

## BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session on Tuesday, October 10, 2006 in their Courthouse meeting room. The meeting was called to order at 9:00 a.m.. Roll call was taken with Baker, Cullers, Ash, Collins, Cetak, and Sevenker present. Chairman Sevenker reported that Supervisor Sintek would be late. The Clerk verified that meeting notice was published and agendas were posted. Minutes of the Sept. 26 meeting were approved on motion of Cullers, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Cetak, Collins. No: none. Absent: Sintek. The agenda was adopted on motion of Ash, seconded by Cetak. Carried. Yes: Ash, Cetak, Collins, Cullers, Baker. No: none. Absent: Sintek. Chairman Sevenker noted that the Open Meetings Act was posted in the Boardroom and copies were available for the public. There was no public comment.

Easement 06-253 for Eugene Bruha was recommended for approval by Road Supt., Max Leth, and approved by the Board on motion of Collins, seconded by Cetak. Carried. Yes: Collins, Cetak, Ash, Baker, Cullers. No: none. Absent: Sintek.

Leth requested Board permission to sell the Henke truck plow as it does not work good for use on County roads. The Board approved advertising the Henke truck plow for sale on motion of Baker, seconded by Ash. Carried. Yes: Baker, Ash, Cullers, Collins, Cetak. No: none. Absent: Sintek.

The letter from NIRMA notifying the County of a Safety and Health Audit of the Courthouse and Highway Shops on October 11th was noted.

Leth reported that County road striping is completed except for the railroad crossing at the ethanol plant. He said concrete is still needed on each side of the tracks to finish the crossing and asked the Board if they wanted the County Road Dept. to pour it. He said this was not covered in the original agreement and that the County would be reimbursed for their labor and the cost of the concrete as there is money left in this fund. Leth said he felt the work needed to be done now as big trucks are already coming in. Ash moved that the County finish the road on each side of the railroad crossing and apply for reimbursement, Baker seconded the motion. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

Supervisor Sintek arrived at 9:12 a.m., during the above discussion.

Leth reported that Federal surplus has no snow blowers that would work for the County at this time. He will continue to check. He has advertised the job opening created by the retirement of Larry Barta. Discussion was held regarding the need to replace Barta. Leth felt he needed to fill the position and the Board agreed that it be filled if Leth felt it was necessary. Cost of road striping this year was about \$13,000.

Treasurer, Janet Suminski, gave the fund balance report for September. The General Fund balance is \$344,951.04, Inheritance Tax Fund balance is \$709,118.94 and \$39,819.14 was the Highway Allocation for the month. Suminski reminded the Board that when the Hospital Bond was paid off, \$6,321.25 from the Hospital Operating and Maintenance fund was used to complete the final payment and it was agreed that this amount would be returned to the O&M fund through the collection of back taxes on the old bond levy. Currently \$4718.51 has been collected. The Misc. Receipts folder is available for Board review. The Courthouse Bond money was received and is in a money market account at 3 plus percent interest.

The Clerk's September fee reports for County Clerk and Clerk of the District Court were presented.

The upcoming County Attorney vacancy was discussed. County Attorney Cullers noted that the ad was published and interested attorneys are to submit a proposal to the County by the October 31, 2006 meeting. The Board did not feel it was necessary to set conditions of employment, they will review submitted proposals.

County Attorney Cullers reported that he is working on by-laws for the Mortensen Industrial Site. He suggested the appointment of a committee to oversee the development of the site, perhaps made up of representatives appointed by the County Board from the Ord City Council, Economic Development Board, a Planning & Zoning representative and someone from the business community. Cullers hopes to have a proposal for the Board to look at before the end of the year.

Discussion was held regarding the disposal and/or storage of books and materials moved from the 4th floor to the 3rd floor of the Courthouse to make way for the new heating and air-conditioning system. These items are currently stored in the 3rd floor hallway and the old School Supt. Office. Attorney Cullers had written a letter advising which books he felt should be kept and which can be disposed of, with copies for Chairman Sevenker, County Court Magistrate Pauline Grooms and District Court employee Kim Radil. He said the Nebraska Reporter books should be kept and the boxes containing County Attorney records need to be stored. Cullers reported that there

are a couple of juveniles who need to do some community service work and Probation Officer, Tom Gidley, has indicated he is willing to provide some supervision for them to help with this project.

