

BOARD OF SUPERVISORS' MINUTES

The regular meeting of the Valley County Board of Supervisors was called to order in their Courthouse meeting room at 9:00 a.m. on Tuesday, June 13, 2006. Roll call was taken with Ash, Baker, Cetak, Collins, Cullers, Sevenker, and Sintek present. The Clerk verified publishing meeting notice, posting the agenda in the Courthouse and on the County website and providing it to requesting media. Clerk noted a correction was needed in the May 8, 2006 meeting minutes as July was inadvertently left out when noting the Property Protest Hearing dates set by the Board, June 13, 27 and July 11. Said correction was approved on motion of Collins, seconded by Ash. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. The May 30 meeting minutes were approved as published. Meeting agenda was approved on motion of Ash, second by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. There was no public comment.

Road Supt. Leth was absent, attending the Highway Supt. mid-year meeting.

On Leth's recommendation, Sintek moved to approve the refund of Easement 05-221 for Mike Usasz, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none.

The NDOR acceptance of the County's change in their One & Six Year Road Plan was noted as was the notice of completion of the 2005 State Highway Needs Assessment Supplement.

On Leth's recommendation, Collins moved to approve Change Order No. 1 with Werner Const. adding \$4050.15 to the contracted price due to additional shoulder dirt and pipe and the removal of pipe and asphalt, seconded by Baker. Carried. Yes: Collins, Cullers, Baker, Ash, Cetak, Sintek. No: none. Absent: none. . Also on Leth's recommendation, the billing statement in the amount of \$337,010.92 for Werner's work to date was approved on motion of Sintek, seconded by Ash. Carried. Yes: Sintek, Cetak, Collins, Ash, Baker, Cullers. No: none. Absent: none.. Said statement was faxed to the City of Ord for their approval and payment.

The \$1749.34 JEO billing for County Survey work locating the NE, N4, E4 corners in 33-17-14 was also reviewed and accepted by Leth.

Discussion of the Davis Creek Cemetery with regard to the location of a nearby pivot included the need to treat all cemeteries the same and that in the past cemetery boundaries had been respected. Supervisor Cullers noted that Tom Tolen had offered to provide information on rural Valley County cemeteries based on research done by his mother. Sintek noted that, based on what was said at the last meeting, he had given permission for the pivot. The Board determined that things should be left as they are for now and Attorney Cullers offered to draft a letter for Board approval at the next meeting. The Board also agreed that Tolen should be invited to speak to the Board regarding information on the rural cemeteries. Attorney Cullers suggested that UNL Archeology Dept. could be contacted regarding establishing which lots in County Cemeteries are being used.

Custodian Rolland Cronk reported that the Courthouse roof needed some repairs especially in the area above the District Courtroom. The Board directed that he contact some roofing firms. Attorney Cullers will work with Cronk to establish a fair process to receive recommendations and estimates. The Courthouse lawn was also discussed. Glaubke reported that the kids she is working with are too young to take on a landscaping project of this size, but she noted that funds are available through the state for projects of this type and she is looking into that for the future. She felt that the Girl Scouts would probably be willing to turn over their project on the south side of the jail to someone else. Cronk asked about hauling out limbs and other trash and Chairman Sevenker suggested he talk to Leth to see if he had a site where this could be dumped otherwise pay the fee and haul to the tree dump. Kunz has reset the sprinklers to come on every other day. Sevenker asked that everyone look at the Courthouse lawn and bring suggestions to the next meeting.

The Public Hearing for a Conditional Use Permit for a Welding Business for Chuck Kokes, advertised for 9:45 a.m., was opened at 9:50 a.m.. Planning and Zoning Admin., Nancy Glaubke presented the recommendation of the Planning Commission, a copy of the application, a site map and drawing of the proposed business. No one was present to testify for or against the application. The Planning Commission Recommendation of approval listed their factual findings and made their approval subject to 3 additional conditions regarding driveway design, culverts and landscaping. Following discussion, Baker moved to approve the Conditional Use Permit for a Welding Business for Chuck Kokes based on the factual findings and subject to the conditions listed on the Planning Commission Recommendation, seconded by Ash. Carried. Baker, Ash, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. The Public Hearing was closed.

The Public Hearing for a Conditional Use Permit for a Pump & Well Business for William Cody Sitz, advertised for 9:50 a.m., was then opened. Glaubke presented the Planning Commission's Recommendation, a site map and plat map. Cody Sitz was present. County Highway Supt. Leth met with Sitz to discuss the access road, driveway and

culverts. The Planning Commission's Recommendation of approval listed their factual findings and was subject to the same 3 conditions as the previous applicant. Following discussion, Collins moved to approve the Conditional Use Permit for a Pump & Well Business for William Cody Sitz based on the factual findings and subject to the conditions noted on the Planning Commission Recommendation, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none. The Public Hearing was closed.

