

## VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, June 9, 2009 in the Courthouse Boardroom. Roll call: Sevenker, Waldmann, Baker, Cullers, Vogeler, Cetak, and VanSlyke were present. Clerk verified meeting notice was published and agenda posted. Minutes of the May 26 meeting were included in the Board packets and were approved on motion of Cullers, seconded by VanSlyke. Carried. Yes: Cullers, Baker, VanSlyke, Cetak, Vogeler, Waldmann. No: none. Absent: none. The agenda was adopted on motion of Waldmann, seconded by Baker. Carried. Yes: Waldmann, Vogeler, Cetak, VanSlyke, Baker, Cullers. No: none. Absent: none. Sevenker noted Open Meetings Act is posted, public copies available.

Jordan Cudney signed up for Public Comment to thank the Board for the Wozab funds granted to the GLVA youth football program. They recently changed from all flag football to padded football for the 5<sup>th</sup> and 6<sup>th</sup> graders which added to their costs. They have participants from the entire area; last year participants numbered 60 or 65

County Road Supt. Jay Meyer said former Road Supt. Leth has reviewed refunding of Easements 08-280 for Leonard Sedlacek and 08-281 for Michael L. Jackson and recommends approval. Vogeler moved to approve refunds for Easements 08-280 and 08-281, seconded by Cetak. Carried. Yes: Vogeler, Cetak, Waldmann, VanSlyke, Baker, Cullers. No: none. Absent: none. Meyer said he has reviewed requested Easement 09-291 for Zangger & Sons and recommends approval. Baker moved to approve Easement 09-291, seconded by Cullers. Carried. Yes: Baker, Cullers, VanSlyke, Cetak, Vogeler, Waldmann. No: none. Absent: none.

The billing statement for ditch cleaning presented at the last meeting by Dawn Scott was discussed. Meyer, Leth and County Attorney Clark met regarding this issue and the County Attorney advised that the County not get involved in paying landowners for the cleaning of ditches. All agreed it was unfortunate that the County had been previously misinformed as to their responsibility for cleaning County roadside ditches, however, they did not want to set a precedent by paying some landowners and not others. Vogeler moved to decline payment of the billing statement from Frahm Construction Inc. to Jim Layher presented by Dawn Scott for ditch cleaning, seconded by VanSlyke. Carried. Yes: Vogeler, Cetak, VanSlyke, Baker, Cullers, Waldmann. No: none. Absent: none.

Meyer reported that he needs to purchase a pickup and that Leth had budgeted for one this FY. He has been unable to find one locally that fits his needs, but has found one in St. Paul and will need to act quickly in order to use this FY funds. Also needs a computer for his office and plans to tie into the Sheriff's to get better price for both offices for internet service. Plans to get rid of Leth's cell phone once contract runs out and use his own so he doesn't have to carry two cell phones, will use his own for County business. Meyer expressed his appreciation for the assistance he has received from Larry Kolar and Sandy Simpson. Meyer's general report included: mixed last windrow last week; waiting for good weather to begin work on Sargent Highway, try to finish before festivals; will mix 2 more windrows from next year's budget, probably winter over one or part of one windrow; looking to level some areas on Sargent Road before armour coating; contacted Jerry Woodgate regarding detour road, State has agreed to repair any damage caused by the detour traffic and will provide signs which County will install; State will also address complaints received about Fort Hartsuff Road and will stripe and sign it; have hauled 9 loads of gravel and graded several times which State will pay for; overall budget should be okay for this FY; will be attending Highway Supt. meeting in Valentine this week, back on Friday; waiting for warmer temperatures to begin use of the Zipper, may be after June; over weekend had water over road in SW part of County, fixed washed out culvert and will be cleaning some ditches for better drainage.

Following discussion, the Board agreed that former County Highway Supt. Leth will receive his final County pay check this month at the rate agreed upon in September and it was noted that Leth has agreed to be available to advise Meyer and the Board when necessary.

Keith Shellhase, Ryan Simpson and Larry Copp appeared to present information about the new fire hall to be built on the empty lot south of the Ord Post Office. Shellhase noted that the Ord City Fire Dept. merged with Ord Rural Fire Dist. 2 several years ago. A drawing of the proposed building and construction plans were presented. They are working with Chief Construction out of Kearney and Grand Island for plans; local contractors will be invited to bid on the project. The building includes a storm shelter, handicap accessible restrooms and a kitchenette. The cost is estimated to be 1.4 million. The levy required to pay for it is estimated to be .0581 over 20 years, the estimate does not include the ethanol plant. They are planning to apply for a grant to help pay for it. The grant amount is not specific but over 2 million is available. Chief says building could be complete by late spring of 2010.

