

VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, April 8, 2008 in the Courthouse Boardroom. Roll call: Cetak, Sevenker, Vogeler, Cullers, Baker, Van Slyke and Waldmann were present. Clerk verified meeting notice was published and agenda posted. Minutes of March 25, 2008 regular meeting were approved on motion of Cullers, seconded by Van Slyke. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. Minutes of the March 31, 2008 special meeting were approved on motion of Waldmann, seconded by Baker. Carried. Yes: Waldmann, Vogeler, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. Copies of both sets of minutes were included in the Board packets. Cullers moved to adopt the agenda, seconded by Cetak. Carried. Yes: Cullers, Cetak, Vogeler, Waldmann, Van Slyke, Baker. No: none. Absent: none. Sevenker noted posting of Open Meetings Act with public copies available. There was no public comment.

County Road Supt. Leth reported: 2008 Transportation Enhancement Workshops are scheduled throughout the State this month to provide information about available funding for projects that enhance transportation in the community; joint bidding with Custer County on culverts was held the 25th, cost was not as high as expected, but steel is up 80 cents per sq. ft.; truss bridge 3705 was removed and sold for \$2075, when moving the bridge damage was done to a pickup which was reported to NIRMA; started driving sheet piling; small bridge west of round barn had to be removed as the pilings were failing, two 36 inch culverts will be installed and an overtop placed to the right of it, cost is shared with Sherman County as it is on the County line; at Leth's request FEMA is reviewing their assessment of ice damage in Valley County in December and January and County will likely receive substantially more reimbursement; roads are staying soft, need hard rain to firm them up, difficult to haul gravel until they have firmed up, will begin hauling waste rock to help firm up soft spots; discussed work needed on Mortensen Industrial Site including moving irrigation pipe, building road, staking lots; Leth has not completed cost estimates for this work, Sevenker will check into use of sales tax funds to pay for this as has been done in the past.

The Treasurer's report will be delayed to allow the Public Hearings to be heard at the advertised times.

At 9:30 a.m., as advertised, the Public Hearing was opened to receive public input on sale of County Real Estate parcel #80016261 N4 rods of W45 rods NW4NW4 10-20-14, parcel #880032529 W 30' L1 B5 Original Arcadia and parcel #880005719 N4.5 rods NW4 27-18-13. No one was present to testify for or against said sale. Discussion was held regarding location of the properties, their value and the procedure required for selling them. Attorney Clark advised that the Board needed to establish a value for the properties, set a date to receive sealed bids within 60 days and publish the sale one time at least 10 days prior to the sale. If no bids are received or if the bids received are less than the fair market value, the Board may negotiate a contract for sale or lease of the properties. The Public Hearing was closed. The Board set the fair market value of the properties at the assessed value: parcel #80016261 \$430 per acre, parcel #880032529 \$590 and parcel #880005719 \$1940 on motion of Vogeler, seconded by Waldmann. Carried. Yes: Vogeler, Waldmann, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. The date to accept sealed bids for the properties was set as May 27, 2008 at 9:30 a.m. on motion of Cullers, seconded by Baker. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. The Clerk is to advertise the bid date 10 days prior to May 27.

At 10:00 a.m., as advertised, the Public Hearing was opened to receive public input on the CDBG grant application for a Courthouse elevator. No one was present to testify for or against the grant application and no written comments were received. Laurie Hansen of Central Nebr. Economic Development District, who has written the grant on behalf of the County, was present and provided the paperwork the County must approve to submit the application. She noted that the grant is for \$250,000 toward the estimated cost of \$450,000 for the installation of an elevator in the Courthouse. The hearing was closed. It was noted that if it was found that an elevator could be installed for less than the estimated cost, the grant would be proportionately lower. Cullers moved to approve Resolution 08-11 authorizing the Chairman to sign the application for CDBG grant funds for a Courthouse elevator and any other documents required to effect acceptance of the grant application, seconded by Waldmann. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none.

The meeting was recessed at 10:15 a.m. and reconvened at 10:20 a.m.

