

BOARD OF SUPERVISORS' MINUTES

The regular meeting of the Valley County Board of Supervisors was called to order at 9:00 a.m. on July 11, 2006 in the Boardroom of the County Courthouse. Roll call was taken with Sintek, Cullers, Cetak, Ash, Sevenker, Collins and Baker present. Clerk verified publication of meeting notice and posting of agenda in the Courthouse and on the County Website. Minutes of the June 27 meeting were approved as published on motion of Cullers, seconded by Cetak. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none. Sintek noted that agenda item 9C, Consider Wozab sponsorship for "light up the town", was a matter for consideration by the Wozab Foundation Board and should not be part of the Board of Supervisors' agenda. Sintek moved to amend the agenda to delete item 9C and adopt the agenda as amended, seconded by Ash. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers, Collins. No: none. Absent: none. Chairman Sevenker noted that the Open Meetings Act is posted on the west wall of the Boardroom, white copies of the Act are available for public to take and colored pamphlets containing the Act are available for public use but are to remain in the Boardroom. There was no Public Comment.

Pivots spraying roadways, fencing of roadways and mowing of road ditches was discussed. County Attorney Cullers will draft an ad to remind people of their responsibilities regarding these matters.

Road Supt. Leth reported the state does not feel turn lane to ethanol plant is needed and a traffic engineering firm, The Schemmer Associates, will present recommendations for safety improvements along Hwy 11 through Ord at 6:00 p.m. on July 20 at Ord High School. He also noted: completion of project C88231B, working on access road and culverts for Kokes and Sitz at the Mortensen Industrial Site, will begin projects C88236A and C88228A this week, plan to wait on repair of Haskell Creek Road until state road projects are completed, now hauling asphalt, lights are up for festival, hauling some gravel, new motor grader too closely, plan to set fuel budget for next fiscal year at amount spent this year.

Sheriff Ronzzo presented his written Fees and Activities Reports for May. He also reported electronic speed sign set up for festival. He felt it helped cut down the number of speeders at the last one. Ronzzo said he usually gets good cooperation from people regarding their pivots spraying public roadways. Attorney Cullers said the Sheriff is the County's investigative office and is good procedure to refer these calls to Sheriff.

Treasurer Janet Suminski provided information indicating the 2006-07 estimate of State Aid to Valley County is \$13,132.23. The Fund Report included receipts for June, fund balances and a breakdown of how fines are distributed each June and November. She noted the current Airport bond will be paid off in Sept. 2006. The Summary of Collections, Disbursements and Balances from January through June was presented and a detailed account of Highway Allocation funds and the required County match. Ash asked the amount of interest income on investments, Suminski checked and reported \$65,500 from July through June.

The Mortensen Industrial Site 2nd Subdivision was approved by Board motion at the last Board meeting, however, a resolution is required for approval of a plat, so Resolution 06-17 was presented for approval of the Subdivision plat and adopted on motion of Cetak, seconded by Ash. Carried. Yes: Cetak, Ash, Baker, Cullers, Collins, Sintek. No: none. Absent: none.

The Clerk reported that a registration form was submitted for Sevenker and Cullers for the Open Meetings Law Workshop at the Kearney Holiday Inn on July 26. Additional Board members wishing to attend can be registered under the same \$100 fee. This item will be on the June 25th agenda as a reminder.

Supervisor Baker presented a map showing locations of Valley County Cemeteries prepared by Pat Turek. The Clerk is to print a cemetery registration form from the Nebr. State Historical Society website to see what information is needed and this will be discussed at the next Board meeting. Baker also reported he has installed the newly covered seats in the District Courtroom and there are 3 additional chairs needing repair.

County Attorney Cullers reported that Attorney Charles Campbell, hired by NIRMA to represent the County in the Ammerman v Valley County case, has asked for and received documentation from Road Supt. Leth on road conditions and has filed an answer in the case, generally denying everything.