A recess was called at 9:55 a.m. and the meeting reconvened at 10:05 a.m. with all members present.

Treasurer Suminski reported Month End Fund Balances of \$455,764.90 General Fund, \$44,879.40 Road Fund, \$810, 247.74 Inheritance Tax Fund and \$56,454.54 in the Courthouse Bond Fund. The Courthouse Bond payment of \$40,232 is due November 15, 2009. She also reported a Pledge Security substitution with Tier One Bank.

Clerk Lindsey presented the May Fee Reports for the County Clerk and the Clerk of the District Court.

County Attorney Clark was not present due to a Court conflict in Custer County. County Sheriff Hurlburt is also involved in the Court case and will not be present so the Interlocal Law Enforcement Agreement with Ord City Police Dept. will be delayed until next meeting.

Sevenker said Custodian Cronk has switched the Courthouse HVAC system to the summer mode. Beckenhauer has asked that the Custodian and the Building & Grounds Committee meet with them and Daiken Representatives June 16<sup>th</sup> at 11:00 a.m. to review Daiken's findings with regard to the system.

Mortensen Industrial Site lease valuation requirements were discussed. County Attorney Clark had sent a letter to Kokes Welding and Premier Pump regarding their failure to meet the required \$100,000 valuation for their buildings. The letter indicated that they could make up the discrepancy by paying the difference in taxes between buildings valued at the \$100,000 and the value of their building (the amount was noted in the letter) and that they should contact the County Attorney to sign an agreement to that effect. The Assessor had noted that Kokes Welding did not meet the requirement for 2008 because their building renovation was not completed but that they do meet it for 2009. Kokes Welding did not contact the County Attorney or sign an agreement but did pay the amount listed as due. No payment has been received from Premier Pump nor have they contacted the County Attorney. The Board directed that the payment from Kokes be paid to and receipted by the Treasurer and that the County Attorney is to follow up with Premier Pump.

Discussion was held regarding the third party administrator for the BCBS deductible and the Office Visit Co-pay. Clerk Lindsey noted that when an employee reaches the \$1000 deductible and the County begins picking up the remaining \$1500 the employee cannot claim the Office Visit Co-pay as it will be of the reimbursed deductible. Lindsey also noted that information received from NACO Attorney Beth Ferrell notes that penalty fines for HIPAA violations have risen from \$100 to \$10,000 to \$50,000 which makes it unwise for her office to administer the Office Visit Co-pay. Following discussion, Cullers moved to go forward with First Concord as the third party administrator for both the BCBS deductible reimbursement of \$1500 of the \$2500 deductible and the \$30 Office Visit Co-pay (employee pays \$30 for office visit, County pays the remainder) at a cost of \$5.00 per person per month, seconded by Cetak. Carried. Yes: Cullers, Cetak, Vogeler, Waldmann, Baker, VanSlyke. No: none. Absent: none. Further discussion was held regarding the two options for reimbursement provided by First Concord, Option 1 provides payment to the employee and Option 2 provides payment to the provider. The Clerk and Treasurer will check into the options and choose the one that appears to be the most appropriate.

Clerk Lindsey explained that employees who qualified to participate in the County's health insurance were allowed to sign up for the Long Term Disability Insurance Buy-Up Option at their own cost. She did not realize that in order to participate in the Buy-Up Option the employee must also have the basic Long Term Disability Insurance provided by NACO as part of the NACO/BCBS coverage. One employee who signed up for the Buy-Up Option qualifies for the County's health insurance but chooses not to participate, therefore, does not have the basic LTD. The Board can elect to pay the basic LTD for this or any future employee who qualifies but does not choose to take the County insurance or the Board can elect to require the employee to pay the premium for the basic LTD in order to get the LTD Buy-Up Option. The cost for the basic coverage is about \$2.67 per month. Following discussion, Cullers moved to pay the \$2.67 premium for the basic LTD coverage for employees who qualify for participation in the County health insurance plan but chose not to take it and wish to participate in the LTD Buy-Up Option, seconded by Baker. Carried. Yes: Cullers, Baker, VanSlyke, Cetak, Vogeler. No: none. Absent: none. Abstain due to relationship: Waldmann.

