

## VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, June 24, 2008 in the Courthouse Boardroom. Present by roll call: Sevenker, Vogeler, Baker, Cullers, Van Slyke, Cetak, and Waldmann. Clerk verified meeting notice was published and agenda posted. Minutes of regular June 10 meeting and special June 17 meeting, included in Board packets, were approved on motion of Waldmann, second by Cullers. Carried. Yes: Waldmann, Cullers, Baker, Van Slyke, Cetak, Vogeler. No: none. Absent: none. Cullers moved to adopt the agenda, seconded by Van Slyke. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. Sevenker noted Open Meetings Act is posted, public copies available. No public comment offered.

Candy Kuntz of Miller & Associates, General Adm. of the Housing Grant, presented claims for housing rehab, CDS, Miller & Assoc., and drawdowns #16 and #17. Following discussion, rehab claims for VC-05 \$609.88 and VC-06 \$1233.74 were approved on motion of Waldmann, seconded by Baker. Carried. Yes: Waldmann, Vogeler, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. Vogeler moved to approve the \$750 CDS invoice and the \$1200 Miller & Assoc. invoice, seconded by Waldmann. Carried. Yes: Vogeler Waldmann, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. Drawdown #16 \$2594 and #17 \$1200 were approved on motion of Cullers, seconded by Van Slyke. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. Kuntz explained that 2 drawdowns are required because regulations do not allow General Adm. fees to be submitted on the same form as down payment assistance, housing rehab and housing administration fees. Based on the number of applications currently pending, it appears the August deadline for disbursing the grant funds may be met. A summary of grant activity provided by Kuntz shows that the target plan to assist 10 first-time homebuyers has been reached and that there is approximately \$20,000 remaining for down payment assistance and \$10,000 for rehabilitation.

Road Secretary, Sandy Simpson, presented the June Claims & Balances report. Larger expenses for the month include diesel, paint, used copier, paint beads, and gravel. Sheriff vehicles are fueled at the County tanks and pay the Road Dept. for what they use.

At 9:30 a.m., as advertised, gravel bids were opened. Ulrich Gravel Inc was the only bidder. Scott and Wes Ulrich were present. The bid was opened and read by the Clerk: 6.90 per cubic yard at bin, .28 cubic yard mile truck charge, mud rock at pit 12.50, clean rock at pit 13.50, sand at pit 3.50, AC gravel at pit 6.90, 47B gravel at pit 7.15, waste rock at pit 7.00, minimum haul 1.75, if fuel goes over \$5.00 per gallon a fuel surcharge will be added (surcharge amount depends on fuel price). Following discussion, Cetak moved to accept the bid of Ulrich Gravel Inc., seconded by Vogeler. Carried. Yes: Cetak, Vogeler, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none. The Gravel Contract was signed by Scott Ulrich and Board Chairman Sevenker.

Road Supt. Leth reported: it is a Federal requirement that consultants be hired to inspect fracture-critical bridges and they are now inspecting timber bridges too, of 27 timber bridges inspected in Valley County, 3 were recommended for closure, all 3 are currently in the county's 1 & 6 Year Plan, will begin work on bridge west of Vinton in August, bridge near Lumir Bruha's later this fall and the third bridge will be removed as part of a state highway project; FEMA was here on June 20 to assess damages; working on repairing slides; cost of oil delaying patching; starting on culverts on Comstock and Loup City roads; 4" rain received in North Loup last night causing flooding. Discussion was held regarding maintenance costs for asphalt roads. Leth estimated Valley County has 60 plus miles of asphalt and 587 miles of gravel. Overlay costs have gone from \$18,000 to 20,000 per mile to \$40,000 to \$50,000 per mile. Previously has tried to budget for 2 miles of overlay and maintenance, does not know how to fit it into budget now. Gravel costs about \$800 for 160 yards. Diamond Engineering has "zipper" machine that grinds asphalt for \$100,000 or can be rented. It was noted that roads in other counties where the asphalt has been ground are very dusty and it sticks to vehicles. Could overlay the ground asphalt but would cost more. Need to maintain roads for truck traffic. If more gravel roads are added, may need another grader. Following discussion the Board agreed that, at this time, the County would try to continue to maintain the roads as they are.

