

BOARD OF SUPERVISORS' MINUTES

The regular meeting of the Valley County Board of Supervisors was called to order at 9:00 a.m. on Tuesday, May 31, 2005 in their Courthouse meeting room. Roll call was taken with Baker, Collins, Sevenker, Sintek, Ash, Cetak, and Cullers present. The Clerk verified notice of meeting. Minutes of the May 10 regular meeting and the May 16 special meeting were approved as published. Supervisor Ash requested adding access to the Region 26 tower to the agenda. Attorney Cullers said this did not qualify as an emergency but did not have to be on the agenda to be discussed as long as no action was taken. The agenda was adopted as presented on motion of Sintek, seconded by Collins. Carried. Yes: Sintek, Collins, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

Under Public Comment, Joe Kruml complimented the County on road conditions in his area. He also mentioned that he has dirt available if the County needs any.

Sandy Simpson, Road Secretary, reported Road Claims and Balances for May. The larger expenses were fuel, culverts, gravel, tires and tire repair. Gravel and fuel line items are over spent with one month remaining in this fiscal year. Highway allocation funds were discussed, noting an increase for next year of \$11,000 plus the Class A license designation for Leth will add \$9000.

Tom Kruml, Gaylord Boilesen and James Moreau, a representative from Olsson Assoc., appeared to update the Board on the ethanol plant. The permit process can take as long as 9 months but if everything is in perfect order it can happen in 4 months. If it can be done in 4 months, construction could begin this fall. The County was asked to sign a resolution and agreement to employ Olsson Associates of Holdrege, Nebraska to prepare bid specifications and oversee the project of paving and/or widening 5071 feet of County Road No. 139. Discussion included: need for irrigation canal to be usable by April, may need to vacate portion of county road, need to consider benefits and income to area to put project costs in perspective, may need to acquire additional right-of-way, Schauer not interested in selling property, 67 acres purchased from James Knapp with option to purchase more if needed, Kruml indicated County costs to be reimbursed from CDBG funds if application is successful or sales tax funds. The following changes to the agreement were requested by Attorney Cullers and agreed to by Moreau: page 1 of 3, paragraph 1, clause 1, add "except that OA acknowledges that the Client is not the owner of any additional right-of-way which may need to be acquired to complete this project and page 2 of 3, change completion date to August 31, 2005. Resolution 05-11, entering into an agreement to retain and employ Olsson and Associates, was approved and adopted on motion of Collins, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. The Road Committee and Chairman Sevenker were named as contact persons for Olsson Assoc.. Boilesen noted a tour of a similar plant is scheduled for tomorrow and the County Board, Ord City Council and those living within a 2 mile radius of the plant are invited. The importance of taking part in the tour was stressed. At the request of Bethanne Kunz, the Board approved the County as the CDBG grant applicant and authorized Kunz and Lindsey to draft a letter of support on motion of Cullers, seconded by Ash. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none

Kunz asked that agenda item 11A, request for Board approval of Resolution 05-12 supporting Nebr. Economic Development Certified Community Program, be heard at this time. Cullers moved to approve Resolution 05-12 and Baker seconded the motion. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none.

The Road Report continued with Supt. Leth giving his approval of Easement 05-222 for Citizens Communications. Said Easement was approved on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none. Leth okayed refunds of Easements 04-211 Don Vancura, 04-212 James Robertson, 04-213 James Jaeschke and they were approved on motion of Cetak, seconded by Ash. Carried. Yes: Cetak, Ash, Baker, Cullers, Collins, Sintek. No: none. Absent: none. The Nebr. Dept. of Roads report on Surface Transportation Program Activity and Program Funds was discussed.

Leth reported: satisfaction with the Ord/Burwell state road project; current mix strips will be lost due to this project, he is looking for new site; completed bridge in Independent Twp; will install

lights at Sargent Y on Monday; will use NRD's traffic counter or borrow one from state; culverts plugged with cornstalks, problem of where to put them. Gravel bid letting was scheduled for June 28 at 9:30 a.m. on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

The written Hospital Report was acknowledged, no one was available to appear. The Hospital parking lot was discussed with Road Supt. Leth. He suggested county could do some grading and fill some holes. Will discuss further when Hospital representative is able to appear.

At 10:40 a.m. the Board of Equalization convened on motion of Sintek, seconded by Ash. Carried. Yes: Sintek, Cetak, Collins, Baker, Cullers, Ash. No: none. Absent: none. Deputy Assessor, Pam Arnold and the County Clerk were present. The Findings and Order of TERC directing that the level of assessment for commercial real property in Ord be decreased by 5.13% was acknowledged. Arnold reported that this had been done and valuation notices were ready to mail. Four valuation change notices were presented for Board approval as they were discovered after the deadline in which the Assessor can make corrections. The four notices were: building added to Max Cruikshank property, computer malfunction corrected on R. Bruce Ash property, storage bin removed from James Knapp property, land value established for Max Staab property which had been exempt. All of the aforesaid change notices were approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. Discussion was held regarding the legislature dissolving the Ag Boards. Deputy Arnold said they check with surrounding County Assessors in an effort to keep values equalized. At 10:45 a.m. the Board moved back into regular session on motion of Collins, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

Treasurer, Janet Suminski, presented a vehicle exemption application for a flatbed trailer for Loup Basin RC&D Council which was approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. Tax sales of \$17,401.80 were reported and Suminski noted that street easements were included in these sales. She reported new CD's bought at 4% interest, the old ones had been getting 2.5%. A money market account is kept to provide accessible funds. Suminski reported her intention to update some of the old furniture in her office through Office Net. The update will be done in sections and the cost of each section can be split between two budget years. Supervisor Baker asked if a person could lose their home because of delinquent street assessment and was advised that they could.

