

Hayes County Board of Commissioners
May 30, 2025

A meeting of the Hayes County Board of Commissioners was scheduled for May 30, 2025, at 8:35 A.M. in the Hayes County Courthouse, 505 Troth Street, Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on May 28, 2025, and posted in accordance with law. Chairman Christner called the meeting to order at 9:13 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. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Those present were board members Wayne Christner, Kevin Fornoff and Barry Richards; Susan Messersmith, County Clerk; Tammy Schwenk, County Treasurer; and D. Eugene Garner, Hayes County Attorney. Visitor present was Brian Schafer.

Richards moved, second by Fornoff to approve Katie Collins for temporary part-time employment in the County Treasurers office. Discussion held. Roll call: Richards, yes; Christner, yes; Fornoff, yes. Motion carried.

Richards moved, second by Fornoff to approve the agenda. Discussion held. Roll call: Christner, yes; Fornoff, yes; Richards, yes. Motion carried.

Brian Schafer was present to visit with the Board regarding Road 360A and pending litigation. Garner made the Board aware that an attorney had made appearance in the Hayes County Court Case CR 24-12, in which Paul Wood had been appointed as special prosecutor. Garner also informed the Board that based upon a recent conversation with Mr. Schafer, he also had retained counsel. Mr. Garner informed the Board of his ethical duty to not communicate with the defendants without their legal counsel present and advised against the Board communicating with the Defendants without their legal counsel being present. Garner advised the Board to schedule a specific time on the June 10, 2025 agenda, which is prior to the scheduled June 18, 2025 court hearings, to ensure all counsel could be present. Richards asked if the Board could do anything at this time since Mr. Schafer was present. Mr. Garner again advised he cannot communicate with the parties without their counsel present and advised again that the board not meet with them without counsel present. Garner left the meeting at 9:50 A.M. and returned to the meeting at 11:03 A.M. upon Board request.

Christner moved, second by Richards to direct Hayes County Attorney to dismiss the pending Hayes County Court Case CR 25-1 against Defendant Brian T Schafer. Discussion held. Roll call: Christner, yes; Fornoff, abstain; Richards, yes. Motion carried.

Richards moved, second by Christner to direct Special Prosecutor Wood, to dismiss the pending Hayes County Court Case CR 24-12 against Defendant Kevin Fornoff with Defendant to pay court costs and the county settles damages to Road 360A for a total sum of \$1,000.00. Discussion held. Roll call: Fornoff, abstain; Richards, yes; Christner, yes. Motion carried.

Fornoff moved, second by Richards to approve payroll for \$80,043.42. Discussion held. Roll call: Richards, yes; Christner, yes; Fornoff, yes. Motion carried.

Christner moved, second by Fornoff to pay NIRMA insurance keeping current deductibles in place. Discussion held. Roll call: Christner, yes; Fornoff, yes; Richards, yes. Motion carried.

Fornoff moved, second by Richards to approve Hayes County State of Emergency Official Notification relating to the tornados and storms on May 18, 2025. Discussion held. Roll call: Fornoff, yes; Richards, yes; Christner, yes. Motion carried.

Fornoff moved, second by Christner to add a November 1, 2025 effective date to the May 13th, 2025, motion which reads "*Fornoff moved, second by Christner to add Class 7, Extension Office, to family health coverage.*" Discussion held. Roll call: Richards, yes; Christner, yes; Fornoff, yes. Motion carried.

Fornoff moved, second by Richards to contribute \$1,000.00 to Bridge of Hope Child Advocacy Center for the 2025-26 budget year. Discussion held. Roll call: Christner, yes; Fornoff, yes; Richards, yes. Motion carried.

Christner moved, seconded by Fornoff to adjourn the meeting. There being no further discussion. Roll call: Fornoff, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Christner adjourned the meeting at 12:02 P.M.

The next meeting will be June 10, 2025, at 8:30 A.M.

Hayes County Clerk

Board Chairman