Chairman Sevenker moved to Old Business agenda item 10A concerning the sale of the remaining County owned parcel since he and Leth had looked at the property. The adjacent property owner is Jim Duda, who offered \$10 for the parcel when contacted. The parcel is assessed at \$430 per acre. Following discussion, Waldmann moved to offer parcel #80016261, N 4 rods of W 45 rods in the NW4NW4 10-20-14 to Jim Duda for the price of \$100, and authorize the Chairman to sign a deed should Duda accept the offer, seconded by Van Slyke. Carried. Yes: Waldmann, Vogeler, Cetak, Van Slyke, Baker, Cullers. No: none. Absent: none. Baker will contact Duda with the offer.

County Weed Supt. Darrell Kaminski was present to explain that the chemicals paid from the Weed Fund in January, 2008 and July, 2007 were purchased prior to the Board's instruction that he not purchase chemicals. He was aware that chemical expenses were cut from his FY 07-08 budget but felt there would be sufficient funds to cover the cost of his last purchases, however, there was not. In order to keep the Weed Budget from being overspent, an expense from the Weed Fund needs to be taken from a fund that has budget dollars remaining. Following discussion, Vogeler moved to authorize the transfer of chemical expenses in the amount of \$114.25 and \$705.50 from the Weed Fund to the General Fund, Misc. General Budget, seconded by Baker. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Ellen Novak was present representing CARE (Citizens Assoc. for Responsible Education) to request the Board authorize the addition of a CD burner on the Clerk's Office voter registration computer and the Assessor's computer. This would be paid for by CARE, so that information could be obtained on a CD at less cost than the state charges to provide one. The Clerk noted that the voter registration computer is state owned and the state would have to authorize any addition to their computer. Currently the Clerk's Office can supply voter registration information on a floppy disk for \$.60, the cost of a disk. Assessor Arnold was out of the office this week, however, Treasurer Suminski noted that she and the Assessor use the Terra Scan system together and that Terra Scan is not willing to have anything added to their system by anyone other than themselves. County Attorney Clark advised that his first reaction is that it is probably not a good idea to accept this type of gift. Novak said they were just trying to save money as they could purchase 2 CD burners for less than the cost of the information they wanted from the state. They will accept the floppy disk from the Clerk and look at other avenues for getting the additional information they want.

Planning & Zoning Admin. Nancy Glaubke reported receipt of the final Flood Plain Maps, noting that she has published the fact so the public is aware that these maps are available for viewing. Glaubke advised: the County has a year to decide whether to join the National Flood Insurance Program, there is no cost to join; Ord, North Loup and Elyria already belong. NFIP is a Federal program enabling property owners in participating communities to purchase flood insurance in exchange for State and community floodplain management regulations that reduce future flood damages. A floodplain administrator would need to be appointed. Glaubke would be willing to serve, since this is similar to planning and zoning regulations or they could appoint anyone they wanted to. The County must fill out and submit an application, pass a resolution and establish management regulations that meet NFIP requirements in order to join the program. Following discussion, Van Slyke moved to join NFIP and to appoint the Valley County Zoning Administrator to serve as the Floodplain Administrator, seconded by Baker. Carried. Van Slyke, Baker, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. Glaubke will prepare and present the required resolution for Board approval at the next Board meeting.

Glaubke presented the printed VCED Quarterly Report for Summer 2008 including: the City of Ord has applied for recertification of their Certified Community designation, housing grant information, City Sales Tax Funds for the first 8 months of the 07-08 fiscal year were \$197,122.12, new ED Board appointments were Jane Maschka and Craig Vogeler, Valley County Target Industry Study update shows the 3 top priority targets are workforce attraction, biofuels co-products and light manufacturing, 2<sup>nd</sup> edition of ESCAPE (area travel guide) is in progress, working on 08-09 budget, and 7 applications received for the vacant director position are being reviewed.

The meeting was recessed at 11:00 a.m. and reconvened at 11:10 a.m. with all members present.

Baker moved to go into Board of Equalization at 11:10 a.m., seconded by Cullers. Carried. Yes: Baker, Cullers, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. The Assessor was attending required training this week, so Deputy Assessor Nance was present, as was the County Clerk.

