

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 24, 2011
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 24, 2011 at 9:00 A.M and 10:30 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Joseph Brayton, Horace Dannehl, Kent Greder, Ivan Klein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all Board members; and availability of the agenda was communicated in the advance notice and in the notice of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen’s forum and no one was present to address the Board. Extension Educator Brent Plugge was present for Elected and Appointed Officials reports.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. Moved by Dannehl and seconded by Brayton to approve the Consent Agenda as presented. Upon roll call vote, the following Board members voted “Aye” with the disclaimer of recusing themselves on any claim for themselves or for the benefit of any family member: Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. None voted “Nay”.

GENERAL COUNTY BUSINESS

1. Approve minutes for May 10, May 13 and May 17, 2011
2. Accept report:
 - Community Action Partnerships of Mid-Nebraska April 2011 RYDE report
3. Miscellaneous County business
 - Approve May 2011 Payroll Claims

The following payroll claim totals for May 2011 were submitted by County Clerk Janice Giffin for approval.

FUND	NET PAYROLL
GENERAL	365,369.60
ROAD	74,861.78
WEED	<u>10,701.50</u>
TOTAL	450,932.88

- Approve May 2011 Vendor Claims

County Clerk Janice Giffin submitted the following May 2011 claims for approval.

GENERAL FUND			
ACE HARDWARE & GARDEN CENTER	SU	SUPPLIES	17.47
ADAMS CO SHERIFF	E	SERVICE FEES	279.26
JESSIE ADAMS	E	WITNESS	20.00
ALAMAR UNIFORMS	EQ	UNIFORMS	1,413.50
ALL MAKES AUTO SUPPLY	E	REPAIRS	1,002.03
ALL POINTS COOP	F	HEATING FUELS	297.00
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,572.86
AMERITAS LIFE INSURANCE CORP	I	EMPE RET	60,185.12
AMERITAS LIFE INSURANCE CORP	I	EMPE EYE CARE	882.92
SUE ANDERSON	E	WITNESS	20.00
AS CENTRAL FINANCE	S	TELECOMM	1,343.99
ASK SUPPLY	SU	SUPPLIES	242.05
MICHAEL BAIRD	E	WITNESS	20.00
MICHAEL W BALDWIN	S	LEGAL	3,154.53
BAMFORD INC	E	INSPECTION	325.00
DEAN BATIE	RE	MILEAGE	8.00
MELODIE TURNER BELLAMY	RE	REIMBURSE	35.00
DELBERT BENDER	E	WITNESS	20.00

BLUE CROSS BLUE SHIELD	I	PREMIUMS	28,317.64
BOB'S SUPER STORE	SU	SUPPLIES	21.70
LONNIE BOHN	E	MILEAGE	17.34
MARLYN BOWER	E	WITNESS	38.36
JONATHAN R BRANDT	S	LEGAL	1,893.75
SIEGFRIED H BRAUER	S	LEGAL	622.50
JOE BRAYTON	RE	REIMBURSE	87.21
CHARLES BREWSTER	S	LEGAL	2,544.25
BUFFALO CO TREAS/HEALTH RESERVE	I	HEALTH RESERVE	94,851.03
BUFFALO CO ATTORNEY	E	EXPENSES	197.00
BUFFALO CO ATTORNEY	E	PETTY CASH	433.83
BUFFALO CO COURT	E	COURT COSTS	2,049.00
BUFFALO CO EXTENSION	E	PETTY CASH	175.00
BUFFALO CO PUBLIC DEFENDER	E	EXPENSES	4,679.21
BUFFALO CO SHERIFF	E	EXPENSES	4,812.77
BUFFALO CO TREASURER PETTY CASH	E	POSTAGE METER	7,147.52
BUILDERS WAREHOUSE	S	SUPPLIES	139.55
MEGAN BURDA	RE	REIMBURSE	146.40
BUTLER VOIGT AND STEWART PC	S	LEGAL	270.00
C B M FOOD SERVICE	S	FOOD SERVICE	11,132.32
CAPSA SOLUTIONS	EQ	EQUIPMENT	2,661.77
CARPENTER REPORTING	E	TRANSCRIPTION	186.80
WACO CARPENTER	E	WITNESS	20.00
MICHAEL D CARPER	S	LEGAL	948.60
CASH WA DISTRIBUTING	S	SUPPLIES	57.10
CDW GOVERNMENT CENTERS	EQ	EQUIPMENT	3,550.00
CENTRAL NEBRASKA CREMATION	E	AUTOPSY	1,280.00
CHARTER DATA COMMUNICATIONS	S	SERVICES	3,782.65
CHARTER DIGITAL COMMUNICATIONS	S	SERVICES	154.28
CHIEF	EQ	EQUIPMENT	207.49
CITY OF KEARNEY	E	BUDGET	271,978.25
CLERK OF HALL COUNTY	AP	PROBATION COST	4,750.29
CLERK OF THE DISTRICT COURT	E	REGISTRATION	1,229.00
COLONIAL SUPPLEMENTAL INS	I	EMPE COLONIAL	83.67
CONRADS AUTO CENTER	S	REPAIRS	519.84
COPYCAT PRINTING CENTER	E	SUPPLIES	118.33
COUNTRY INN & SUITES	E	LODGING	154.00
CROSSROADS FORD	S	REPAIRS	18.67
CULLIGAN WATER CONDITIONING	RT	RENT	94.16
CUMMINS CENTRAL POWER	S	SERVICE	251.79
CUSTER CO COURT	E	COPIES	4.75
CUSTER CO SHERIFF	E	COURT COSTS	50.40
D & S LIGHTING CO	S	SUPPLIES	35.64
DANNEHL FEED & SEED	EQ	EQUIPMENT	425.40
DATA DETECTIVES	E	SERVICE FEES	47.57
SARAH DAVENPORT	S	TRANSCRIPTION	172.00
DAWSON CO COURT	E	COPIES	3.25
DAWSON CO PUBLIC POWER	U	UTILITIES	3,032.41
DAWSON CO SHERIFF	E	SERVICE FEES	96.00
GLENDA DEBRIE	RE	REIMBURSE	54.37
DELL MARKETING	EQ	EQUIPMENT	199.98
THE DENT POPPER	E	REPAIRS	125.00
DEPART OF CORRECTIONAL SERVICES	E	LODGING	725.04
DEPART OF PATHOLOGY	E	AUTOPSY	500.00
DERMATOLOGY	MC	INMATE	51.91
DES MOINES STAMP MFG	SU	SUPPLIES	76.50
DMILACO SPORTS FASHIONS	SU	SUPPLIES	676.00
DODGE CO SHERIFF	E	COURT COSTS	19.08
DOWHY TOWING	S	TOWING	152.00
EAGLE DENTAL ASSOCIATES	MC	INMATE	124.00
EAKES OFFICE	SU	SUPPLIES	4,030.96
SHAWN EATHERTON	RE	REIMBURSE	78.86
EDUCATIONAL SERVICE UNIT NO 10	AP	SUPPORT	13,579.23
EGAN SUPPLY COMPANY	SU	SUPPLIES	2,436.27