The Public Hearing for a Conditional Use Permit for the Expansion of Existing Class "II" Livestock (Cattle) Feeding Operation for Peterson Farms, Inc, advertised for 9:55 a.m., was then opened. Glaubke presented the Planning Commission's Recommendation, a letter of explanation from Dale Peterson, a site map and plat map. Dale Peterson was present and explained that the application was needed to bring their feedlot into compliance with DEQ requirements and that most of the work will be on existing pens with only a few new pens to be created. Glaubke noted this is not an expansion of the number of cattle, it will remain a Class II operation. Some concern has been expressed by Roger Lansman who visited with Peterson and Glaubke but did not attend this hearing. Glaubke noted that LB975, passed this year, states that "a county board shall grant a conditional use permit to an existing animal feeding operation seeking to modify a livestock waste control facility if the purpose is to comply with state regulations pertaining to livestock waste management and the construction or modification will not increase the animal capacity of such operation". A copy of the LB was provided. The Planning Commission feels this supersedes the County's setback regulations and that they are required to approve it and it does comply with the comprehensive plan. Following discussion, Sintek moved to approve the Conditional Use Permit for Expansion of Existing Class "II" Livestock (Cattle) Feeding Operation for Peterson Farms, Inc. based on the factual findings listed on the Planning Commission's Recommendation of approval, seconded by Ash. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none. The Public Hearing was closed.

The request of Dale Melia for a subdivision revision for an additional .31 acres located in the NE4 of 22-20-15 was considered. Glaubke said the request was to add a bedroom to his existing cabin. The Planning Commission's Recommendation was for tentative approval pending receipt of a legal survey and on the condition this approximate .31 acre parcel be added to the 3.55 acre parcel in 22-20-15 so it becomes one legal lot of record. Following discussion, Collins moved to approve the .31 acre subdivision subject to the conditions noted in the Planning Commission's Recommendation, that a survey be received and the .31 acre parcel be added to the 3.55 acre parcel to become one legal lot of record, seconded by Ash. Carried. Yes: Collins, Ash, Baker, Cullers, Sintek, Cetak. No: none. Absent: none. Glaubke will follow up to be sure the property becomes one lot.

Glaubke noted that she had approved the use of legal fees from the Planning and Zoning budget to pay some Schauer lawsuit fees. The Clerk's Office has made that adjustment.

The Sheriff's written report of April Fees & Activities was presented.

Treasurer, Janet Suminski, reported that North Loup Valley Bank had replaced a pledged security that had matured. She also gave the month end fund report, noting that highway allocation for May was \$40,209.73, total receipts for May were \$1,143,514.51. General Fund is at \$455,771.85 and Inheritance Fund is at \$1,027,505.92. The \$830 in the Grants Fund was the result of a direct donation to the Sheriff's Office and can only be used by that office. She plans to include the airport bond amount due on the next report.

Suminski noted a NACo Prescription Drug Discount Web Conference June 22 and the NACo plan was discussed. Supervisor Cullers said that when she checked into it, the local pharmacies were not in favor.

The Misc. Receipts folder was available for review.

Clerk, Jenette Lindsey, presented the May Fee Reports for the County Clerk and Clerk of the District Court. She also reported a request from Ron Bowmaster, Office of the CIO, DSP (State of Nebraska) that the County contact Gene's Electric for an estimate to install computer cable in the County Courtroom, District Courtroom, County Court Judge's Office, District Court Judge's Office. At Lindsey's request, Bowmaster approved the addition of the former Supt. Office on the third floor which is being considered for use as a County Attorney's Office. Upon Bowmaster's approval of the estimate, the County would be reimbursed for cost of the cabling. The Board approved getting the bid, submitting it to Bowmaster for approval and the County's initial payment of costs to be reimbursed by the State.

The BCBS/NACO subgroup application for health insurance coverage for County employees was discussed. It was felt that there was not sufficient premium reduction for the Health Savings Account option. At 10:45 a.m., a recess was called to allow the Clerk to call for the amount of the office visit copay if that option were chosen. At 10:55 the meeting resumed with the Clerk reporting that, with the office visit copay, the insured would pay \$30 for an in-network provider office visit. Following discussion, Cullers moved to leave the BCBS coverage as it is for the

coming year (\$1000 deductible, no office visit copay), seconded by Sintek. Carried. Yes: Cullers, Sintek, Collins, Cetak, Ash, Baker. No: none. Absent: none.

County Attorney Cullers reported the County has received notice that the Ammerman tort claim filed in November 2005 has been withdrawn and a lawsuit has been filed. The County did not act on the tort claim on advice of NIRMA and the lawsuit is the next step. NIRMA has been notified.

At 11:00 a.m. the Board of Equalization convened on motion of Ash, seconded by Collins. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. The Clerk, Assessor and appraiser Larry Rexroth were present.