Property Valuation Protest #1, Johnathan F. Tomjack, Ord Hillside Addition, L6, B5, buildings valued at \$38,680, requested value \$19,340. Tomjack was present and testified that he has just moved to the area, this is his first home purchase and he feels the condition of the home was misrepresented to him with cosmetic repairs made to disguise adverse conditions. The foundation has sunk, water comes into the basement, garage needs to be replaced, siding in bad condition. Assessor Arnold, Deputy Assessor Nance, Supervisors Cullers and Sevenker inspected the property on June 11, 2008 and found original plaster walls and kitchen cupboards, foundation cracking, basement musty with rotten windows. The Assessor recommends correcting the heating system and valuing the house at \$29,525, land at \$6,635 for a total value of \$36,160. Tomjack felt this was a fair recommendation. Van Slyke moved to accept the Assessor recommendation as noted above, seconded by Vogeler. Carried. Yes: Van Slyke, Cetak, Vogeler, Waldmann, Cullers, Baker. No: none. Absent: none.

Property Valuation Protest #2, Harold & LuAnn Todd, North Loup Twp, N2 Div. Y in NW4SW4SE4 35-18-13, 5 acres, valued at \$17,250 land, \$51,200 buildings, total value \$68,450. No one was present to testify. Homeowner's written testimony indicates outside of house was painted, laminate flooring and new windows installed but does not feel these updates justify valuation raise and requests building value of \$38,250. Assessor Arnold, Deputy Assessor Nance and Supervisor Cullers inspected the property on June 11, 2008. Assessor notes kitchen has old cupboards and original plaster walls, some water damage in laundry room, water problem in basement requires frequent pumping, changed heating system to heat pump. Assessor recommended depreciating out basement until owners decide how to correct the water problem, bringing house value to \$41,450, outbuildings \$5,465, land \$17,250 for total value of \$64,165. Vogeler moved to accept the Assessor recommendation as noted above, seconded by Cullers. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Property Valuation Protest #3, Leonard E. Ruzowski, Ord Haskells Add, S2 Div C, L5 B35, valued at \$3465 land, \$26,180 buildings, total value \$29,645. No one was present to testify. Homeowner's written testimony indicates home was purchased in August of 2007 for \$21,000 and copy of appraisal dated 8/13/07 listed value at \$23,000, request building value of \$19,535. Assessor Arnold, Deputy Assessor Nance, Supervisors Cullers, Sevenker and Cetak inspected the property on June 11, 2008. Assessor recommendation indicates owner purchased property at auction, some plumbing & wiring has been done, original kitchen cupboards, problem with bathroom floor, changed washer & dryer area from living area to porch and condition from good to average plus, and heating system to heat pump. Assessor recommends land value remain at \$3465, house changed to \$20,125 for total value of \$23,590. Cullers moved to approve the Assessor recommendation as noted above, seconded by Cetak. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none.

Notices of Valuation Change were presented for Torrey C & Susan A Emery, Casey D & Ann J Hurlburt, Hillcrest Ranch and Martha L. Kollasch. Parcel #880033586, Emery, changed due to notification by owner of square feet correction and addition of heat pump. Building value changed from \$49,735 to \$75,350. Vogeler moved to approve the valuation change for parcel #880033586, seconded by Van Slyke. Carried. Yes: Vogeler, Cetak, Waldmann, Van Slyke, Baker, Cullers. No: none. Absent: none. Parcel #880028245, Hurlburt, changed to add 756 sq. ft. of partition finish to basement, discovered due to sale of property. Building value changed from \$113,590 to \$125,260. Waldman moved to approve the valuation change for parcel #880028245, seconded by Cullers. Carried. Yes: Waldmann, Cullers, Baker, Van Slyke, Cetak, Vogeler. No: none. Absent: none. Parcel #880011011, Hillcrest Ranch, changed due to land use change from irrigated to dry. Land value changed from \$55,920 to \$46,670. Vogeler moved to approve valuation change for parcel #880011011, seconded by Baker. Carried. Yes: Vogeler, Waldmann, Cetak, Van Slyke, Baker. Cullers. No: none. Absent: none. Parcel #880024003, Kollasch, changed due to remodel of garage into living room, 476 sq. ft. living area added. Building value changed from \$18,840 to \$44,265. Waldmann moved to approve the valuation change for parcel #880024003, seconded by Cullers. Carried. Yes: Waldmann, Cullers, Vogeler, Baker, Van Slyke, Cetak. No: none. Absent: none.

