

Wayne, Nebraska  
August 6, 2024

The Wayne County Board of Equalization meeting was called to order by Chairman Dean Burbach at 9:00 a.m. on Tuesday, August 6, 2024, in the Wayne County Courthouse courtroom. Present were Chairman Burbach, Members James Rabe, Terry Sievers, Attorney Ted Lohrberg, Sheriff Jason Dwinell and Deputy County Clerk Joni Tietz. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on August 1, 2024. A copy of the Open Meetings Act was posted and accessible to the public.

Rabe made a motion with Sievers seconding it to approve the agenda. Roll call vote: Rabe, Sievers, Burbach-all aye; motion carried.

County Assessor, Dawn Duffy, presented the Cemetery Property Ownership and Usage Report. Motion made by Sievers, seconded by Rabe to accept such report. Roll call vote: Sievers, Rabe, Burbach-all aye; motion carried.

Assessor Duffy also presented the Three-Year Assessment Plan. There are a few homestead changes but nothing has changed in assessment practices. Motion made by Rabe, seconded by Sievers to accept the Plan. Roll call vote: Rabe, Sievers, Burbach-all aye; motion carried.

There being no further business, the meeting was adjourned.

#### WAYNE BOARD OF COMMISSIONER MEETING

August 6, 2024

The Wayne County Board of Commissioners meeting was called to order by Chairman Terry Sievers at 9:05 a.m. on Tuesday, August 6, 2024, in the Wayne County Courthouse courtroom. Chairman Sievers, Members Dean Burbach and James Rabe, Deputy County Attorney Ted Lohrberg, Sheriff Jason Dwinell, and Deputy Clerk Joni Tietz were present. Notice of this meeting was published in the Wayne Herald, a legal newspaper, on August 1, 2024. 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 July 18, 2024, as printed in the Commissioners Record
- b. Approve payroll, with each commissioner abstaining from approving their own claim
- c. Approve fee reports: Jason Dwinell, Wayne County Sheriff-June 2024 fees - \$1,276.60

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

Kyle Huff, Highway Superintendent informed the board that two additions were added to the One & Six Year Highway Improvement Plan including Project C90-690 in District 3 adding three 7 ft. pipes and C90-689 in District 2 replacing a caved in bridge. Subsequently, Huff, presented the following Resolution 24-02-01 which was approved on motion of Burbach, seconded by Rabe. Roll call vote: Burbach, Rabe, Sievers-all ayes; motion carried. Resolution 24-02-01 reads:

WHEREAS, THE Wayne County Highway Superintendent has presented a Revision of the One and Six Year Highway Improvement Plan to the County Board of said County, and

WHEREAS, the said Board deems it to be in the best interest of the County to adopt said plan as presented,

NOW, THEREFORE BE IT RESOLVED, by the County Board of Wayne County, Nebraska, that said plan be and hereby is approved and accepted.

Huff also requested the Board sign Resolution 24-07 which is the County Annual Certification of Program Compliance for 2024. Motion was made by Burbach and seconded by Rabe that the Resolution be signed. Roll call vote: Burbach, Rabe, Sievers-aye. Motion carried.

WHEREAS: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121 and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and standards; and

WHEREAS: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

BE IT RESOLVED THAT THE County Board Chairperson of Wayne County is hereby authorized to sign the County Annual Certification of Program Compliance

Huff again presented the Application from East. Nebraska Telephone (Fastwyre) which was tabled last meeting. District 2 Commissioner Burbach discussed concerns about them tearing up a lot of road for harvest if they begin in September and gravel would be difficult to obtain in the spring. It was moved by Rabe and seconded by Burbach that if a hard start date is determined and the company would prepay gravel the Board would approve the application. Roll call vote: Rabe, Burbach, Sievers – ayes; Motion carried.

The Board was asked by Huff to approve Resolution 24-08 certifying proper completion of project which pertains to the Beiermann and Nau Bridges. The county will be reimbursed for \$200,000 on the combined projects. Motion by Burbach and seconded by Rabe to approve Resolution No. 24-08. Roll call vote: Burbach, Rabe, Sievers-all ayes; Motion carried. Resolution No. 24-08 Certifying Property Completion of Project:

WHEREAS: Wayne County and State entered into an agreement entitled “County Bridge Matching Program Agreement”, for Structure Numbers C009004330 and C009002905 (the Project), Program Agreement Number BL2212 signed by State on the 29<sup>th</sup> day of March, 2022; and

WHEREAS, Wayne County has now completed the construction of the Project that was identified in the Program Agreement; and

WHEREAS: this Resolution is to formally notify State of the proper completion of the Project according to the terms of the Program Agreement.

BE IT RESOLVED: by the Board of Commissioners of Wayne County:

- (1) The Project, for Structure Nos C009004330 and C009002905, has been properly constructed by County and its contractor, in accordance with the terms of the Program Agreement.
- (2) The bridge was constructed in strict compliance with
  - (a) The plans and specifications including any State-approved change orders,
  - (b) All applicable design standards, and
  - (c) The conditions and requirements of the Program Agreement.
- (3) County understands that it is the owner of the bridge, and that it is solely responsible for the Design, inspection, construction, reconstruction, repair, and operation of the bridge and roadway and is responsible for meeting any environmental or other post-construction permit or legal commitments applicable to the project.
- (4) The project costs were fair, reasonable and necessary for the property construction of the Project.

Highway Superintendent, Kyle Huff’s, six month job performance review was tabled.

