



© Copyright 2013 \ All Rights Reserved

Damage From Land Conversion and Court Room Acoustics the Big Topics At Supervisors Meeting

Last Tuesday's Valley County Board of Supervisors meeting began with about a half dozen concerned landowners from western Valley County on hand to express their concern over water damage being done due to the conversion of a pasture into a corn field. All Supervisors were present for the meeting.

James Riley and his wife attended the meeting, as well as neighboring landowners Richard and Kathy Bilka, Allen Volf, and Doug Wadas. Hank Thoene from the Burwell NRD was also present. A pasture belonging to the Rileys was converted into cropland, and runoff water from the field is causing considerable damage to the county road, which is acting as a dam for a lake of water, as well as to the neighboring fields. Wadas said that a culvert north of the property has been filled with silt, and a dam over a mile away now contains about 10 feet of sediment. A field belonging to the Bilkas has also been flooded with both water and silage debris after a fast rain, which had never happened before the other field was changed.

Mr. Riley told the Board that he would pay for a culvert if the county would install it in the road, which would decrease runoff water from running onto the county road. Riley also said he would put a culvert in his driveway. Roads Superintendent Jay Meyer said that there used to be a tube under the road where the water is building up. A culvert across the road with a riser may help alleviate some of the problem. However, he said that Bilkas are willing to take their fair share of the water onto their land, but not all of

the silt, debris, and excess that is resulting from the land use change. Meyer suggested directing the water down the north ditch and into the creek.

County Attorney Glenn Clark was not present for the meeting due to a court obligation, nor were representatives from the NRD and NRCS offices who were invited. Both offices will be contacted again about attending the meeting on October 8 when the topic will be brought back to the table. The Supervisors had a discussion amongst themselves as to the county's obligation in the matter. A measure must be taken to stop the erosion to the county's road due to the water, but it isn't their duty to dictate a landowner's farming practices per se. Meyer said that the policy is that if a culvert is needed, the landowner must pay for it but the county will install it to make sure it meets code and specifications. The topic was held over until the next meeting when legal council will be on hand to advise, and representatives from the other regulatory agencies can attend and weigh in on corrective measures.

In his general report to the Board. Supt. Meyer said that his crew was about to begin armor coating Springdale Road. He said that he purchased a 2003 dump truck from the state surplus for \$18,500, along with a sander for \$250 and a plow for \$400. He is considering sending a problem truck that the county owns to surplus. A bridge south of Highway 22 is in the process of being replaced. Regarding the new shop, Meyer said that he hopes to be in by December 1. The sewer line is now installed under the rail-

road tracks, the phone line is in, and the water line will be installed soon. Finally, Meyer told the Board that he hopes to have the Court House sidewalk done by mid October.

Roads Supt. Sandy Simpson reported that Accounts Payable for the month totaled \$119,392.53, and payroll was \$39,450.00 for a total of \$158,842.53. There was \$55,034.25 in Road Fund, and a transfer of \$103,808.28 from the General Fund.

In the monthly hospital report, CEO Bill Sugg told the Board that the culture change is going well, the healing process is progressing forward, and the strategic planners were to be in last week to conduct interviews with staff and community members. He gave an update on campus maintenance, and said that last weekend's Neon Moon run had 156 runners.

In her report of the hospital's finances, CFO Ashley Woodward reported on July's financials, and how the auditor's report would be available in October or November. There was an extended discussion of long-term care, and how VCHS is actively marketing to bring in new patients and raise the census. A survey from the state earned a much more favorable report than last year's. Also, Woodward and Sugg talked about contracts with the Veteran's Administration for long-term care, and how they were looking into pursuing a contract with the VA for veteran care like some nursing homes have in the future.

SourceGas representatives Chuck Fryzek and Darin Young were next, to talk about installing a gas line at the Mortensen Industrial Site north of Ord. The cost of in-

stalling a line for the current row of businesses would be \$50,000, and would require a 160 foot bore to get onto the property. The installation cost would be lower if an industrial or larger commercial user moved in to use the gas.

Judge Karin Noakes next approached the Board regarding issues with the acoustics in the District Courtroom, and that she has difficulty hearing. Supervisor Steffan Baker told her that he obtained a quote from Yanda's Music in Kearney for a new system of six speakers and new wireless microphones for \$10,990, including installation. Sound quality would improve 40%-50% with this option. He said that he is currently working on constructing cradles to point the existing speakers at a more downward angle, which should help those at the head of the courtroom hear better. The speakers are currently pointing straight across the room above everyone's heads. Baker said that the problem is that the Court Room itself is a 'big echo chamber'. Carpeting the floor would make a difference. Ceiling tiles such as ones used in Howard County's Court House were brought up, but would alter the architectural aspect of the Court Room. Judge Noakes suggested that the County look into the ELMO system currently used by some courts, and that the court reporter be checked with for compatibility between recording equipment. Other concerns voiced by Judge Noakes included the spacing of the benches, and how close they are together. Also, the door to the Court Room makes excessive noise when it closes. The item was left on the table.