Tax List Correction #3721 for Kathleen Melvin, due to moving a modular home from Valley to Stanton County, was approved on motion of Vogeler, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Van Slyke, Baker, Cullers, Waldmann. No: none. Absent: none.

The letter from USDA regarding the Airport's purchase of land from Al Moudry showed how they split the land to indicate what Moudry still owns and what is now owned by the County and gave opportunity for the County to appeal the split if they did not agree with it. The letter and attached information was reviewed, no action was taken.

The Board moved back into regular session on motion of Cetak, seconded by Van Slyke. Carried. Yes: Cetak, Van Slyke, Baker, Cullers, Waldmann, Vogeler. No: none. Absent: none.

County Attorney Clark reported cost of cremation is \$2100 which is more than County currently pays for burial expenses. Following discussion, Cullers moved to set a flat fee of \$1800 for burial expenses and to require presentation of the HHS form showing a need for the funds, seconded by Waldmann. Carried. Yes: Cullers, Waldmann, Vogeler, Cetak, Van Slyke, Baker. No: none. Absent: none. Clark will draw up a County Burial Policy based on the motion.

Discussion was held regarding the Region 3 EPC billing for \$1299.78 for an out-of-county resident transported by the Ord City Police. By statute, Valley County is required to pay.

County Attorney Clark reported that North Loup Village has agreed to pay \$1500 per month for the Law Enforcement Agreement with the County Sheriff and that Village Attorney Cullers is preparing an agreement.

Clark reported that the letter from HHS is a reminder that IV-D incentive payments cannot be used as part of the required matching funds.

The County's current Public Comment Policy meets the requirements of the Open Meetings Act according to Clark. He noted that a person cannot be required to have his/her name placed on the agenda prior to a meeting in order to speak about items on the agenda but that they can be required to identify themselves if allowed to speak and that the Board is not required to allow public comment at every meeting but cannot prohibit it at every meeting.

Clark reviewed the proposed Mortensen Industrial Site Covenants and recommended that, rather than establishing covenants, the Board address issues with individual contracts for the lessees. It was noted that no contract has been signed with Petska yet. Discussion was held regarding the required \$100,000 valuation with Clark recommending a sliding scale for rent to compensate for valuations under the required amount. Clark will review the leases to see what can be done.

At 12:40 p.m. a recess was called, meeting was reconvened at 1:10 p.m. with all members present.

Budget Accountant Chuck Abel was present for discussion of the County budget process. Also present were Attorney Randy Cullers and Dale Zadina of the Ord Rural Fire Dept. Abel said that preliminary figures supplied by the Assessor for next year's valuations, indicate that the addition of personal property for the Ethanol Plant and the increased property valuations from the reappraisal will provide for the County to collect sufficient funds using last year's tax rate to allow an increase in funding for the merger of the Ord Rural Fire Dept. and the Ord City Fire Dept. without requiring a reduction in funds for the County. The preliminary figures show \$448,000,000 in valuations, an increase of \$64,000,000, which would provide an additional \$250,000 to the County at last year's tax rate. The County is restricted to an increase of \$50,000 so the County tax rate may have to be lowered, which would leave additional authority to be allocated to the fire district. Taxes for the fire department merger would only affect those residents within the Ord Rural Fire District. The City of Ord would benefit from the merger, as they would no longer be funding the fire department through city taxes, however, Ord City residents would be taxed as part of the merged fire district. Attorney Cullers presented an estimated budget for the merged fire district which was lower than the last estimate in an effort to make the merger workable. It was determined that rather than purchase machinery and equipment it would be better to lease-purchase, so \$30,000 was eliminated from the budget; audit expenses of \$1000 were eliminated and the fire hall rent was cut from \$12,000 to \$6000, for a total budget of \$60,692. Currently the Rural Fire District contracts with Ord City Fire Dept. to provide services. A public hearing will need to be held regarding the possible merger and if it is approved would need to be in time to provide funding through the County budget and levy setting process. The Board agreed that the possible merger should be pursued at this time. Should the County be unable in the future to provide a sufficient levy, a levy override can be approved by residents in the fire district.