ELECTION SYSTEMS & SOFTWARE	E	BALLOTS	773.04
ELITE COURT REPORTING	E	REPORTING	386.90
MARVIN ELLIOTT	RE	REIMBURSE	6.50
EMBROIDERY DESIGNS	S	UNIFORMS	68.00
ENGELS GLASS DESIGN	E	COURT COSTS	271.00
JENNIFER EPP	RE	REIMBURSE	35.00
EUSTIS BODY SHOP	S	TOWING	155.00
SUSAN FELDNER	E	MILEAGE	8.00
FIRST CONCORD	I	ADMN FEES	7,968.29
FIRST CONCORD	I	DEDUCTIBLE	13,692.70
FIRST CONCORD	I	DEDUCT ADMIN	564.00
FORT WESTERN OUTFITTER	EQ	EQUIPMENT	177.00
FP MAILING SOLUTIONS	E	POSTAGE METER	240.00
STEVE FRISTO	E	WITNESS	20.00
FRONTIER	U	TELEPHONE	7,942.88
FRONTIER COMMUNICATIONS	EQ	EQUIPMENT	5,993.46
FURNAS CO SHERIFF	E	COURT COSTS	18.54
GARRETT TIRES TREADS	S	REPAIRS	35.20
CYNTHIA GEMBALA HUGG	S	DEPOSITIONS	43.50
GFI USA	E	SUPPORT	600.00
MICHAEL GILMOUR	RE	REIMBURSE	35.00
GOOD LIFE HD SHREDDING	E	SHREDDING	142.70
GOOD SAMARITAN EMERGENCY	MC	INMATE	60.80
GOOD SAMARITAN HEALTH SYSTEMS	MC	MEDICAL	9,035.00
GOOD SAMARITAN HOSPITAL	MC	INMATE	409.57
GOSPER CO COURT	E	GARNISHMENT	4.07
GOSPER CO SHERIFF	E	SERVICE FEES	13.56
GOVCONNECTION INC	SU	SUPPLIES	254.74
GRAHAM TIRE CO	S	REPAIRS	1,413.67
GREAT PLAINS RADIOLOGY	MC	INMATE	8.26
GREAT-WEST	I	PREMIUMS	771.94
GREENWALL BRUNER	S	LEGAL	4,006.94
JAN HAEKER,CLERK MAGISTRATE	E	PETTY CASH	33.89
HALL CO COURT,DISTRICT NINE	E	COPIES	46.25
HALL CO SHERIFF	E	SERVICE FEES	99.04
HARLAN CO SHERIFF	E	SERVICE FEES	52.70
CHELSAY HENDRICKSON	E	WITNESS FEES	40.00
HOBBY LOBBY	SU	SUPPLIES	29.94
TIMOTHY E HOEFT	S	SP PROSECUTOR	190.00
ANDREW W HOFFMEISTER	RE	REIMBURSE	25.00
GARY L HOGG	S	LEGAL	997.50
HOLMES PLUMBING & HEATING	S	REPAIRS	84.74
HOLT CO TREASURER	E	COURT COSTS	6.95
HOMETOWN LEASING	E	MAINTENANCE	424.12
HORNER LIESKE HORNER	E	TRANSPORT	150.00
LISA R HUERTA	RE	REIMBURSE	25.00
MITCH HUXOLL	RE	REIMBURSE	25.00
INFOPRINT SOLUTIONS COMPANY	E	MAINTENANCE	116.40
IOWA PRISON INDUSTRIES	EQ	EQUIPMENT	627.61
IPMA-HR	SU	SUPPLIES	796.50
JACK'S UNIFORMS AND EQUIPMENT	EQ	EQUIPMENT	5,040.00
JACOBSEN ORR NELSON LINDSTROM	S	LEGAL	3,981.69
JERRY A. VAN WINKLE	MC	EVALUATION	1,271.70
JERRY'S SPORT CENTER	SU	SUPPLIES	310.56
REX JOHNSON	E	WITNESS	20.00
K MART PHARMACY	MC	INMATE	136.04
KEARNEY AG & AUTO REPAIR	S	REPAIRS	48.14
KEARNEY AREA ANIMAL SHELTER	E	SHELTER	1,000.00
KEARNEY CO SHERIFF	E	SERVICE FEES	19.50
KEARNEY FEDERAL CREDIT UNION	E	DEPOSITS	7,670.11
KEARNEY HUB	A	PUBLISHING	1,649.79
KEARNEY ORTHOPEDIC & FRACTURE	MC	INMATE	17.67
KEARNEY QUALITY SEW AND VAC	SU	SUPPLIES	79.83
KEARNEY TOWING & REPAIR	S	TOWING	326.50

