

BOARD OF SUPERVISORS MINUTES

The regular meeting of the Valley County Board of Supervisors was called to order at 9:00 a.m. on September 27, 2005 in their Courthouse meeting room. Roll call was taken with Baker, Collins, Sevenker, Sintek, Cullers, Cetak, and Ash present. The Clerk verified notice of meeting and the minutes of the September 12, 2005 meeting were approved as published. The agenda was adopted on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

Tom Kruml and Gaylord Boilesen spoke under public comment, providing an update on the ethanol plant. Kruml said he was present as a member of the Economic Development Board and the task force on the ethanol plant and business development. The City has hired an attorney from Lincoln to assist in the TIF process and the final draft of the required contract between the City and Val-E Ethanol has been received. The City approved the issuance of bonds against the sales tax to finance the paving of the access road to the plant at their Sept. 19 Council meeting. Boilesen said the redevelopment contract took a lot of time to put together because there is a substantial penalty for nonperformance so it is important to be sure of all the terms and that the funding is in place. Boilesen said he was surprised at the second lawsuit filed against the County by the Schauers' He said 46 people went on the trip to the Minden plant and 51 more had been invited. The intent was to educate people and they were careful to stay within the meeting laws. No vote or action was taken by the Board. He said public perception is important and urged the Board to defend their actions.

Sandy Simpson, Road Dept. Secretary, reported the larger expenses in Sept. were for fuel, culverts, welding, asphalt and gravel. Road claims totaled \$99,031.70. Since the Road Dept. is funded through the General Fund levy, a transfer of \$50,000.00 was made in addition to the existing \$17,520.79 and the \$40,000 Highway Allocation received for Sept..

Road Supt. Leth requested Board approval of the Board of Public Roads Classifications and Standards report. Collins moved to approve the report and authorize the Chairman to sign the Certification, Ash seconded. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. Leth noted receipt of the Nebraska Surface Transportation Program Book which lists State Road Dept. projects by District. The book is available in the Road Office and the Clerk's Office.

County Road Project C88217B, replacing a bridge in Geranium Twp. with culverts, has been completed. Project C88285B will be started this week or next. Three additional 1 & 6 Year Road Projects are finished. Several spots remain to be patched. The City of Ord has requested County assistance with excavation work for a water main on the Trotter site. Leth is willing if the Board approves. Collins moved to approve assisting the City with dirt work at the Trotter site, Cullers seconded. Carried. Yes: Collins, Cullers, Baker, Ash, Cetak, Sintek. No: none. Absent: none. The Board asked Leth about assisting the City in extending 5th Street between Alco and the Trotter site to provide westside access. Leth had no objection. Leth presented information from Nebr. DEQ on the requirement to obtain a permit before doing any dirt removal. He noted there are fines for noncompliance. They will continue to haul gravel until freeze up. Road complaints from Billy Wadas, Dennis Gydesen and Gregorski were discussed. Supervisors and Leth will inspect these roads. Olsson Assoc. bills for the access road to the ethanol plant were discussed. The County contracted with Olsson's for this project, which is to be paid with city sales tax funds. The City is requesting County approval of the statements, but Leth has no involvement in this project. Bethanne Kunz, Economic Development Executive Director, said she could approve the bills if they were faxed to her.

Hospital Administrator Neelam B. Bhardwaj presented the monthly report. Census numbers are up, operating revenue is higher and expenses less than budgeted. Hospital Board has approved the purchase of 15 cars, 13 for the Home Care staff, 1 for Clinic staff and 1 for hospital employees. Last year \$120,000 was paid in mileage reimbursement, this year the mileage rate has increased to 48.5 cents. It is estimated that this purchase will save \$35-\$40 thousand dollars. A 5% interest rate was negotiated through the Municipal/County program with GMC Corp.. One vehicle is an SUV to allow for transporting oxygen, the others are 4 door sedans, to be delivered in October. A trauma designation is being sought from HHS, Good Samaritan Hospital is assisting. Rate comparisons

indicate some adjustments up and down need to be made to stay competitive. Move to Zlomke Clinic complete, private admittance booths in use, painting still in progress. Various upcoming programs were noted, Loup City Clinic to open soon, and still searching for sites in Arcadia and Sargent.