New Valley County Economic Development Director Trevor Lee next spoke to the Board regarding the Central Nebraska Economic Development District, of which Valley County belongs. Lee said that he has not worked with the CNEDD much, but that its geographic area is too large and it hasn't been functional. He feels that the CNEDD should be dissolved, and agrees with former program director Caleb Pollard that Valley County is better off with another district.

A \$14,684 proposal from Beaumont Ries Construction to replace the east steps at the Court House was next opened. The Board voted to go forward with the project using gifted funds.

September's claims and fund request for the sum of \$423,644.72 were approved by the Board. They also voted to approve the December renewal of Coventry insurance as recommended by Benefit Management.

The next meeting of the Valley County Board of Supervisors is scheduled for Oct. 8 at 9:00 a.m.



Here Come the Judge

Receiving his robe from his wife **Kristi** and children **Morgan** and **Jake**, **Stephen R.W. Twiss** was sworn in last Thursday as County Court Judge. Making the opening remarks at the ceremony was former judge **Gary Hatfield** (above).



GI firm wins contract for storage building

By DIADRA OLSON

The Phelps County Board of Commissioners approved a bid received from Cleary Building Corp. of Grand Island for a new grader/equipment storage building in Loomis during Tuesday's meeting.

County Road Superintendent Bobby Hamilton recommended that commissioners approve the bid submitted by Cleary Building Corp. because it was the lowest bid received and they met the specifications requested. The metal building would be 56 feet by 60 feet by 16 feet and would be put in at the county yard site. The bid was for \$66,008.

The road crew was currently working on reshouldering the Funk/Odessa Road between 739 and 743 Roads due to damage caused by back to back heavy rains that partially washed away new shoulder material. They were working on the project under heavy traffic with flaggers and should be finished sometime later in the week.

The board discussed updates on Bertrand/Phelps County asphalt road ownership and the possibility of an interlocal agreement drafted with the changes they talked about. Commissioners agreed that Bertrand should be responsible for roads south and west of Highway 23 while the county would be responsible for roads north of Highway 23. An agreement with Miller and Associate was approved and Mr. Hamilton said that he would speak to the county attorney about drafting an interlocal agreement.

Mr. Hamilton stated that he wanted to install a shower/eyewash station in their main shop area and would like to obtain funding primarily through the NIRMA Assist Grant program offered every year by NIRMA. He said that he would get the grant material together and bring all the information to the board next week.

Mr. Hamilton planned to attend the LPA Civil Rights Responsibility Class on Wednesday in Grand Island. The road crew had been grading roads, graveling roads, replacing and installing culverts, working on tree removal, replacing and repairing signs and working on shop projects.

Commissioners signed a memorandum of understanding for Juvenile Services of County Aid Funding through the Crime Commission. Carissa Uhrmacher, Project Director for Juvenile Service of County Aid Funding explained that her organization has been around since 2002 and nine counties, including Phelps County, have come together to use it. The county aid juvenile service budget has requests from Diversion, CASA, Probation, STARS, Lifeskills and ASAAP with the expected allotment of \$200,000 based on youth in counties. The money is shared and used by all counties for juvenile services.

Ms. Uhrmacher said that the passage of the Juvenile Justice Bill created \$60,584 in the Community Based Grant which was requested in August of 2013. They received \$60,584 for nine counties and \$5,797 in Enhancement Community Based. She stated that \$2,000 would go to Kearney County Diversion, \$32,900 would go for confidential video conferencing hardware, software and scheduling used by rural counties, and \$26,685 would go for training for SCP agencies. Phelps County uses their portion of the money for CASA, probation and Lifeskills. The memorandum of understanding was approved.

Art Johnsen, Veterans Service Officer, gave a quarterly report ending on Sept. 30. He said that they had 82 more phone calls, 49 fewer interviews, 55 fewer letters and 84 fewer applications than they did at the same time last year.

He stated that the amount of phone

calls was probably due to Veterans Affairs mailing out health care instructions that were about the affordable health care act which had created some confusion. The VA Clinic in Holdrege also has a new nurse practitioner and they were still looking for a medical doctor.