KEARNEY UNITED WAY	E	DONATIONS	149.00
KEEFE COMMISSARY NETWORK	E	SUPPLIES	2,769.48
KEITH CO SHERIFF	E	SERVICE FEES	22.00
KELLY ELECTRIC	S	REPAIRS	105.50
KEVIN KLINGELHOEFER	E	WITNESS FEES	50.60
KNAPP FANGMEYER ASCHWEGE BESSE	S	LEGAL	375.45
JEFF KNAPP	S	LEGAL	625.25
JEAN KNEESE	RE	RETIREMENT	19.00
KONICA MINOLTA	AP	MAINTENANCE	2,371.87
DOUG KRAMER	RE	REIMBURSE	149.43
MARC KRUEGER	E	WITNESS	27.14
L-TRON CORPORATION	EQ	EQUIPMENT	6,821.00
LANCASTER CO SHERIFF	E	SERVICE FEES	35.40
LANCASTER CO YOUTH SVC	E	LODGING	177.00
LASER ART DESIGN	SU	SUPPLIES	60.00
LASERTEC OF NEBRASKA	SU	SUPPLIES	726.20
LEXIS NEXIS	E	ONLINE FEES	28.69
LIBERTY SERVICES INC	S	CLEANING	1,348.91
LINCOLN CO SHERIFF	E	SERVICE FEES	20.70
STEPHEN G LOWE	S	LEGAL	1,200.00
MADISON NATIONAL LIFE	I	PREMIUMS	388.50
MAIL EXPRESS	E	POSTAGE	25.74
JOHN MARSH	E	EXPENSES	1,014.37
MASTERS TRANSPORTATION	EQ	EQUIPMENT	14,000.00
MAVERICK INDUSTRIES	E	MAINTENANCE	1,103.00
MICHAEL MEFFERD	RE	REIMBURSE	25.00
MENARDS	SU	REPAIRS	369.08
MICROFILM IMAGING SYSTEMS	E	SCANNING	285.00
MID AMERICA PAY PHONES	U	PAY PHONE	40.00
MIDWAY CHEVROLET	EQ	2008 DODGE	12,285.70
MIDWEST MAILING SOLUTIONS	E	POSTAGE	245.00
MILLS CO SHERIFF'S OFFICE	E	SERVICE FEES	19.08
MIPS INC.	E	SERVICE	1,616.81
JESSIE MURPHY	E	REFUND	90.00
N E S C A	E	CONFERENCE	390.00
NACEB	D	DUES	100.00
NACO	E	WORKSHOP	480.00
NATIONWIDE RETIREMENT	I	DEFERRED COMP	1,379.64
NE DOL/BOILER INSPECTION	E	INSPECTION	180.00
NEBRASKA CENTRAL TELEPHONE	U	TELEPHONE	311.58
NEBRASKA CHILD SUPPORT	E	GARNISHMENT	1,957.71
NEBRASKA DEPT OF MOTOR VEHICLES	E	RECORDS	78.00
NEBRASKA INSTITUTE OF FORENSIC	AP	CONTRACT	2,833.00
NEBRASKA LAW ENFORCE	E	REGISTRATION	214.00
NEBRASKA PUBLIC POWER	U	UTILITIES	8,563.64
CODY D NELSEN	RE	REIMBURSE	35.00
NEW LIFE COUNSELING SERVICES	MC	EVALUATION	190.00
NORTHWESTERN ENERGY	U	UTILITIES	3,297.48
O'BRIEN STRAATMANN MORTUARY	E	TRANSPORT	350.00
O'KEEFE ELEVATOR	E	MAINTENANCE	158.00
OFFICE NET	SU	SUPPLIES	26.99
ORSCHLON FARM AND HOME	SU	SUPPLIES	22.91
EVAN PAITZ	RE	REIMBURSE	35.00
PARKER GROSSART BAHENSKY	S	LEGAL	940.00
PCS MOBILE	EQ	EQUIPMENT	20,468.00
MIKE PECK	RE	MILEAGE	8.00
MADISON PETERSON	E	WITNESS	55.30
PHELPS CO DISTRICT COURT	E	COPIES	6.75
PLATTE CO SHERIFF DEPT	E	COURT COSTS	69.84
PLATTE VALLEY COMMUNICATION	S	REPAIRS	87.85
PLATTE VALLEY STATE BANK	E	STORAGE	118,784.71
BRENT PLUGGE	RE	MILEAGE	70.70
PRECISION MOUNTING TECHNOLOGIES	EQ	EQUIPMENT	2,932.41
PRESTO X COMPANY	E	PEST CONTROL	263.25

PRO PRINTING AND GRAPHICS	SU	SUPPLIES	83.27
QWEST CORPORATION	U	TELEPHONE	47.23
LYNN RAUNER	RE	REIMBURSE	35.00
RAVENNA SANITATION	U	SANITATION	323.00
RECOGNITION UNLIMITED	S	SERVICE	96.70
RED WILLOW CO COURT	E	COPIES	3.75
RED WILLOW CO SHERIFF OFFICE	E	SERVICE FEES	21.24
REDMAN'S SHOES	EQ	EQUIPMENT	79.99
REGION III BEHAVIORAL HEALTH	AP	EPC	2,071.41
SHANNE M REIFENRATH	E	WITNESS	20.00
ILENE RICHARDSON	E	RETIREMENT	14.00
JOHN RODRIGUEZ	S	REPAIRS	150.00
ROBERT ROOS	E	INTERPRETING	460.00
ROSS SCHROEDER & GEORGE	S	LEGAL	4,136.17
SALLI R ROSS	E	INTERPRETING	45.00
RTS BUSINESS HOLDINGS	E	MAINTENANCE	327.44
S N S SALES	E	SHREDDING	60.00
MARNA SCHULTE	RE	REIMBURSE	25.00
CONNIE S SCHUMAN	E	COURT REPORT	63.75
CAROL SCHWARZ	RE	REIMBURSE	116.20
MANDI J SCHWEITZER	RE	REIMBURSE	25.00
SIMMONS GUN SPECIALTIES	EQ	EQUIPMENT	3,582.00
TRENTON SNOW	RT	BUILDING RENT	1,026.89
TRENTON SNOW	RT	EQUIP RENT	350.00
SNYDER AND HILLIARD	S	LEGAL	1,815.63
MONTY SOLOMON	E	REIMBURSE	25.00
STAMM & ASSOCIATES	E	TRANSCRIPT	2,147.75
VIKKI S STAMM	RE	REIMBURSE	2,118.07
STATE OF NEBRASKA	T	STATE TAXES	17,909.53
THOMAS STEWART	E	SECRETARY EXP	930.67
PHILLIP STRATE	E	WITNESS	39.38
SUPER SHINE AUTO CARE	E	MAINTENANCE	264.77
MICHAEL J SYNEK	S	LEGAL	630.80
TEE'S PLUS	SU	SUPPLIES	1,234.90
TELMATE LLC	U	TELEPHONE	510.00
TERRA SCAN INC	E	MAINTENANCE	27,434.39
THE BIG RACK SHACK	EQ	EQUIPMENT	1,330.00
THE HARTFORD	E	DEFERRED COMP	1,875.00
THE LOCKMOBILE	E	REPAIRS	9.40
BELINDA TOLLE	RE	REIMBURSE	96.20
HARRISON TRAMPE	E	WITNESS	31.22
SPENCER TRAMPE	E	WITNESS	31.22
TURNER BODY SHOP	S	TOWING	237.52
REBECCA L TVRDIK	S	LEGAL	1,856.25
U S POSTMASTER	SU	SUPPLIES	237.75
U.S. BANK	SU	SUPPLIES	7,607.57
UNIVERSITY OF NE - LINCOLN	AP	PAYROLL	14,323.47
USDA APHIS	AP	BUDGET	3,686.25
ELI VALENZUELA	RE	REIMBURSE	129.54
VERIZON WIRELESS	U	CELL SERVICE	972.27
VERIZON WIRELESS	U	CELL SERVICE	1,173.23
VERIZON WIRELESS	U	CELL SERVICE	188.82
VERIZON WIRELESS	U	CELL SERVICE	138.44
VERIZON WIRELESS	U	CELL SERVICE	142.62
VERIZON WIRELESS	U	CELL SERVICE	192.46
VERIZON WIRELESS	U	CELL SERVICE	159.53
VERIZON WIRELESS	U	CELL SERVICE	217.95
VERIZON WIRELESS	U	CELL SERVICE	214.36
DAVID VEST	E	WITNESS	42.44
RANDALL VEST	E	WITNESS	38.36
VILLAGE OF MILLER	E	UTILITIES	19.50
VILLAGE UNIFORM	SU	SUPPLIES	401.13
BRAD VONTZ	E	WITNESS	76.10
SEAN VONTZ	E	WITNESS	76.10

