

BOARD OF SUPERVISORS' MINUTES

At 9:00 a.m. on Tuesday, July 26, 2005 the regular meeting of the Valley County Board of Supervisors was called to order in their Courthouse meeting room. Roll call was taken with Baker, Collins, Sintek, Ash, Cetak, and Cullers present, Chairman Sevenker was absent. His absence was excused and Vice-Chairman Collins conducted the meeting. The minutes of July 11, 2005 and July 12, 2005 were approved as published. The Agenda was adopted on motion of Cetak, seconded by Sintek. Carried. Yes: Cetak, Sintek, Cullers, Baker, Ash. No: none. Absent: Sevenker. There was no public comment.

The Road Claims and Balances report was given by Road Dept. Secretary, Sandy Simpson, who noted the larger expenses were for fuel and gravel. An inventory of machinery and equipment owned by the County Road Dept. was also presented.

Supt. Leth reported the request from North Loup that the County allow the usual detour for Popcorn Days. The request was approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Sintek, Cetak. No: none. Absent: Sevenker. Leth requested that the expense of spraying the roadsides be part of the Weed Budget rather than the Road Budget and the Supervisors agreed. The road project from the Sargent Y south is completed except for armor coating, project east from Y will be next as well as maintenance west of the Y. Comstock festivals create large increase in traffic. Box culvert on Ashton Road being replaced with tube.

Easement 05-223 for Frontier, which was discussed at the last meeting, was approved today on motion of Sintek, seconded by Cullers. Carried. Yes: Sintek, Cullers, Baker, Ash, Cetak. No: none. Absent: Sevenker. The Storage Closing Notice from the Dept. of Natural Resources for section 11, twp 20, range 16W was noted and road numbering for 911 addressing was discussed.

The County Clerk Fee report for June and the fiscal year were presented as well as the District Court Fees for June.

The regular written Hospital report was provided and Hospital Board Chairperson, Kara Fischer, reported: fiscal year 04-05 has not yet been audited, but auditors estimate that after all adjustments are made there will be a profit; all censuses are up; business offices in Hospital and Nursing Home are moving to the Zlomke Clinic, this will allow space for 3 additional rooms in the Nursing Home and 2 private admission booths in the Hospital as well as physical therapy space, main cost of the move will be the phone system, Home Health and Hospital Foundation will continue in the Zlomke Clinic, this move should also help parking at the Hospital; renovation completed for the Heritage Program for seniors; cosmetic updates to A wing will be completed in Sept; Neelam received grant funds from Critical Access Hospital for leadership training seminars for managers; Burwell Clinic begins offering physical therapy Sept. 1.

At 9:30 a.m. the Public Hearing on the abandonment of a portion of Road No. 139, B1, P162 was opened. Valley County Attorney, Cullers, presented a Resolution approving abandonment of the road for the Board's consideration. Vice Chairman Collins asked those who wished to speak on the issue to do so. Susan Schauer, Angie Kokes, Charlene Schauer, Curt Schauer, and Peggy Alloway spoke against closing the road. Much of the testimony concerned the ethanol plant. Some reasons given for keeping the road open were: those filing the petition to close the road do not own land in area, road is mail and bus route, son travels it every day and will have to go mile out of way, business should have to make their own road, this road is original highway 11, road is access to farm fields, suggest using road on north side where no one lives, request to keep road as private access to fields. Tom Kruml, Bethanne Kunz, Gaylord Boilesen also spoke. Kruml noted that the issue is the road not the plant and indicated the road closing was necessary for safety since there is not enough distance between the highway and the railroad for a semi to sit before entering the highway. Kunz reported that the State Dept. of Roads has indicated the north road is not an option. Attorney Cullers left the meeting to consult with County Road Supt. Leth, who was not present at the hearing. Cullers reported that Leth advised classifying the road as minimum maintenance would not address the safety issue and that if used for private access to field, County would have to maintain drainage. The question of more time for research and discussion was raised and it was noted that this topic has been on the Board agenda multiple times, that this hearing date had been set by the Board in June, allowing ample time for research, and that Kruml and Boilesen had reported to the Board several times to keep them updated and to answer their questions. Attorney Cullers advised that

discussion should be kept to the issue of closing the road. Vice-Chairman Collins asked the Board for a decision. Cetak moved to adopt Resolution #05-17, approving the vacation and abandonment of Road No. 139, B1, P162, as described therein, seconded by Cullers. Carried. Yes: Cetak, Cullers, Sintek, Ash, Baker. No: none. Absent: Sevenker.

At 10:30 a.m., Supervisors moved into Board of Equalization on motion of Cetak, seconded by Sintek. Carried. Yes: Cetak, Sintek, Cullers, Baker, Ash. No: none. Absent: Sevenker. Assessor Arnold and Clerk Lindsey were present.

