

## VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, February 12, 2008 in the Courthouse Boardroom. Roll call: Sevenker, Cetak, Vogeler, Baker, Waldmann, Cullers and Van Slyke present. Clerk verified meeting notice was published and agenda posted. Minutes of January 29, 2008 meeting, included in the Board packets, were approved on motion of Baker, second by Cetak. Carried. Yes: Baker, Van Slyke, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. Vogeler moved to adopt the agenda, seconded by Waldmann. Carried. Yes: Vogeler, Waldmann, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. Sevenker noted posting of Open Meetings Act and public copies available. There was no public comment.

Charles Cone, Executive Director of the Loup Basin Public Health Dept., gave his annual report presenting a printed 2006-2007 Annual Report and a spreadsheet outlining statistics for the Loup Basin Smiles Fluoride Varnish Program which is available to elementary schools in the 9 county area served by the Dept. The state is considering adopting the Smiles Program statewide. The LBPHD Board is the same as last year; Supervisor Baker is the Valley County representative. One rabies case was reported in Valley County this year, the first case this year in the 9 county area. After this year, funds for West Nile testing will be depleted. LBPHD has 8 staff members in addition to Cone. The Dept. is not a profit/loss organization but is a cost center and must spend all funds received. A monthly report of all expenditures is made and 2 signatures are required on all checks.

At 9:30 a.m., as advertised, the Public Hearing on the One & Six Year Road Plan was opened. No one was present to testify for or against the Plan other than Road Supt. Leth. Leth reviewed projects 11 and 12 on the Six Year Plan which were not covered at the last meeting.

Chairman Sevenker recognized Gary Rasmussen, candidate for Legislative District 41, who was expected to appear at 9:00 a.m. under public comment. Rasmussen said he was told 9:30 a.m. He said his purpose in coming was to introduce himself as a candidate and answer any questions the Board might have. He noted that he was a lifelong Nebraska resident, has been a Howard County Commissioner for 8 years, is on the Nebraska Railway Council and considers water issues, agriculture, property taxes, good schools, transportation, viable railroad, economic development, and affordable housing some of the major issues in Nebraska.

The Public Hearing for the One & Six Year Road Plan was closed at 9:40 a.m. Following discussion, Vogeler moved to approve the Affidavit certifying the proper advertising and posting of the Public Hearing for the One & Six Year Road Plan and Resolution 08-02 adopting the One & Six Year Road Plan presented by Road Supt. Leth, seconded by Cullers. Carried. Yes: Vogeler, Waldmann, Cullers, Baker, Van Slyke, Cetak. No: none. Absent: none.

Resolution 08-03 approves the lease purchase agreement for the motor grader on which the bid was accepted at the last meeting, and authorizes signing of the related certificates and documents. The resolution lists the principal amount as \$124,295, interest rate of 2.65% and semi-annual payments until February 1, 2011. Leth noted that the first payment is due Sept. 1 and that he has budgeted \$50,000 this FY to lower the lease amount. Cetak moved to approve Resolution 08-03, seconded by Van Slyke. Carried. Yes: Cetak, Van Slyke, Baker, Cullers, Waldmann, Vogeler. No: none. Absent: none.

Leth reported he was surprised to receive the nationwide permit for bridge project 119 as they are rarely issued. He has budgeted \$8000 for this project. It will begin in the spring, the state will monitor the work, the existing bridge will be dismantled and sold. Currently cutting and hauling trees. 911 signs ordered are now in place, will order remaining signs, felt the road crew did a good job getting them up, about 70% of signs are up, destruction of new signs discussed. Just received salt ordered in early December. Will not gravel until spring thaw, after initial maintenance.

County Weed Supt., Darrell Kaminski, presented information on phragmites, a weed the state is considering adding to the list of noxious weeds. A letter was received from the Director of the Nebr. Dept. of Agriculture requesting the opinion of the Counties and providing a form for that purpose. Kaminski brought a sample of the native species, noting that it is not a problem but the invasive variety grows to 12-14 feet high, kills most other plants and is very difficult and expensive to control. The invasive form is not yet prevalent in the area and it is hoped that early control will keep it out. Van Slyke moved to support the designation of phragmites as a noxious weed, seconded by Waldmann. Carried. Yes: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none.