WABAUNSEE CO SHERIFF	E	SERVICE FEES	5.00
WALGREENS	MC	PRESCRIPTIONS	154.43
WARREN T PLUMBING SERVICES	E	REPAIRS	1,332.00
AUSTIN WELTY	E	WITNESS	40.00
WEST PAYMENT CENTER	E	SUBSCRIPTIONS	2,300.73
WILKE DONOVAN'S TRUE VALUE	E	REPAIRS	134.59
WILLIAM R WILLIAMS	RE	REIMBURSE	211.90
MELISSA L WILLIS	RE	REIMBURSE	25.00
JEFFREY M WIRTH	S	LEGAL	555.53
STEVE WOLFE	RE	MILEAGE	8.00
YANT EQUIPMENT	E	REPAIRS	232.50
YEAGLEY SWANSON MURRAY	S	LEGAL	521.98
MELANIE R YOUNG	RE	REIMBURSE	35.00
ZIMMERMAN PRINTERS	SU	SUPPLIES	70.77
ROAD FUND			
ACE HARDWARE & GARDEN CENTER	E	REPAIRS	242.21
ACE IRRIGATION	SU	SUPPLIES	6,131.95
DITTMER,ALLEN R	EQ	EQUIPMENT	1,817.50
ALL MAKES AUTO SUPPLY	E	REPAIRS	750.25
AMERICAN FAMILY LIFE ASSURANCE	I	PREMIUMS	1,561.34
AMERITAS LIFE INSURANCE	I	EMPE RET	12,345.47
ARROW SEED CO	E	REPAIRS	2,695.45
DONALD BEDKE	RE	REIMBURSE	55.06
BLESSING CONSTRUCTION	G	GRAVEL	121.66
BLUE CROSS BLUE SHIELD	I	PREMIUMS	372.30
BOSSelman ENERGY	F	FUEL	208,792.95
BROADFOOT SAND & GRAVEL	G	GRAVEL	12,148.84
BUFFALO CO TREAS/HEALTH RESERVE	I	HEALTH RESERVE	3,606.96
CARL WHITNEY SAND & GRAVEL	G	GRAVEL	3,627.06
CENTRAL AG AND SHOP SUPPLY	EQ	EQUIPMENT	589.88
CENTRAL AUTO ELECTRIC	E	REPAIRS	208.92
CENTRAL HYDRAULIC	E	REPAIRS	1,372.80
CHS AGRI SERVICE CENTER	F	FUEL	199.35
COMFY BOWL	EQ	EQUIPMENT	75.00
COWPOKE	EQ	EQUIPMENT	80.00
ROBIN CROSS	S	CLEANING	694.00
DIAMOND ENGINEERING	E	CONCRETE	47,994.02
DIAMOND TRAFFIC PRODUCTS	SU	SUPPLIES	27,675.00
EAKES OFFICE	SU	SUPPLIES	574.76
ED BROADFOOT SAND & GRAVEL	G	GRAVEL	5,675.08
FARM PLAN KEARNEY IMPLEMENT	E	REPAIRS	4,640.00
FARMER'S CO-OP	F	FUEL	492.16
FASTENAL COMPANY	SU	SUPPLIES	36.07
FIRST CONCORD	I	FLEX FUNDS	1,109.33
GARRETT TIRES TREADS	E	REPAIRS	4,370.20
GRAHAM TIRE CO	E	REPAIRS	302.60
GREAT-WEST	I	PREMIUMS	24.48
THE ISLAND SUPPLY COMPANY	SU	SUPPLIES	336.40
JR'S WESTERN	EQ	EQUIPMENT	78.63
K & B PARTS	E	REPAIRS	23.92
K & K PARTS	SU	SUPPLIES	2,518.26
KEARNEY FEDERAL CREDIT UNION	E	DEPOSITS	2,595.00
KIMBALL MIDWEST	SU	SUPPLIES	84.31
LAWSON PRODUCTS	SU	SUPPLIES	970.73
ELWOOD LUCE	R	RETIREMENT	11.00
MADISON NATIONAL LIFE	I	LT DISABILITY	192.53
MATHESON TRI-GAS	SU	SUPPLIES	88.14
MID NEBRASKA AGGREGATE	G	GRAVEL	2,903.91
MID STATE ENGINEERING TESTING	E	LABOR	72.00
MIDWAY CHEVROLET	E	REPAIRS	28.60
MIDWEST SERVICE & SALES	SU	SIGNS	501.16
MR AUTOMOTIVE CARQUEST	E	REPAIRS	698.09
MUHLBACH SEEDS	E	REPAIRS	225.00
NASSAU ROCKMOUNT	SU	SUPPLIES	1,671.66

