

VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, November 13, 2007 in the Courthouse Boardroom. Roll call: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak and Sevenker were present. Clerk verified meeting notice was published and agenda posted. Minutes of October 30, 2007 meeting, included in the Board packets, approved on motion of Cullers, seconded by Waldmann. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none. Baker moved to approve agenda, seconded by Van Slyke. Carried. Yes: Baker, Van Slyke, Cetak, Vogeler, Waldmann, Cullers. No: none. Absent: none. Sevenker noted posting of Open Meetings Act and public copies available. There was no public comment.

Road Supt. Leth recommended approval of Easement refunds for Jack Van Slyke 06-249, James J. Lech 06-250 & 06-251 and Eugene Bruha 06-253. Vogeler moved to approve the refund of Easement 06-249, seconded by Cullers. Carried. Yes: Vogeler, Waldmann, Cullers, Baker, Cetak. No: none. Absent: none. Van Slyke abstained since the Easement was in his name. Waldmann moved to approve refund of Easements 06-250, 06-251 and 06-253, seconded by Baker. Carried. Yes: Waldmann, Vogeler, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none.

The Certification of County Highway Superintendent for determining 2007 incentive payments was approved on motion of Waldmann, seconded by Vogeler. Carried. Yes: Waldmann, Vogeler, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none.

NDOR letters on Load Rating Summary Sheets and Bridge Inspection Photo Requirements were discussed. Leth said more photos are now required for bridge inspections, which slows down the inspection process and load rating summary sheets are now required periodically for specific bridges until all have been evaluated and load-rated.

Region 26 has provided one 3' x 3', laminated 911 road map to the county and had GeoComm email 911 mapping information to the Clerk which is not accessible without a mapping program. Copy Cat in Kearney will copy the 3' x 3', laminated map for \$3.00 (not laminated), will reduce it to 2X2 and laminate it for \$5.40. Following discussion, it was decided the County will purchase 10 reduced, laminated copies.

Leth reported the standardized system of annual reports submitted by the County have been received by BPRCS. Project C88-238G, grading at the County line west of Arcadia, is completed. Project C88-234B, shortening bridge on road to Don Petska's, has been started. About 1/3 of budgeted signage costs is used for replacement or repair due to vandalism. Sevenker noted a letter he received from NIRMA regarding the importance of road warning signs and offering assistance to member Counties. Leth said he is currently working on the application for horizontal curve warning signs through the Hazard Elimination Program at no cost to the County and that County roads are as near to signage compliance as possible. A regulation manual is available to employees for sign installation. 911 sign specs have been sent out and he is requiring sealed bids, no emails.

Meeting recessed at 10:00 a.m. and reconvened at 10:10 a.m. with all Board members present.

Weed Supt. Kaminski's report will be rescheduled to Nov. 27.

Laurie Hansen of CNEDD was present for discussion of the elevator grant application and a 5 year plan for fire sprinklers and a 3rd floor exit. Hansen explained that an approved environmental study is required before any funds can be spent if a grant is awarded and they would like to complete that study now. The 5 year plan is part of the study. Fire Marshall Don Fast was present for the discussion. Historical Society approval is required only for purpose of remaining on Historical Register. County does not want to spend money on more engineering when they may not receive the grant; pursuit of project is based on funding. Funding possibilities include \$250,000 grant for removal of architectural barriers and \$300,000 no interest loan through USDA sponsored program with LVRPPD to be repaid over 10 years. Ellen Novak was present for discussion and said she would ask that the loan be on the next LVRPP agenda. Vogeler expressed concern that the elevator project was moving from the exploratory stage to an active project without Board approval. Cullers noted that the available grant funds had gone down since the County had begun exploring the project and felt it was in the best interest of the taxpayers to move forward with the project if this type of funding can be secured. It was also noted that with the grant and no interest loan it is possible the project could be completed without a tax increase. Cullers moved to go forward with the Courthouse improvement project, including the elevator, outside stairway exit and fire sprinkler system by whatever means saves the taxpayer money, such as grant funding and the interest free loan. Motion seconded by Cetak. Discussion included that pursuit of the project would be based on funding. Motion carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none. Fast said a 3rd floor exit is more important than a sprinkler system because of the effect of open stairways on smoke. An outside stairway from the 3rd floor would have to have a solid metal tread. A switchback

