

Valley County Board Minutes



VALLEY COUNTY BOARD OF SUPERVISORS' MINUTES

The Valley County Board of Supervisors met in regular session at 9:00 a.m., Tuesday, March 31, 2020 in the District Courtroom. Roll call: Baker, Cetak, Cullers, DeRiso, Sevenker, VanSlyke, Waldmann present. Clerk verified meeting notice published; agenda posted. DeRiso indicated the minutes of the March 10 meeting should be amended to reflect that the business owner said the design for 811th Road will not work. The corrected March 10 minutes were approved on motion of DeRiso, second VanSlyke. Carried. Yes: VanSlyke, Cullers, Waldmann, DeRiso, Cetak, Sevenker. No: Baker. Absent: none. Cullers moved to adopt the agenda, second Baker. Carried. Yes: Baker, Cullers, Waldmann, DeRiso, Cetak, Sevenker, VanSlyke. No: none. Absent: none. Sevenker noted Open Meetings Act posted; public copies available on desk. No public comment offered.

Waldmann enquired about the \$1,625.00 claim to the Sport Shed, Cullers said one gun traded in by the Sheriff and two purchased. Following further review Claims and Fund Request in the amount of \$439,735.34 were approved on motion of Waldmann, second Cullers. Carried. Yes: Cullers, Waldmann, DeRiso, Cetak, Sevenker, VanSlyke, Baker. No: none. Absent: none. Resolution 20-06 allowing the County Treasurer and County Clerk to transfer funds from the Inheritance Tax Fund to the General Fund if insufficient collections are made in March to meet expenditures was approved on motion of Waldmann, second DeRiso. Carried. Yes: Waldmann, DeRiso, Cetak, Sevenker, VanSlyke, Baker, Cullers. No: none. Absent: none.

Road Secretary Simpson gave the Road Claims & Balances Report for March: Accounts Payable \$117,073.81; Payroll \$46,121.04; transfer from General Fund \$48,856.79, larger expenses were reviewed; cold mix, bridge replacement, crushed concrete, diesel, parts, labor, salt, rock, gravel. The County received Street and Bridge Buyback funds of \$81,794.99 and \$35,274.43 respectively, received highway allocation of \$88,258.89. Received \$15,573.62 from FEMA for the White bridge shoo fly.

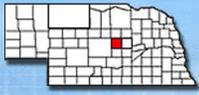
At 9:15 a.m., the public hearing on the One and Six Year Road Plans was opened, Mark Hackel was present. Meyer reviewed Form 11 Report of Precious Year Projects, many projects not finished because of the flood; Form 8 Summary of One-Year Plan, same projects as Form 11 with addition of a few projects, summary of projects hope to get done, above and beyond maintenance; Form 9 Summary of Six-Year Plan, can move projects from Six Year Plan to One Year Plan. The Board decided to table Resolution 20-7 adopting the One and Six Year Road Plans until April 28 meeting. Hearing was closed by Sevenker at 9:25 a.m. The Affidavit certifying the hearing on the One and Six Year Highway and Street Improvement Plan was signed by the members of the Board.

The Road Task Force was discussed; Baker, VanSlyke, Waldmann, DeRiso are on the Road Committee; Hackel wants to work for a solution; two members of the road committee and a floating member from community could serve, service with approval of Meyer; representative from Board at every meeting; cover one area at a time, make sure on same page; Force will have no authority, Board has to make decisions; reasonable expectations; Hackel and Meyer will decide on first meeting; report back to entire Board.

Meyer's General Report included: finished White bridge; repairing truck; cleaning ditches; State scraping original plan for 811th Road, increase radius of intersection; Ashton Road intersection will not change, increase the turning radius, still swing into north bound land to make turn; sprayed pellets around bridges to keep weeds down.

Due to social distancing Sevenker asked Glaubke and Woodward to not give the Hospital report this month, look over report and ask questions at the last meeting in April.