Brian Magiera was present for discussion of his request to lease a lot in the Mortensen Industrial Site. His original written request presented at the last Board meeting, which he was unable to attend, indicated his desire to lease the northwest corner site, failing that he asked for the frontage lot northwest of Premier Pump and the lot behind it. His plan was to build a storage unit on the back lot and develop the frontage lot in 5 to 8 years. Magiera

was asked to appear at this Board meeting to provide more information regarding his plans. Discussion included: contract does not specify a requirement for employees, site was developed for economic development purposes in which employment plays an important part, site has developed faster than anticipated, Board is working on covenants to provide information as to what types of businesses they are looking for, how to provide road access to the lots. Following discussion, Magiera indicated that he was only interested in the frontage lot and no others.

Planning & Zoning Adm. Glaubke was present for discussion of the proposed covenants for development of the Mortensen Industrial Site. Sample covenants were reviewed as well as the Development Restriction document that was drawn up but never formally adopted by the Board. Following discussion, it was decided that a committee would be formed to draw up proposed covenants to be presented to the County Board at their next meeting. Cullers, Vogeler and Cetak volunteered to serve on the committee. Glaubke agreed to serve and will contact Bethanne Kunz and one or two members of the Planning Commission to see if they would be willing to serve on the committee. Cullers and Glaubke agreed to set up the committee meetings.

Cetak moved to decline Magiera request for the frontage lot between Premier Pump and the Petska lot, seconded by Vogeler. Carried. Yes: Cetak, Vogeler, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Glaubke reported that Gilmore and Assoc. originally platted the Mortensen Industrial Site, however, permanent markers have not been put up for the sites not in use. They could come out tomorrow and put up permanent markers for as many lots as the Board wished. The markers are buried 2 feet deep so should not interfere with farming. Ballpark estimate of \$1500 for Gilmore's to spend the day putting in permanent markers. Board agreed that Gilmore's should be contacted to put in as many markers as possible in a day, starting behind Agland and Cornerstone. Glaubke will give Gilmore's number to Road Supt. Leth so that he can talk to them regarding the permanent marker installation.

Casey Hurlburt was present for his scheduled interview with the Board for the Valley County Sheriff vacancy. When asked, Hurlburt indicated he preferred to be interviewed in closed session. There were no objections to including acting Sheriff Walker and County Attorney Clark in the closed session. Cullers moved to go into closed session for the purpose of interviewing Hurlburt for the Sheriff vacancy, seconded by Van Slyke. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. The Board went into closed session at 11:05 a.m. and returned to open session at 11:40 a.m. 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 appoint Casey Hurlburt to fill the remaining term of the Valley County Sheriff, seconded by Cullers. Carried. Yes: Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. Hurlburt felt he could be on the job by May 1, 2008. Vogeler moved to make the appointment effective May 1, 2008, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

A walkthrough of the Courthouse regarding the new windows and new sensors for the heating system is to be held at 8:30 a.m. tomorrow. Brian Hergott of Beckenhauers will be present along with the Marvin Window Representative. Discussion was held regarding the Wadas Inc. billing for \$840 for installation of 6 sensors which are meant to provide a truer temperature reading to the heating/cooling units in the hope that this will provide better temperature control. If it is felt that the sensors have made a difference, the remaining sensors will be installed. The sensors were provided at no cost but the cost of installation was left to the County. The Board felt the need for the sensors is the result of a design error and that the County should not have to pay for the installation nor should Wadas have to install them at his own expense. Custodian Cronk requested that if the County has to pay, it be delayed until the next fiscal year. The Building & Grounds Committee will attend the walk through.

Cetak reported that Gary Bruha will install paneling in the 3rd floor Judge's Chambers for \$1050 but cannot do for 6 to 8 weeks. Cetak will see if he can find darker paneling. Cullers is checking into vertical blinds for the windows in the Judge's Chambers.

The draft lease agreement drawn up by Attorney Randy Cullers for the proposed North Loup Visitor's Center was discussed. County Attorney Clark questioned item number 3 which referred to rent and "all costs and expenses of any nature or kind whatsoever" as the County's responsibility. Bethanne Kunz said the Chamber was involved only through their contract with the County to provide assistance for the Visitor's Committee and that it was the Visitor's Committee who wanted to develop the Visitor's Center. County Attorney Clark will meet with Attorney Cullers to discuss the lease and this issue will be tabled until the next Board meeting.