County Clerk Sally Fox told the board that she attended the NIRMA Self-Defense Conference in Kearney on Oct. 3-4, 2013 with Bobby Hamilton, Shelley Brenn, Theresa Puls and Tom Nutt. Thursday night at the awards banquet, NIRMA awarded Phelps County with a plaque and a check for \$1,000 for the most outstanding loss history for 2013 just as they were for 2012. This was the first time any county has received this award in consecutive years. At the luncheon and business meeting on Friday, Phelps County was awarded a dividend distribution check for \$17,159.

"I'm really proud of the employees and they should be proud of themselves too," Chairman Jim Ostgren said.

Weed Superintendent Charlie Brooks requested permission from the board to travel to the annual conference of the North American Invasive Species Management Association and Wyoming Weed and Pest Council that was going to be held in Jackson Hole, Wyo.

Since he was president of the Nebraska Weed Association, Mr. Brooks usually attended this conference to represent the state with expenses paid. The board approved his request to travel out of state.

Commissioners approved monthly reports from the clerk, sheriff and clerk of district court. They also approved bank depositories with First National Bank. The board of equalization met and approved levies.



Hoeft named judge for 10th district

WILL VRASPIR

wvraspir@hastingstribune.com

Timothy Hoeft of Holdrege has been named as the area's next county judge, according to a new release from the governor's office.

Gov. Dave Heineman chose Hoeft as the newest judge for the 10th Judicial District.

Hoeft has been practicing law for 23 years. He earned his bachelor's degree from the University of Nebraska at Kearney and his Juris doctorate from Creighton University School of Law.

In 1990, he became a deputy county attorney in Phelps County. He started serving as a special prosecutor for Adams, Buffalo, Franklin, Furnas, Harlan and Kearney counties in 1992. Since 1995, he has served as Phelps County attorney.

Hoeft was the president of the Nebraska County Attorney's Association from 2005-06. He has lectured at the Nebraska State Fire School for the past 22 years and presented at the new county attorneys seminar several times. He is an active member of his community and serves on several com-

mittees and boards.

Hoeft will fill the judicial vacancy created when Judge Robert Ide retired in July.

The 10th Judicial District includes Adams, Clay, Fillmore, Franklin, Harlan, Kearney, Nuckolls, Phelps and Webster counties. The primary office for the position is Holdrege.

Only two applied for the position. The Judicial Nominating Commission also forwarded the name of Bryan McQuay of Alma to the governor for the selection process.

Judges are required to be at least 30 years old with a minimum of five years of law practice in Nebraska. Candidates must be admitted to practice law before the Nebraska Supreme Court. A county judge must reside in the district being served during the period of service.

Criteria used to evaluate the candidates include undisputed integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, health, financial responsibility and public service, according to the commission manual.

Date: Friday, October 11, 2013
 Frequency: DAILY
 Circulation: 11786
 Clip Size: 9.52 sq. inches
 Ad Rate: \$20.20
 Page/Section: A 0003



c Copyright 2013 \ All Rights Reserved

Phelps Co. Attorney Hoeft named to judgeship

LINCOLN — Tim Hoeft of Holdrege has been appointed a county judge in the 10th Judicial District, which covers Adams, Clay, Fillmore, Franklin, Harlan, Kearney, Nuckolls, Phelps and Webster counties.

Gov. Dave Heineman announced Hoeft's appointment today. Hoeft replaces Judge Robert Ide, who is retiring.



Tim Hoeft

Hoeft has been practicing law for 23 years. Since 1995, he has served as the Phelps County Attorney. Since 1992, he has served as special prosecutor for Harlan, Buffalo, Franklin, Kearney, Furnas and Adams counties. He has also served as the deputy Phelps County attorney from 1990-1994. Hoeft was the president of the Nebraska County Attorneys Association from 2005 to 2006.

Hoeft earned his bachelor's degree from the University of Nebraska at Kearney and his law degree at the Creighton University School of Law.



Judge receives community award

Special to the Daily News

Chief Justice Michael Heavican presented Judge Donna Taylor with the Service to the Community Award at a special ceremony last week.

The award is designed to recognize members of the judiciary for meritorious projects and exemplary accomplishments beyond the day-to-day duties as a judge. Taylor is a county court judge for District 7 which includes Antelope, Cuming, Knox, Madison, Pierce, Stanton and Wayne counties. Taylor received the award for her community outreach efforts ranging from

grade school students to state senators.

She has served as mock trial regional coordinator since 1987 when she was in private practice in Neligh. She also uses Law Day and Constitution Day as platforms to educate area students.

After becoming president of the Nebraska County Judges Association, Taylor expanded her outreach efforts to senators, inviting new senators to visit their local trial courts and to answer questions.

Taylor is a member of the Nebraska State Bar Foundation and Public Education and Outreach Promoting Law & Equity committee.