The Public Hearing scheduled at 9:45 a.m., for a Conditional Use Permit for Welding Business filed by Jacob Lange, was opened at 10:05 a.m.. Lange and Planning and Zoning Admin. Nancy Glaubke were present. There was no opposing testimony. Planning Commission Recommended approval and listed the factual findings upon which their approval was based. Glaubke noted that written testimony was received after the Planning Commission hearing in the form of a letter of approval from Charles Kokes of Omaha. Based on the factual findings listed on the Planning Commission Recommendation and no testimony in opposition, Ash moved to approve the Conditional Use Permit for Welding Business filed by Jacob Lange, seconded by Collins. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

The Public Hearing scheduled for 9:50 a.m., on the Conditional Use Permit for Horse Trailer Business filed by Angie Kokes, was opened at 10:10 a.m.. Adam and Angie Kokes and Planning and Zoning Admin. Glaubke were present. There was no opposing testimony. Planning Commission Recommended approval and listed the factual findings upon which their approval was based. Angie Kokes testified: there will be no building for the business, a few trailers will be parked on the property, they are high-end trailers, they can be ordered on line or by phone. Glaubke said the landowner had given permission for the business by letter. Based on the factual findings of the Planning Commission listed on their Recommendation and no opposition, Baker moved to approve the Conditional Use Permit for Horse Trailer Business filed by Angie Kokes, seconded by Cetak. Carried. Yes: Baker, Cullers, Ash, Cetak, Sintek, Collins. No: none. Absent: none.

When asked by Supervisor Baker, Glaubke said the County's Zoning Regulations applied in all of rural Valley County to within a mile of each City or Village. She also noted that a conditional use permit goes with the land, not the applicant. Public Hearings were closed at 10:15 a.m.

Planning & Zoning Interlocal Agreement between the County and Arcadia, Elyria and North Loup Villages, approved by the Villages, was approved by the County on motion of Sintek, seconded by Cullers. Carried. Yes: Sintek, Cullers, Collins, Cetak, Ash, Baker. No: none. Absent: none.

Glaubke reported concern on the part of the Planning Commission for the lack of regulation of subdivision development. Consultant Orval Stahr advised two options for subdivision regulation: a complete set of subdivision regulations separate from the County Regs or a set of subdivision standards incorporated into the County Zoning Regs. Separate regulations would be more strict, the standards could allow a farmer to do a single subdivision for a family member as we do now, with stricter standards for 2 or more subdivisions. Stahr would charge \$3500 for either option. Glaubke also noted some minor modifications are needed to the current Zoning Regs. To keep costs down, the Board asked if Glaubke could write the standards and the modifications. Glaubke said she could write minor revisions but would prefer the standards be written by Orval. Collins moved to approve the incorporation of subdivision standards into the existing County Zoning Regulations and making minor modifications, with costs to be kept at the absolute minimum, seconded by Cetak. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

Glaubke reported that she and Emergency Management Director Ryan Simpson attended the recent FEMA mapping project meeting. She noted that the County could enter the flood insurance plan now by choosing a Flood Plan Manager and beginning work on a flood plain. This would allow people who own property in an area designated as a flood plain to purchase flood insurance.

Sheriff Larry Ronzzo gave his written Fees and Activities Reports for August. He also reported: a prisoner was injured in a fall at the jail last week, his office has been assisting City Police with traffic control at the high school, and he has not yet been successful in hiring a dispatcher.

Terry Christensen of the Loup Valley Ag Society reported the Fairgrounds Media Center has been approved by the RC&D and received full government funding. Ag Society will renovate an existing building at an estimated cost of \$60,000, which they plan to request through USDA grants or low interest loans. They have one year to get it up and running. Proposed uses of the center include

Community College courses, University downloads for access to professors, training for hospital or other business personnel. There will be 30 or 32 computers with wireless connections, a fee will be charged for it's use and the building can still be used for other events.

Wayne Winterfeld, Ord City Mayor, said the Council approved payment of the ethanol plant access road from city sales tax funds, to be reimbursed through a 10 year bond. He requested County assistance with dirt work for a westside entrance to the new Trotter site, fuel costs to be paid from sales tax. Winterfeld suggested that after the engineering is complete and easements obtained, Leth and McKenney get together and present a proposal to the County Board of what they want the County to do. Sintek moved, Cetak seconded, to approve helping Ord City with dirt work for the westside entrance contingent on development of a 5th St. contract between Trotter and Alco. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none.