Supervisor Cullers questioned the distribution of Wozab Funds to entities outside Valley County and for the "brick & mortar" use of churches. She sought an opinion from County Attorney Clark. Clark's initial written opinion was that Wozab Funds should not be granted to entities outside the County but that the Board could use their

discretion with regard to the type of projects funded. However, after discussion he said he felt an exception could be made for entities outside the County who provide service in the County. Cullers also noted that, although she was unable to attend the meeting for determining the distribution of Wozab Funds, she had provided a letter expressing her preferences and was disappointed that no funding was allowed for them.

The meeting was recessed at 12:50 p.m. and reconvened at 1:25 p.m.

Discussion was held regarding the bid of \$13,106 to install railings at both Courthouse entrances to match the new ones installed in downtown Ord as part of the revitalization project. It was decided that the existing railings would be painted black and that Custodian Cronk would be asked about painting them when the weather warms up.

A copy of the results of a 2006 County-wide survey showing the support of Valley County residents for renovating the Courthouse and installing an elevator was reviewed.

Cullers listed the tentative agenda for the Wozab Celebration to be held on April 15 at 7:30 p.m. in the 3rd floor District Courtroom of the Valley County Courthouse. Sevenker agreed to do the Welcome and Introduction, Cullers the Tribute and Vogeler the Award Presentation. Various Board members offered to bring cookies for refreshments.

Following discussion, Vogler moved to change the first Board meeting in May from the 13th to the 9th due to the Primary Election, seconded by Waldmann. Carried. Yes: Vogeler, Waldmann, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none.

Reminder of the Budget Seminar May 29th in Kearney will be carried over to the next agenda.

Following discussion, Vogeler moved to continue with Collier Lawn Care Service at the 2007 rate, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Baker moved to approve the claims for payment of the April BCBS premium of \$24,230.33, the claims for disbursement of the Housing Assistance Grant funds approved at the last Board meeting totaling \$17,896 and the Fund Request to the Treasurer for the grand total of \$42,126.33, seconded by Van Slyke. Carried. Yes: Baker, Van Slyke, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none.

Agenda items 13 D – I were reviewed as follows: NIRMA's request to include their website as a hyperlink on the County website was approved; no action was taken regarding proposed legislation for law enforcement retirement or jail reimbursement; Waldmann will check with David Glaubke about taking a 35mm picture of the District Courtroom to submit for use in the NACO calendar; North Loup River Irrig. Dist. water charges for the County Farm were reviewed and it was noted that these charges are paid by the lessee; Lodging Tax Receipts and Disbursements for March were reviewed; no action was taken regarding the UNIFI Notice of Annual Members Meeting, Proxy Statement and Proxy.

Treasurer Suminski gave the Month End Fund Report. General Fund balance is at \$90,970, Visitor Promotion \$2406.49, Visitor Improvement \$6144.04, Inheritance Tax \$856,970.38. A deposit of \$530,000 was made to the Airport checking in March but she has no other information regarding these funds. Suminski noted that there was not sufficient money budgeted to close out the old Hospital Bond Fund so a small amount will have to be transferred in the next FY. Also discussed was the request from the Hospital to discontinue the \$25,000 Hospital O&M Fund.

County Attorney Clark had no report.

As the County's Representative on Region 26 Council, Van Slyke provided a letter from Region 26 explaining that they have contracted with Kirkham/Michael Consultants to create a Hazard Mitigation Plan for the counties and communities in Region 26.

Vogeler reported that the roofers are getting ready to start work on the jail roof and will be coming to the Board for permission to set a crane on the east side of the Courthouse.

Cullers reported for VCED that her husband had been able to sell some of his taxidermy mounts on the internet through the combined efforts of several classes at the Ord High School, the students handled everything: advertising, taking orders, crating and shipping and accounting for the proceeds. Cullers will check with VCED regarding the use of sales tax funds for surveying and road building costs at the Mortensen Industrial Site.

Meeting adjourned at 2:40 p.m., to reconvene on April 29, 2008 at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the April 8 meeting and an agenda for the April 29 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