A recess was called at 10:55 a.m., meeting reconvened at 11:05 a.m. with all members present.

Board of Equalization was convened on motion of Baker, seconded by Waldmann at 11:05 a.m. Carried. Yes: Baker, VanSlyke, Cullers, Waldmann, Vogeler, Cetak. No: none. Absent: none. The Assessor and Clerk were present.

Property Valuation Protest #1 for Steven C. Vech Rev. Trust on property located at L7 B52, Ord Original Addition was heard. No one was present to testify. Written testimony indicated house was purchased in December 2006 for \$30,000 and is presently listed for sale for \$45,000 and is in below average condition. Valuation Protest Form requests valuation of house be lowered from \$53,895 to \$32,000. Assessor Arnold, Deputy Assessor Nance and Supervisor Cullers viewed the house on June 3, 2009. House is well built but needs some work and has flooding issues in garage. Due to condition of the house, Arnold recommends condition change from good plus to fair plus, lowering the value to

\$42,020. Arnold also noted that the house is listed for sale in the Quiz and on Wolf's website at \$49,000. Cetak moved to accept Assessor's recommendation of land value at \$6580, buildings at \$42,020 for total value of \$48,600, seconded by Waldmann. Carried. Yes: Cetak, Vogeler, Waldmann, Cullers, Baker, VanSlyke. No: none. Absent: none.

Property Valuation Protest #2 for Robin L. Dahlsten on property located on L4 B4 North Loup Babcocks 1<sup>st</sup> Addition was heard. No one was present to testify. Written testimony indicated house not livable and requested building valuation be lowered from \$6540 to \$2015. Assessor Arnold, Deputy Assessor Nance and Supervisors Cullers and Vogeler viewed the property through windows as the doors were locked. Arnold indicated the roof is in poor condition, trees are growing into the foundation, house is not livable and owner plans to burn it down. Assessor recommends house be priced at \$2.00 per sq. foot for a value of \$2015 with the land at \$445 for a total value of \$2460. Vogeler moved to approve the Assessor's recommendation, seconded by Cullers. Carried. Yes: Vogeler, Waldmann, Cullers, Baker, VanSlyke, Cetak. No: none. Absent: none.

As required by law, the Assessor presented the 2009 Level of Value listing assessment statistics for Residential Real Property, Commercial Real Property and Agricultural Land reflecting the valuation changes made for 2009.

Valuation Notices for 2009 for County owned property including parcels number 880015155, 880015316, 880010934, 880011606, 880036752, 880036880, and 880036881 were reviewed. Board questioned number of acres noted as taxable in the Mortensen Industrial Site and the Mortensen Farm. The Mortensen Farm acreage has been reduced due to the development of the Mortensen Industrial Site and the Board did not feel the County should be taxed for the vacant lots, roads or the mixing strip on the Industrial Site. Arnold said the Dept. of Revenue advised that the Board should apply for exemption for these areas. Following discussion, Vogeler volunteered to meet with Arnold to review the taxable acres. This will be on the agenda for the next Board meeting.

Arnold presented 2009 Notices of Valuation Change that were made after March 19 and are required to go through the Board of Equalization. Each notice listed the property description, owner, prior and current valuations and the reason for the change. These notices are on file in the Clerk's Office.

Arnold said she has learned of a grant that will pay for GIS and intends to apply for it.

The Board moved out of BOE on motion of Waldmann, seconded by Cullers at 11:45 a.m. Carried. Yes: Waldmann, Cullers, Baker, VanSlyke, Cetak, Vogeler. No: none. Absent: none.

Marc Munford of Ameritas was present to report the plan for another bond issue, 2009B. Exact amount of issue will be decided later. Anticipate marketing the week of the 22<sup>nd</sup> and returning to Board on June 30 for the Bond Purchase Agreement. The stimulus package has raised the amount of issue allowed to stay bank qualified from 10 million to 30 million dollars so all remaining bonds can be sold in 2009.

A request has been received for a Special Designated Liquor license from Pat Proskocil, through Dennis Kamarad as DRK Inc., for a festival to be held on July 31, August 1 & 2, ½ mile east of the intersection of 463<sup>rd</sup> Ave and 809 Road in a pasture on the north side of the road. Approval of the County Board and the County Sheriff is required to accompany their special license application to the State Liquor Commission. Kamarad has a Caterer's license which simplifies the application process. During lunch recess, Sevenker will try to contact County Attorney regarding this issue. Proskocil and Kamarad will return after lunch for further discussion.