NATIONWIDE RETIREMENT	I	DEFERRED COMP	1,060.00
THE NEW SIOUX CITY IRON	SU	SUPPLIES	141.12
NMC EXCHANGE LLC	E	REPAIRS	15,172.91
OVERTON SAND & GRAVEL	G	GRAVEL	4,229.40
PLATTE VALLEY COMMUNICATION	E	REPAIRS	84.00
PLATTE VALLEY STATE BANK	T	FEDERAL TAXES	23,565.41
POWERPLAN	S	REPAIRS	1,522.09
RAYBURN AUTO PARTS	F	FUEL	25.00
REDMAN'S SHOES	EQ	EQUIPMENT	80.00
ROPER'S RADIATOR SERVICE	E	LABOR	87.50
SAFELITE FULFILLMENT	E	REPAIRS	175.00
SAHLING KENWORTH	E	REPAIRS	120.25
RONALD SKLENAR	RE	REIMBURSE	82.29
SOUTH CENTRAL DIESEL	E	REPAIRS	2,466.58
STATE OF NEBRASKA	T	STATE TAXES	3,234.61
RICK STUBBS	D	REGISTRATION	31.00
SWARCO REFLEX	SU	SUPPLIES	8,008.00
T & F SAND AND GRAVEL	G	GRAVEL	1,412.05
TITAN MACHINERY	E	REPAIRS	157.79
TRACTOR SUPPLY	SU	TOOLS	46.96
TROTTER SERVICE	F	FUEL	94.00
U.S. BANK	EQ	EQUIPMENT	335.98
WESTERN PATHOLOGY	E	TESTING	50.50
WICK'S STERLING TRUCKS	E	REPAIRS	172.91
WILKE DONOVAN TRUE VALUE	E	REPAIRS	33.17
<u>VISITOR'S PROMOTION FUND</u>			
KEARNEY VISITOR'S BUREAU	AP	EXPENSES	23,850.00
<u>VISITOR'S IMPROVEMENT FUND</u>			
KEARNEY VISITOR'S BUREAU	AP	EXPENSES	23,500.00
<u>HEALTH INSURANCE FUND</u>			
BCBS HEALTH CLAIM EXPENSE	I	CLAIMS PAID	85,263.47
<u>EMERGENCY RELIEF FUND</u>			
BOOGAARTS	E	SUNDRIES	27.96
BOSSERMANS PUMP & PANTRY #40	F	GASOLINE	210.00
TERRY GERDES	RT	RENT	210.00
HAYS PHARMACY	MC	PRESCRIPTION	151.30
HORNER LIESKE HORNER	E	BURIALS	3,500.00
K MART	E	SUNDRIES	14.04
MASON'S MARKET	E	SUNDRIES	14.23
JOSHUA D MINNICK	RT	RENT	200.00
MARGARET A. MORRIS	RT	RENT	150.00
O'BRIEN STRAATMANN MORTUARY	E	BURIAL	1,750.00
PEDLEY DRUGS	MC	PRESCRIPTIONS	126.38
PEGGY SCHELLING	RT	RENT	210.00
<u>INSTITUTIONS FUND</u>			
NE HEALTH & HUMAN SERVICES	E	PATIENT BILL	711.00
<u>STOP PROGRAM FUND</u>			
BUFFALO CO COURT	E	COURT COSTS	1,104.00
<u>911 WIRELESS FUND</u>			
GIS WORKSHOP	E	MAINTENANCE	4,698.00
QWEST	E	MAINTENANCE	15,821.63
<u>COUNTY BOND</u>			
BECKENHAUER CONSTRUCTION	C	CONSTRUCTION	629,767.26
CANNON MOSS BRYGGER & ASSOC	C	ARCHITECT FEES	13,500.00
GOLDBERG SULLIVAN & MCCREREY	C	ARCHITECT FEES	8,346.14
GOVCONNECTION	C	CONSTRUCTION	11,765.07
<u>WEED DISTRICT</u>			
ACE HARDWARE & GARDEN CENTER	E	REPAIRS	17.97
ALL MAKES AUTO SUPPLY	E	REPAIRS	74.52
AMERICAN FAMILY LIFE	I	PREMIUMS	26.52
AMERITAS LIFE INSURANCE	I	EMPE RET	1,169.67
BIG O TIRES	EQ	TIRES	1,265.95
BLUE CROSS BLUE SHIELD	I	PREMIUMS	3.28
BUFFALO CO TREAS/HEALTH RESERVE	I	HEALTH RESERVE	18.48

CLIPPER PUBLISHING	A	PUBLISHING	192.00
DULTMEIER SALES	E	REPAIRS	524.27
FIRST CONCORD	I	FLEX FUNDS	20.00
JENSEN PUBLISHING	A	PUBLISHING	132.00
KEARNEY HUB	A	PUBLISHING	252.40
MIDWAY CHEVROLET	E	REPAIRS	376.71
PLATTE VALLEY STATE BANK	T	FEDERAL TAXES	3,091.01
RAVENNA NEWS	A	PUBLISHING	94.80
STATE OF NEBRASKA	T	STATE TAXES	442.89
TRACTOR SUPPLY	E	REPAIRS	34.98
U.S. BANK	SU	SUPPLIES	249.73
VAN DIEST SUPPLY	SU	CHEMICALS	3,945.85
911 EMERGENCY SERVICE			
FRONTIER	U	TELEPHONE	1,683.62
GIS WORKSHOP	S	MAINTENANCE	1,827.00
LANGUAGE LINE SERVICES	E	INTERPRETATION	51.05
NEBRASKA CENTRAL TELEPHONE	U	TELEPHONE	158.41
PLATTE VALLEY COMMUNICATION	EQ	EQUIPMENT	1,996.51
QWEST	S	MAINTENANCE	6,152.85
QWEST CORPORATION	U	911 SERVICE	2,221.88

