

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, June 28, 2005 in their Courthouse meeting room. Roll call was taken with Ash, Cetak, Cullers, Sintek, Baker, Collins, and Sevenker present. The Clerk verified meeting notice and minutes of the June 14 meeting were approved as published. Collins move, seconded by Ash, to adopt the agenda for today's meeting. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. No public comment was offered.

Road Secretary, Sandy Simpson, reported expenses for June and presented a written fiscal year report. Overall, the Road budget has \$95,554.36 remaining.

Supt. Leth's written report on the proposed abandonment of a portion of Road No. 139, B1, P162 was discussed. Leth indicated that if the proposed abandonment was approved, drainage would have to be maintained and the railroad would need to be notified of the closure of crossing 817205D. Olsson Engineering will take care of this, Clerk will send notice of the Public Hearing. Following discussion, Resolution 05-16, setting a public hearing on the proposed abandonment of a portion of Road No. 139, B1, P162, was adopted on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none.

Leth's general report included: no annual fee with NIRMA for required drug testing but \$39.00 for drug kits, compared to \$20.00 at the hospital; NIRMA Rep., Jason Clancy, contacted Leth regarding the County's safety program; the State Patrol presented a program on meth at the Road Supt. mid-year meeting, would like to present this program locally and invite surrounding entities; roadside spraying and gravel hauling continues; begin work today on slides on Comstock Road; need to replace one truck, '86 pickup getting transmission replaced for \$1500.

The only gravel bid received was from Ulrich Gravel Inc.. The bid included a larger grade of gravel but there was little change in prices from last year. Their bid, which is on file in the Clerk's Office and open to public inspection, was accepted on motion of Collins, seconded by Ash. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

At 9:30 a.m., Chairman Sevenker advised that, due to the number of persons in attendance, the Public Hearing on the proposed conditional use application for an ethanol production facility would be moved to the District Courtroom. At 9:40 a.m. Sevenker opened the Public Hearing in the District Court room and noted that all those wishing to speak would be allowed to do so, that he was making no time restrictions but asking that they try to hold it to 5 minutes each. He asked each speaker to sign in and state their name before speaking and he said the Board could question each speaker as they finished. Sevenker asked Planning & Zoning Admin., Nancy Glaubke, to begin with her report of the Planning Commission's recommendation, other speakers to follow in any order they wished.

Attorney George G. Vinton identified himself as the Schauer's' Attorney and noted that the hearing should be taped as written documentation is not sufficient in the event of an appeal. Sevenker replied that it is not our practice to tape proceedings and that equipment to do so is not readily available. County Attorney Cullers was consulted and advised that the County is not required to change their normal procedure at the last minute.

Glaubke reported approximately 60 people attended the public hearing last night before the Planning Commission to consider the Conditional Use Application for Ethanol Production Facility filed by Val-E Ethanol, LLC. The application was presented by Tom Kruml and six people spoke in opposition. She then read the recommendation of approval from the Planning Commission and the factual findings upon which their recommendation was based. The vote was 3 against and 9 in favor of recommending approval. Glaubke provided copies of written testimony presented at last night's hearing, both for and against.

Testimony against the proposed permit was given by Curt Schauer, Susan Schauer, Charlene Schauer, Angie Kokes, Attorney George Vinton, Peggy Alloway and Carl Schauer. Testimony in