The Sheriff's budget was discussed. Sheriff Hurlburt asked about using housing fees for out-of-county prisoners through his budget rather than depositing it in the General Fund and whether the costs of renovations to provide a visitation room should come from his budget or Building and Grounds. The purchase of cameras for the Sheriff vehicles was discussed. A grant is available but would not be received until October. The cameras cost \$12,000 the grant is for \$9000 so the County would pay \$3000.

Meeting recessed at 2:40 p.m. and reconvened at 2:50 p.m. with all members present.

Planning & Zoning Admin. Nancy Glaubke was present for discussion of the Mortensen Industrial Site plat survey received from Gilmore & Assoc. and told the Board that, because of the recently enacted Planning & Zoning subdivision regulations, the plat survey needs to be reviewed by the Planning Commission before the Board acts on it. Attorney Clark noted that the plat survey did not identify the blocks, only the lots. Glaubke will take the plat survey before the Commission for review and return to the County Board with the Commission's recommendation. Following discussion, Cetak moved to submit the Gilmore & Assoc. billing statement in the amount of \$2000 and the costs compiled by County Road Supt. Leth for work done at the Industrial Site in the amount of \$11,088.50 to the VCED Board for their approval and recommendation that these amounts be paid with City Sales Tax funds, seconded by Cullers. Carried. Yes: Cetak, Vogeler, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none. The Board agreed that Glaubke could ask Gilmore & Assoc. to draw out the remaining parcels on paper if it was done at no cost.

Glaubke verified that there are 24 houses in the County that are in the flood plain and they will be required to purchase flood insurance if they have a loan or mortgage.

Treasurer Suminski presented the Month End Fund Balances Report, noting that the General Fund is at \$513,234.01, Inheritance Tax at \$844,489.62. The first principal payment of \$40,780 on the Courthouse Bond is due in November. Currently there is \$29,619.41 in the Courthouse Bond fund. It is expected that the second half tax

collections will provide the additional funds for the payment. Suminski also noted receipt of FEMA funds and that they can be separated out for the next FY if the Board so directs. Collections for the month totaled \$950,000.

Written reports for May fees collected by the County Clerk's Office and District Court were presented. The Clerk's report shows \$7909.56 was collected in May. The District Court report shows collections of \$26,982.64 and documents the disbursement of those funds.

Discussion of the GIS proposals was delayed since the Assessor was absent for training.

The Board acknowledged receipt of the NIRMA renewal statement and accompanying letter.

The Claims List and Claims & Balances report were reviewed. Following discussion, Cullers moved to approve June Claims and Fund Request, seconded by Van Slyke. Carried. Yes: Cullers, Baker, Van Slyke, Cetak, Vogeler, Waldmann. No: none. Absent: none.

The Courthouse ad for the 2009 ESCAPE visitors' guide was approved on motion of Vogeler, seconded by Cullers. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, Van Slyke. No: none. Absent: none.

Vogeler reported that Western Roofing is still waiting on the weather before starting work on the jail roof. Sevenker asked if they could delay starting until after the July 6 celebration of the completion of the downtown revitalization project. Vogeler will inform Western Roofing.

Cullers, County Rep for Region 3, provided a written report regarding LB1083 which, in part, provided for moving funding for adult inpatient services from regional centers to community services. In FY 08-09 the remaining \$3.5 million will be moved from Norfolk Regional Center to community services.

Mail folder items available for review: Beckenhauer Newsletter, CNHD Newsletter, Contryman Assoc. letter re: audit/budget, CNCS Newsletter, Loup Basin RC&D Newsletter, Region 26 agenda, JEO invitation, Olsson Assoc. invitation, State Treasurer Seminar.

Meeting adjourned at 3:40 p.m., to reconvene as Board of Equalization on July 7, 2008 at 8:00 p.m. to hear Property Valuation Protests and on July 8, 2008 at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the June 24 meeting and an agenda for the July 7 BOE meeting and the July 8 meeting, both regular session and BOE, 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