

Hayes County Commissioners
January 9, 2024

The Regular meeting of the Hayes County Board of Commissioners was scheduled for January 9, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on January 4, 2024, and posted in accordance with law. Due to inclement weather the meeting was postponed until 1:00 P.M. Chairman Unger called the meeting to order at 1:00 P.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, Barry Richards, Jeffrey Unger, D. Eugene Garner, Susan Messersmith, Boyd Gigax, and Lance Harter via telephone.

Richards moved, second by Christner to approve the agenda. Roll call vote: Richards, yes; Christner, yes; Unger 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, Imprest Account and the minutes of the December 12 and 28, 2023, meetings. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Boyd Gigax joined the meeting to review the Weed Superintendent's annual weed reports. Christner moved, second by Richards to approve the five annual weed reports for 2023 and direct Chairman to sign the same. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

The floor was opened for nominations to reorganize the Board for calendar year 2024. Richards moved, second by Christner that officers continue in their current positions for the 2024 year, to wit: Jeffrey Unger, Chairman, Wayne Christner, Vice-Chairman. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Christner to adopt Resolution 2024-1, designation of Pinnacle Bank as Official Hayes County Depository for 2024. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to adopt Resolution 2024-2, designation of The Hayes Center Times Republican and/or the McCook Daily Gazette as official newspapers of publication for Hayes County for 2024 and to designate the County's website, <http://www.hayescounty.ne.gov> as an additional method of providing notices. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Unger to adopt Resolution 2024-3, authorization for Hayes County Treasurer to invest monies. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Christner to adopt Resolution 2024-4, authorization for Hayes County Treasurer to transfer monies. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Christner to adopt Resolution 2023-5, authorization for Hayes County Treasurer to have funds secured with a pledge receipt. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to designate the second Tuesday and last business day of each month as regular meeting dates. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to approve holidays to be observed for 2024. Roll call: Christner, yes; Unger, yes; Richards, no. Motion carried.

Lance Harter, Highway Superintendent, joined the meeting via telephone. Discussion was held regarding the County Bridge Match program contract and an estimate cost difference if there would be a structure substitution.

Chairman Unger made the following 2024 appointments:

Region II Human Service County Representative – Christner

West Central Area of Aging County Representative – Christner

West Central Nebraska Development District Representative – Unger/Richards, alternate

Southwest Nebraska Public Health Department Representative – Unger

Economic Development Board - Richards
NIRMA contact person –Messersmith
Safety Committee Chairman –Unger

Two applications for Weed Superintendent were received for Board consideration. Unger moved, second by Christner to appoint Keifer Messersmith for \$450.00 per month effective February 1, 2024. Roll call: Unger, yes; Richards, abstain; Christner, yes. Motion carried.

Richards moved, second by Christner to direct Chairman to sign the one-year audit engagement letter for fiscal year ending June 30, 2024 with Donald D. Wilson, CPA, for \$8,200.00. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Christner to direct Chairman to sign the mineral appraisal contract with Pritchard and Abbot, Inc, for professional appraisal services for tax years 2024 and 2025 for \$1,250.00 per year. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to approve the Sheriff's Quarterly Report and 2023 final distress warrant. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to pay claims, excluding claims 2401025 and 2401049, for \$72,498.25. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to pay claim 2401049 for \$4,265.00. Roll call: Christner, yes; Unger, yes; Richards, abstain. Motion carried.

Richards moved, second by Christner to pay claim 2401025 for \$215.69. Roll call: Unger, abstain; Richards, yes; Christner, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 3:12 P.M.

The next meeting will be January 31, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for January 31, 2024 at 8:40 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on January 25, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:35 A.M. Those present were Barry Richards, Jeffrey Unger, Wayne Christner and Rebecca Grimes, Tammy Schwenk, D Eugene Garner, Joe Miller, Lana May, and Rick May.

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

Lana May visited with the Board regarding concerns over road conditions.

Unger moved, second by Christner to approve the auditor report for Hayes County, year ended June 30, 2023. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

The current round of Bridge Match funding award was discussed.

Discussion was held regarding LB1067, a bill that would eliminate state inheritance tax over a five-year period. The Board recommended that the County draft a letter to Senator Teresa Ibach in opposition of LB1067, as well as reach out to Senator Ibach to visit with the Board about the potential impact that the bill could have on counties.

Unger moved, second by Richards to approve payroll in the amount of \$94,596.08. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

County Attorney Garner informed the Board that Highway Superintendent Lance Harter had recently viewed the site of the culvert installed on Avenue 376 between Sections 11 and 12, T8N, R31W. County Attorney also informed the Board that he had been contacted by Mr. Wurl, an attorney, on Alvin Werkmeister's behalf regarding said road. The Board authorizes Mr. Harter to meet with Mr. Werkmeister in relation to the same. Board asked County Attorney to inquire of Mr. Wurl whether such a meeting is agreeable to Mr. Werkmeister.

County Attorney Garner provided status update on Hayes County v. Frontier County case.

Chairman Unger adjourned the meeting at 9:38 A.M.

The next meeting will be February 13, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
February 13, 2024

The Regular meeting of the Hayes County Board of Commissioners was scheduled for February 13, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on February 8, 2024, and posted in accordance with law. Chairman Unger called the meeting to order at 8:30 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, Barry Richards, Jeffrey Unger, Tammy Schwenk and Susan Messersmith.