Courthouse roof repair, lawn watering and sod issues were discussed. Attorney Cullers contacted Guaranteed Roofing but has not received a reply. It was determined that Attorney Cullers will write letters regarding watering and sod issues to Collier, Turf Pro and Buller inviting their landscaping suggestions so that a plan can be developed with estimated costs in time to include in budget. It was also mentioned that roof repairs should wait until the HVAC/window project is completed. Supervisor Cullers said it appears landscaping for Courthouse lawn would qualify for grant funds from the 2007 Nebr. Community Enhancement Program. The grant would reimburse 80% of the cost. Applications are due by Nov. 17th.

Larry Cihal of Siemens appeared to discuss their proposal for the HVAC/window renovation project for the Courthouse and asked what the intent of the Board is in regard to the project. Chairman Sevenker reminded Cihal that the County had expressed their concern with Siemens' reluctance to use local contractors and that Siemens was aware that the County was going to explore other options. Cihal then talked about invoking the letter of intent and that some fees could be owed if Siemens was not to be part of the project. Attorney Cullers asked if they had a signed letter of intent from the County. Cihal said they did not. Cihal said he felt Siemens' proposals for the HVAC/window project were good ones, comparable to bids received through Beckenhauers. The Board noted that they were less than satisfied with the first floor restroom project, for which the County paid Siemens \$28,000. Chairman Sevenker said Cihal had presented his case and if Siemens felt they had a claim against the County they should file it, meanwhile, the County was exploring other options.

Candy Kuntz of Miller & Assoc., General Administrator of the proposed housing grant, presented documents that must be adopted by the County in order for the grant process to go forward. Following discussion, the Chairman was authorized to sign the Procurement Procedures and Code of Conduct on motion of Ash, seconded by Cullers. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No; none. Absent: none. The Excessive Force Policy came about because of the Rodney King incident and is required whenever federal money is involved. The Excessive Force Policy was approved on motion of Sintek, seconded by Cetak. Carried. Yes: Sintek, Cetak, Collins, Cullers, Baker, Ash. No: none. Absent: none. Some of the required revisions of the Program Guidelines for Down Payment Assistance include: follow all NIFA definitions, change "first come first serve" to "first come first ready" to require that the successful first applicant must be ready to proceed, trailer house not eligible, must be mobile home on permanent foundation and taxed as real property, section on overcrowding and home addition removed, County must subordinate if mortgage refinanced. Following discussion, Cullers moved to approve the program guidelines, seconded by Sintek. Carried. Yes: Cullers, Sintek, Cetak, Ash, Baker. No: Collins. Absent: none. It was also noted that it is a requirement that a County Official attend the grant training session in Lincoln on July 25. Kuntz left some program summary information with the Clerk for anyone inquiring about the program.

Bill Abts of Ameritas agreed to return at 1:00 p.m. to make his presentation.

At 11:05 a.m., the Board of Equalization was convened on motion of Ash, seconded by Sintek. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. A five minute recess was called by Chairman Sevenker. At 11:10 a.m., the meeting resumed. The Assessor and Clerk were present.

At 11:15 a.m., Chairman Sevenker asked Vice-Chairman Collins to take the Chair and left the meeting.

A complete report of Property Valuation Protests is attached to the permanent record on file at the Clerk's Office. Property Valuation Protests heard, action taken:

Protest #24, Gaylord Boilesen, parcel #880011914. Assessor lowered condition of house, but felt land must remain as is in order to maintain equalization. Following discussion, Cetak moved to use rural pricing rather than suburban for this property, seconded by Cullers. Carried. Yes: Cetak, Cullers, Baker, Ash, Sintek. No: none. Absent: Sevenker.

Protest #18, Marvin Collins, Parcel #880010570. Assessor lowered condition on outbuildings and house and adjusted square footage of house, recommends no change to land value. Sintek moved to accept Assessor recommendation, seconded by Ash. Carried. Yes: Sintek, Ash, Baker, Cullers, Cetak. No: none. Absent: Sevenker.

Protest #28, Chad Miller, parcel #880015764. Assessor recommends changing from average to fair quality and adding extra 10% depreciation until repairs are made, no change to land. Cullers moved to accept

Assessor recommendations, seconded by Baker. Yes: Cullers, Baker, Ash, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #19, Richard Fowler, parcel #880011928. Assessor recommends set value at purchase price, possible adjustments next year. Ash moved to accept Assessor recommendation, seconded by Cullers. Carried. Yes: Ash, Cullers, Baker, Sintek, Cetak. No: none. Absent: Sevenker.