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project. Moved by Morrow and seconded by Dannehl to approve Phase 2 Change Request number 86 in the amount of \$2,452.00 to clean and refurbish jail locks. Upon roll call vote, the following Board members voted “Aye”: Morrow, Dannehl, Brayton, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

Clerk of the District Court Sharon Mauler was also present to discuss the special purchase agreement for the new Court complex furniture. Moved by Dannehl and seconded by Morrow that pursuant to Nebraska Statutes 23-3109.03 and 83-145 to waive the County Purchasing Act bidding requirements to allow the County to enter into a special purchase agreement for the purchase of itemized furniture for the new Court Complex. The special purchase agreement with Cornhusker State Industries will allow the purchase of the items on the list provided at this meeting at a cost approximately 50% less than available through other vendors and thereby save the county a significant amount of money. Further moved that after the five day publication period elapses and no other bids less than those submitted by Cornhusker State Industries have been submitted, the itemized furniture contained in the Cornhusker State bid and the list provided in this meeting be purchased from Cornhusker State Industries. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Morrow, Brayton, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

REGULAR AGENDA

Buster Beckenhauer from Beckenhauer Construction was present for the bid opening of the concrete and paving project at the Buffalo County Extension Building Parking Lot. Clerk Giffin opened and read aloud the bids received from Concrete Workers Inc., Dan Roeder Concrete Inc. and Stephens & Smith Construction Co., Inc. Clerk Giffin noted that one bid was received from Dandee Construction Co. after the 9:00 A.M. deadline and will not be opened. Beckenhauer will review the bids and return to this meeting with a recommendation of bid award.

Chairman Pierce reviewed the following correspondence with the Board. The USDA Newsletter was received from the Nebraska Farm Service Agency. Elaine Thompson from the Department of Revenue Property Assessment Division sent notice about the Board of Equalization exemption applications. The Positive Pressure Coalition sent a thank you note for the support of the liquor license resolution. City of Kearney sent notice of Annexation of Aspen Meadows Second. Nationwide Retirement Solutions and National Insurance sent correspondence relating to current and future County investment and insurance plans. Nebraska Association of County Officials sent notice of health plan changes mandated by Health Care Reform. Village of Wilcox invited the Board to their 125th founding anniversary. Hayes and Associates LLC sent solicitation of audit services. Chairman Pierce then called on each Board member present for committee reports and recommendations.

Moved by Morrow and seconded by Greder to approve a transfer of \$500,000.00 to the Road Fund (0200), \$1,000.00 to the Institutions Fund (1700), \$95,000.00 to the Inheritance Fund (2700), and \$50,000.00 to the Weed Fund (5400) all from the General Fund (0100) and all per budget. Upon roll call vote, the following Board members voted “Aye”: Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Greder to approve a transfer of \$350.00 to the Recovery Zone Bond Payment Fund (3800) from the Road Fund (0200) and all per budget. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the revision of the County Meal Reimbursement Policy as submitted by the Board Administrator and to distribute the amended copy to all Elected and Appointed Officials. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to amend the NACO Purchase Card Guidelines as presented and direct the Board Administrator to distribute the amended copy to all Elected and Appointed Officials. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Dannehl to authorize Chairman Pierce to sign the NACO Blue Cross Blue Shield Subgroup Application for the employee health insurance coverages. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Dannehl to authorize Chairman Pierce to continue with First Concord Benefit Group and to sign the amendments to the contract due to the Health Care Reform Act. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to authorize Chairman Pierce to sign the renewal agreement with National Insurance Services for the Madison National Life Insurance, Long Term Disability and the Ameritas Life Insurance Corporation contracts. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Greder to enter into Executive Session to discuss personnel matters and contract negotiations at 9:52 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Greder to move out of Executive at 10:08 A.M. and resume the open meeting. Chairman Pierce stated that the discussion involved personnel, contracts and litigation. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. Motion declared carried.

Moved by Dannehl and seconded by Greder to appoint Phil Dixon as a part time temporary field representative for the Zoning and Floodplain Administration. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Dannehl and seconded by Morrow to name Janice Taubenheim Interim Zoning and Floodplains Administrator during the absence of the current Zoning Administrator. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, McMullen and Pierce. Abstain: Klein. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister was present for the following Agenda items. Public hearing was closed on April 26, 2011 for the Access Road petition located in NE ¼ of NE ¼ of Section 16, Township 11 North, Range 18 West, Buffalo County. The Road Committee met to review this petition and a draft resolution was presented in this Board meeting as a recommendation from the Road Committee. Moved by McMullen and seconded by Klein to approve the following Resolution 2011-26 as amended after presentation to the Board. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. Motion declared carried.

RESOLUTION 2011-26

WHEREAS, a Petition to open a road or other public or private way has been filed for access to property generally described as the Northeast Quarter of the Northeast Quarter of Section Sixteen (16), Township Eleven (11) North Range Eighteen (18), West of the 6th P.M., Buffalo County, Nebraska, hereinafter referred to as alleged "isolated land", which states that access to the isolated land is now or can be provided by private road of a width of less than two rods across 65.42 acres in the South Half of the Northeast Quarter (S1/2NE1/4) of Section Sixteen (16), Township Eleven (11) North, Range Eighteen (18) West of the Sixth P.M., all in Buffalo County, Nebraska, hereinafter referred to as "State Land" which is land in the school section lying north of Nebraska State Highway #40, and

WHEREAS, previously this Board set down a time and place to hold a hearing to interested parties as provided by law, with hearing commencing April 7, 2011 and thereafter adjourned to April 21, 2011 due to lack of sufficient quorum at the April 7, 2011 public hearing, and

WHEREAS, the Petition, as filed with the Buffalo County Clerk, on or about March 3, 2011, and discussed before this Board at the public hearings, fulfills the minimal statutory requirements for this Board to commence public hearings as set forth in Neb.Rev.Stat. Sec. 39-1713, et seq., concerning access to isolated land, and

WHEREAS, in 1893 the isolated property was severed from a traditional school section by action of the State of Nebraska or a sub-entity thereof and conveyed to a predecessor in title to the Petitioner. From and since that time, the only access to the isolated property has been through the State Land by a path, trail, or drive, easily visible from State Highway #40 that ran from the south property line of the isolated property over and across the State Land to an entry point on the north side of State Highway #40, and

WHEREAS, if this transaction involved private parties and not the State of Nebraska or political sub-entity, this transfer would have comprised an easement of necessity and an easement would have existed by operation of law.

