

VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, September 29, 2009 in the Courthouse Boardroom. Roll call: Sevenker, Waldmann, Baker, Cetak and VanSlyke present; Vogeler and Cullers absent. Chairman Sevenker noted that historically the Chairman has only voted in case of a tie, however, this is County policy not a legal requirement. Sevenker felt this policy should be reviewed by the Board. Board members in attendance agreed that, with 2 Board members absent, Chairman Sevenker should vote on the issues brought before the Board in today's meeting. Clerk verified publishing meeting notice and posting agenda. Minutes of September 8, 2009 meeting were included in Board packets and approved on motion of Baker, seconded by Cetak. Carried. Yes: Baker, Waldmann, Cetak, VanSlyke, Sevenker. No: none. Absent: Vogeler, Cullers. Sevenker noted Agenda Items 14D and 14G were added after the packets were mailed but before the 24 hour deadline. Cetak moved to adopt the agenda with the meeting date corrected from Sept. 30 to Sept. 29, seconded by Waldmann. Carried. Yes: Cetak, Waldmann, Baker, VanSlyke, Sevenker. No: none. Absent: Vogeler, Cullers. Sevenker noted posting of Open Meetings Act and available copies for the public. There was no public comment.

Clerk Lindsey presented a written Report of Inadvertent Failure to Publish Meeting Notice for August 2009 and County Wage Schedule. Lindsey explained that on July 23 she emailed the above notices to the Quiz for publication in the July 29 Quiz. A copy of the email is attached to the report. On September 14 it was discovered that proofs of publication had not been received for these notices and they did not appear on the Quiz billing statement. The Quiz was contacted and indicated they did not receive the emailed notices. On advice of County Attorney Clark, the Clerk's report and a list of all action taken by the County Board/Board of Equalization at the unadvertised meetings on August 10, August 11, and August 25 is attached to and referenced in the agenda for today's meeting in order to provide opportunity for the Board to reaffirm those actions at a meeting for which proper notice was given. The Clerk apologized for not catching this sooner and noted that she now asks for an acknowledgment of receipt on all notices emailed for publication. VanSlyke moved to approve all Board action taken at the meetings of August 10, 11 & 25 and listed on the attached report, seconded by Waldmann. Carried. Yes: VanSlyke, Baker, Waldmann, Cetak, Sevenker. No: none. Absent: Vogeler, Cullers.

Road Secretary Simpson presented the Sept. Road Claims and Balances report totaling \$139,091.22. The larger expenses were diesel, gas, auto parts, asphalt and gravel. It was noted that Sevenker and Meyer met with TSP representatives to inspect work done to provide drainage on the west side of the new hospital site. TSP feels it is adequate, both Sevenker and Meyer think water will run over the road in a heavy rain

Road Supt. Meyer presented the following reports required to be approved by the Board and submitted to the State each year: Road & Bridge Contract Report, LB 904 Certification, and the Annual Reporting Certification. He also provided an Equipment Cost Report listing the operating and maintenance costs for each machine, the number of miles or hours each machine was operated and the cost per mile or hour for each machine. Waldmann moved to approve the above listed reports and authorize the Chairman to sign them, seconded by Baker. Carried. Yes: Waldmann, Baker, VanSlyke, Cetak, Sevenker. No: none. Absent: Vogeler, Cullers.

Meyer recommended approval of Easement 09-299 for Max Cruikshank. VanSlyke moved to approve Easement 09-299, seconded by Cetak. Carried. Yes: VanSlyke, Cetak, Waldmann, Baker, Sevenker. Absent: Vogeler, Cullers.

Following discussion, Waldmann moved to set October 13, 2009 at 9:30 a.m. to take bids on grader blades, seconded by Baker. Carried. Yes: Waldmann, Baker, VanSlyke, Cetak, Sevenker. No: none. Absent: Vogeler, Cullers.

The list of NDOR 2009 Annual District Program Meetings was reviewed.