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

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

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of District Court, Imprest Account and the minutes of the January 9 and 31, 2023 meetings. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger left the meeting at 8:48 A.M.

Richards moved, second by Christner to enter closed session at 9:34 A.M. to discuss pending litigation, Hayes County Vs. Frontier County. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried.

Christner moved, second by Richards to exit closed session and return to the regular meeting at 10:40 A.M. Roll call: Richards, yes; Christner, yes; Unger, absent. Motion carried.

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

Christner moved, second by Richards to pay claims, excluding claim 2402046, for \$33,166.42. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried.

Unger rejoined the meeting at 11:00 A.M.

Unger moved, second by Christner to pay claim 2402046 for \$5,000.00. Roll call: Richards, abstain; Christner, yes; Unger, yes. Motion carried.

Chairman Unger adjourned the meeting at 11:15 A.M.

The next meeting will be February 29, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for February 29, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on February 22, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:30 A.M. Those present were Barry Richards, Jeffrey Unger, Wayne Christner and Susan Messersmith.

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

Christner moved, second by Richards to approve the service agreement between Hayes County and Family Resources Inc. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Christner to approve payroll in the amount of \$90,825.29. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger adjourned the meeting at 9:00 A.M.

The next meeting will be March 12, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

The Regular meeting of the Hayes County Board of Commissioners was scheduled for March 12, 2024 at 9:00 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on February 29, 2024, and posted in accordance with law. Chairman Unger called the meeting to order at 9:00 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 hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were Wayne Christner, Barry Richards, Jeffrey Unger, Tammy Schwenk, D Eugene Garner, and Susan Messersmith. Visitors present were Blaine Johnson, Joleen Schauer and Jordan Gardner.

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

Chairman Unger requested comments from the audience. Joleen Schauer, branch manager, introduced Jordan Gardner, the new territory sales manager, for Murphy Tractor & Equipment Co.

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of District Court, Imprest Account and the minutes of the February 12 and 29, 2024 meetings. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Lance Harter, Hayes County Highway Superintendent, joined the meeting via telephone. Mr. Harter has met with landowners on both sides of Avenue 376 between Sections 11 and 12, T8N, R31W. The Board directed Mr. Harter to prepare a plan and cost estimate for a drop tube.

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

Richards moved, second by Unger to approve claims, excluding claim 2403029, for \$48,900.05. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Invoices for claim 2403029 will be reviewed and resubmitted for payment at the next meeting.

Chairman Unger adjourned the meeting at 9:35 A.M.

The next meeting will be March 27, 2024, at 3:00 P.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for March 27, 2024 at 3:00 P.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on March 21, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 3:00 P.M. Those present were Jeffrey Unger, Wayne Christner and Susan Messersmith.

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

Unger moved, second by Christner to approve payroll in the amount of \$91,364.99. Roll call: Christner, yes; Unger, yes; Richards, absent. Motion carried.

Chairman Unger adjourned the meeting at 3:20 P.M.

The next meeting will be April 9, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

The Regular meeting of the Hayes County Board of Commissioners was scheduled for April 9, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on April 4, 2024, and posted in accordance with law. Chairman Unger called the meeting to order at 8:40 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 hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were Wayne Christner, Barry Richards, Jeffrey Unger, Tammy Schwenk, D Eugene Garner, and Susan Messersmith. Visitors present were Blaine Johnson, Mark Wilcox, Lynn Rhods.

Richards moved, second by Christner to approve the agenda. Roll call: Richards, yes; Christner, yes; Unger 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, Imprest Account and the minutes of the March 12 and 27, 2024 meetings. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Mark Wilcox and Lynn Rhods, Wellness Partners/PHA Health, joined the meeting and reviewed Hayes County's annual health insurance report.

The Board acknowledged receipt of Treasurers Report of public tax sales for delinquent 2022 real estate taxes.

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

Unger moved, second by Christner to approve claims, excluding claims 2404043, 2404044 and 2404029, for \$95,094.01. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to approve claims 2404043 and 2404044 for \$16,321.46. Roll call: Christner, yes; Unger, yes; Richards, abstain. Motion carried.

Unger moved, second by Richards to pay claim 2404029 for \$100.00. Roll call: Unger, yes; Richards, yes; Christner, abstain. Motion carried.

Invoice for claim 2404040 will be reviewed and resubmitted for payment at a future meeting.

Unger moved, second by Richards to approve the Sheriff's Quarterly Report. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Chairman Unger adjourned the meeting at 10:50 A.M.

The next meeting will be April 30, 2024 at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for April 30, 2024 at 8:30 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 April 25, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:30 A.M. Those present were Jeffrey Unger, Wayne Christner, Barry Richards, D. Eugene Garner and Susan Messersmith.

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

Unger moved, second by Richards to adopt Resolution 2024-6 waiving administrative fees for tax sales certificates issued to the county or collected in the event of redemption. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to approve the application of Jeremy Loomis, dba Just 1 More Bar & Grill, LLC in Hayes Center, NE as a Special Designated License Retail License Holder for an event to be held in the Ag Building at the Hayes Center Fair Grounds on May 27, 2024. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Discussion was held regarding opening the courthouse basement for a storm shelter during inclement weather. Commissioners gave verbal approval with details still to be worked out.

