

VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

Valley County Board of Supervisors met at 9:00 a.m., Tuesday, April 10, 2007 in regular session in the Courthouse Boardroom. Roll call: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak and Sevenker present. Clerk verified publishing and posting meeting notice. March 27 meeting minutes were approved as published on motion of Cullers, seconded by Waldmann. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. Baker moved to adopt the agenda with emergency addition of Resolution 07-05 under item 8A6 due to deterioration of County road north of Methodist Church in North Loup to provide authorization for County Road Supt. to restrict road use, seconded by Cullers. Carried. Yes: Baker, Van Slyke, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. Chairman Sevenker noted the Open Meetings Act is posted as required with copies available for public.

Terry Christensen spoke under public comment on progress of Technology Center in fairgrounds building. Construction has begun, grant awarded through RC&D for equipment, end of month loan closing. Center should be completed by summer and an open house will be held.

At 9:05 a.m. public hearing on CDBG funds application for Courthouse elevator was opened. Present were Terri Van Houten and Laurie Hansen of CNEDD who are writing the grant. No public comment was offered. Elevator cost estimate of Berggren Associates is \$450,000, grant is \$250,000 or less and County must match 25% of total project cost. Application due April 16 and decision may take 60 days. No penalty for not using an awarded grant, however, it may hurt chances for future grants. Funding options include Inheritance Tax Fund, property taxes and possible no interest USDA loan. Sevenker said capitol outlay can be outside levy limit and, based on last year's valuation, his rough calculation shows \$50,000 elevator payment could be raised with a tax increase of about \$13 on a \$100,000 house. If grant awarded, County has 2 years to complete project. Cullers said a no interest loan through USDA is still being pursued and Bethanne Kunz will write an application for the County. Cullers moved to approve the grant application, seconded by Cetak. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. Public hearing was closed at 9:30 a.m.

Chris Riha of Viaero Wireless asked about the process to request a road to a specific site. Viaero is interested in erecting a tower in North Loup area. They are looking at 2 sites, one off Hwy. 11 between Burson's and Kokes', a second south of Hwy 22 on Huebner's, both require about 1/2 mile of road. Leth said the County and State Board of Classifications must approve a change from minimum maintenance to local. Leth said requester pays costs and ROW may need to be purchased to meet requirements, he will get cost information. A tower is planned for Ord with retail stores in Ord, Loup City and Broken Bow.

Leth recommended approval of Easement 07-265 for Michael Jackson for a waterline between sections 14 and 13 in Township 18 Range 16. Cetak moved to approve said easement, seconded by Baker. Carried. Yes: Cetak, Vogeler, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

NDOR's letter in response to County's request for state assistance with road maintenance due to closing of Hwy 11 between Ord and North Loup was noted. During phase II of the project the south end will be open and the north end closed and the state will provide some gravel for the detour road.

Resolution 07-05 authorizing Leth to restrict use of a county road was discussed. County Attorney Clark said this resolution can be approved each year so it is in place if needed. Weight limit or local traffic only signs were discussed. Vogeler moved to put weight limits on the gravel road north of the Methodist Church in North Loup to restrict semi use other than people who live on the road, seconded by Van Slyke. Carried. Yes: Vogeler, Cetak, Van Slyke, Baker, Cullers, Waldmann. No: none. Absent: none.

Board of Equalization convened at 10:10 a.m. on motion of Cullers, seconded by Baker. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. Assessor and Clerk were present. A Tax List Correction was presented for Sara Case due to sale of a mobile home with accelerated tax of \$40.10. The Tax List Correction was approved on motion of Cetak, seconded by Cullers. Carried. Yes: Cetak, Van Slyke, Baker, Cullers, Waldmann, Vogeler. No: none. Absent: none. At 10:12 a.m. the Board moved back into regular session on motion of Cullers, seconded by Van Slyke. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none.

Van Slyke moved to adopt Resolution 07-05 authorizing Leth to restrict use of a county road when necessary, seconded by Baker. Carried. Yes: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. The resolution is effective for 90 days after signs are erected, Clark will prepare new resolutions as needed. Following discussion, Vogeler moved to amend his previous motion regarding the road north of the Methodist Church in North Loup from weight restriction to closing it to truck traffic. Van Slyke seconded the amended motion. Carried. Yes: Vogeler, Cetak, Van Slyke, Baker, Cullers, Waldmann. No: none. Absent: none.

State Board of Classifications and Standards letter accepting County's 1 & 6 Year Plan was noted.

Leth asked the Board to waive informal bid process for purchase of asphalt spreader costing about \$5800 as it is a special and unique piece of equipment for which he knows of only one supplier. Cetak moved to approve purchase of the asphalt spreader and waive bid requirement, seconded by Baker. Carried. Yes: Cetak, Vogeler, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

HDR Engineering is inspecting County's 2 fracture critical bridges. Leth to attend speed setting workshop in Broken Bow. Culvert letting with Custer County was held. Van Slyke asked about road signs for 911 addresses. Leth estimated cost of \$60 or \$70 per intersection but not sure how many are needed.

Steve Parr of JEO, Paul Markowski and Bethanne Kunz were present for discussion of Easement 07-264 for Ord downtown project around Courthouse square. Parr provided drawing of Courthouse square noting placement of new lights and existing bench pads. Discussed installing Courthouse fire sprinkler system requiring larger underground piping. Water main work will be done this week so changes must be made now. Parr estimated \$3300 cost to run 8" pipe. Markowski advised coming in to Courthouse where utility room located, bring pipe 5' past new sidewalk and cap off till needed. City will bill the County. Waldmann moved to approve installation of 8" waterline across the street on the east side, seconded by Allen. Carried. Yes: Waldmann, Vogeler, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. Easement 07-264 approved on motion of Van Slyke, seconded by Waldmann. Carried. Yes: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. County will be notified when water is to be shut down.