Meyer's general report included: finished armor coating; striping Comstock Road yesterday and today; have painted center line on Sargent Road, striped Haskel Creek Road and cut-across road at North Loup; striped and armor coated Ashton Road curves; 2 bridges that were closed last year have been repaired, will seek State approval to reopen and get new load rating; did not find affordable pickup at State auction; Kusek and Irrigation Dist. have agreed to share cost of replacing bridge with culvert, will try to get it done before harvest. Discussed installation of electric lines by Bossen's, will await receipt of Easement application.

Recess called at 10:00 a.m., meeting reconvened at 10:10 a.m., including all members answering initial roll call.

Jessica Whalen of Congressman Smith's Office was present to meet the Board and answer questions. Sevenker introduced each Board member. Health insurance, green house and cap & trade proposals were discussed. At 10:30 a.m. Whalen will be in the Driver's Examiner's room to meet with the public who have questions or comments.

Hospital CEO Schrage presented the monthly written hospital report, reviewing the statistical and financial pages. Utilization is up over last year and positive to budget. Total expense is over budget, primarily due to salaries and benefits, which will be evaluated after September. Cash is also up. Schrage provided written Summary of Construction Project Costs. Hope to have the outside completed by winter and be able to work inside during cold weather. Project is ahead of schedule and under budget at this point. He offered Board members a tour of the building.

Treasurer Suminski presented the Report of Distress Warrants Returned from the Valley County Sheriff. Sheriff Hurlburt was present. Treasurer is required to deliver Distress Warrants to the Sheriff by November 1 and the Sheriff is required to return them by August 1. The Sheriff's written report indicates 30 Distress Warrants were received, 21 were returned satisfied, 1 was paid directly to Treasurer and a partial payment was made on 1. Following discussion, Suminski requested Board approval to strike taxes as uncollectable for Tim Churchill and Moran Customs. Baker moved to strike Personal Property Tax in the amount of \$149.22 for Tim Churchill and \$606.29 for Moran Customs, seconded by Cetak. Carried. Yes: Baker, VanSlyke, Cetak, Waldmann, Sevenker. No: none. Absent: Vogeler, Cullers. Suminski noted that taxes can still be collected after they are struck.

September Claims & Balances Report and Claims List were reviewed and the September Claims and Fund Request in the amount of \$400,278.51 were approved on motion of VanSlyke, seconded by Baker. Carried. Yes: VanSlyke, Baker, Waldmann, Cetak, Sevenker. No: none. Absent: Vogeler, Cullers.

The letter from BCBS regarding new laws effective with renewals on or after November 1, 2009 was reviewed.

Discussed request for use of Courthouse lawn on October 7 for a free barbeque following an informational town hall meeting at the Ord Theatre regarding the proposed school bond. Cetak moved to approve the request, seconded by VanSlyke. Carried. Yes: Cetak, VanSlyke, Baker, Waldmann, Sevenker. No: none. Absent: Vogeler, Cullers.

At 11:00 a.m., the Board of Equalization convened on motion of Cetak, seconded by Waldmann. Carried. Yes: Cetak, Waldmann, Baker, VanSlyke, Sevenker. No: none. Absent: Vogeler, Cullers. Assessor and Clerk were present.

The following Tax List Corrections were presented for Board approval: #3732 for C & D Secalap, LLC due to demolition of the drive in; #3733 for C & D Secalap, LLC due to modular being moved from site; #3734 for Mary Nemeskal % Raymond due to mobile home being given to Raymond Maly. Tax List Corrections #3732, #3733 and #3734 were approved on motion of Waldmann, seconded by VanSlyke. Carried. Yes: Waldmann, VanSlyke, Baker, Cetak, Sevenker. No: none. Absent: Vogeler, Cullers.

Assessor reported: Assessor Arnold, Supervisor Cullers and County Attorney Clark were present for the TERC hearing on the Schauer Property Protest Appeal held on September 16, no decision has been received from TERC; Supervisor Cullers accompanied Arnold to the Grant Application hearing on the 18th of Sept., \$15,000 was awarded to Valley County Assessor for the purchase of a GIS system.

At 11:10 a.m., the Board moved back into regular session on motion of Cetak, seconded by VanSlyke. Carried. Yes: Cetak, VanSlyke, Baker, Waldmann, Sevenker. No: none. Absent: Vogeler, Cullers.