Unger moved, second by Christner to approve payroll in the amount of \$96,827.88. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to go into executive session at 8:55 A.M. for discussion of pending litigation, specifically Hayes County V. Frontier County District Court Case CI 23-35. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Christner to come out of executive session at 9:49 A.M. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Christner to direct the County Attorney to file an appeal in Frontier County District Court Case CI 23-35, Hayes County V. Frontier County. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger adjourned the meeting at 9:55 A.M.

The next meeting will be May 14, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

The Regular meeting of the Hayes County Board of Commissioners was scheduled for May 14, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on May 9, 2024, and posted in accordance with law.

Chairman Unger called the meeting to order at 8:32 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 hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were Wayne Christner, Barry Richards, Jeffrey Unger, Tammy Schwenk, D Eugene Garner, Joe Miller, Nancy Frecks, Lance Harter and Susan Messersmith. Visitors present were Blaine Johnson, Alvin Werkmeister, Chuck Pierce and Mary Tidyman.

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

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

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of District Court, Imprest Account and the minutes of the April 9 and 30, 2024 meetings. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Lance Harter, Highway Superintendent, visited with the Board regarding updates to the state roads map and the Road 376 dirt project.

Unger moved, second by Richards to direct the Highway Superintendent to solicit bids for the dirt project on Road 376. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Unger to execute Agreement to Represent with Waite & McWha Law. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Joe Miller, Emergency Manager, informed the Board of available disaster funds for road repairs for documented sites.

Nancy Frecks, SW3 Educator, presented the Board with an annual report for Extension programming and financial summaries. The Board thanked Nancy for her service and contribution to this County as she will be retiring May 31, 2024.

Unger moved, second by Christner to approve claims, excluding 2405051, for \$74,572.48. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Christner moved, second by Unger to pay claim 2405051 for \$10,426.80. Roll call: Unger, yes; Richards, abstain; Christner, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 11:10 A.M.

The next meeting will be May 31, 2024 at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for May 31, 2024 at 8:30 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 23, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:30 A.M. Those present were Jeffrey Unger, Wayne Christner, Barry Richards, D. Eugene Garner, Joe Miller and Susan Messersmith. Visitors present were Kevin Forno and Josh Taylor.

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

Joe Miller, Emergency Manager, informed the Commissioners of available NEMA assistance for recent storm damaged roads.

Unger moved, second by Richards to approve the application of Donna Vlasin, dba Beverage Barn, as a Special Designated License Retail License Holder for an event to be held in the Ag Building at the Hayes Center Fair Grounds on July 20, 2024. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to enter into an Agreement for Professional Services with Oak Creek Engineering for bridge inspections at the cost of \$150.00/structure. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Christner to enter into a Contract for Services with Lake Mac Assessment, LLC for commercial properties for the 2025 assessment year at the cost of \$6,500.00. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Josh Taylor joined the meeting to discuss the agreement for temporary road closure of Ave 353 on the East side of Hamlet during the August 2-4, 2024 family reunion.

Unger moved, second by Christner to approve payroll for \$90,471.97. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to enter into an interlocal road maintenance agreement with Lincoln County. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger adjourned the meeting at 10:45 A.M.

The next meeting will be June 11, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A Regular meeting of the Hayes County Board of Commissioners was scheduled for June 11, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on June 6, 2024, and posted in accordance with law.

Chairman Unger called the meeting to order at 8:32 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 hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were Wayne Christner, Barry Richards, Jeffrey Unger, Tammy Schwenk, D Eugene Garner, Joe Miller and Susan Messersmith. Visitors present were Kevin Fornoff, Jack Erickson, Hannah Marquardt, Kathy Haas, Valerio Jansante and Drew Harms.

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

Chairman Unger requested comments from the audience. Jack Erickson and Hannah Marquardt visited with the board regarding access to their residence.

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of District Court, Imprest Account and the minutes of the May 14 and 31, 2024 meetings. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Christner moved, second by Richards to direct Board Chairman to sign the Hayes County State of Emergency Disaster Declaration. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Kathy Haas, Family Resource Center, summarized the services provided by FRC, reviewed the Income/Expenses of FRC for the 023-24 budget year.

The Board received two bids for consideration for Road 367 Culverts and Grading Project. Bid #1. BSB Construction Inc., \$153,698.00. Bid #2. Leising Inc., \$83,882.70. This agenda item was tabled until the June 28, 2024 meeting.

Unger moved, second by Richards to approve claims for \$168,204.71. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

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

Christner moved, second by Richards to direct Chairman to sign Resolution 2024-7, temporary road closure of Ave 353. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Valerio Jansante, Community Liaison for Adrian Smith, highlighted Mr. Smith's current efforts in Washington D.C. and took comments, questions and concerns regarding current political happenings.

Unger moved, second by Christner to enter into Executive session at 11:25 A.M. to discuss pending litigation, Hayes County Vs. Frontier County. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Christner to exit Executive Session at 11:47 A.M. Roll call: Christner, yes Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to approve publication of Notice of Road Closure for Ave 353. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger adjourned the meeting at 11:52 A.M.

The next meeting will be June 28, 2024 at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for June 25, 2024 at 2:00 P.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 June 20, 2024, and posted in accordance with law. Vice Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Vice Chairman Christner called the meeting to order at 2:04 P.M. Those present were board members: Wayne Christner and Barry Richards, D. Eugene Garner County Attorney Susan Messersmith, County Clerk and Kevin Fornoff. Attorney Todd McWha was present via telephone.

