

BOARD OF SUPERVISORS' MINUTES

The regular meeting of the Valley County Board of Supervisors was called to order at 9:00 a.m. on January 31, 2006 in their Courthouse meeting room. Roll call was taken with Ash, Baker, Cetak, Collins, Cullers, Sevenker and Sintek present. The minutes of the January 10, 2006 meeting were corrected to indicate the salary increase for the Chairman is effective January, 2006. Said minutes were approved as corrected on motion of Collins, seconded by Cetak. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. The agenda was adopted on motion of Cullers, seconded by Sintek. Carried. Yes: Cullers, Collins, Sintek, Cetak, Baker, Ash. No: none. Absent: none. No one had signed up for public comment.

Road Secretary, Sandy Simpson, reported the claims and balances for January, noting some of the larger expenses were culverts, a pickup, tires, parts and labor, and fuel. Fuel costs have been averaging \$10,000 per month and if that continues fuel will be over budget.

The Vinton Cemetery was discussed. Present for the discussion were Mr. & Mrs. Lybarger, Mr. & Mrs. Denzel Snow, Mr. and Mrs. Darrell Crouch and Kathy Knapp. Some of their concerns were: lack of access to the cemetery, pivot should not spray cemetery, lack of maintenance, against removal of cedar trees inside cemetery boundaries. It was determined that the most practical access would be from the south. Those present would be satisfied with an access trail that could be used by a four-wheel drive vehicle and are willing to help with the work. Kathy Knapp will contact landowner Setlik regarding access. The County will trim the cedar trees and burn off the brush. The County will not approve removal of the cedar trees.

The petition filed by James L. Duda for the temporary closing of a road described as T-20-N R-14-W, located in West 1/2 Section 10, all in Valley County was presented. The petition requested closing the road from November 1 to April 20 each year to allow his cattle to graze both sides of the road as there is not water on one side of the road. County Attorney Cullers said there is no provision for closing a road on a temporary basis. Duda noted that he does not want it closed permanently because he had assured the petition signers his request was for a temporary closure. Attorney Cullers also noted that if a property owner closes a county road on his own and a complaint is filed a criminal complaint would have to be filed and that it is a Class IV misdemeanor. Duda withdrew his petition requesting the road closure since it could not be done on a temporary basis and agreed to look into installing auto gates or getting an easement to get water to the other side of the road.

Road Supt. Leth recommended approval of three easements: 06-237 and 06-239 for Kinder Morgan Inc. and 06-238 for Nebr. Central Telephone Co.. All three easements were approved on motion of Sintek, seconded by Ash. Carried. Yes: Sintek, Cetak, Collins, Ash, Baker, Cullers. No: none. Absent: none.

The Agreement and Resolution required by NDOR for road project STPD-11-3(108) between Ord and Burwell was discussed. Said Agreement and Resolution 06-02 were approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Review of the One and Six Year Plan for county roads was postponed until the next meeting.

Leth's General Report included: new micron filters, very fine; some manufacturers will not honor warranty if dirt caused failure; LB's 1056 & 1057 would change highway allocation figures, watching 8 bills pertaining to highways; discussed need for new motor grader, Board advised be patient and look for used one; used more material on Loup City road than anticipated, work on Fort Hartsuff road next; received notice that the State Inspection team has designated a Valley County bridge as scour critical, will clean out underneath the bridge, rock it and have it reevaluated. The Board asked Leth to talk to Ray Setlik regarding a south access to the Vinton Cemetery, trim the cedar trees and clear the brush.

At 10:10 a.m. the Board of Equalization convened on motion of Sintek, seconded by Collins. The Clerk and Assessor were present. New manual pages received from the state regarding the Special Valuation of Agricultural Land and Horticultural Land were available for review. Assessor Arnold said no land in Valley County qualifies. A hearing date of February 28 at 10:00 a.m. was set for Exempt Organizations on motion of Cullers, seconded by Ash. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none. The Board moved back into regular session on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

Valley County Health System CEO, Neelam Bhardwaj, reported all subsidiaries are exceeding budgeted numbers and expenses have been lowered resulting in operations income of \$53,435 for December. She noted that the current ratio (assets divided by liabilities) is much improved and this is what lenders look at. An unannounced survey conducted by NHHS found no major deficiency. The official results should be in next week. Supervisor Baker asked if the proposed expansion project requires Board approval. Bhardwaj said since the cost of the project is less than 50% of the value of the facility it does not require a vote of the people but Board approval is needed. She is working with the lender to include wording in the loan documents that in the event the hospital is unable to meet the loan payments, the loan would be restructured and would not fall to the taxpayers to repay. She is also working to develop an account where the hospital can deposit funds in advance of the loan payments to assure that money will be available to meet the payments. She will meet with each Board member once the bond copy is received and will keep the County Attorney informed. Since the bond copy has not been received, the hospital expansion financing agenda item will be discussed at a later date.