favor of the proposed permit was given by Marty Petska, Jeff Waltman, Lonny Clausen, James Novotny, Tom Kruml and Gaylord Boilesen. All written testimony provided to the Board at the hearing is on file in the Clerk's Office. Some reasons given in opposition were: proximity to the Curt Schauer home, smell, noise, interpretation of commercial or industrial use, disruption of rural life style, danger of fire or explosion, amount of water used, effect on North Loup River, need for more research on effects, alternative sites not presented. Some reasons given for approval were: economic boost to area, estimate 33 full time jobs and 71 secondary jobs, estimate annual property tax 1 million dollars, added revenue to farmers, alternative to depletable oil as fuel source, opportunity for children to stay in area, prospects required "ethanol ready" site, a site book was prepared for each prospect and current proposed site was preferred. Sevenker asked twice if there were others who wished to testify, no one responded. Testimony ended at 11:40 a.m.. There was some discussion of delaying a decision until their next meeting. At the conclusion of testimony, Sevenker noted that the Planning Commission recommended approval of the Conditional Use Application and it is now up to the Supervisors. Collins moved, seconded by Cetak, that the recommendation of the Planning Commission for approval of the Conditional Use Application for Ethanol Production Facility filed by Val-E Ethanol, LLC, Harold Fish and James Knapp, based on the factual findings listed on the recommendation, be approved by the Supervisors. Sevenker asked if there was further discussion, none was offered. Carried. Yes: Collins, Cetak, Sintek, Cullers, Ash. No: Baker. Absent: none. At approximately 11:50 a.m. Sevenker recessed the meeting for 10 to 15 minutes to reconvene in the Board Room.

At 12:10 p.m. the Board reconvened in the Courthouse Board Room, Supervisor Cetak had not yet returned. Sintek moved to go into Board of Equalization, seconded by Cullers. Carried. Yes: Sintek, Collins, Cullers, Baker, Ash. No: none. Absent: Cetak. The Clerk, Assessor and Deputy Assessor were present. Cetak returned to the meeting at 12:15 p.m.

Protest # 4 filed by Richard & Margene Bossen Trust was discussed first, as Richard Bossen was present and testified. Bossen filed on property located in part of the E2NW4 and part of the W2NE4 in 24-17-16. He wants to be sure his bins are being appraised on the same basis as Cargill and Co-op and questions how the depreciation is figured. The Assessor recommended tabling until the hearings on the 11th or 12th as Appraiser Larry Rexroth will be present and can review the depreciation with Bossen and the Board. Sintek moved, seconded by Collins, to table this protest until the 11th or 12th, date to be determined by Larry Rexroth and Bossen to be notified. Carried. Yes: Sintek, Collins, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

Protest #1 was filed by Geweke Ranch Inc., % Lloyd Geweke on 137.7 acres in the NW4 of 15-18-14 and concerned a correction of land use. No one was present to testify. Geweke provided certification from FSA to indicate 49 acres dryland, 84.70 acres grass and 4 acres road which results in a revised valuation of \$59,420. Baker moved, seconded by Ash to approved the requested valuation based on the change in land use. Carried. Yes: Baker, Ash, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Protest #2 was filed by Laddie E & Darlene K Bruha on the value of a trailer house sitting on 80 acres in the S2SW4 of 26-19-16. No one was present to testify. Written testimony was provided on the condition of the trailer. Lister Linda Nance and Supervisor Cullers inspected the property and confirm property owners report of it's condition. Sintek moved, seconded by Cetak, to approve property owners request and Assessor recommendation of a salvage value of \$300 on the trailer house. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

Protest #3 was filed by Doug Sedlacek on a garage in Ord Original, W62.5' of E125' Div. D, Block 64. No one was present to testify. His written testimony indicated it was over valued based on the cost of materials and labor to construct it and invoices were attached. It was determined that it is a pole building with no electricity and no foundation and Sedlacek did his own labor. Assessor Waits noted that this information would decrease the valuation on the garage, but not the land. She recommended leaving the land as it is and splitting the difference between the owner requested and

Assessor valuation on the garage. Collins moved, Baker seconded, setting the garage value at \$6500 with the land value to remain as it is. Carried. Yes: Collins, Baker, Cullers, Ash, Cetak, Sintek. No: none. Absent: none.