The Clerk reported finding no Board action recorded in the Board minutes for 2007 regarding Board approval of force spraying of noxious weeds or use of the 10 day notice. Discussion was held regarding the 10 day notice and the 15 day notice. Kaminski said he had checked with the state and the annual plan he files in January can be changed during the year by Board action, a copy of which is sent to the state to amend the plan. Kaminski explained that when

he inspects a property and finds noxious weeds he can send either a 10-day notice or a 15-day notice. The 10-day notice requires the landowner to spray the affected area and provides notice that it will be inspected again in 10 days and if it has not been sprayed the County will order it done and bill the landowner. If the landowner does not pay the spraying bill, it will become a lien on the property. The 15-day notice requires the landowner to spray and provides notice that it will be inspected again in 15 days and if it has not been sprayed a daily fine will be levied on the landowner up to \$1500. Kaminski said he did not object to using the 10 day notice but felt it should only be used when there was non-compliance for multiple years, maybe 3 years, and that he had no problem with bringing 10 day notice situations to the Board for approval before acting on them. He indicated he has been getting good compliance overall. Waldmann moved to authorize Kaminski to use the 10-day, force spray notice, seconded by Baker. Van Slyke thought the motion should include the stipulation that Kaminski notify the County Board prior to sending a 10 day, force spray notice. Waldmann agreed to amend his motion to include the stipulation and Baker agreed to second the amended motion. Carried. Waldmann, Cullers, Baker, Van Slyke, Cetak, Vogeler. No: none. Absent: none.

Sevenker called a recess at 10:20 a.m. and reconvened at 10:40 a.m. with all Board members present.

Planning & Zoning Adm. Glaubke's report included: Invited the Board to attend the Nebraska Planning and Zoning Association meeting on February 20, 21 and 22 in Grand Island. David Yost, who was appointed by North Loup Village to the Valley County Area Planning Commission, has resigned that appointment. He was very good and will be missed. The County's Comprehensive Plan is almost 10 years old, it is good until 2010. The original plan cost \$30,000 but update should be \$12,000 to \$15,000. Planning grants are offered through CDBG but currently the County's low-to-moderate income level does not qualify. Update could be paid for over 2 FY budgets. No final hearing yet on preliminary flood plain map. Few minor subdivisions have been approved. Loup Valley Rural Public Power Dist. has applied for subdivision for substation along Highway 70, awaiting state approval to add driveway.

Since Joe Wadas was present the Board heard agenda item 8A at this time. Wadas provided email correspondence regarding the new remote sensors. It appears that Daiken is willing to pay for the sensors but not for their installation. Wadas feels the sensors in the heating units are against cold walls and do not give a true reading, the remote sensors will be mounted away from the cold walls and windows to provide a true reading of the room temperature. Sevenker said he feels this is a design error but said Brian Hergott of Beckenhauer Inc. thought the design was okay. Wadas said the installation costs could go as high as \$5000 and the sensors will also control the air conditioning system. It was suggested that Daiken or the engineer be approached to split the installation costs. Wadas thought they would pay for installation of the gooseneck apparatus on the roof to prevent snow from blowing in. Cullers moved that County Attorney Clark be asked to write a letter to Associated Air Products with a copy to Beckenhauer Inc. regarding this issue, seconded by Waldmann. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none. Wadas was directed to go forward with installation of remote sensors in a specific area and evaluate the result before continuing the installation throughout the Courthouse. The Board continues to feel this is an engineering design error and should not be a County expense. Sevenker noted that Beckenhauer is willing to work with the County on this.

Treasurer Suminski presented the month end fund report for January 2008, noting fund balances and monthly receipts. General Fund Receipts \$68,940.64, Road \$46,034.37, Visitor Promotion \$250.27, Visitor Improvement \$250.26 and Inheritance Tax \$913.92. Suminski requested Board consideration of 2 resolutions. One authorizes transferring excess Courthouse bond money from the General Fund to the Bond fund so it can be used to make bond payments. The second resolution is for transferring back taxes collected in the old Hospital Bond fund, paid off in 2004, to the Hospital O&M Fund to repay funds used to make the final bond payment. Following discussion, the Board felt the Courthouse Bond money should remain in the General Fund until it is certain all costs are paid. The Clerk or Treasurer is to consult with Budget Accountant Abel to see if remaining bond funds can be transferred after the end of the FY. Resolution 08-04 regarding the old Hospital Bond Fund was approved on motion of Vogeler, seconded by Cullers. Carried. Yes: Vogeler, Waldmann, Cullers, Baker, Van Slyke, Cetak. No: none. Absent: none. The Misc. Receipts folder was available for review.