Recessed at 11:10 a.m., reconvened at 11:15 a.m. with Cetak, VanSlyke, Baker, Waldmann, Sevenker present.

At 11:10 a.m., as advertised, the Public Hearing on Adoption of Wind Regulations was opened. Present for the hearing were: Valley County Planning & Zoning Administrator, Dan Hruza; Marv Scheideler, Valley County Area Planning Commission Chairman; Sarah Fredrick, Sherman County Planning & Zoning Administrator; Consultant Orval Stahr of Stahr & Associates. Stahr, who assisted the County with their Planning & Zoning regulations, spoke regarding the proposed Wind Regulations. Regulations are necessary to protect the County and the tax-paying public. Issues include: set back regulations for wind towers; regulate use of roads & bridges used to bring in large, heavy towers; regulate decommissioning of a wind farm and removal of large generators & towers; safety regulations for construction; set back allows for use of pivot corner; noise not a big factor; developer pays cost of access road; painted towers must be neutral color; Valley County permit will require lighting. The proposed regulations were included in the Board packets and available at the meeting. Scheideler reported that the Planning Commission has worked on this issue for 3 or 4 months and presented their written recommendation for approval. Waldmann moved to adopt the proposed Wind Energy Zoning Regulations for Valley County as presented, including the listed addition as a Permitted Use, the addition as a Conditional Use and the additional section in the Supplemental Regulations in the zoning resolution, seconded by VanSlyke. Carried. Yes: Waldmann, Cetak, VanSlyke, Baker, Sevenker. No: none. Absent: Vogeler, Cullers.

Hruza presented the Interlocal Agreement between the County and Villages which has been approved by the Villages and asked for County approval. VanSlyke moved to approve the Interlocal Cooperation Agreement for joint rural and urban planning between the County, Elyria, Arcadia and North Loup, seconded by Baker. Carried. Yes: Waldmann, Cetak, VanSlyke, Baker, Sevenker. No: none. Absent: Vogeler, Cullers.

The County Attorney had no General Report.

County Attorney Clark advised that statute requires the County to designate an animal control authority and recommended appointing the Valley County Sheriff. VanSlyke moved to appoint Sheriff Hurlburt as the County animal control authority, seconded by Cetak. Carried. Yes: VanSlyke, Cetak, Waldmann, Baker, Sevenker. No: none. Absent: Vogeler, Cullers. Clark reported that Ord City has a licensed animal control facility and that a request to allow the County to use their facility is on the October 5th City Council agenda. He has received temporary permission for use of the facility from Ord Police Chief, Adam Miller, to allow the County to meet the reporting deadline required by the State Dept. of Agriculture. Clark noted that the County is rarely called on to deal with animal control that requires the use of a facility so allowing the County to share their licensed facility should have minimal impact on the City. If the City does not approve the request, other arrangements will need to be made. Clark presented the completed and signed verification form for mailing to the State Dept. of Agriculture.

The updated, revised County Personnel Policy was reviewed and accepted.

The Board took no action on the Tort Claim filed by Jeanette and Buddy Bower.

The letter from Mid-Plains requesting that Supervisor Vogeler be replaced as the County Rep on their Board was discussed as was replacing Vogeler on the Economic Development Board. Sevenker reported that Vogeler has agreed to his replacement on both Boards. Appointments can be a Valley County resident, there is no requirement to appoint a member of the Board of Supervisors. It was decided to table the appointments until the next meeting to give the Board time to consider possible appointees.

County Attorney Clark advised he will reply to the letter from Attorney Egr regarding an assessment error in the 2008 real estate taxes which caused a shortfall in revenue for Ord Rural Fire District 2. The letter requests the name of the County's bond/errors & omissions company. Clark said he is still reviewing the legal responsibilities in this matter.

Committee/Rep Reports included: Baker's report that access to Fort Hartsuff Cemetery is difficult, there is a decent fence around it and it is being mowed; he does not feel any action is required by the Board at this time.

Mail Folder: Architect Joseph R. Hewgley & Assoc. Inc. letter, Chamber/ED Report, Loup Basin RC&D Newsletter.

Meeting adjourned at 12:30 p.m., to reconvene on October 13, 2009 at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the September 29 meeting and an agenda for the October 13 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