Christner moved. Second by Richards, to enter closed session at 2:09 P.M. for the protection of the public interest for strategy session with respect to pending litigation - Hayes County vs. Frontier County and also potential litigation involving alleged violations of the Open Meetings Act by Frontier County Board. Roll call: Richards, yes; Christner, yes; Unger, absent. Motion carried.

Christner moved, second by Richards to come out of closed session at 2:50 P.M. Roll call: Christner, yes; Unger, absent; Richards, yes. Motion carried.

Christner moved, second by Richards to pay/reimburse Barry Richard's legal fees and expenses incurred in his litigation against Frontier County alleging violations of the Open Meetings Act, for the reason that Hayes County may be directly benefitted by a judgement in that litigation in favor of Richards as it relates to Bridge # C004306105.

Motion was tabled until June 28, 2024 meeting.

Richards moved, second by Christner to adjourn at 3:02 P.M. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried.

The next meeting will be June 28, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A meeting of the Hayes County Board of Commissioners was scheduled for June 28, 2024 at 8:30 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 June 20, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:32 A.M. Those present were board members: Wayne Christner and Barry Richards, Jeffrey Unger, D. Eugene Garner, County Attorney, Susan Messersmith, County Clerk, Tammy Schwenk, County Treasurer, and Kevin Fornoff.

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

Christner moved, second by Richards to direct Chairman to sign the Budget Preparation Engagement Letter appointing Daniel D. Miller, CPA, for budget services for the fiscal year July 1, 2024 to June 30, 2025 at the cost of \$3,000.00. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to designate CSG as a printing service for joint pubic hearing postcards required by LB 644. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to approve the application of Happy's LLC, as a Special Designated License Retail License Holder for an event to be held at the Hayes County Fair Grounds on August 2, 2024. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Christner moved, second by Richards to direct Chairman to sign the Affidavit of Surplus Property listing 200 used grader blades as surplus. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

County Attorney Garner clarified Zelle's recent comments at Treasurers workshop regarding county coverage and FMLA.

Solutions to long term fix for Road 376 were discussed.

Thomas Dow, Hayes County Sheriff joined the meeting to visit with the Commissioners regarding a pivot span that extends across the county road. Unger moved, second by Richards to direct the County Attorney to send a letter to the property owner regarding the pivot. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to approve claims, excluding claim 2406133, totaling \$27,604.23. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to pay claim 2406133 for \$12,500.00. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, abstain. Motion carried.

Unger moved, second by Richards to approve payroll for \$101,753.82. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Christner to adopt Resolution 2024-08, General Fund Function Transfer Authorization. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Unger to adopt Resolution 2024-09, Road Fund Function Transfer Authorization. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Richards moved, second by Christner to take from the table the June 25, 2024 motion which read:

"Christner moved, second by Richards to pay/reimburse Barry Richard's legal fees and expenses incurred in his litigation against Frontier County alleging violations of the Open Meetings Act, for the reason that Hayes County may be directly benefitted by a judgement in that litigation in favor of Richards as it relates to Bridge #C004306105."

Discussion was held regarding the action that has been filed by Barry Richards alleging Open Meetings Act violations in relation to Frontier County board meetings held on June 28, 2023 and June 29, 2023 wherein the Board denied Hayes County’s claim for reimbursement of half of the cost expended by Hayes County to replace county line *Bridge #C004306105*. Chairman called the roll: Richards, abstain; Christner, yes; Unger, yes. Motion carried.

Christner moved, second by Unger to advertise for a County Sign Tech. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 9:53 A.M.

The next meeting will be July 9, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

A Regular meeting of the Hayes County Board of Commissioners was scheduled for July 9, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on July 4, 2024, and posted in accordance with law.

Chairman Unger called the meeting to order at 8:30 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 hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were board members Wayne Christner, Barry Richards and Jeffrey Unger, Tammy Schwenk County Treasurer, D. Eugene Garner County Attorney, and Susan Messersmith County Clerk. Visitors present were Jordan Gardner and Kylie Joyce.

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

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

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of District Court, Imprest Account and the minutes of the June 11, 25 and 28, 2024 meetings. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Jordan Gardner with Murphy Tractor, joined the meeting to inquire if there were any questions or county equipment needs.

Kylie Joyce, Region II Director, gave an overview of program services and funding.

The Board reviewed two bids received at the June 28, 2024 meeting for Road 376 Culvert and Grading Project. Bid #1. BSB Construction Inc., \$153,698.00. Bid #2. Leising Inc., \$83,882.70. Unger moved, second by Richards to accept the bid of Leising Inc. for the Avenue 376 culvert and grading project. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Richards to approve the Sheriff's Quarterly Report. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Road closure signage for a family reunion in Hamlet was discussed.

Unger moved, second by Christner to approve the Grant Award from State of Nebraska Department of Health and Human Services and authorize Hayes County Attorney, D. Eugene Garner, to DocuSign the Grant on behalf of Hayes County. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Budget workshop will be July 23, 2024 at 9:00 A.M. Following the budget workshop, the Board of Equalization will hear protests at 10:00 A.M.

Unger moved, second by Christner to pay claims, excluding claim 2407042, for \$36,341.29. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to pay claim 2407042 for \$27,440.14. Roll call: Richards, abstain; Christner, yes; Unger, yes. Motion carried.