OPINION

'It's the right thing to do'

In a blog last week, U.S. District Judge Richard Kopf of Omaha, appointed to the bench by former President George H.W. Bush, said the same thing a lot of Americans have been saying lately.

"It's time to tell Congress to go to hell," Kopf wrote. "It's the right thing to do."

Provoking this particular outburst from Kopf was the partial government shutdown that is curtailing the efforts of the federal courts to keep up with their workload.

OUR VIEW

To cope with the lack of funds, the court plans to furlough employees — except those who work directly for judges — starting next week. The cuts will amount to cutting one work day per two-week pay period for court employees (including the court clerk's office, probation and pretrial services.) Overall, that means cutting about 99 work days every two weeks.

U.S. District Judge Laurie Smith Camp told the Journal Star the court has reduced its workforce to about 70 percent during the past few years.

Sending employees home during the partial shutdown is only the latest problem congressional dysfunction, plus sluggishness in the executive branch, has created for the federal court system.

The federal court system already was struggling under the impact of sequestration, which slashed about \$350 million from its budget. Before the cut took effect, 87 chief U.S. district judges warned in a letter to Congress: "We believe that our constitutional duties, public safety and

the quality of the judicial system will be profoundly compromised by any further budget cuts."

As the Journal Star editorial board has said previously, the problem with sequestration is not that it cut a few percentage points from federal spending, it's that the cuts were applied thoughtlessly, across the board, rather than based on priority.

Another problem looming for federal courts in Nebraska is that U.S. District Judge Joseph Bataillon plans to retire in October 2014.

The confirmation process for federal judges has become alarmingly slow, with judgeships remaining vacant for months or years. Usually the delay is the fault of Congress, which refuses to bring confirmations to a vote. In some cases, the Obama administration has been slow to make nominations.

The problem has been building for decades and has become worse as the divisiveness in Washington has hardened. Currently, there are 93 vacancies — more than one of 10 — on the federal bench, with 52 nominations pending. About a third of those have been classified as "judicial emergencies" by the U.S. Court Administration.

Among the three branches of federal government, the courts account for only about 1 percent of spending.

But if America can truly say it is governed by rule of law, its court system deserves more respect and resources. Our system of justice is weakening year by year, month by month and, now, day by day.



Federal courts can 'get by'

But chief judge warns employees could face furloughs.

By KEVIN O'HANLON
 Lincoln Journal Star

Nebraska's federal courts are perilously close to running out of money unless the federal government shutdown ends soon.

"In general ... the Administrative Office of the Courts has enough money to get us through Thursday, maybe Friday," said U.S. District Judge Laurie Smith Camp, chief judge for Nebraska's three federal courts in Omaha, Lincoln and North Platte.

But she said the courts would not close.

"We still will be keeping the doors of the courts open. We still will be conducting essential business, including trials and the supervision of offenders, which is a big part of what we do. We will do our best. We will be trying cases. We think that the court system is essential to our government, so we're not going to shut it down."

Senate leaders have signaled they are close to an agreement to reopen the government, which has been shut down for more than two weeks, and forestall an economy-rattling default on U.S.

obligations.

But if the shutdown lingers into next week, Smith Camp said many court employees — except those who work directly for judges — will be required to take a furlough day during every two-week pay period.

If that happens, she said, jobs could be juggled. For example, someone from her office could staff the front desk in the court clerk's office for a day, "and the world would not end."

"We have no control over the cases that come in our door," Smith Camp said. "We are required by law to handle certain cases — criminal and civil cases — and we plan to continue to do that whether the paychecks are coming in or not."

"It's something you just have to do day-by-day and week-by-week and see how it works. We ought to be able to get by."

Smith Camp said Nebraska's federal court already has reduced its staffing to about 70 percent during the past several years by not filling vacancies.

"We saw the crunch coming, and we didn't want to be in a position where we would need to lay people off or furlough people," she said. "Many district courts have had to that."

"We try to make sure we are operating efficiently,

and if we can do the work with fewer resources — fewer people — we do it," she said. "And we return money to the administrative office every year. Not every court does that. We are proud of that."

One problem, Smith Camp said,



SMITH CAMP

is the court might not have money to pay jurors and grand jurors.

"If we can't pay jurors, that can be a real hardship on some of these people," she said.

Last week, Senior U.S. District Judge Richard Kopf of Lincoln wrote on his blog that the shutdown frustrated him and it was to tell Congress to "go to hell." Kopf said that district judges and the chief judge should issue orders declaring all court employees essential. That would set up a fight between the judicial branch and Congress, he said.

Reach Kevin O'Hanlon at 402-473-2682 or kohanlon@journalstar.com.