Protests #25, parcel #880011879 and #26, parcel #880012460, Bonnie Anderson. Assessor notes properties within one mile radius of Ord are classified suburban resulting in higher value than rural, recommends leaving as is in order to maintain equalization. Ash moved to change both properties from suburban to rural pricing, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #17, Ron Bredthauer, G&R Service Inc, parcel #88021231. Assessor recommends change depreciation on fuel dispensers and concrete, no change to land. Ash moved that total value of property be set at \$30,165, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #33, Jean Fogelberg, parcel #880012523. Assessor recommends changing condition of house from good to average, no change to land or outbuildings. Sintek moved to change condition of house from average to fair, seconded by Cetak. Carried. Yes: Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: Sevenker.

Protest #16, JR Farms, LLC, Chuck Meese, parcel #880016002. Assessor recommends change house from average quality to fair and condition from fair to poor, outbuildings okay and land use correct. Sintek moved to accept Assessor recommendation, seconded by Ash. Carried. Yes: Sintek, Ash, Baker, Cullers, Cetak. No: none. Absent: Sevenker.

Protest #20, Richard & Tracy Ries, parcel #880035707. Assessor recommends change condition from good to average, no change to outbuildings or land. Cullers moved to accept Assessor recommendation, seconded by Ash. Carried. Yes: Cullers, Ash, Baker, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #21, Sandra Siedband, parcel #880000980. Assessor recommends changing land classifications based on FSA certification. Sintek moved to approve Assessor recommendation, seconded by Ash. Carried. Yes: Sintek, Ash, Baker, Cullers, Cetak. No: none. Absent: Sevenker.

Protest #22, Stanley Nolte, parcel #880012628. Assessor recommends combining Nolte's two properties as he is requesting. Cullers moved to accept the Assessor recommendation, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #23, Jeffrey Lutz, parcel #880002429. Assessor recommends changing land classifications based on FSA certification. Cetak moved to accept Assessor recommendation, seconded by Sintek. Carried. Yes: Cetak, Sintek, Ash, Baker, Cullers. No: none. Absent: Sevenker.

Protest #27, David Ference, parcel #880036656. Assessor recommends change old house quality from average to fair & condition from fair to poor. Cetak moved to accept Assessor recommendation, seconded by Sintek. Carried. Yes: Cetak, Sintek, Cullers, Baker, Ash. No: none. Absent: Sevenker.

Protest #29, Judith & Ronnie Bower, parcel #880021364. Assessor noted rise in value for 2006 was due to 2005 TERC ordered rollback of Ord City commercial property and this years sales indicating need to roll back up. Recommends no change. Cullers moved to accept Assessor recommendation, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #30, David Williams, parcel #880029050. Assessor notes protest is on land, not house and land is in line with neighboring properties, recommends no change. Ash moved to accept Assessor recommendation, seconded by Sintek. Carried. Yes: Ash, Sintek, Cetak, Baker, Cullers. No: none. Absent: Sevenker.

Protest #31, David Williams, parcel #880011522. Properties cannot be combined this year as requested due to mortgage. Assessor will check with lender for next year, recommends no change this year. Cullers moved to use rural valuation on this property as it is the same situation as the Boilesen property, seconded by Baker. Carried. Yes: Cullers, Ash, Baker, Sintek, Cetak. No: none. Absent: Sevenker.

Protest #32, Robert Vogeler, parcel #880005887. Assessor recommends land use changes based on FSA certification. Sintek moved to approve changes per FSA certification, seconded by Ash. Carried. Yes: Sintek, Ash, Baker, Cullers, Cetak. No: none. Absent: Sevenker.

At 12:30 p.m., the Board moved out of Board of Equalization on motion of Ash, seconded by Cetak. Carried. Yes: Ash, Cetak, Sintek, Baker, Cullers. No: none. Absent: Sevenker.

Vice-Chairman Collins recessed the meeting, to reconvene at 1:00 p.m.. Meeting was reconvened at 1:05 p.m..