Receipt of bonds for the Courthouse project was acknowledged in the amount of \$735,000, \$15,000 in fees having been retained by Ameritas Investment Corp.

The lease document for the purchase of a new County Ambulance was approved on motion of Ash, seconded by Cullers. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none. Terms of the agreement are: Option 2, total cost \$86,365, down payment \$4600, balance \$81,765, 5 year term, annual payments, interest rate 5.250%, rate factor 1.232573, first payment due one year from close, payment amount \$19,016.36.

At 10:00 a.m. the Board of Equalization was convened on motion of Sintek, seconded by Cullers. Carried. Yes: Sintek, Collins, Cullers, Baker, Ash, Cetak. No: none. Absent: none. The Clerk and Assessor were present.

Levy Resolution 06-33 adopting the 2006-2007 levies for Valley County entities was presented with the levy computations attached. Said resolution was approved on motion of Collins, seconded by Cetak. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

There being no further business to come before the Board of Equalization, regular session was resumed on motion of Collins, seconded by Sintek. Carried. Yes: Collins, Sintek, Cetak, Ash, Baker, Cullers. No: none. Absent: none.

Courthouse lawn landscaping was discussed. Supervisor Cullers had contacted Adam Kunz of Turf Pro and Tyler Collier of Collier Lawn Care to see if they were interested in presenting a Courthouse landscaping proposal. A written proposal, including a drawing, is required for a grant application. Kunz presented a drawing of his plan and a written proposal listing the plants and costs, for plant installation \$7550, drip irrigation system \$795 and relocating the existing sprinkler zones \$875, bringing the total cost to \$9220. Kunz also noted that he will donate the edging and labor to install it because the grant does not cover this cost and he feels it is an important aspect of the project. Cullers moved to accept the Courthouse lawn landscaping proposal from Turf Pro to submit for the grant application through the Community Enhancement Program, seconded by Baker. Carried. Yes: Cullers, Baker, Ash, Cetak, Sintek, Collins. No: none. Absent: none. The Board also agreed that the grant application should list Turf Pro as the caretaker of the landscaping following its installation.

The spreadsheet listing Lodging Tax income and expenses for fiscal year 2005 - 2006 and to date was discussed. The Board noted that none of the Improvement Fund collections had been spent and it was their understanding that this was to be used to pay part of the fee to the Ord Area Chamber. The Clerk was directed to invite a Lodging Tax Committee member and Bethanne Kunz of the Chamber to the next County Board meeting to discuss the use of the Improvement Fund collections.

The annual NACO Conference registration deadline is November 17. On-line registration is available and the Clerk is to register Supervisors Collins, Cullers, Ash, Sintek and Sevenker for this year's conference. The Supervisors will take care of registration and costs for a spouse wishing to participate in the guest program. The Clerk noted that room reservations have been confirmed at the Holiday Inn Central Omaha.

Region 3 Behavioral Health Services is requesting the County sign a new agreement for EPC services so that they can add Richard H. Young Hospital to the contract in addition to Mary Lanning Memorial Hospital as an institution capable of providing temporary emergency psychiatric care. According to the agreement, RYH would be the provider for Valley County effective October 1, 2006 instead of MLMH. County Attorney Cullers expressed some concern with the change of provider based on past experience with RYH and the possibility of additional costs in transporting prisoners and time out of the office for County Sheriff and deputies. However, he also noted that the EPC and Mental Health Board services provided by Region 3 are very beneficial to the County and advised that the agreement be approved. It was agreed that concerns could be addressed through the County Representative on the Region 3 Board, Supervisor Cullers. Cullers moved to approve the letter of agreement with Region 3, seconded by Collins. Carried. Yes: Cullers, Collins, Sintek, Cetak, Ash, Baker. No: none. Absent: none.

The Countywide Cost Allocation Plan for FY ending 2005 prepared by MAXIMUS and used for the purpose of receiving State reimbursement for IV-D work performed by the County Attorney and the Clerk of the District Court was approved on motion of Cetak, seconded by Sintek. Carried. Yes: Cetak, Sintek, Collins, Cullers, Baker, Ash. No: none. Absent: none.