Weed Supt., Darrell Kaminski, presented his annual weed report consisting of a Weed Control Authority Board Roster, Budget Report, Noxious Weed Control Plan, 2005 Valley County Noxious Weed Infestation Report, Activity Report and the Nebraska Watch List Infestation Report. Following discussion, Ash moved to approve the report and authorize Chairman Sevenker to sign it, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Nancy Glaubke, Planning and Zoning Admin., appeared to ask the Board to appoint a replacement for Jerry Neeman on the Planning Commission Board. She said Carrie Zangger, Jeff Wieskamp, and Craig Critel all agreed to serve. The term is three years. Collins moved to appoint Jeff Wieskam, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. Glaubke will notify them of the Board's appointment.

Sheriff Larry Ronzzo presented his fees and activities report for December and acknowledged notification of the annual jail inspection by the Nebraska Jail Standards Board on March 16, 2006. He also informed the Board of the need to update the heating and cooling system in the jail. It is getting old, requiring more repairs and parts are hard to get due to its age.

Treasurer Janet Suminiski was unable to attend the meeting. The semi annual fund report was presented as published and her note that delinquent taxes will be advertised in February.

Baker moved to approve the appointment of Michael Schudel to the Central IV Extension Advisory Board for a three year term as requested by Extension Educator Scot Brady, seconded by Sintek. Carried. Yes: Baker, Cullers, Collins, Sintek, Cetak, Ash. No: none. Absent: none.

The engagement letter received from Dana F. Cole & Company, LLP regarding the auditing of Valley County for the year ended June 30, 2006 was approved on motion of Ash, seconded by Cetak. Carried. Yes: Ash, Cetak, Sintek, Collins, Cullers, Baker. No: none. Absent: none.

The letter of agreement received from Region III regarding Emergency Protective Custody notes that Region III continues to be responsible for the first four days, MLMH for day five and the County for day six and beyond. The daily rate has increased to \$618.00 and the billing procedure has changed to bill the County through Region III so that they can track how much the Counties are spending for this service. Cullers moved to approve the Region III letter of agreement for EPC, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none.

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

The following information items were noted: Receipt of \$514.33 in Lodging Tax for November, Central District County Officials Association meeting in Aurora on March 16.

Chairman Sevenker recognized Dean Bresley, who did not appear on the agenda. Bresley asked the Board to look at his property west of McDonalds. He would like to have the road taken down to be level with the ground. Board will look at it and put it on a future agenda.

Bids for paving the ethanol plant access road were opened and read aloud by James D. Moreau of Olsson Associates on January 18 in the Boardroom of the Valley County Courthouse. Eight bids were received and Moreau took them for tabulation. He appeared today with the tabulation and advised the Supervisors that Werner

Construction Company was the low bidder at \$473,625.11. He recommended that Werner be awarded the bid. Ron Sack of Sack Lumber & Loup Valley Ready Mix asked the Board to consider the second low bidder as they would use local concrete. Moreau noted the possibility of a lawsuit if the County did not use the lowest responsible bidder. He said since he had no reason to believe that Werner Construction was not a responsible company he had to advise that they be awarded the bid. County Attorney Cullers noted statute 39-1407 on county road projects requires that bids be awarded to the lowest responsible bidder, he also noted statute 81-1108.55 which lists criteria in addition to price that can be considered in determining the lowest responsible bidder, but which may or may not apply to county roads. Cetak moved to award the bid to Castle Construction and use local cement, Collins seconded the motion. Not Carried. Yes: Cetak. No: Collins, Sintek, Ash, Baker, Cullers. Absent: none. Sintek moved to approve the award of the bid to Werner Construction, seconded by Collins. Carried. Yes: Collins, Sintek, Ash, Baker, Cullers. No: Cetak. Absent: none. Moreau noted he would need a copy of the minutes. Road right-of-way and road closing barricades were discussed.

At 11:30 a.m. the public hearing regarding the leasing of county property was opened. No one was present to testify. A ten minute recess was called by Chairman Sevenker. At 11:40 the meeting resumed. No testimony for or against the leasing of the County Farm was offered. The hearing was closed.

