska, and his continuing efforts to uphold the United States and Nebraska Constitutions.”

Berggren Architect representative Doug Elting reported there was still work to be done on the punch list. They had relayed information about the broken door hardware and the grass damage, but hadn’t heard much from the

contractor. The commissioners stated nothing had been done since the last meeting, and they would not approve the contractor's application for payment until they completed the work.

David Levy called to verify the county would be responsible for the installation of temporary signage for the Sholes Wind Project drives that did not meet certification requirements. Highway Superintendent Mark Casey estimated the materials and labor at \$2,000.00, which will be billed to NextEra.

Casey received an updated map of the wind tower locations for the Haystack Wind Project. The numbering system doesn't match any of the previous maps, and it doesn't say how many drives are involved. Casey requested a plan and profile sheet with the new tower numbers listed, and further clarification on the driveway locations.

Representatives of the Haystack Wind Project said their work is really starting to ramp up. Road modifications will be done south of Highway 98 by the first of May. Board questions were answered.

A motion was made by Burbach and seconded by Rabe to approve all claims as presented except for claim #21040143 to Kingery Construction. Roll call vote: Burbach, Rabe, Sievers – aye; motion carried.

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

General Fund: Payroll and Reimbursements, \$65,737.58; Perla J Alarcon-Flory, LLC, OE \$380.20; Albin, Mark D., OE \$564.73; American Broadband, OE \$2,197.58; Appera, OE \$726.63; Cardmember Services, SU, CO, OE \$1,172.98; Cardmember Services, OE \$145.02; Carroll Station Inc., MA \$53.41; DAS State Accounting, OE \$45.00; Eakes Office Solutions, SU, ER \$256.57; Eastern NE Telephone Company, OE \$97.84; Electronic Engineering , CO \$230.72; Elkhorn Valley Bank, SU \$114.15; Farmers Co-operative, MA \$274.61; Feld Fire, CO \$23.00; Floor Maintenance, SU \$216.68; Hometown Leasing, ER \$121.85; Lutt Oil, MA, OE \$1,779.69; Midwest Alarm, RP \$2,107.20; MIPS, ER, CO \$2,715.89; National Association of Counties, OE \$450.00; Northeast Nebraska Telephone Company, OE \$79.42; Pac-N-Save, SU \$35.52; Pierce County Sheriff's Department, OE \$2,350.00; Quadient Leasing, ER \$1,049.70; Quality Printing & Office Supplies, SU \$413.90; Region IV Inc., OE \$2,677.25; RR Donnelley, OE \$326.04; Sleuth Systems, SU \$3,344.00; Stanton County Court, OE \$4.25; Tacos & More, OE \$7.99; The Apothecary Shop, OE \$81.24; Thurston County Sheriff, OE \$1,200.00; Tower Plastics Mfg. Inc., SU \$626.26; U.S. Cellular, OE \$466.38; UHS Premium Billing, PS \$71,329.88; UNL Print and Copy Services, SU \$246.87; Van Diest Supply Company, SU \$1,909.60; Wanek Pharmacy, OE \$107.98; Waste Connections of Nebraska, OE \$145.17; Wayne Auto Parts, SU, RP \$158.09; Wayne County Clerk of District Court, OE \$36.00; Wayne County Court, OE \$2,288.50; Wayne County HRA Account, PS \$46,441.27; Wayne County Treasurer, OE \$590.31; Wayne Herald/Morning Shopper, OE \$951.86; Wayne Veterinary Clinic P.C., OE \$70.00; Wayne, City of, OE \$6753.05; Woehler Trailer Court LLC, ER \$700.00; Farmers State Bank Acct# 244-220, PS \$14,960.95; Aflac, PS \$632.38; Delta Dental of Nebraska, PS \$433.45; First Concord Benefits Group, PS, OE \$3,591.62; Legal Shield, PS \$61.80; Nebraska Department of Revenue, PS \$5,631.86; Retirement Plans Division of Ameritas, PS \$7,461.44; Vision Service Plan, PS \$244.12; Washington National Insurance Co., PS \$116.00; Wayne County Treasurer, PS \$1,320.71.

County Road Fund: Payroll & Reimbursements, \$32,659.50; Appera, OE \$43.91; Arnie's Ford, CO \$29,580.00; Backus Sand & Gravel, MA \$21,322.33; Bauer Built, RP \$169.38; Carroll, Village of, OE \$105.10; Farmers Co-operative, RP, MA \$22,711.73; Gary Backhaus Gravel, MA \$37,615.08; Hoskins Mfg. Co. Inc., RP \$25.00; John's Welding & Tool, LLC, RP \$4.68; Matteo Sand & Gravel Co. Inc., MA \$8,897.72; Midwest Service and Sales Co., MA \$10,500.00; NMC Exchange LLC, RP, MA \$1,751.29; Pollard Pumping, OE \$890.00; RDO Truck Centers, RP \$746.51; S & S Willers Inc., DBA Pilger Sand & Gravel, MA \$34,223.01; Stalp Gravel Company, MA \$24,591.21; Titan Machinery, RP \$206.73; Tri-State Communications Inc., RP \$419.00; Wayne Auto Parts, RP, SU \$349.37; Weldon Auto Parts, RP \$141.20; Winside, Village of, OE \$142.70; Farmers State Bank Acct#244-220, PS \$6,893.96; Aflac, PS \$351.91; Delta Dental of Nebraska, PS \$355.20; First Concord Benefits Group, PS \$545.82; Nationwide Retirement Solutions, PS \$40.00; Nebraska Department of Revenue, PS \$3,016.38; Retirement Plans Division of Ameritas, PS \$3,653.10; Vision Service Plan, PS \$79.44; Washington National Insurance Co., PS \$75.40; Wayne County Treasurer, PS \$730.59.

Lodging Tax Fund: Janssen, Georgia, OE \$52.86; Wayne Herald/Morning Shopper, OE \$84.00.

ROD Preservation & Modernization: Microfilm Imaging Systems, OE \$365.00; MIPS, OE \$134.09.

County Improvement Fund: Berggren Architects, CO \$7,120.92, Kingery Construction, Co \$67,720.74.

The meeting was adjourned

Debra Finn, Wayne County Clerk

County of Wayne) ss.

I the undersigned, County Clerk of Wayne County Nebraska, hereby certify that all of the subject included in the attached proceedings were contained in the agenda for the meeting of April 20, 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 23rd day of April, 2021.

Debra Finn, Wayne County Clerk