See attached Property Valuation Protest Hearing Report.

Valuation notices for 2006 on parcels owned by the County were presented. Parcel #880036752, Block A in the Mortensen Industrial Site, was lowered from \$127,195 in 2005 to \$60,205 in 2006 to reflect the agland valuation on the undeveloped portion of the property. Parcel #880015155, North Loup Twp., part of L1 and L2 in S2SE4 28-19-13, 43.9 acres, raised from \$15,765 in 2005 to \$17,760 in 2006 to reflect a rise in grassland value. Parcel #880010934, Ord Twp., part N2 & 38.4 acres in S2 8-19-14, 138.4 acres, raised from \$126,565 in 2005 to \$138,750 in 2006 to reflect a rise in agland value. Parcel #880015316, North Loup Twp., E2NE4 33-19-13, 80 acres, raised from \$87,350 in 2005 to \$95,325 in 2006 to reflect the value of irrigated acres.

The following 2006 Notice of Valuation Changes were presented by the Assessor: Valley County Parcel #880011606, from \$84,750 to \$83,990 to reflect .53 acres transferred to Nebr. Dept. of Roads; Velma V. Jackson, Parcel #880023317, from \$15,460 to \$20,280 to correct missed computer update; Supervisor Cullers moved to approve Assessor's valuation changes, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none. Notice of Valuation Change for William A & Eleanor J Lueck Parcel #880002065, from \$94,545 to \$173,050 to reflect property owners land use update of number of acres from dry to irrigated, was approved on motion of Cullers, seconded by Ash. Carried. Yes: Cullers, Baker, Ash, Collins, Sintek, Cetak. No: none. Absent: none. Notice of Valuation Change for Val-E Ethanol, LLC Parcel #880036789, from \$850,150 to \$689,480 to reflect lease of 44.1 acres, was approved on motion of Baker, seconded by Cullers. Carried. Yes: Baker, Cullers, Collins, Sintek, Cetak, Ash. No: none. Absent: none.

The Assessor's Certificate of Assessment Roll completion has been filed with the Clerk. Arnold thanked Supervisor Cullers for accompanying her on the property inspections. Ash moved to return to regular session, seconded by Cetak. Carried. Yes: Ash, Cetak, Sintek, Collins, Cullers, Baker. No: none. Absent: none.

Chairman Sevenker said Randy McCall of Region III was unable to attend today's meeting and his report would be rescheduled. Region III FY 2006/2007 County Match Request of \$8305.74 was approved on motion of Ash, seconded by Cullers. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

County Attorney Cullers said his review of the HHS Cooperative Agreement for Child Support Enforcement Services/Clerk of the District Court found it to be in order. Said agreement was approved on motion of Baker, seconded by Ash. Carried. Yes: Baker, Ash, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Collins moved to approve South Central Nebr. Area Agency on Aging's FY 06/07 support request of \$912.00, seconded by Ash. Carried. Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

Approval of the Surety Bond for North Loup Township Cemetery Assn. was given on motion of Sintek, seconded by Cullers. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none.

NIRMA's appraisal of the airport buildings and their inclusion in the County's property coverage was discussed. The six airport buildings are listed as the Administration Building and Hangers #1 through #5 and their total replacement value is appraised at \$1,158,800 with an associated annual insurance cost of \$1,738.00 to be reflected in the August 1, 2006 renewal billing. The Clerk was instructed to send a copy of the appraisal information to the Airport and to bill them for the insurance costs of the Airport buildings. The notice also indicated that the current replacement cost value for all real property owned by Valley County is \$5,527,000.

Informational items noted by the Board included: NIRMA's telephonic conference on employment law and personnel management on Thursday, June 29, 2006, the Invasive Plants Conference on August 22 and 23 at the Kearney Holiday Inn and the Current Expenditures Summary Report for May 31, 2006.

County Attorney Cullers informed the Board the County received a Notice of Charge of Discrimination from the U.S. Equal Employment Opportunity Commission and suggested that it be discussed in executive session to protect the reputation of both the complainant and any person named in the allegation from possible harm. At 12:00 noon, Sintek moved to go into executive session for the purpose of discussion of possible litigation and to prevent possible harm to the reputation of the complainant and any person named in the allegation of the Notice of Charge of

Discrimination, seconded by Ash. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none. At 12:12 p.m., the Board moved back into regular session on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none.

There were no Committee Reports.

Mail Folder items available for review: Chamber thank you note, Chamber Pulse, Rural News Bits, Nebr. Economic Trends, NLTAP Interchange, Nebr. Crime Commission Grant Writing Training, Kinder Morgan General Rate Increase, NACo Annual Conference.

Meeting adjourned at 12:20 p.m., to reconvene on Tuesday, June 27, 2006 at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the June 13 meeting and an agenda for the June 27 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