Christner left the meeting at 9:55 A.M.

Unger moved, second by Richards to approve the Treasurers Report. Discussion held. Roll call: Christner, absent; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to adjourn. There being no further discussion. Roll call: Unger, yes; Richards, yes; Christner, absent. Motion carried.

The next meeting will be July 23, 2024 at 9:00 A.M.

Hayes County Commissioners
July 23, 2024

A meeting of the Hayes County Board of Commissioners was held at the Hayes County Courthouse in Hayes Center, Nebraska, on July 23, 2024, as published in the *Times Republican* on July 11, 2024. Advanced notice of the meeting, time and place was posted and given to each Commissioner. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 9:02 A.M. Present were board members: Jeffrey Unger, Wayne Christner, and Barry Richards; Tammy Schwenk, County Treasurer; Susan Messersmith, County Clerk; D. Eugene Garner, County Attorney, Amber Berliner, PAD, and Kevin Fornoff. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held.

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

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

Christner moved, second by Richards to direct Chairman to sign the Interlocal Agreement for District Court Bailiff services. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Chairman Unger recessed the meeting at 10:00 A.M. for the Board of Equalization Meeting. The Regular Meeting was reconvened at 10:30 A.M.

Preliminary 2024-25 budget request for General and Road & Bridge Funds were compiled.

Unger moved, second by Christner to adjourn. There being no further discussion. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger adjourned the meeting at 1:04 A.M.

The next meeting will be July 31, 2024, at 9:00 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
July 31, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for July 31, 2024 at 9:00 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 July 25, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 9:00 A.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Susan Messersmith, County Clerk; Tammy Schwenk, County Treasurer; and Kevin Fornoff.

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

Christner moved, second by Richards to direct Board Chair to sign the Annual Certification for allocation of Hayes County HBP and STP funds for period of July 1, 2023 to June 30, 2024. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to pay claim for \$99.82. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Unger to approve payroll for \$91,494.76. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 9:05 A.M.

The next meeting will be August 13, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
August 13, 2024

A Regular meeting of the Hayes County Board of Commissioners was scheduled for August 13, 2024 at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on August 8, 2024, and posted in accordance with law.

Vice Chairman Christner called the meeting to order at 8:36 A.M. The Open Meetings Act was available for review and Vice Chairman indicated location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were board members Wayne Christner and Barry Richards, Tammy Schwenk, County Treasurer, D. Eugene Garner, County Attorney, Susan Messersmith, County Clerk, Joe Miller, Emergency Manager, Dan Miller, CPA, and Kevin Fornoff.

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

Vice Chairman Christner requested comments from the audience. There were none.

Joe Miller, Emergency Manger, discussed the importance of thorough documentation in order to complete required disaster site reports for NEMA and FEMA.

Dan Miller joined the meeting to discuss the 2024-2025 budget. The budget hearing will be September 10, 2024, at 9:00 A.M. The final tax request hearing will follow at 9:15 A.M. The public is welcome and encouraged to attend.

Richards moved, second by Christner to ratify, authorize and approve participation in the Kroger Opioid Settlement plan directing and redirecting funds to Region II. Discussion held. Roll call: Christner, yes; Unger, absent; Richards, yes. Motion carried.

Richards moved, second by Christner to adopt Resolution 2024-10, Signing of the County Annual Certification of Program Compliance 2024. Discussion held. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Christner to direct Vice Chairman to sign the Statement of Acceptance of Possession and Future Responsibility for Courtroom A/V equipment with no further cost to the County. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, Absent. Motion carried.

Christner moved, second by Richards to pay claims, excluding claims 2408037 and 240844, for \$57,094.37. Discussion held. Roll call: Christner, yes; Unger, absent; Richards, yes. Motion carried.

Christner moved, second by Richards to pay claims 2408037 and 240844 for \$11,290.15. Discussion held. Roll call: Richards, abstain; Christner, yes; Unger, absent. Motion carried.

Richards moved, second by Christner to approve the Treasurers Report. Discussion held. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of the District Court, Imprest Account and the minutes of the July 9, 23, & 31 meetings. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, absent. Motion carried.

Christner moved, second by Richards to adjourn. There being no further discussion. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried. Vice Chairman Christner adjourned the meeting at 11:44 A.M.

The next meeting will be August 30, 2024, at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
August 30, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for August 30, 2024, at 8:30 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 August 22, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:31 A.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Susan Messersmith, County Clerk; Tammy Schwenk, County Treasurer, D. Eugene Garner, County Attorney, Tom Dow, County Sheriff, Joe Miller, County Emergency Manager and Dan Miller.

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

Unger moved, second by Christner to approve surplus affidavits from the County Attorney and Custodian. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Christner moved, second by Richards to direct the Board Chair to sign the Hayes County FSA Plan Document amended and restated July 1, 2024. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Christner moved, second by Unger to hire Marian Richards as county sign tech. Discussion held. Roll call: Richards, abstain; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Christner to direct the County Attorney to initiate legal proceedings to remove the obstruction on Avenue 360A, and for recovery of all costs incurred to remove obstruction and repair the road. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, seconded by Richards authorize the Hayes County Sheriff to remove obstruction on Avenue 360A with the assistance of a pivot company. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to rescind Resolution 2008-11, BC/BS Early Retiree Plan. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Richards to approve payroll for \$89,945.94. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 11:27 A.M.