Action was taken on Amended Resolution No. 24-06 transferring money from Snow Removal & Equipment Fund to County Road Fund due to an error in transferring money in the original Resolution No. 24-06. Motion made by Rabe and seconded by Burbach to approve Amended Resolution No. 24-06. Roll call vote: Rabe, Burbach, Sievers-all ayes; Motion carried.

WHEREAS, an error in Clerk’s Chart of Accounts for District 2 created a shortfall in County Road Fund; and

WHEREAS, an error in Clerk’s Chart of Accounts for District 3 created a shortfall in County Road Fund,

NOW THEREFORE, BE IT RESOLVED by the Wayne County Board of Commissioners that the following amounts be transferred from the Snow Removal and Equipment Fund to the County Road and Bridge Fund:

District #2-\$220,000.00; District 3-\$350,000.

Nic Kemnitz, Wayne County Emergency Manager, thanked the Board for their assistance during the Wayne County Fair. During the storm that hit the fair the EOC Trailer's awning was damaged. Kemnitz was directed to first check to see if insurance will cover any damage and then make arrangements to have it repaired. Kemnitz stated he would be attending the South Dakota Emergency Management Association Conference in Oacoma, SD, September 11-12, 2024.

Wayne County Sheriff, Jason Dwinell, gave his annual report on Distress Warrants. As of this time there remain only 5 unpaid warrants with a value of \$1,483.46. County Treasurer, Lisa Lindsay, is in the process of managing payment of 1 of those warrants.

The Board recessed the meeting at 9:48 and reconvened at 1:00 in the Commissioner Room. Present were Board members, Terry Sievers, James Rabe, Dean Burbach, Clerk Joni Tietz, Treasurer Lisa Lindsay, Assessor Dawn Duffy and Mike Pommer, CPA. Discussion was held on the 2024-25 Budget. Pommer will put more figures together and bring them to the next meeting on August 20<sup>th</sup>.

The following claims were approved on motion by Burbach and seconded by Rabe. Roll call vote: Burbach, Rabe, Sievers – aye; motion carried:

**General Fund:** Payroll & Reimbursements: \$91,653.86; Ace Hardware & Home, SU \$42.52; Advanced Consulting Engineering Svcs, CO \$1,243.60; Albin, Mark, OE \$730.63; Appera, OE \$496.62; Arnie's Ford, RP \$56.37; At & T Mobility, OE \$91.47; Black Hills Energy, OE \$144.12; Bomgaars, SU, RP \$119.92; Copy Write, OE \$75.57; Dell Marketing, CO \$3,429.41; Dept. Correctional Svcs, OE \$5,413.79; Eakes Office Solutions, SU, OE \$471.68; Ecolab Pest Elimination Serv., OE \$61.42; Egley, Fullner, Montag, et al., OE \$849.08; Fastwyre Broadband, OE \$142.49; Floor Maintenance, SU \$155.98; Holiday Inn Express Chadron, OE \$214.00; Jorgensen Law, OE \$1,717.38; Madison County Treasurer, O E \$19,937.17; Main Street Garage LLC, RP \$25.00; Miller Law, OE, ER \$1,678.98; Mips Inc., ER, CO \$2,878.35; Northeast Nebraska Juvenile, OE \$2,462.25; One Office Solution, SU \$290.76; Pike Reporting Company, OE \$455.20; Schenk, Stacy, OE \$475.00; Sears Auto Sales & Towing, OE \$303.00; Stratton, Delay, et al., OE \$653.56; Van Diest Supply Company, SU \$371.40; Verizon Wireless, OE \$40.01; Warnemunde Insurance, OE \$269.00; Wayne County Clerk of Dist. Court, OE \$254.00; Wayne County Court, OE \$553.50; Wayne County Sheriff, OE \$95.20; Wayne Herald, OE \$733.47; Wayne, City of, OE \$10,400.73; Y&Y Lawn Service, OE \$500.00; Nebraska Bank Acct #244-220, PS \$21,337.80; Retirement Plans Div. Of Ameritas, PS \$10,414.81;

**County Road Fund:** Payroll & Reimbursements: \$63,283.44; B's Enterprises, Inc., MA \$34,227.78; Black Hills Energy, OE \$49.54; Bomgaars, SU, MA, RP \$377.84; Carroll, Village of, OE \$106.50; Fredrickson Oil Company, RP \$104.00; Hireright, LLC, OE \$458.55; Janke, Patricia, MA \$3,187.24; Martin Marietta Materials, MA \$2,357.51; Matteo Sand & Gravel Co. Inc., MA \$10,901.60; Menard's, RP, SU \$26.26; NMC Exchange LLC, RP \$15,952.77; Northeast Power, OE \$173.05; RDO Truck Centers, RP \$19,876.41; SAPP Brothers Inc., SU \$199.50; Schmitt Construction Inc., MA \$455.32; Wayne, City of, OE \$479.09; Nebraska Bank Acct #244-220, PS \$14,181.86; Retirement Plans Div. Of Ameritas, PS \$7,119.39;

**Highway Bridge Buyback:** Dixon Construction Co., CO \$152,050.76; Graves Construction, CO \$61,263.68;

**Lodging Tax Fund:** Hometown Café, Taco's and More, OE \$67.17; Little Red Hen Theatre, OE \$590.00;

**ROD Preservation & Modernization:** MIPS Inc., OE \$156.48

Meeting adjourned

Joni Tietz, County Clerk

State of Nebraska)  
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 August 6, 2024, kept continually current and available for 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 6th day of August, 2024.

Joni Tietz, Wayne County Clerk