Treasurer Suminski presented the Fund Balance Report for February, \$91,613.08 General, \$344,886.41 Road, \$333,306.23 Inheritance, \$112,300.24 Debt Serv. (bonds). The following items regarding the tax sale were presented: the annual Certification closing the tax sale, list of taxes sold at the sale and annual notice of delinquent taxes/assessments. Suminski noted that 55 certificates were sold for \$125,622.44, tax sale fees of \$1,124.50 and registration fees of \$175 were collected; any delinquent properties not bought by the tax sale companies will go on County Tax Sale Certificates; City of Ord bought some properties, will clean up if not sold. Cullers moved to sign Resolution 20-8 directing the County Treasurer to place Tax Sale Certificates on all delinquent taxes and city assessments for 2018 and prior, second Cetak. Carried. Yes: DeRiso, Cetak, Sevenker, VanSlyke, Baker, Cullers, Waldmann. No: none. Absent: none. Only two Tax Sale Certificates are due for foreclosure; one was paid, other one is for ditch no one wants. Resolution 20-9 directing the County Attorney to foreclose on delinquent real estate taxes, assessments, etc., was approved on motion of VanSlyke, second Waldmann. Carried. Yes: Cetak, Sevenker, VanSlyke,



Valley County Board Minutes



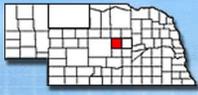
Baker, Cullers, Waldmann, DeRiso. No: none. Absent: none. Suminski discussed the need for a drop box, several options discussed.

Sheriff Hurlburt stated the U. S. Marshals Service District of NE did a court security survey of the Courthouse, recommended only custodian and Sheriff have keys to Courthouse, Hurlburt does not have key, others can buzz Sheriff's office and enter. County Attorney Haberstick said her concern is when the Sheriff's office is booking in a prisoner. Sevenker said he had read the March 2014 report; at December 30, 2014 Board meeting Board voted to return keys to Treasurer, Clerk and Assessor with the agreement of Hurlburt. Roberta Meschke, County Court Clerk Magistrate, requested a key to the Courthouse so she does not have to enter through the Sheriff's office, comes in on weekends, after 5:00 p.m. and in the morning before the custodian is at work, concerned about social distancing. Waldmann moved to allow Meschke to have a key on a temporary basis, second Cullers. Carried. Yes: Sevenker, VanSlyke, Baker, Cullers, Waldmann, DeRiso, Cetak. No: none. Absent: none.

Sevenker thought west door of Courthouse could remain locked but open the east door and put up a barricade to keep the public only in the lobby. Suminski said that having the Courthouse closed is working. Sevenker said he had a call from a local attorney, wanted policy sent to attorneys. Suminski said public will go around barricade, does not want traffic in office, will lock her office if policy changed. Hurlburt, Suminski and Musil believe current system is working. Waldmann made the motion to continue with the present policy, second Baker. Carried. Yes: VanSlyke, Baker, Cullers, Waldmann, DeRiso, Cetak, Sevenker. No: none. Absent: none.

Sevenker asked for the meaning of a second amendment sanctuary. Cullers said no one has a legal definition. Sevenker indicated a letter in the Board packets to NE State Senators expressing concerns over "Red Flag" law and opposing it and reaffirming support of second amendment rights. Hurlburt says no one sees the letter but map seen all over the Country will have a different color for Valley County if not a sanctuary county, resolution considered at March 10 meeting put together by NE Firearms Association. Cullers asked what is a sanctuary county. Baker said it is a political statement. County Attorney Haberstick talked to Senator Tom Brewer's attorney, County Boards do not have authority to grant discretion to sheriff on whether to abide by a court order, Board does not have power to say that guns will not be taken if ordered to. Hurlburt said he has the authority, Haberstick said by statute Hurlburt does not have the ability to not abide by a court order. Sevenker will not give Hurlburt permission to not obey the law. Hurlburt said if day comes, he will hand in his badge, he will not take guns. Cullers said Senator Briese said the resolution without the word sanctuary would be okay, only want affirmation of oath of office all elected officials take. Baker said Resolution 20-10 does not send a message to Lincoln; Haberstick said a resolution has no effect, worried about liability of County. Waldmann does not want to give responsibility to one person. Waldmann moved to adopt Resolution 20-10 affirming right to bear arms and supporting second amendment, second Cullers. Carried. Yes: Cullers, Waldmann, DeRiso, Cetak, Sevenker. No: Baker, VanSlyke. Absent: none. Hurlburt said he has the authority to tell the government and State Patrol to get out of his county. Waldmann thought we lived in a country where everyone had a right to have an opinion. Baker moved to amend Resolution 20-10 to say Valley County will henceforth be known as a second amendment sanctuary county, second VanSlyke. VanSlyke said if LB 58 or anything else is changed Sherman County will vote to become a sanctuary county. Sevenker said it is hard to project what laws will be passed and give someone a blessing to enforce some laws and not enforce others, cannot do that until he sees law and there is no law, if it comes up again will express our opinion again. DeRiso said Ricketts will veto if LB 58 passes. Baker said this is a preventative measure, sends a message. Cullers said the president of NE Firearms Association said Resolution 20-10 is fine. Hurlburt said we will have a different color on the map. Cullers would like a legal definition of second amendment sanctuary county. Baker said US Supreme Court District of Columbia v. Heller gives right to carry a gun, can hardly purchase a gun in Washington D.C., shut down gun stores. Sevenker thought case cited in resolution just passed reversed restrictive gun control but said right to bear arms is not unlimited and that guns and gun ownership would continue to be regulated, have to control restrictions there are but until he knows what the restrictions are how can he say whether or not he approves. Baker said there is an amendment to be voted on. Sevenker called for a vote. Not carried. **Following vote corrected at 4-14-2020 meeting: Yes: DeRiso, VanSlyke, Baker. No: Cullers, Waldmann, Cetak, Sevenker.** Yes: DeRiso, VanSlyke, Baker. No: Cullers, Waldmann, Cetak, Baker. Absent: none.