The Board agreed that the Clerk should mark the 2007 Boundary and Annexation Survey Materials Prenotification Form that 2007 BAS materials should not be sent because there will be no boundary changes to report and return it to the U.S. Census Bureau.

The 2006/2007 dues notice from Loup Basin RC&D Council was discussed and Chairman Sevenker noted that his name was still listed as County Representative but he had appointed Dale Melia to take his place. The Clerk was directed to provide notice of the change to Loup Basin RC&D.

The September Current Expenditures Summary Report was noted.

County Attorney Cullers reported that on Sept. 25, 2006 the County received notice from the U.S. EEOC of their dismissal of the discrimination complaint filed by former Valley County Hospital Administrator, Neelam Bhardwaj and on Sept. 29, 2006 the County received a lawsuit filed in U.S. District Court on behalf of Bhardwaj against the County and the Hospital regarding the same complaint. The Hospital attorneys are aware of the suit and the County's Liability Insurance carrier, NIRMA, has been notified.

Attorney Cullers advised that he will draft an ad for the County Surveyor position for the 2006 -2010 term and the Clerk will submit the ad to the Countyline and the NACO website. There is no cost for this advertising.

Cullers also noted that he is working on an agreement to establish a record of the existing north-south road between the North Loup ball field and Highway 22. There is no record of this road, although it is maintained by the County. It is not clear why there is no record of this road but it is thought that it had been a Township road and records were lost or destroyed. Cullers hopes that the landowners will sign an agreement to deed the road to the County and to waive damages so the road can be established for the record.

Since Cullers has a conflict of interest concerning those involved in the assault incident that took place over the weekend, it will be turned over to another attorney. Due to the possible involvement of multiple counties, the case may be handled by the Attorney General's Office.

Cullers advised that due to the recent Nebr. Supreme Court ruling regarding liability on recreational properties owned by government entities, the County should not consider allowing hunting or other recreational activities on any County owned land.

Supervisor Sintek submitted Loup Basin Health Dept. material for filing and Supervisor Baker reported that he will try to work on the County Cemetery survey requested by the state.

No one from the Airport Authority Board appeared to explain the Partial Assignment of Water Contracts which require County Board approval, so the Clerk will again contact them and reschedule this item for the next Board meeting on October 31.

Brian Hergott of Beckenhauer Construction appeared to give the Board an update on the Courthouse renovation project. Chairman Sevenker said there was a great deal of frustration with the delay in getting the windows. Hergott said the shop drawings were what caused the delay. He said they took longer than Beckenhauers had estimated too, but hoped the extra time spent on them would mean good fitting windows and less delay on the installation end. Hergott said the transformer is here, so as soon as the electricians are finished the heating and air-conditioning system can be hooked up. He is to meet with the electricians from Kelly Electric at 1:00 p.m. today. Hergott said a dumpster needs to remain on site for this project. Disposal of books and other material from the 3rd floor was discussed. Hergott will look into rental of a chute to allow these items to be disposed of through a window directly into the dumpster. Sevenker asked why the door to the old jail on the 4th floor was kept locked and who had the key. Hergott speculated that it was locked because all of the louvers were not yet installed. The Clerk will check on the key so that the County can have access. Hergott said final air clearance from the asbestos removal in the basement crawl space will be checked tomorrow. He felt there would be minimal insulation replacement needed. Hergott thought Tanner Hackel had found a place to store the windows once they are received. It is possible that the upper level windows may not be installed until spring, depending on the weather. The billing statement from Beckenhauers in the amount of \$164,349 was approved on motion of Ash, seconded by Baker. Carried. Yes: Ash, Baker, Cullers, Collins, Sintek, Cetak. No: none. Absent: none.

The following Mail Folder items were available for review: Ord Chamber Pulse, Nebr. State Historical Records Plan, NIRMA Interchange, American Funds Investor.

Meeting adjourned at 12:00 noon, to reconvene on October 31, 2006, at 9:00 a.m. in regular session and 10:00 a.m. as Board of Equalization. Complete minutes of the October 10 meeting and an agenda for the October 31 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 the subjects to be discussed at said meeting.

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Jenette G. Lindsey, County Clerk