Recess was called at 12:10 p.m., meeting reconvened at 1:05 p.m. with all members present.

Discussion was held on the expiration of Cullers' term on the ED Board in July. Cullers felt other Board members would benefit from serving and the ED Board would benefit from new ideas. The term is 3 years. Waldmann is willing to serve and was nominated by VanSlyke who also moved that nominations cease, seconded by Cetak. Carried. Yes: VanSlyke, Cetak, Vogeler, Cullers, Baker. No: none. Absent: none. Abstain: Waldmann due to relationship.

The resignation letter received from Planning & Zoning Administrator Nancy Glaubke was reluctantly accepted on motion of Baker, seconded by Vogeler. Carried. Yes: Baker, VanSlyke, Cetak, Vogeler, Waldmann, Cullers. No: none. Absent: none. The Clerk was directed to write a letter to Glaubke expressing the Board's appreciation for her past service and her willingness to assist during the transition to a new Administrator. Caleb Pollard was present for discussion of Glaubke's replacement and offered to check into advertising together for the ED/Chamber position held by Glaubke and the P&Z Administrator. Pollard said his educational background includes planning & zoning but he currently has too much responsibility to consider taking on the P&Z Adm. duties.

Sevenker reported a request from Ord Memorial Chapel regarding a County paid burial. He directed them to the HHS Office per the County's Burial Policy which requires approval of a burial claim through HHS just as other assistance claims are handled. Clerk Lindsey reported that Connie Felt indicated the burial was approved for County assistance and she will be submitting a claim.

The early Claims and Fund Request for payment of the BCBS premium was approved on motion of Vogeler, seconded by Cullers. Carried. Yes: Vogeler, Cetak, Waldmann, Cullers, Baker, VanSlyke. No: none. Absent: none.

Following discussion, Vogeler moved to authorize the Chairman to sign the Addendum #1 For Cooperative Reimbursement Agreement For Child Support Services for the County Attorney contingent upon the County Attorney's approval, seconded by Cullers. Carried. Yes: Vogeler, Cetak, VanSlyke, Baker, Cullers, Waldmann. No: none. Absent: none. The letter accompanying the Addendum indicates it is due back by June 30, this action will allow the County Attorney to meet that deadline if he approves the Addendum.

The FEMA letter regarding flood map distribution and the NIRMA 2009-10 Renewal letter were reviewed.

Dennis Kamard and Pat Proskocil returned for the special liquor license. Following discussion, VanSlyke moved to approve the requested liquor license for DRK Inc., subject to County Attorney approval, seconded by Vogeler. Carried. Yes: VanSlyke, Cetak, Vogeler, Waldmann, Cullers, Baker. No: none. Absent: none.

Sheriff Hurlburt and Police Chief Adam Miller appeared before the Board. Sevenker noted that the Board did not act on the Interlocal Agreement for Law Enforcement between the City of Ord and the County because of the absence of Sheriff Hurlburt and the County Attorney. Both Hurlburt and Miller felt the agreement was needed. Following discussion, Baker moved to approve the Interlocal Agreement between the City of Ord and County of Valley to allow City Law Enforcement Services within one mile of the City of Ord, seconded by Waldmann. Carried. Yes: Baker, Cullers, VanSlyke, Cetak, Vogeler, Waldmann. No: none. Absent: none.

Sheriff Hurlburt reported that his office has developed a new policy for dispatcher hours based on advice from Attorney Pam Bourne who works with NIRMA, they are going to a 14 day work period with 12 hour shifts. The dispatchers are in favor of the change. Under this policy they would work 36 hours one week and 48 hours the next week. This policy allows for 86 hours to be worked in two weeks before overtime is required. New Sheriff Deputy Roy Crites was introduced to the Board.

Mail folder items: Wozab Thank You, OSHA Training, CNCS Annual Report, NIRMA Interchange.

Meeting adjourned at 2:20 p.m., to reconvene as Board of Equalization on June 29, 2009 at 7:00 p.m. and on June 30, 2009 at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the June 9 meeting and an agenda for the June 29 BOE and June 30 regular session and BOE meeting are available for public inspection in the office of the County Clerk.

Jenette G. Lindsey, Valley County Clerk