WHEREAS, the Board in making this finding is well aware that Neb.Rev.Stat. Sec. 39-1716(1) requires four conditions for this Board to grant access. One condition was addressed in particular by the public hearings in that the Petitioner, when he purchased the isolated land, did not acquire that land directly from the State of Nebraska. However, a reasonable person looking at and acquiring the isolated land would have concluded that there was a right to access the isolated land across lands owned by the State of Nebraska. The fact the State did not recognize what amounts to an easement of necessity was not addressed until the State wanted to sell additional lands in the school section and additionally sought to sell the easement of necessity for access to the isolated land. Additionally, the particular party who pointed out this condition, also proposed that access be granted over State Land in a manner that would allow pivot type irrigation on the State Land if it were sold, and

WHEREAS, pivot type irrigation has been present since the late 1960's and the Board believes that the State of Nebraska has offered and renewed the lease for the State Land several times. There has been no evidence that the State ever intended to allow improvements for pivot type irrigation on the State Land. This would indicate that the State either recognized Petitioner's present route for access to the isolated land or was satisfied with the present form of surface irrigation, and

WHEREAS, part of the State Land is irrigated. There is no irrigation well on the State Land. Irrigation water for the production of crops on the State Land is obtained by use of a well on the Isolated Land, and

WHEREAS, access to the isolated land does not need to be located on a section line or be a four (4) rod width road to grant the Petitioner necessary and reasonable access to the isolated land. Access to the extent necessary and as allowed by Neb.Rev.Stat. Sec. 39-1714 in the form of a private easement on what is now an established private road that is twenty feet in width.

WHEREAS, this Board, should it desire to open access to the isolated land must determine damages. The Petitioner had admitted damages to the State in the amount of \$5,000.00. The Board in establishing damages measures damages based upon the reduction in value of the property at its highest and best use prior to the taking and the value of the property at its highest and best use after the taking. The Board finds that any pivot type use has not occurred in the past forty years that pivot irrigation has existed. Furthermore, the State Land has no existing appropriation for irrigation water. Therefore, it is speculative to consider that irrigation of the State Land from its own water source is now imminent. Additionally, any reasonable person observing the pathway over the State Land would conclude that some right of access existed over the State Land exists for the benefit of the Isolated Land. The Board, if left to determine damages without the admission of the Petitioner, would conclude that there has been no diminishment of value in the State Land by recognition of the easement, excepting costs of survey of the pathway as it now exists, and

WHEREAS, Neb.Rev.Stat. Sec. 39-1729 provides that "The right of reasonable convenient egress and ingress from lands or lots, may not be denied except with the consent of the owners of such lands or lots, or with the condemnation of such right of condemnation of such right or access to and from such abutting lands or lots." Based upon this statute, the State of Nebraska or its sub-entities could not have denied the owner of the isolated land access to a public road without consent of the land owner that would thereafter become land locked. Furthermore, the State could not even have condemned that right of access from the isolated land without consent of the owner of the isolated land. The records do not show that consent to isolate was ever given. The Board deems this section to be applicable upon all State agencies. For land to have taxable worth, there must be some access to public ways.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that:

1. Access through and over the State Land to the benefit of the Isolated Land shall be provided by use of a perpetual private road, as it presently exists, ten (10) feet either side of the centerline of the now existing private road that extends from State Highway #40 to the Isolated Land.

2. This grant of easement does not impose upon Buffalo County any obligation to design, construct, or maintain this access road, nor does it give rise to any cause of action against Buffalo County or any other Nebraska political subdivision or the State with respect to this access road.
3. By admission of the Petitioner, the State of Nebraska, Board of Educational Lands and Funds, hereinafter and previously referred to as "State" has been damaged \$5,000.00 Based upon this admission, the Board finds the State is awarded damages of \$5,000. Pursuant to Neb.Rev.Stat. Sec. 39-1718, this amount shall be paid to the Buffalo County Treasurer.
4. That a survey of the existing road is necessary to specifically set out its parameters where it now exists. This survey is of unknown cost. The Board determines that the Petitioner shall post \$500 security, paid to the Treasurer to cover costs of survey to cover estimated costs of this survey. Thereafter the Board shall contact the surveyor of its choice and have this easement drawn out on a map capable of being filed with this Resolution, when this Resolution is filed against the State Land. When final costs of survey and map are determined, the Petitioner shall pay the finalized cost, less \$500 deposit within twenty (20) days of billing to his attorney of record.
5. If the amounts of foregoing paragraphs #2 & #3 are not posted by the Petitioner by 5:00 o'clock, p.m. June 23, 2011, the Petitioner shall have elected not to pursue this easement. Thereafter, should the Petitioner not make final payment for survey costs as directed in paragraph #3, the Petitioner shall have elected not to pursue this easement.
6. Upon completion of payments and settlement of survey costs, a copy of this Resolution in certified form shall be filed against the State Land with ingress/egress easement described on separate attachment and incorporated into this Resolution by reference thereto as it set forth fully herein.

Road Committee Chairman McMullen instructed Clerk Giffin to open the sealed bids for reinforced concrete box extensions and reinforced concrete boxes. Highway Superintendent Ron Sklenar was present. Clerk Giffin opened and read aloud the bid received from Wilke Contracting Corporation and Midlands Contracting Inc. This bid was submitted as a joint venture for the C10 (589), C10(1409), C10(1408), C10(1405), C10(1406), C10 (1410), and C10(1411) projects. Chairman McMullen stated that the Road Committee will review this bid and make a decision on June 14, 2011.