County Attorney Cullers read his proposed ad regarding the possible County Attorney vacancy. He suggested publishing the ad in Sept. and receiving applications and conducting interviews in October. He also suggested that attorneys who have expressed an interest in the position be sent a letter and copy of the ad. Attorneys noted were: Crandall, White, Clark and Schroeder. It was also suggested a letter be sent to the Howard County Board, as they had expressed an interest in working with Valley County to find an attorney who could fill both positions.

Cullers also reported that he has responded to a request for position statement on the EEOC letter the County received. His response was directed to the attorney who is handling the matter and stated that the County Board has no actual knowledge of events.

Cullers presented a draft ad to be published as a reminder to the public of their responsibility regarding pivots spraying roadways, fencing roadways and mowing roadway ditches. Cetak moved that this ad be published in next week's Quiz, seconded by Sintek. Carried. Yes: Cetak, Sintek, Cullers, Baker, Ash. No: none. Absent: Sevenker.

Bill Abts of Ameritas, presented information regarding bond options to finance the proposed Courthouse HVAC/window renovation. Abts noted that the County can go up to \$150,000 without a public vote and that this would fit within the current levy limits.

Buster Beckenhauer presented recommendations on the bids received for the HVAC/window renovation. The costs for each were listed as well as the cost differences if the County chose options other than those recommended. Beckenhauer noted that his recommendations are based on the lowest responsible bid and the County is free to make their own choices. Beckenhauer recommended Bamford, Kelly Electric, Hackel Construction and Eagle windows. He noted only one valid bid was received for electric work, as Rick's Electric would not guarantee their bid due to the fluctuation of copper costs.

He also presented a sample of more ornate aluminum trim for the Eagle windows, more comparable to what was shown by the Marvin representative at the last meeting. He said they were recommending the Eagle windows, but both were good windows and he would have no problem if the Board went with Marvin. Discussion was held regarding how the windows operated for cleaning. Having seen a demonstration of Marvin windows in the Aurora Courthouse, some Board members were concerned that cleaning access appeared to be difficult. Beckenhauer demonstrated how the Eagle windows operated and they appeared to provide easier cleaning access.

Engineer Morey Bartlett, who provided the original design for the proposed HVAC system for the Courthouse, reported that, based on his research, he continues to favor the Daikin system over Mitsubishi. When asked, Bartlett said he felt there would be a 50% savings on heating and cooling costs for the Courthouse and that he would expect the Daikin system to last 20 years easily.

The Board was reluctant to make final bid selections in the absence of Chairman Sevenker. Beckenhauer noted that the Eagle window price is only guaranteed through Friday, after that it will go up. Following discussion, it was decided to hold a special meeting on Thursday, July 13, 2006 at 7:30 p.m. for the purpose of selecting the successful bidders for the proposed Courthouse HVAC/Window project. The meeting will be held in the District Courtroom where a speakerphone is available to allow Beckenhauer to participate without making the trip to Ord. This meeting is to be advertised in the Quiz on Wednesday and on KNLV Radio three times, once on Tuesday, Wednesday and Thursday.

Agenda items 9D, 9E and 9F, not covered in the earlier portion of the meeting, were information and were noted by the Board at this time: NIRMA & NIRMA II renewal billing for August 1, 2006 to August 1,

1007 in the amount of \$65,421; Lodging Tax collections for April of \$502.68 and the Current Expenditures Summary Report as of June 30, 2006.

Mail folder items: NHHS Vital Statistics Report, NACo T. Loewenstein (2), Waterlog, NIRMA/AON Newsletter, Chamber Pulse, Rural News Bits, CNCS Newsletter, Affirmative Public Policy Solutions letter re initiative petition, Nebr. Game & Parks CD, RCAP CD on Clean Water..

Meeting adjourned at 2:30 p.m., to reconvene in Special Session, for the purpose of selecting bids for the Courthouse HVAC/window project, on Thursday, July 13, 2006 at 7:30 p.m. in the Courthouse District Courtroom and to reconvene on Tuesday, July 25, at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the July 11 meeting and an agenda for the July 13 and July 28 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 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 subjects to be discussed at said meeting.

Jenette G. Lindsey, County Clerk