Clerk Lindsey's report of January fees was reviewed showing \$4,678.92 in January business. Lindsey also proposed a resolution for Board consideration to authorize changing the order of voting precincts as they appear in the Official Abstract of Votes Cast. The change to optical scan ballots and use of computer software to provide information for printing the ballots makes it necessary to list the precincts in numerical order in order to provide the correct rotation of candidates on the ballot. The current Official Abstract precinct order is 3, 2, 6, 1, 4, 5, 7 and proposed Resolution 08-05 authorizes changing the precinct order to 1, 2, 3, 4, 5, 6, 7. Resolution 08-05 was approved

on motion of Baker, seconded by Van Slyke. Carried. Yes: Baker, Van Slyke, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. Lindsey had also requested Board action on meeting notice requirements, but based on Supervisor Cullers' report of information received from Larry Dix at the County Board Workshop it was determined that the County satisfies the Open Meetings Act by publishing Supervisor and BOE meetings separately, including the BOE meetings on the Supervisor agenda at the advertised time, and noting on the agenda if there is not business to come before the BOE. Cullers was also advised that separate Wozab Fund Board meetings should be advertised.

Agenda item 8D regarding the 4% annual fee increase that was part of the Law Enforcement Agreement with North Loup but has not been collected was discussed. It was determined that the uncollected 4% annual fee increase will not be pursued. Attorney Clark felt the agreement needs to be rewritten and suggested a letter to Village attorney Cullers regarding the agreement. Law enforcement consolidation was also discussed with regard to duplication of services and cost savings.

Sevenker recessed the meeting at 12:10 p.m. to reconvene at 1:00 p.m. The meeting reconvened at 1:10 p.m. with all Board members present.

Present for discussion of the proposed hospital bond issue were: Hospital CEO Larry Schrage, Hospital Board members Kara Fischer and Carl Streeter, Kent Larsen of TSP Architecture and Engineering, Marc Munford and Jay Spearman of Ameritas, Valley County Attorney Glenn Clark.

Schrage noted that statute requires the County Board to approve putting this issue on the ballot. Munford presented a proposed timeline for meeting the requirements to get the issue on the ballot and organizing educational activities to provide information to the public. Statute requires the resolution calling the election be presented to the Clerk by March 3. The Clerk noted that even though the issue appears on the Primary ballot it is still considered a special election and as a taxing agency, the hospital can be billed for election costs. An engagement letter was presented outlining services to be provided by Ameritas which Munford asked the County to sign. The letter indicates the only fee to Ameritas will be the discounted purchase price for the bonds, not to exceed 1.10% of the par amount of bonds issued and no fee will be incurred should the bond issue not be passed by the voters. They have assisted with 4 or 5 hospital bond issues in the last 3 years, all of which were successful. Vogeler objects to approving engagement letter today since he has not had time to review it. Munford assures engagement letter does not bind County to anything if the Board does not pass the Resolution calling the election at their next meeting. Vogeler asked about dollars spent to date and how 19 million dollar figure was arrived at. Schrage said there were architectural fees for the detailed analysis and a recent survey. The dollar amount was a good faith estimate. Baker asked about heating costs for current building, Schrage said 10 to 15 thousand dollars monthly. Cullers moved to approve the engagement letter naming Ameritas Investment Corp. as investment banker of Valley County Health System. Van Slyke said he would like the motion to include the fact that the hospital will pay the bond issue election costs. Cullers withdrew her original motion and moved to approve the engagement letter naming Ameritas Investment Corp. as investment banker of Valley County Health System with the understanding that the hospital will pay the election costs for the bond issue, seconded by Cetak. Further discussion included questions by Vogeler and Baker regarding ongoing architectural work and fees as well as the purchase of additional land. Kent Larsen said his fee is prorated until bond issue is decided. Schrage said expenses will be minimal until bond issue decided and noted that Larsen has built many critical care facilities so should be able to provide a good guaranteed maximum cost. Schrage said they have an option to purchase land owned by GLVA directly west of current facility, number of acres to be decided based on architectural requirements. Chairman Sevenker called for a vote on Cullers' motion. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Waldmann. No: Vogeler. Absent: none. Munford and Spearman presented draft copies of paperwork necessary to put the issue on the ballot, including a proposed resolution, notice of election and ballot wording. They also provided printed material for discussion purposes only on a proposed debt service schedule, operation of project construction fund, operation of capitalized interest fund, and tax levy impact all based on 18 million dollar project size. Further discussion included: five year call back on bonds allows them to be refinanced if interest rates go down, hospital current net revenue about 1.1 or 1.2 million per month, study of 20 critical care facilities built in last 2 years shows average utilization goes up and expenses go down, hired new physician who is finishing third year at Creighton and interviewing another, goal is to have 3 physicians and 3 assistants, updated facility helps recruiting. Sevenker noted that the Hospital Board and Schrage have put much time and study into this issue, suggesting the Board have faith in them and their constituents and let them vote. County Attorney Clark said on initial review the material presented looked okay to him. At the next Board meeting on February 26, 2008 at 9:00 a.m., Kurt Mournal of Dohman, Akerlund