Valuation changes requiring BOE approval were discussed. Donald & Lila Waller property in North Loup Village, Babcocks 2nd Add., Lots 3-6, Block 20 and Lots 1 & 2, 7 & 8, Block 19, the land value of each parcel was lowered from \$1950 to \$1650 to reflect removal of a portion of B Street from their property description since it was discovered that B Street had not been abandoned. Waller valuation change approved on motion of Ash, seconded by Cullers. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. James D & Lorreta K Darnell property in Ord, Summitt Add., Lots 38 and S25' of Lot 39 was corrected to reflect purchase of S25' of L39, lowering the land value from \$13,045 to \$12,675. Darnell valuation change approved on motion of Collins, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. Changes made to property owned by Hillcrest Ranch, in 5-20-14 lowered the total value from \$321,350 to \$293,280 and in N2 8-20-14 lowered the land value from \$108,200 to \$107,860. Changes for Ronnie C Hulinsky, in SW4 5-20-14 lowered the total value from \$31,645 to \$28,070 and for Charles Hulinsky in NW4 8-20-14 raised the land value from \$310 to \$340. These changes were necessary to correct an error made in the transfer of property from Hulinsky to Hillcrest Ranch and were approved on motion of Collins, seconded by Baker. Carried. Yes: Collins, Baker, Cullers, Ash, Cetak, Sintek. No: none. Absent: none. The following valuation changes were made to reflect an alley vacated by Ord City in Ordinance # 514: Jay & Ahleane Wojtasek in Ord, West Ord Add, W2 L3 & 4 and 8' of vacated alley in block 5, land value raised from \$5850 to \$6330; Lloyd R & Ramona G Hurlbert, Ord, West Ord Add., E2 L5 & 6 and 8' vacated alley in block 5, land value raised from \$5850 to \$6330; Gerald & Virginia John in Ord, West Ord Add., Lot 7 & 8 and W8' vacated alley in Block 5, land value raised from \$6240 to \$6495. Valuation changes due to Ordinance #514 were approved on motion of Cullers, seconded by Ash. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none. Valuation Richard E & Mary Ann Bonne property in the NE4 of 3-18-15 was corrected to reflect a dryer bin raising the total value from \$159,710 to \$205,970. The Bonne correction was approved on motion of Collins, seconded by Cetak. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

A Tax List Correction for Corina Guerrero for a mobile home moved to Hastings was approved on motion of Cetak, seconded by Sintek. Carried. Yes: Cetak, Sintek, Collins, Cullers, Baker, Ash. No: none. Absent: none. At 12:55 p.m., Ash moved to return to regular session, seconded by Cetak. Carried. Yes: Ash, Cetak, Sintek, Collins, Cullers, Baker. No: none. Absent: none.

Weed Supt., Darrell Kaminski, reported a generally good response from land owners in regard to their noxious weeds. Discussion was held regarding the spraying of road ditches. Kaminski felt it was useful to spray now to keep the seeds from spreading.

Custodian, Rolland Cronk, requested use of Courthouse lawn on behalf of the Ord Area Chamber for the junk jaunt in Sept. for a barbecue and entertainment to provide a reason for people to stay in Ord and make use of the motels, shopping etc. Discussion included the request listed as agenda item 11D and the Board felt it should not be used for private events but only for community events. Baker moved, seconded by Ash, to approve use of the Courthouse lawn for the Chamber sponsored event during the junk jaunt, but to deny use of the Courthouse lawn for private use as requested in agenda item 11D. Carried. Yes: Baker, Ash, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. Cronk reported that he has been working with Rasmussen Machine on a proposal for a heating/cooling system and discovered that the air-conditioning installed in the District Courtroom could have a heating element installed. This may be more cost effective than repairing the old radiator that is currently not working in this room. The heating element would cost \$300 and 220 wiring would be needed. There is a duct to the jury room. Will pursue an estimate of cost and add to 2005-2006 budget for Board review. Will change timer on westside Courthouse lights during

the 4th of July weekend to allow them to run longer. Discussed seminar on boilers to be held in Kearney.

Discussion of the Lodging Tax repayment included comments from Attorney Cullers, Larry Koelling of the Advisory Committee and Kent Helm of the Ord Area Chamber. Cullers has contacted Ron Gottula with the state and was told their only directive is to capture the funds as quickly as possible for the County that is entitled to them. He also said they will withhold both the new improvement tax as well as the promotion tax until the money is repaid so the County will be left with no Lodging Tax funds coming in. An entity paying Lodging Tax listed their business office address in Valley County rather than the lodging site location in another county. The state will not give information regarding the amount of tax collected by an entity but will provide a list of entities who collect the tax to the County Board receiving the funds. It would appear that the funds in question should have gone to Custer County. The state takes no responsibility for assuring that the tax is collected and remitted to the correct county. Discussion included: payment of a lump sum, revised projections of income of \$680 per month including both improvement and promotion collections, question if interest will be charged, need to let requesting entities know how this will affect their upcoming projects, need to let Chamber know how this is to affect their contract, Committee needs to know how to proceed with 05-06 budget, could discuss with Custer County, Attorney Cullers requests Board member to work with him on negotiations as he has no authority to commit County to any action. The Board felt that the Committee should budget based on what remains in the fund, that the contract with the Chamber could be honored for this year and renegotiated in April, Sevenker and Ash will work with Attorney Cullers in negotiations concerning repayment.