The next meeting will be September 10, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
September 10, 2024

A Regular meeting of the Hayes County Board of Commissioners was scheduled for September 10, 2024, at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on September 5, 2024, and posted in accordance with law.

Chairman Unger called the meeting to order at 8:30 A.M. The Open Meetings Act was available for review and the Chairman indicated location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were board members Wayne Christner, Barry Richards, and Jeffrey Unger, Tammy Schwenk, County Treasurer, D. Eugene Garner, County Attorney, Susan Messersmith, County Clerk, Dan Miller, CPA, Beth Farrell, NACO legal counsel, Blaine Johnson, Marian Richards and Kevin Fornoff.

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

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

Christner moved, second by Richards to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of the District Court, Imprest Account and the minutes of the August 13 & 30 meetings. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Beth Farrell, legal counsel for Nebraska Association of County Officials, joined the meeting. Farrell spoke on legislative and special session changes relating to counties.

Christner moved, second by Richards to recess the regular meeting at 9:10 A.M. and open the budget hearing. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Chairman Unger opened the 2024/2025 Budget Hearing as published in the *Times Republican* on September 5th, 2024. The purpose of the hearing is to receive testimony in support, opposition, criticism, suggestions, or observation of taxpayers relating to the proposed budget.

Dan Miller, CPA, was present and made a presentation outlining provisions of the proposed budget, including a comparison with the previous year's budget. Three copies of said budget were made available.

Chairman Unger asked for comments. No public comment was received.

Richards moved, second by Christner to close the Budget Hearing at 9:20 A.M. and return to the Regular Meeting. Discussion held. Roll call: Richards, yes; Christner, yes; Unger yes. Motion carried.

Richards moved, second by Unger to approve the additional 1% increase in restricted funds authority. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried

Unger moved, second by Richards to adopt Resolution 2024-12.

RESOLUTION OF ADOPTION AND APPROPRIATIONS

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2024 to June 30, 2025, prepared by the Budget Making Authority, was transmitted to the County Board on the 10th day of September, 2024.

NOW THEREFORE, BE IT RESOLVED, by the Board of COMMISSIONERS of HAYES County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2024 to June 30, 2025 as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the Budget for HAYES County for said fiscal year.

SECTION 2. That the offices, departments, activities and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2024 and ending June 30, 2025.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Dated and passed this 10TH day of September 2024.

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

Mr. Garner, County Attorney, reviewed new case law relating to Tax Sale Certificates and issuance of Treasurers Deeds.

Board acknowledged receipt of the following inventories: District 1, 2, and 3 Road Department, Commissioner and Superintendent Rooms, County Court, Extension Educator, County Clerk, County Treasurer, Zoning Administrator, Weed Superintendent, County Attorney, County Sheriff, Courthouse Custodian, and Veterans Service Officer,

Unger moved, second by Christner to direct the County Attorney to draft Resolution 2024-11. Discussion held.

RESOLUTION NO. 24-11

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

WHEREAS, the County of Hayes, Nebraska, has been listed by Center for Immigration Studies as a “Sanctuary County” which indicates on its website that a sanctuary jurisdiction is one that has “laws, ordinances, regulations, resolutions, policies, or other practices that obstruct immigration enforcement and shield criminals from ICE - either by refusing to or prohibiting agencies from complying with ICE detainers, imposing unreasonable conditions on detainer acceptance, denying ICE access to interview incarcerated aliens, or otherwise impeding communication or information exchanges between their personal and federal immigration officers.”; and

WHEREAS, the County of Hayes, Nebraska, does not have laws, ordinances, regulations, resolutions, policies, or other practices that obstruct immigration enforcement and shield criminals from ICE; and

WHEREAS, it is Hayes County’s policy to fully cooperate with federal authorities, including without limitation, Immigration and Customs Enforcement (“ICE”), in performing those duties and responsibilities imposed upon the federal government by federal law to curb and control illegal immigration into the United States of America.

THEREFORE BE IT RESOLVED that the County of Hayes is not, nor has it ever been, a “Sanctuary County.”

BE IT FURTHER RESOLVED that it is the policy of the County of Hayes, to fully cooperate with federal authorities, including without limitation, ICE, and other law enforcement agencies in accordance with law.

PASSED AND APPROVED THIS 10th Day of September, 2024.

VOTING FOR THE MOTION: Christner, Richards, and Unger

VOTING AGAINST THE MOTION: None

ABSTAINING: None

ABSENT: None

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

Unger moved, second by Richards to pay claims, excluding claims 2409042 & 2409043, for \$89,244.14. Discussion held. Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Richards to pay claims 240942 & 2409043 for \$20,478.04. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to adjourn. There being no further discussion. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried. Chairman Unger adjourned the meeting at 11:03 A.M.

The next meeting will be September 16, 2024, at 6:30 P.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
September 16, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for September 16, 2024, at 7:15 P.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 posted on the County website, published in the *Times Republican* on September 12, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 8:13 P.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Susan Messersmith, County Clerk; D. Eugene Garner, County Attorney and Kevin Fornoff.

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

Discussion was held, but no action taken on the proposed property tax request.

Unger moved, second by Richards to approve special payroll for \$3,779.46. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 9:05 P.M.