Haberstick said copier in her office needs to be replaced, in budget, some portions of her budget are over, wants permission to purchase. Suminski said she is leasing a copier, Haberstick will look into leasing.



Valley County Board Minutes



At 11:15 a.m. the Board of Equalization was convened on motion of DeRiso, second Baker. Carried. Yes: Waldmann, DeRiso, Cetak, Cullers, VanSlyke, Baker, Sevenker. No: none. Absent: none. The Clerk and Assessor were present. The Notices of Rejection of Homestead Exemption for Kathleen Warner due to her passing on March 16, 2020 and Harold E. Bose selling property on March 21, 2020 were approved on motion of Waldmann, second VanSlyke. Carried. Yes: DeRiso, Cetak, Sevenker, VanSlyke, Baker, Cullers, Waldmann. No: none. Absent: none. The Notices of Appeal for TERC v. Seventh Day Baptist Church, Karp and Krow, Valley Performing Arts Theater and Valley Rods Unlimited were noted. The Board moved back into regular session at 11:20 a.m. on motion of Waldmann, second Cetak. Carried. Yes: Cetak, Sevenker, VanSlyke, Baker, Cullers, Waldmann, DeRiso. No: none. Absent: none.

Letter expressing support of the second Amendment and rights guaranteed in amendment and asking them to not support passage of LB 58 was sent to members of the NE Legislature.

Board reviewed notice of public hearing of Ord Planning Commission, NIRMA response to COVID-19, Families First Coronavirus Response Act, NACO COVID-19 information, NE Extension principles related to COVID-19 and Proclamation for Valley County School District 5.

Meeting recessed at 11:25 a.m. and reconvened at 11:30 a.m. with all members present.

Valley County will host the Spring 2022 Central District Meeting.

VanSlyke moved to sign the County Disaster Declaration for loss from the Novel Coronavirus (COVID-19), second Waldmann. Carried. Yes: Sevenker, VanSlyke, Baker, Cullers, Waldmann, DeRiso, Cetak. No: none. Absent: none.

The Board will hold April 14 meeting by teleconference per Governor Ricketts executive order permitting state and local governmental boards to meet by videoconference, teleconference, or other electronic means through May 31, 2020, will advertise to call Clerk's office for information to join the meeting. Will decide on date to review requests for the Wozab fund at the April 28 meeting.

Mail Folder items: none.

Meeting adjourned at 11:40 a.m., to reconvene on April 10, 2020 at 9:00 a.m. in regular session and 11:00 a.m. as Board of Equalization. Complete minutes of the March 31 meeting and an agenda for the April 10 meeting are available for public inspection in the office of the County Clerk. Complete minutes are also available on the County Website, www.co.valley.ne.us.

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.

Paula Musil, Valley County Clerk