Hospital Admin., Neelam B. Bhardwaj, presented her report, noting that a discussion and analysis page has been added. Revenues up slightly and they continue to work on cutting expenses. An audit is planned to help address the issue of reducing the "days in accounts receivable". Cutting down on use of contract staff helps keep costs down. An employee satisfaction survey is to be conducted by an outside firm to provide a base for measuring improvement. Need to increase number of rooms available for nursing home, licensed for 70 but not sufficient space. Recent changes include the neighborhood concept in the nursing home, new phone system and new cat scanner. Dr. Mike Lawson, internal medicine, will begin at the clinic on July 8. He is from Kearney and will continue to work there one day a week. Dr. Kanuri did not renew her contract, her last day is July 30. Dr. Rachel Blake has also been recruited to join the staff and will be coming soon. Patient satisfaction survey results were very good overall. The Hospital Board has approved purchase of equipment to allow more surgical services to be provided through outside specialists. The critical access adjustment payment will be changed from annual to monthly for next fiscal year. When the annual adjustment for this year is received, financials should be close to breaking even. Should have auditors report in October. Board members were invited to call her with any questions.

Discussion was held regarding the resignation of Assessor Waits and the resulting loss of health insurance. Assessor Waits was present. She plans to continue to work in the Assessor's Office on a part-time basis and understood the personnel policy to allow coverage for working 20 hours per week. However, the personnel policy states that a part-time employee must work 36 hours per week to qualify for health insurance. Following discussion, Sintek moved that an addendum be made to the county personnel policy allowing an elected official, who voluntarily retires or resigns due to health reasons, to receive single health insurance coverage for the remainder of the elected term, provided said official continues to be employed by the county. Cetak seconded the motion. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

Resolution 05-15, transferring funds within the General Fund to cover overages totaling \$1411.98 in the Board and Assessor budgets, was approved on motion of Ash, seconded by Cullers. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. June Claims were approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Collins moved to reappoint Sevenker to the Economic Development Board, seconded by Cullers. Carried. Yes: Collins, Cullers, Baker, Ash, Cetak, Sintek. No: none. Absent: none.

The revision or addition of questions pertaining to the county for the next needs assessment survey was tabled until the next Board meeting. The 05-06 statement from the South Central Area on Aging for \$912.00 was noted. Also noted with appreciation were letters from the Economic Development Board recognizing the County's contributions to their efforts, an expression of thanks to County Attorney Cullers for his efforts on behalf of Petska Backhoe and Plumbing and Ord Equipment and a thank you from the Chamber for use of the Courthouse lawn for ExtraOrdinary Days.

Attorney Cullers' response to a complaint received by the Board regarding his handling of child support enforcement for JoAnn Hunt was that he would have liked to have been able to get it done faster and that he went over everything with her at the time and she signed the stipulation agreeing to it. He had no general report.

There were no Committee Reports and the Region 26 Agenda & Grant equipment inventory, Loup Basin RC&D Newsletter, Dept. Labor Newsletter, BCBS Flash, Nebr. Track Service & Hamilton Equip. Co. ad, & Rasmussen Mech Serv. were available for review in the Mail Folder.

Meeting adjourned at 3:10 p.m., to reconvene on July 11, 2005 at 8:00 p.m. as Board of Equalization for the purpose of hearing property valuation protests and July 12, 2005, at 9:00 a.m. in regular session and at 10:00 a.m. as Board of Equalization. Complete minutes of the June 28 meeting and an agenda for the July 11 and July 12 meetings are available for public inspection 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 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