Attorney Cullers reported that he, Sevenker and Arnold met with the Keowns to discuss their property valuation appeal to TERC for the 2004 valuation. Following discussion of comparable properties and changing from 100% brick construction to 75% the Keowns agreed to a valuation of \$166,500 for 2004. The \$186,595 valuation for 2005 will have to stand as the deadline for change has passed, but the issue will be revisited in 2006. Cullers presented a Stipulation and Settlement Agreement outlining the above agreement. Sintek moved to approve said Agreement, seconded by Cullers. Carried. Yes: Sintek, Cullers, Baker, Ash, Cetak. No: none. Absent: Sevenker.

Cetak moved to return to regular session, seconded by Sintek. Carried. Yes: Cetak, Sintek, Cullers, Baker, Ash. No: none. Absent: Sevenker.

The Needs Assessment Survey, which provides an opportunity for the County to submit survey questions to County residents, was again discussed. Supervisor Cullers read a sample statement and questions that she had drafted. No action was taken.

Larry Cihal and Ron Paul of Siemens were present to discuss Courthouse renovation and how to accomplish it. Supervisors indicated no local bids were received for handicap accessible restrooms on ground floor and they were ready to consider the performance contract option offered by Siemens. Supervisors listed their priority items as handicap restrooms, windows, heating/cooling, and ground level electrical. Cihal and Paul requested access to plans the County had for the restrooms and said they would meet with the Building and Grounds Committee in a couple of weeks. They asked that the County express their willingness to sign a letter of intent with Siemens. Sintek moved, seconded by Cetak to approve signing a letter of intent with Siemens. Carried. Yes: Sintek, Cetak, Cullers, Ash, Baker. No: none. Absent: Sevenker.

Budget Accountant, Chuck Abel, presented a spread sheet showing fund balances as of June, 2004, receipts and disbursements for fiscal year 2004 - 2005 and the projected receipts and requested disbursements for fiscal year 2005 - 2006 with the resulting projected balance as of June, 2006. Each Board member received a packet with the requested budgets of County offices and departments. Abel indicated that the preliminary levy shows an increase of 16 million. He noted the General Fund shows a larger balance due in large part to changing Road Fund transfers to an as needed basis. Abel's figures include a 400 thousand dollar transfer from General Fund, a \$150,000 transfer from Inheritance to General Fund and \$47,000 to be paid to some townships in lieu of a levy. A special Budget meeting to go over budget and levy requests was scheduled for Monday, August 8, 2005 at 7:00 p.m..

July claims were approved on motion of Cullers, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek. No: none. Absent: Sevenker.

Amendments to the Medical Reimbursement Plan, Dependent Care Assistance Plan and Health and Accident Insurance Reimbursement Account Plan to include the new 2 1/2 month rollover recently passed by the IRS were approved by the Board.

Participation in the Household Hazardous Waste Collection on April 29, 2006 sponsored by Loup Basin RC&D, at a cost of \$1000 to Valley County, was approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Sintek, Cetak. No: none. Absent: Sevenker.

The letter from Nebr. Dept. of Economic Development advising the County of non-selection for the CDBG was noted.

Joe Novotny was reappointed as the County Representative on the CDBG Re-Use Committee on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: Sevenker.

Lodging Tax revenue for May, 2004 of \$424.06 was again held by the state for payment of the balance they say is owed to Custer County. Expenses for July, 2004 were \$1869.51.

Discussion was held on an earlier agenda item regarding transferring money to funds that do not have a levy. Treasurer Suminski reported it was necessary to make a transfer to the Institutions Fund this month to cover expenses. The transfer was done through the claims process so the Board would have opportunity to approve it and was within the Institutions budget. Suminski and Clerk Lindsey said they would like to have a resolution as part of the annual budget process to clarify the transfer of money to these funds. Further discussion will be held upon presentation of a resolution.

The Confirmation of Coverage received from NIRMA and Aon Risk Services was provided to each Board member.

County Attorney Cullers presented a draft of his letter to the Dept. of Revenue asking that they provide documentation confirming their allegations that lodging tax funds paid to Valley County should have been paid to another county. His letter also indicated that he felt the establishment from which the taxes in question were collected would agree to authorize the release of this information to Valley County so that this issue could be resolved.

Cullers' general report included: he has not received the State Patrol report on two motorcycle accidents and that he advised a person with water drainage complaints to address the Board through public comment.

Cullers suggested the Board go into executive session to discuss litigation strategy. At 11:45 a.m. Sintek moved, seconded by Ash, to go into executive session for discussion of a pending lawsuit. Carried. Yes: Sintek, Ash, Baker, Cullers, Cetak. No: none. Absent: Sevenker. At 12:25 p.m. the Board came out of executive session on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: Sevenker.

No Committee Reports were given and the Mail Folder items were available for review.

Meeting adjourned at 12:25 p.m. to reconvene on Monday, August 8, at 7:00 p.m. in special session for discussion of budget and levy requests, and on Tuesday, August 9, at 9:00 a.m. in regular session, 11:00 a.m. as Board of Equalization. Complete minutes of the July 26 meeting and an agenda for the August 8 and August 9 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, County Clerk