Sheriff Ronzzo was unable to appear, his written activity and fee report for April was reviewed.

At 11:00 a.m., Supervisor Collins left the meeting to attend a funeral.

Information received from NIRMA was discussed. Chairman Sevenker asked that all Board members be notified of the date the NIRMA representative plans to inspect and appraise County property so that some can be present. Following discussion, Sevenker signed an acknowledgment that the Board was not aware of any acts of wrong doing during the EMC coverage period. Clerk Lindsey had sought and received signed acknowledgments from each elected official and dept. head and will draft and send the required letter to EMC to that effect.

Discussion was held regarding the access road to the Region 26 tower. It was noted that other towers at this location include Altell, State Patrol and Weather Service. It was again agreed that the tower is on private property, that Region 26 has a contract with the property owner restricting access to the area, that multiple counties are serviced by the tower, that all member counties pay a fee to Region 26 and that it is ultimately the obligation of Region 26 to maintain access to the tower. Discussion also included the loss of a county from the group and possible loss of others as well as the recruitment of counties.

Heidi Phillips of CNCS was present. Glen Gatz of USDA did not appear. Phillips answered questions on CDBG funds in the public works category. Based on the last survey, good for 3 years, the county's low to moderate income stats meet the application requirements. These funds are for removing architectural barriers and cannot be used for other purposes. An elevator would qualify but windows, heating/cooling system or tuckpointing would not. Based on population, the County would qualify for \$350,000. A 25% match, 12.5% in kind and 12.5% cash, is required. Grants are available

through USDA that could be used in conjunction with the CDBG funds for an elevator or there are grants available through USDA that could be used for other purposes. Phillips would need to begin work on a grant application by August. She also cautioned that these funds must be spent within a specified period so plans need to be in place for their use before they are received.

Larry Cihal of Siemens was present to provide input on services Siemens could provide. The County would need to have financing in place before Siemens would commit to providing services. Siemens has worked with Howard County on Courthouse renovation and he suggested the Board tour that facility and visit with Howard County Board members. Supervisor Sintek suggested the Building & Grounds Committee meet to prioritize the projects then the Board can decide how to proceed. Sintek will contact Howard County Board member Gary Rasmussen to set a tour date and Cullers will contact Glen Gatz to reschedule his appearance.

Blue Cross Blue Shield Health Insurance renewal date is June 15. There is a 5% increase in premium for the coming year. Provided the number of insureds remains the same, the County's monthly premium would increase by \$1153.19. Supervisor Baker asked about including his wife on the County's health insurance plan. He explained that he no longer works enough hours to qualify under their previous plan and she will lose coverage on June 1. The Clerk is to check with BCBS on adding a spouse and the question of renewal will be addressed at the next meeting.

The County's burial policy was discussed. Attorney Cullers informed the Board that HHS determines if a person qualifies for County burial as part of our General Assistance Agreement with HHS. The County has a contract with Ord Memorial Chapel to provide burial services for a set fee.

May Claims were approved on motion of Cullers, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek. No: none. Absent: Collins.

The following items were reviewed: 03-04 Audit; North Loup Twp Cemetery Assoc. Bond; memo on LB193-County Juvenile Services Aid Program, administered by Tami Schendt of Custer County through a multi-county agreement; and the \$769.00 County Attorney IV-D Incentive payment.

The Clerk was advised by the State Auditor that Inheritance Tax expense can be reimbursed. The intention to reimburse should be part of the motion allowing the expense. The reimbursement transaction is an expense so budgeted amounts must be considered. The Tourism Agreement reimbursement can be included in the 05-06 budget without affecting the levy as it is a separate tax. Sintek moved, seconded by Ash, that when the original motion was made authorizing payment of the \$1500 first installment to the Chamber from the Inheritance Tax Fund, it was the Board's intent that it be reimbursed from the Lodging Tax Fund in the 05-06 budget year after sufficient Lodging Tax was collected. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: Collins.

Attorney Cullers reported that he continues to work on updating the County's Personnel Policy and noted that NIRMA's sample personnel manual has many good suggestions and sample forms.

Cullers presented a resolution for the Board's consideration allowing the law firm in which he practices to represent parties in divorce, legal separation and modification proceedings in which minor children are involved. He explained that as County Attorney he is also the Child Support Enforcement Officer which can create a conflict of interest if he or an attorney in his firm has represented a party in an action involving minor children. In those cases where a conflict arises, the County has to pay an outside attorney. Cullers feels that it is unfair to the other attorneys in the firm if they are not allowed to handle these types of cases, however, he said it is the Board's decision to sign the waiver or not. He said that he does not intend to handle such cases himself. Resolution 05-13 granting the waiver was approved on motion of Baker, seconded by Ash. Carried. Yes: Baker, Ash, Sintek, Cetak. Abstain due to relationship: Cullers. No: none. Absent: Collins.

Cullers reported that he had heard comments on his failure to prosecute individuals following the breakup of a beer party on a County road and explained that there was not sufficient evidence.

Mail Folder items were available for review.

Meeting adjourned at 12:45 p.m., to reconvene on Tuesday, June 14, 2005, at 9:00 a.m. in regular session and at 10:00 a.m. as Board of Equalization. Complete minutes of the May 31 meeting and an agenda for the June 14 meeting are available in the office of the County Clerk.

I, the undersigned County Clerk, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the County Board, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the County Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Jenette G. Lindsey, Valley County Clerk