The next meeting will be September 24, 2024, at 7:00 P.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
September 24, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for September 24, 2024, at 7:00 P.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 posted on the County website, published in the *Times Republican* on September 19, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 7:00 P.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Susan Messersmith, County Clerk; Tammy Schwenk, County Treasurer; D. Eugene Garner, County Attorney; Dan Miller, CPA; Brian Wright, James Widger and Craig Nelson.

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

Richards moved, second by Christner to amend the 2024-2025 Budget. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Christner moved, second by Richards to adopt Resolution 2024-13

RESOLUTION SETTING THE PROPERTY TAX REQUEST

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the County of HAYES passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW THEREFORE, BE IT RESOLVED, the Governing Body of the County of HAYES resolves that:

SECTION 1. The 2023-2024 property tax request for the General Fund be set at \$1,065,475.00.

SECTION 2. The total assessed value of property differs from last year's total assessed value by 11.5 percent.

SECTION 3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.166461 per \$100 of assessed value.

SECTION 4. The County of HAYES proposes to adopt a property tax request that will cause its tax rate to be \$0.174739 per \$100 of assessed value.

SECTION 5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the County of HAYES will increase (or decrease) last year's budget by 3.69%.

SECTION 6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2024.

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

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

Chairman Unger adjourned the meeting at 7:18 P.M.

The next meeting will be September 30, 2024, at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

October 8, 2024

A Regular meeting of the Hayes County Board of Commissioners was scheduled for October 8, 2024, at 8:40 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on October 3, 2024, and posted in accordance with law.

Chairman Unger called the meeting to order at 8:41 A.M. The Open Meetings Act was available for review and the Chairman indicated location of such copy in the room where the meeting was being held. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Those present were board members Wayne Christner, Barry Richards, and Jeffrey Unger; Tammy Schwenk, County Treasurer; D. Eugene Garner, County Attorney; Susan Messersmith, County Clerk; and Joe Miller, Emergency Manager.

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

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

Richards moved, second by Christner to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of the District Court, Imprest Account and the minutes of the September 10, 16, 24 & 30, 2024 meetings. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Richards moved, second by Christner to pay claims, excluding claim 2410040, for \$108,139.75. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to pay claim 2410040 for \$11,294.56. Discussion held. Roll call: Richards, abstain; Christner, yes; Unger yes. Motion carried.

Unger moved, second by Richards to approve the Sheriff's Quarterly Report. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Joe Miller, Emergency Manager, updated the commissioner on the current status of FEMA Disaster 4808.

Unger moved, second by Richards to approve the Treasurer's Report. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Mr. Garner, County Attorney, informed the Board that he had spoken with a representative of the Center for Immigration Studies (CIS) and they will update their website to reflect Hayes County is not a Sanctuary County as a result of the documentation that was provided to them on behalf of Hayes County.

Unger moved, second by Christner to adjourn. There being no further discussion. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried. Chairman Unger adjourned the meeting at 10:07 A.M.

The next meeting will be October 29, 2024, at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
October 29, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for October 29, 2024, at 8:30 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 October 17, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted 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.

Chairman Unger called the meeting to order at 8:32 A.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Susan Messersmith, County Clerk; Tammy Schwenk, County Treasurer; Joe Miller, Emergency Manager; Kevin Fornoff and Dayton Maul.

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

Craig Softley, Economic Development Coordinator, joined the meeting to update the Commissioners regarding the 2024 Nebraska Affordable Housing Trust Fund (NAHTF) Grant. The Nebraska Department of Economic Development has awarded Southwest Community Betterment a NAHTF grant to build one new home in Hayes Center. The home will have 3 bedrooms and 2 bathrooms, a full unfinished basement as well as a garage. The County will clear and prep the site and extend Paxton Avenue south of Ash Street prior to construction.

Richards moved second by Christner to direct Board Chair to sign Resolution 2024-15 directing Hayes County Treasurer to issue County Tax Sale Certificates. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to renew health insurance with Great Midwest Insurance Company for the self-funded medical plan administered through Mid America Benefits for 2024-2025. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Richards to approve payroll for \$89,825.57. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Joe Miller, Emergency Manager, updated the Commissioners on current FEMA projects.

Christner moved, second by Richards to recess the Regular Meeting at 10:06 A.M. for the One & Six-Year Road Hearing. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Chairman Unger opened the One & Six-Year Road Hearing at 10:06 A.M.

Advanced notice of the Hearing, time and place was given to each Commissioner, was published in the *Times Republican* on October 17, 2024, and posted in accordance with law. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Susan Messersmith, County Clerk; Tammy Schwenk, County Treasurer; Joe Miller, Emergency Manager; Kevin Fornoff and Dayton Maul.

The purpose of the hearing is to receive testimony regarding the proposed One & Six-Year Road Plan. No Comments were received.

Richards moved, second by Christner to adjourn the Hearing and return to the Regular Meeting at 10:38 A.M. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Richards moved, second by Christner to direct Chairman to sign Resolution 2024-17, adoption of the amended One and Six-Year Road Improvement Plan. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Christner to direct Chairman to sign Resolution 2024-16, Year-end certification of County Highway Superintendent for determining incentive payment in calendar year 2024. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 11:07 A.M.

The next meeting will be November 12, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
November 27, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for November 27, 2024, at 8:30 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 November 21, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted 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.

Vice Chairman Christner called the meeting to order at 8:41 A.M. Those present were board members: Wayne Christner and Barry Richards; Susan Messersmith, County Clerk; and Kevin Forno.