At 11:45 a.m. bidding for lease of the "East Farm" and the "Mortensen Tract" was opened. Marty Petska, Jeremy Shoemaker and James Knapp were present. Discussion was held regarding the acreage changes in the Mortensen Tract due to the development of business sites, the possibility of future development and a County mixing strip. Also discussed was a plot of grass planted by Pheasants Forever. Chairman Sevenker noted that the tenant pays the water charges and asked that the original 100 acres of water be maintained even though there are fewer acres now. The East Farm was discussed. It was determined that not more than 12 animal units shall be kept in the pasture ground for 5 months at any one time. Bidding began at 11:55 a.m.. Knapp and Shoemaker bid on the farms. Knapp, bidding for James and Virginia Knapp, was the high bidder on both farms, \$11,500 for the Mortensen Tract and \$13,860 for the East Farm. Bids closed at 12:20 p.m.

The establishment of an endowment fund and a flow-through fund with Nebraska Community Foundation was discussed. This can be done at no additional cost because the Wozab Fund is already established. Supervisor Cullers noted that only the interest would be accessible in the endowment fund, while the flow-through fund would be accessible in its entirety. Cullers then moved that both funds be established and that all County Board members serve on the committee with one being the primary contact. Ash seconded the motion. Carried. Yes: Cullers, Collins, Sintek, Cetak, Ash, Baker. No: none. Absent: none.

Emergency Manager Ryan Simpson was unable to attend today's meeting. However, he had presented an Agricultural Disease Response Plan at the last meeting to be added to the Local Emergency Operations Plan and an updated contact list for the LEOP was provided for today's meeting. Board approval was needed for the updated LEOP. Gene McCoy of KNLV Radio noted that the contact list did not include KNLV and he felt the station would be a valuable asset in an emergency. The Board agreed and directed the Clerk to ask Simpson to contact McCoy in this regard. The Board felt the plan could be approved and additional contact information added at a later date. Sintek moved to adopt Resolution 06-03 approving the LEOP, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

Salary Resolution 06-04, listing the salaries set by Board motion at the January 10 meeting, was approved on motion of Cullers, seconded by Ash. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none.

Having received notice of their willingness to serve, Ord Family Health Center, Dr. Jennifer Bengston, Dr. Rachel Blake, and physician on call were approved to act as County Physician on motion of Collins, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

County Attorney Cullers presented a resolution for Board consideration opposing LB 529 which proposes to combine County Court and District Court, along with information regarding a study designed to help determine the number of judges needed in the state. This issue has been discussed at prior meetings. Supervisor Cullers moved to adopt Resolution 06-05 opposing the combining of the courts, seconded by Ash. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none.

The proposed contract with Beckenhauer Construction for preliminary design and budget services was discussed. There was some concern that the contract included services the Board was not ready to commit to, however, Attorney Cullers felt it would be okay to sign. He felt the contract language was designed to protect Beckenhauer so that the county cannot take preliminary information provided by Beckenhauer and use it with another firm. Baker moved to approve the Beckenhauer Construction Contract for the preconstruction phase of the design and construction of the heating, air conditioning and window upgrades in the County Courthouse. Ash seconded the motion. Carried. Yes: Baker, Ash, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Custodian Rolland Cronk was present for discussion of the Wadas Inc. proposal for a new heating and cooling system for the jail. Cronk told the Board he had solicited the proposal because the existing system had required numerous repairs over the last year and replacement parts were becoming hard to get due to the age of the unit. Discussion included the need to get more than one proposal and that it would be difficult with a proposal already submitted. Cronk acknowledged that he should have waited to solicit a proposal. The Board asked that Cronk contact the gas company and Holcombs for proposals.

The billing statement from Siemens for the handicapped restrooms on the first floor has been received, however, Chairman Sevenker noted some concerns he has after inspecting the restrooms. The Clerk has informed Larry Cihal of Siemens that there are concerns and he was to have contacted Chairman Sevenker, however, he has not yet done so. The bill is not to be paid until there is a resolution of the concerns.

County Attorney Cullers reported that he may call Board members in this week to sign discovery documents in the Schauers lawsuit. He said the motion to dismiss hearing is scheduled for February 14, 2006.

Supervisor Cullers, the County Representative on the Region III Board, handed out a written report regarding the programs provided by Region III. She also provided a copy of a letter she had sent to the Loup Valley REA Board thanking them for moving forward with the REDG Program.

Mail Folder items available for review were: Loup Basin RC&D Newsletter & Grant Writing Workshop, CNCS Newsletter, NIRMA Newsletters (2), NACo Annual Conference, NIPC Conference, NACo Rep. T. Loewenstein email.

Meeting adjourned at 1:45 p.m., to reconvene on Tuesday, February 14, 2006, at 9:00 a.m., in regular session, and at 10:00 a.m. as Board of Equalization. Complete minutes of the January 31 meeting and an agenda for the February 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, County Clerk