The Lodging Tax report was noted. This month's receipts of \$1307.11 were again retained by the state for reimbursement of taxes incorrectly paid to Valley County and included the first collection of the Visitors Improvement tax in addition to the Visitors Promotion tax. Expenses were \$235.00 for the month. The amount available in the fund is \$11,553.54. Discussion was held on repaying the \$19,166.84 the state incorrectly credited to Valley County. County Attorney Cullers reported meeting with Kent Helm of the Ord Area Chamber of Commerce and Larry Koelling of the Visitors Advisory Committee. The existing commitments were \$9000 for Visitors Promotion and \$6000 for the Chamber contract, \$26,000 was the total budgeted by the County for the Promotion and Improvement Funds. Based on the monthly collections retained by the state, it was estimated that \$16,610.28 remained to be paid. There was concern over depleting the Visitors Promotion Fund. Ash moved to pay \$11,500 of the debt from Inheritance Tax and the remainder from the Visitors Promotion Fund. The motion died for lack of a second. Cullers moved to pay the entire amount from the Inheritance Tax Fund. Collins seconded the motion. Carried. Yes: Cullers, Collins, Sintek, Cetak, Baker. Abstain: Ash. No: none. Absent: none. Attorney Cullers will get the official amount due from the state and the Clerk will prepare a claim to be submitted for Board approval with the October claims.

Larry Cihal and Dave Raymond of Siemens presented a \$27,800 proposal for making the existing first floor restrooms handicap accessible based on the Cannon drawings. Local contractors would be given opportunity to participate if they can meet the scope and timeline of the project. Attorney Cullers requested a correction on item 10, page 2, changing the State of Illinois to the State of Nebraska. Cihal and Raymond agreed to the correction saying this was a standard form used in multiple states and should have said Nebraska instead of Illinois. Cetak moved to approve the \$27,800 proposal for the handicap accessible restroom project, seconded by Ash. Carried. Yes: Cetak, Ash, Baker, Cullers, Collins, Sintek. No: none. Absent: none.

A "Scope of Work" preliminary price estimate of \$1,200,000 was presented by the Siemens Representatives for windows and HVAC renovation. This would include removal and replacement of existing windows, removal of existing boilers and radiators and replacing with a water heating and cooling system and installation of a ventilation system. Following discussion, it was agreed that Siemens would return in 2 weeks with proposals separating the projects and ideas for doing the project in phases to make the cost more manageable.

Confirmation of motel rooms for the NACO Conference was discussed, the deadline is Friday, September 30. Ash will notify the Clerk by Friday whether he will need a room.

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

Direct deposit payroll was discussed. There would be some initial cost to set it up with MIPS and, since vouchers would go out to the employees instead of checks, there would not be a big monetary savings. It would save time and eliminate the need for early preparation of payroll checks that are mailed. It was not known if the early payroll in December would affect the direct deposit payroll, the Clerk will check on this. Employee opinion was also not known. The Clerk indicated that she would not be in favor of direct deposit if it were not required for all employees and the Board agreed. Further research will be done and the issue will be discussed again.

The raise in mileage reimbursement from 40.5 cents to 48.5 cents was noted.

Attorney Cullers' General Report items were addressed earlier in the meeting. He asked that the Board go into executive session to discuss the second Schauers' lawsuit. At 12:05 p.m., Ash moved to go into executive session for discussion of the Schauers vs. Valley County Board lawsuit, seconded by Cullers. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. At 12:25 p.m. the Board moved out of executive session on motion of Sintek, seconded by Ash. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

Ash moved to approve Attorney Cullers' request for authorization to hire outside counsel to represent Valley County due to allegations in the second lawsuit filed by the Schauers, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

The following Mail Folder items were available for review: Myron Franzen for NIRMA Board of Directors, T. Loewenstein NACo letters, Region 26 agenda, Loup Basin RC&D Newsletter, CNCS Newsletter, Dept. Labor Newsletter, Midwest Assistance Program Newsletter, NACo Postcard.

Meeting adjourned at 12:30 p.m., to reconvene on Tuesday, October 11, 2005, at 9:00 a.m. in regular session and 10:00 a.m. as Board of Equalization. Complete minutes of the September 27 meeting and an agenda for the October 11 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