stairway would take less room than circular. The jail roof could be used as landing but would need Jail Standards approval. Van Slyke is to check with Staab Welding to see if they could construct a stairway. Hansen recommended the Board or an appointed Committee meet with herself, the Fire Marshall, the Nebr. Historical Society and the County Attorney to formulate a 5 year plan for the environmental study. Since it was felt that the entire Board should be included in the planning, this item will be on the Dec. 11 agenda at 1:00 p.m. Fast and Hansen will attend and Hansen will contact the Nebr. Historical Society to see if their representative can be there.

Bethanne Kunz provided a written quarterly report for the Valley County Visitors Bureau noting their activities. The report included: currently maintain 16 brochure racks in the County, Chamber has a toll free number 877-728-7875, Loup River Valley Tourism received 3 awards this fall, Tourism Committee by-laws updated, less than 50% of the travel guides remain, looking to expand the Loup Valley website, proposed North Loup visitors center at a standstill as renovation estimates have not been received, Tourism Committee reviewing and changing application form to require funds be used for advertising beyond 50 miles of event and issue grants on reimbursement basis, LRVV Coalition received \$2700 billboard grant, Central Nebr. Tourism Coalition is partnership of 17 Counties to promote the region. The financial report noted receipts of \$4606.25 from May 07 through July 07 and expenses of \$8941.92. The Committee meets every other month on the first Monday; their next meeting is January 14 at 7:30 p.m.

Informational agenda item 9D, October Lodging Tax Receipts/Expenditures, was reviewed at this time: October receipts \$838.73, October expenses \$522.50, FY07-08 receipts to date \$5444.98, FY07-08 expenses to date \$9464.42.

Following discussion of the use of pavers or concrete in completion of the sidewalks for the Downtown Project, Waldmann moved to go along with whatever decision the City Council makes, seconded by Cullers. Carried. Yes: Waldmann, Cullers, Baker, Van Slyke, Cetak, Vogeler. No: none. Absent: none.

At 11:20 a.m. the Supervisors recessed to conduct the BOE meeting, reconvening at 11:25 a.m. with all Board members present.

Candy Kuntz of Miller & Associates presented various requests for Board consideration through the Down Payment/Rehabilitation Housing Grant. Down payment assistance for Applicant VC-04-DPA had received prior approval, however, an additional \$614.25 was requested for closing costs. The additional request for Applicant VC-04-DPA was approved on motion of Cullers, seconded by Waldmann. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none. Housing rehab of \$4049.72 was approved for Applicant VC-03-HR on motion of Baker, seconded by Van Slyke. Carried. Yes: Baker, Cullers, Van Slyke, Waldmann, Vogeler, Cetak. No: none. Absent: none. Community Development Services Invoice for VC-Admin 5 in the amount of \$831 was approved on motion of Vogeler, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none. Request for grant funds, Drawdown #6, in the amount of \$18,429 includes CDS Invoices approved by the Board at their October 9 meeting and \$54 reimbursement to the County for interest on the line of credit used to meet the closing deadlines for down payment assistance. Drawdown #6 was approved on motion of Van Slyke, seconded by Baker. Carried. Yes: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. Kuntz also provided a summary sheet of grant activity to date, noting that out of 11 applicants, 4 were awarded funds. Some of the 11 were not eligible and some did not complete the application process. No applications are pending at this time.

Treasurer Suminski gave the Month End Fund Report for October. October receipts totaled \$440,000. General Fund balance is \$250,813.50, Road Fund \$63,278.91, Inheritance Tax Fund \$866,556.14. Airport checking and investments remain about the same. Suminski also presented certification that Distress Warrants were delivered to the County Sheriff on Wednesday, October 31, 2007 as required and a summary listing the total count and breakdown of amounts due. The Misc. Folder is available for review.