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

Richards moved second by Christner to direct Clerk to e-sign agreement with Colonial Life for securing \$20,000 basic life insurance coverage for County employees. Discussion held. Roll call: Christner, yes; Unger, absent; Richards, yes. Motion carried.

Christner moved, second by Richards to approve payroll for \$82,215.72. Discussion held. Roll call: Unger, absent; Richards, yes; Christner, yes. Motion carried.

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

Vice Chairman Christner adjourned the meeting at 9:32 A.M.

The next meeting will be December 10, 2024, at 8:30 AM.

Hayes County Clerk

Board Chairman

Hayes County Commissioners

December 10, 2024

A Regular meeting of the Hayes County Board of Commissioners was scheduled for December 10, 2024, at 8:30 A.M. in the Courthouse in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on December 5, 2024, and posted in accordance with law.

Chairman Unger called the meeting to order at 8:32 A.M. The Open Meetings Act was available for review and the Chairman 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, Barry Richards, and Jeffrey Unger; Tammy Schwenk, County Treasurer; Susan Messersmith, County Clerk; D. Eugene Garner, County Attorney; Joe Miller, Emergency Manager; Don Wilson, Auditor, and Kevin Fornoff.

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

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

Christner moved, second by Richards to approve the consent agenda consisting of the financial reports of the Clerk, Clerk of the District Court, Imprest Account and the minutes of November 12 & 27, 2024 meetings. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Don Wilson, Auditor, joined the meeting. Mr. Wilson presented a management letter for board signature, reviewed audit findings, and gave direction regarding the establishment of a new “petty cash” bank account for servicing the County’s self-insured portion of the County’s health insurance funds.

Richards moved, second by Christner to authorize the Board Chairman to sign the Management Representation Letter for Donald Wilson, CPA. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Richards to approve the Emergency Manager Inventory. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

The Board acknowledges receipt of the Sheriff’s Final Distress Warrant.

The Board reviewed the cash-in-lieu policy established by Resolution 2017-16. No changes were made.

Unger moved, second by Richards to re-establish seven classes of County Employees for purposes of county health insurance benefits. Class 1 – Employees not in class 2-7. Class 2 – Law Enforcement employees, Class 3 – Road Department employees, Class 4 – Treasurer’s office employees, Class 5 – Assessor’s office employees, Class 6 – Clerk’s office employees, Class 7 - Extension office employees. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Unger moved, second by Richards to provide full premium for single employee health insurance for all employees. In addition, the County will provide spouse or family health coverage for Class 2, Class 3, and Class 4 with the employee contributing \$300.00/month for spouse coverage and \$400.00/month for family coverage. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Richards to approve the Treasurer’s Report. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Richards moved, second by Unger to pay claims for \$45,313.29. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, abstain. Motion carried.

Joe Miller, Emergency Manager, updated the Board on current FEMA Disaster 4808 projects.

Unger moved, second by Christner to adopt Resolution 2024-18 which authorizes the establishment of a new bank account for purposes of servicing the County’s self-insured portion of the Hayes County Health Insurance Plan. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Unger moved, second by Christner to adjourn. There being no further discussion. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried. Chairman Unger adjourned the meeting at 11:25 P.M.

The next meeting will be December 30, 2024, at 8:30 A.M.

Hayes County Clerk

Board Chairman

Hayes County Commissioners
December 30, 2024

A meeting of the Hayes County Board of Commissioners was scheduled for December 30, 2024, at 8:30 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 December 18, 2024, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted 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.

Chairman Unger called the meeting to order at 8:30 A.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Tammy Schwenk, County Treasurer; Susan Messersmith, County Clerk; D. Eugene Garner, County Attorney; Tom Dow, County Sheriff; Joe Miller, Emergency Manager; Marian Richards, Sign Tech, and Kevin Fornoff.

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

Richards moved, second by Unger to approve the Memorandum of Understanding between Arthur, Chase, Dundy, Furnas, Hayes, Hitchcock, Keith, Perkins, and Red Willow Counties for community-based juvenile services aid program for the fiscal year 2025-2026. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

One bid for janitorial services was received for Board consideration. Unger moved, second by Christner to retain Rita Erickson as janitor for 2025 for \$500.00 per month. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

One bid for care of the courthouse lawn and grounds was received for Board consideration. Christner moved, second by Unger to retain Cox Lawn for lawn and grounds care for 2025 at \$3350.00 for the year. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Unger moved, second by Richards to retain Joe Miller for maintenance/snow removal for \$275.00 per month. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Richards moved, second by Unger to approve payroll for \$87,477.36. Discussion held. Roll call: Unger, yes; Richards, yes; Christner, yes. Motion carried.

Discussion was held regarding concerns received from the State Department of Agriculture. Commissioner Unger will meet with Weed Superintendent.

Discussion held regarding Commissioner-elect District One residency requirements.

Richards moved, second by Christner to approve an amendment to the original Lake Mac Assessment, LLC contract signed May 31, 2024, which changes completion date from January 1, 2025 to February 1, 2025. Discussion held. Roll call: Richards, yes; Christner, yes; Unger, yes. Motion carried.

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

Chairman Unger adjourned the meeting at 10:10 A.M.

The next meeting will be January 8, 2024, at 4:00 PM.

Hayes County Clerk

Board Chairman