



Hayes County Board Minutes



Hayes County Commissioners
December 12, 2017

A Regular meeting of the Hayes County Board of Commissioners was scheduled for December 12, 2017 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given by publication and posted in accordance with law. Chairman Unger called the meeting to order at 8:45 A.M. The Open Meetings Act was available for review and Chair indicated location of such copy in the room where the meeting was being held. Those present were Wayne Christner, Jeffrey Unger, Barry Richards, Rita Erickson, Susan Messersmith, D. Eugene Garner, Tom Dow, Joe Miller, Phil Dixon and Craig Softley.

Christner moved, second by Unger to approve the agenda. Roll call vote: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger requested comments from the audience. There were none.

Richards moved, second by Unger to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of District Court, and Imprest Account and the minutes of the November 14, 2017 meeting with a correction to the following published motion: *Unger moved, second by Christner to adopt Resolution 2017-22, reclassification of Road 749 between Avenues **372 and 374** from Minimum Maintenance to Rural. Roll call vote: Richards, absent; Christner, yes; Unger, yes. Motion carried.* The motion should have read *Unger moved, second by Christner to adopt Resolution 2017-22, reclassification of Road 749 between Avenues **373 and 374** from Minimum Maintenance to Rural. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.*

Rueben Echols joined the meeting to discuss architect plans and questions regarding the elevator project.

Unger moved, second by Christner to adopt Hayes County CDBG Owner Occupied Rehabilitation Amended Program Guidelines for Contract #09HO3093. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to adopt Resolution 2017-26:

WHEREAS, the County of Hayes County, Nebraska, is a political subdivision of the State of Nebraska; and

WHEREAS, pursuant to NEB. REV. STAT. 39-1722 et. seq., the County Board of Commissioners of Hayes County, Nebraska, has received a written report of a study made by County Highway Superintendent, Phillip W. Dixon, regarding the vacation or abandonment of Hayes County Road 744 running east and west on the South Side of Section Thirty-five (35), Township Eight (8) North, Range Thirty-Three (33) West of the 6th P.M., Hayes County, Nebraska

WHEREAS, NEB. REV. STAT. § 39-1724 requires that the County Board fix a time, date and place for public hearing to consider whether said road should be vacated or abandoned.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF HAYES COUNTY, NEBRASKA:

1. That a public hearing be held on the 9th day of January, 2018 at 10:30 A.M. CT in the Commissioner's Room in the Hayes County Courthouse, 505 Troth Street, Hayes Center, Nebraska, to consider whether to vacate or abandon that portion of Hayes County Road 744 running east and west between Section Thirty-five (35), Township Eight (8) North, Range Thirty-Three (33) West of the 6th P.M., and Section Two (2), Township Seven (7), Range Thirty-Three (33), West of the 6th P.M. in Hayes County, Nebraska.

2. That a copy of this resolution shall be published once a week for three consecutive weeks in a legal newspaper of the County, those dates being December 21, 2017, December 28, 2017, and January 4, 2018.

3. That a copy of this Resolution shall be served by certified or registered mail or by personal service upon the owners of land abutting on or adjacent to said road and to the public utility service providers having utilities located adjacent to said road, by mailing the same to the last known address of each owner not less than two (2) weeks in advance of the hearing;

4. That this Resolution shall be retained in the office of the Hayes County Clerk as part of the permanent records of the County Board of Commissioners of Hayes County, Nebraska.

Passed and approved on this 12th day of December, 2017.

Roll call vote: Unger, yes; Richards, yes; Christner, yes. Motion carried.



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Craig Softley updated the Board on Economic Development activity. The Rural Business Development Grant from USDA Rural Development has full approval from the USDA. ADA updates to the courthouse may be funded through the USDA Rural Economic Development Loan & Grant Program (REDLG). The application process is underway.

Unger moved, second by Richards to direct Chairman to sign Purchase Agreement with Great Plains Communication Tele-Data, Inc. for delivery to and installation of wiring services inside the courthouse. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Richards to approve the Telecommunications Services Agreement dated 12-5-2017, between Netlink, Inc. a wholly-owned subsidiary of Great Plains Communications, Inc. and Hayes County for 200 X 200 Mbps internet access and phone service. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Chairman Unger recessed the meeting at 12:10 P.M. for lunch and reconvened the meeting at 12:55 P.M.

Richards moved, second by Christner to direct chairman to sign the certification of County Highway Superintendent. Roll call vote: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Unger to approve application to occupy road right-of-way 2017-05 for installation of an underground water line in the NE4 of Section 19, T-5N, R-31W. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Christner to modify the agenda to include an item of emergency nature, possible litigation and not having legal counsel to address the item, as evidenced by communication of claim or threat of litigation regarding Kip Richards. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Richards moved, second by Christner to enter into executive session at 2:04 P.M. to address an item of emergency nature, possible litigation and not having legal counsel to address the item, as evidenced by communication of claim or threat of litigation regarding Kip Richards. Roll call vote: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to come out of executive session at 3:28 P.M. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to approve and pay claims, excluding claims 1712044 and 1712043, in the amount of \$71,511.22. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Christner to approve and pay claims 1712044 and 1712043 in the amount of \$4,280.28. Roll call vote: Unger, yes; Richards, abstain; Christner, yes. Motion carried.

Unger moved, second by Christner to approve payroll in the amount of \$65,069.86. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Richards to approve the Treasurers November 2017 Report. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Christner moved, second by Unger to adjourn at 4:35 P.M. Roll call vote: Unger, yes; Richards, yes; Christner, yes. Motion carried.

The next Regular Meeting is January 9, 2018 at 8:30 A.M.

Hayes County Clerk

Board Chairman