Chairman Sevenker called a recess at 11:00 a.m., reconvened at 11:05 a.m. with all present.

Cullers said City purchased walking trail benches for \$411 each. Maintenance free benches preferred. Will check to see if there is a source in Nebraska to save shipping costs.

Sevenker reported he, Cullers and Waldmann attended walk-through of new heating and cooling system. Brian Hergott of Beckenhauers, Daikin Reps and other contractors were present. Some issues with lack of controls on separate heating units on third floor. Final billing will likely be submitted this month.

Discussed installation of Courthouse elevator. Sevenker said Brian Hergott felt Berggren cost estimates were high based on elevator project JEO did for Clay County Courthouse. Baker can get a used ladder with a cage around it for an outside stairway but is not high enough and would have to be added to, not sure it will meet fire marshall requirements. Sevenker will get more information on requirements.

Weed Supt. Kaminski was present for discussion of his annual contract. No changes were made and contract renewal was approved on motion of Baker, seconded by Cullers. Carried. Yes: Baker, Cullers, Waldmann, Vogeler, Cetak, Van Slyke. No: none. Absent: none.

Treasurer's written Month-end Fund Report was presented in her absence and the Misc. Receipts Folder was available for review.

Region 26 asked Cullers to serve on Local Emergency Planning Committee as recommended by Emergency Manager Simpson. Cullers felt the Board should appoint a member. Cetak volunteered, and his appointment to the LEPC was approved on motion of Baker, seconded by Cullers. Carried. Yes: Baker, Cullers, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none.

The BOE seminar will be on the next Agenda and the Expenditure Summary Report was reviewed.

Discussed Elyria Village Board letter expressing disappointment Judi Welniak was not reappointed to Tourism Committee. Response drafted by Cullers was presented for consideration. Vogeler was not in favor of response letter, he felt Waldmann should talk to the Village Board. Waldmann approved the response letter, saying he has received no comments on the subject, but he will talk to the Village Board if the County Board so directs. Van Slyke moved to approve the response letter, Baker seconded. Carried. Yes: Van Slyke, Baker, Cullers, Waldmann, Cetak. No: Vogeler. Absent: none.

County Attorney Clark presented proposed revision of County's Personnel Policy with regard to vacation to comply with a recent court ruling that unused, earned vacation must be paid. He also presented his earlier proposed revision of the sick leave policy to provide that payment of unused sick leave above the allowable accumulated 60 days be made at the employee's rate of pay at the time the sick leave was accrued. Copies of proposed revisions were provided to Officials and Office heads in advance for their comments. It was noted that some County Offices figure vacation days based on hire date, some on fiscal year and some on calendar year. Clark said he would revise the revision wording to allow for that and send a new copy. Waldmann moved to approve the revised vacation policy with amended wording and the sick leave policy revision as presented. Cullers seconded the motion. Carried. Yes: Waldmann, Cullers, Baker, Van Slyke, Cetak, Vogeler. No: none. Absent: none.

The Davis Creek Cemetery was discussed with regard to an irrigation pivot. An email from Larue Marshall was presented noting her opposition to any disruption or alteration of the

cemetery. Aaron Jacobs was at the last Board meeting and agreed to follow whatever decision the Board made. Following discussion, it was agreed that the Board cannot allow any cemetery to be crossed or watered by an irrigation pivot. Vogeler moved to authorize County Attorney Clark to send a letter to Betty Jacobs, Jacobs Corporation, Aaron Jacobs and Dennis Jacobs advising that the Board directed that no part of a cemetery shall be watered by a pivot or crossed by pivot tracks, seconded by Baker. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Clark reported, based on the recent order sustaining a motion for summary judgment in the Shauers' lawsuit against Ord City, it would appear that their lawsuit against the County would be resolved in the County's favor. He further reported an amended complaint was filed in the Ammerman lawsuit.

Sevenker reported attending the County Housing Task Force meeting, whose purpose is to identify housing needs throughout the County and ways to provide for them. Representatives from North Loup, Elyria and Arcadia are on the Task Force. A study is necessary to qualify for grant funds.

Discussed Wozab Fund celebration. The County will advertise the celebration. Cullers will check on art work for the poster NCF has provided in the past and see if the Quiz can print it. Desired changes include: updated amounts, include the Wozab name and some personal information about them and omit reference to NCF and VCED. The Board approved Cullers proposed entertainment by North Loup Scotia Community Theater of a 10 minute skit from their last performance. Approved publication of a list of recipients and an annual fund statement. A letter is to be sent to prior pledge recipients informing them of a time limit for requesting the pledge. Future letters to recipients will include the amount. The program is to include a welcome, introduction of Board members, Wozab tribute, presentation of checks with each recipient giving a short description of their project, skit by NLS Community Theater and refreshments.

Mail Folder items available for review include NACo Publication, Ord Area Chamber Newsletter, Rural News Bits, NDOR Transportation Enhancement Program, Senator Hagel Annual Report, Midwest Assistance Program, Economic Trends, NIRMA/AON Newsletter.

Meeting adjourned at 1.00 p.m., to reconvene on Tuesday, April 24, 2007, at 9:00 a.m. in regular session and 10:00 a.m. as Board of Equalization. Complete minutes of the April 10 meeting and an agenda for the April 24 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 meeting agenda, 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 of 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, Valley County Clerk