Clerk Lindsey presented the written October fee reports for County Clerk and Clerk of the District Court.

The Board discussed the claim received from NIRMA for the \$5000 liability deductible for defending the County in the lawsuit filed by Neelam Bhardwaj, former Valley County Hospital Administrator. County Attorney Clark reported at the last meeting that the County was dismissed from the lawsuit. The Board felt that since Bhardwaj was not a County employee, the lawsuit had no factual basis and that it was not fair to Valley County taxpayers to have to pay to defend a lawsuit that had no merit. County Attorney Clark will be asked to look into recovering some of the cost. Cullers moved to approve payment of the \$5000 liability deductible for the Bhardwaj lawsuit from the Inheritance Tax Fund, with the stipulation that any recovered costs be returned to the Inheritance Tax Fund, seconded by Waldmann. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none.

Following discussion, the second Board meeting date in December was changed from Tuesday, December 25 to Thursday, December 27 on motion of Baker, seconded by Van Slyke. Carried. Yes: Baker, Cullers, Waldmann, Vogeler, Cetak, Van Slyke. No: none. Absent: none. Vogeler moved to approve closing Courthouse Offices at 1:00 p.m. on Monday, December 24 and Monday December 31 for Christmas Eve and New Year's Eve, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Summary Report of Current Expenditures for Sept. 30, 2007 was available for review.

Sevenker, Vogeler, Cullers, Van Slyke and Waldmann will be attending the NACO Conference in Lincoln on December 12 and 13. The Clerk will submit their registrations, secure lodging and register them for the NIRMA luncheon. Treasurer Janet Suminski was appointed as the designee to vote for the County at the NACO meeting if Chairman Sevenker is unable to attend.

Meeting recessed at 12:15 p.m. and reconvened at 12:25 p.m. with all Board members present except Van Slyke. His absence was excused.

County Attorney Clark, who was in District Court for the balance of the meeting, was present to discuss the Region 3 letter regarding the way Nebraska Revised Statutes section 71-919 and related statutes are interpreted with regard to EPC charges, asking for his interpretation of those statutes. Clark said several County Attorneys plan to work together on a response. Clark was asked to look into recovery of the costs of the Bhardwaj lawsuit.

As the County's Representative on the Mid Plains Board, Vogeler reported that Scott Dugan has agreed to stay on for one more year.

Meeting adjourned at 12:45 p.m., to reconvene on November 27, 2007 at 9:00 a.m. in regular session. Complete minutes of the November 13 meeting and an agenda for the November 27 meeting are available for public inspection 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.

Jenette G. Lindsey, Valley County Clerk

VALLEY COUNTY BOARD OF EQUALIZATION MINUTES

At 11:20 a.m. on November 13, 2007, the Valley County Board of Supervisors convened as Board of Equalization. All Board members were present as well as the Assessor and Clerk. The Clerk verified notice of meeting and posting of agenda. Minutes of the October 30, 2007 BOE meeting were approved on motion of Vogeler, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none. Sevenker noted posting of the Open Meetings Act with public copies available. There was no public comment.

Tax List Corrections were presented for Douglas J & Amy J Baker due to their move out of state with machinery and Ord Cosmetic & Family Dentistry due to sale of the business. Following discussion, both Tax List Corrections were approved on motion of Vogeler, seconded by Cullers. Carried. Yes: Vogeler, Waldmann, Cullers, Baker, Van Slyke, Cetak. No: none. Absent: none.

Notice from TERC of an Appeal filed by Susan Schauer against the Valley County BOE was received on October 30. The County has 30 days to respond. Attorney Clark has been informed and will respond. TERC will set a hearing date. Assessor Arnold will keep the Board informed.

Meeting adjourned at 11:25 a.m., to reconvene on November 27, 2007 at 11:00 a.m. Complete minutes of the November 13 meeting and an agenda for the November 27 meeting are available for public inspection 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.

Jenette G. Lindsey, Valley County Clerk