and Eddy will present information on the feasibility study and the resolution calling the election will be presented for Board approval. The debt service runs will not be exact until the bond issue is finalized.

County Attorney Clark reported that he has not received a reply from McCartney on the lease of his building for the local HHS office. He talked to HHS employees who said they are crowded which presents challenges with confidentiality but they also noted that moving is expensive. Clark will contact McCartney again.

The letter from the Fire Marshall requesting more detail in the five year plan for installation of a third floor exit, fire sprinkler system and elevator was discussed. Cullers noted that Cedar County renovated their Courthouse with a Yankton, South Dakota firm who quoted their elevator at \$100,000. She will try to get more information on this firm. Baker moved that the Board would attempt to have an outside exit from the 3<sup>rd</sup> floor within 24 months, a fire sprinkler system within 36 months and an elevator when funding becomes available, seconded by Waldmann. Carried. Yes: Baker, Cullers, Waldmann, Vogeler, Cetak, Van Slyke. No: none. Absent: none.

The billing statement from Howard County regarding the expenses of housing District Court Judge Karin L. Noakes for the 8<sup>th</sup> Judicial District was discussed. Attorney Clark said he will get more information regarding the billing and report at the next meeting. Waldmann moved to table this issue until the next meeting, seconded by Van Slyke. Carried. Yes: Waldmann, Cullers, Baker, Van Slyke, Cetak, Vogeler. No: none. Absent: none.

Discussion was held regarding the County recognition dinner held in Arcadia on February 9, 2008. The Clerk was directed to pay the costs from the Inheritance Tax Fund. Costs are to include employee recognition gifts, meals for employees and entertainment group from Arcadia High School, gratuity of 15% of total meals for the servers.

Use of the Courthouse lawn by the Chamber for ExtraOrdinary days was approved on motion of Vogeler, seconded by Van Slyke. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

The following informational items were reviewed: Lodging Tax receipts and expenditures, proposed by-law change for Central District, IV-D reimbursement for District Court and County Attorney, Expenditures Summary Report for January 31, 2008, Central Dist. meeting March 20 at Kearney Ramada Inn.

Cullers reported that NCF charged management fees of .75% of total endowment assets held in the Wozab Fund plus \$100 per quarter. She also presented a draft copy of a fact sheet to be provided to the public regarding the NCAA tax credit for contributions and a draft pledge form and asked for input from the Board regarding the drafts. Following discussion, the Board agreed that Cullers should proceed with development of the fact sheet and pledge form.

There was no County Attorney Report and no Committee Reports.

Meeting adjourned at 3:30 p.m., to reconvene on February 26, 2008 at 9:00 a.m. in regular session. Complete minutes of the February 12 meeting and an agenda for the February 26 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.

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Jenette G. Lindsey, Valley County Clerk