Moved by McMullen and seconded by Brayton to accept the roads of 168th Road and Central Place Road in Country Acres 1st Subdivision and Country Acres 2nd Subdivision as recommended and reviewed by Highway Superintendent Sklenar. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:50 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. Deputy County Treasurer Brenda Rohrich was present.

Discussion was held on the dates for the property valuation protest hearings. Tentative dates for the hearings will be June 28, July 12 and July 19, 2011.

Moved by Dannehl and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Sinsinawa Dominicans Inc. on a 2011 Honda Civic. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Klein and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Corporation of the Presiding Bishop of the Church Jesus Christ of Latter Day Saints on a 2011 H & H trailer. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Morrow to recess the Board of Equalization at 10:55 A.M. and to return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen and Pierce. Motion declared carried.

Cody Wickham from D.A. Davidson & Company and Linda Hall, Executive Director of Regency Retirement Residence were present to discuss Regency Retirement Bond Refinancing. A draft Resolution was presented at the May 10, 2011 Board meeting. Moved by Dannehl and seconded by Brayton to approve the following Resolution 2011-27. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2011-27

"A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$1,300,000 IN AGGREGATE PRINCIPAL AMOUNT OF DEVELOPMENT REVENUE REFUNDING BONDS (REGENCY RETIREMENT RESIDENCE PROJECT), SERIES 2011; APPROVING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE BETWEEN THE ISSUER AND GREAT WESTERN BANK, AS TRUSTEE, A LOAN AGREEMENT BETWEEN THE ISSUER AND AMERICA'S CHOICE COMMUNITY OF KEARNEY, A NEBRASKA NONPROFIT CORPORATION ("BORROWER"), AND A BOND PURCHASE AGREEMENT AMONG THE ISSUER, BORROWER AND D.A. DAVIDSON & CO.; APPROVING AND AUTHORIZING CERTAIN RELATED DOCUMENTS; MAKING CERTAIN DETERMINATIONS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE PLEDGING OF REVENUES RELATED TO A SPECIFIC PROJECT AS PAYABLE UNDER SAID LOAN AGREEMENT; PROVIDING FOR THE CALL OF THE REFUNDED BONDS FOR REDEMPTION; AND DETERMINING THAT SAID BONDS SHALL NOT CONSTITUTE NOR GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS."

BE IT RESOLVED BY THE CHAIRPERSON AND BOARD OF SUPERVISORS OF THE COUNTY OF BUFFALO, IN THE STATE OF NEBRASKA, AS FOLLOWS:

Section 1. The Chairperson and Board of Supervisors (the "Board") of the County of Buffalo, in the State of Nebraska (the "Issuer"), hereby find and determine:

A. Pursuant to authorization of the Chairperson and Board of Trustees of Hospital Authority No. 1 of Buffalo County, Nebraska (the "Hospital Authority"), the Hospital Authority previously has issued its Development Revenue Refunding Bonds (Regency Retirement Residence Project), Series 1999, in the original principal amount of \$1,805,000, of which \$1,235,000 in principal amount remain outstanding as of the date of this Resolution (the "Refunded Bonds") for the purposes of refunding bonds initially issued by the Hospital Authority for the purpose of financing the construction and acquisition of a 34-unit residential retirement community located in Kearney, Nebraska (the "Project") for America's Choice Community of Kearney, a Nebraska nonprofit corporation (the "Borrower"); and

B. Since the issuance of the Refunded Bonds, the rates of interest have so declined in the markets that by taking up and paying off such Refunded Bonds by an issue of refunding bonds, a substantial savings in the amount of yearly running interest will be achieved; and

C. Based on representations made by the Borrower in the Loan Agreement, the Borrower is a "nonprofit organization" within the meaning of Sections 13-1101 to 13-1110, R.R.S. Neb. 2007, as amended (the "Act") and an entity exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") which is not a private foundation under Section 509(a) of the Code; the Project constitutes a "project" under the Act; and the activities of the Borrower related to the Project constitute a "nonprofit enterprise" under the Act; and

D. No public hearing is required under the Act by virtue of Section 13-1105(4) thereof; and

E. A public hearing under Section 147 of the Internal Revenue Code was conducted after reasonable public notice and requisite approvals were obtained in connection with the issuance of the Refunded Bonds (or the bonds refunded thereby) and the average maturity date of the Bonds is not later than the average maturity date of the Refunded Bonds, and therefore no additional public hearing is required under the Code by virtue of Section 147(f)(4)(D) thereof;

F. A reasonable relationship exists between the Borrower, the Project and the Issuer, in that the Borrower conducts business within the corporate limits of the Issuer, and the Project is located within the corporate limits of the Issuer; and

G. The Issuer is willing to provide development revenue financing for the purpose of refinancing the Project and refunding the Refunded Bonds in accordance with the provisions of the Act; and

H. That in such connection forms of the following documents (collectively, the "Bond Documents") necessary to provide for the refunding of the Refunded Bonds and to issue the Bonds (described below) have been prepared and submitted to the Issuer and said forms of documents should be formally approved and their execution authorized, to wit:

(i) Trust Indenture (the "Indenture") by and between the Issuer and Great Western Bank, as trustee (the "Trustee"), including the form of the Bonds to be issued thereunder;

(ii) Loan Agreement by and between the Issuer and the Borrower (the "Loan Agreement") (including the form of Promissory Note given by the Borrower to the Issuer and to be assigned to the Trustee (the "Note"));

(iii) Mortgage or Deed of Trust (or amendment and/or restatement of existing mortgage and/or deed of trust) given by the Borrower to and in favor of the Trustee (the "Mortgage");

(iv) Bond Purchase Agreement by and among the Issuer, the Borrower and D.A. Davidson & Co. (the "Bond Purchase Agreement"); and

(v) Preliminary Official Statement with respect to the Bonds (provided that the approval reflected herein shall not be deemed an approval of any information set forth in said Preliminary Official Statement other than information specifically concerning the Issuer under the headings "THE ISSUER" and "ABSENCE OF LITIGATION").

I. The amount necessary to pay the principal of and interest on the Bonds herein authorized is to be the same as the payments to be required under the Loan Agreement and Note proposed to be executed by the Borrower; no reserve fund in connection with the retirement of said Bonds or maintenance of the Project needs to be established other than such reserves, if any, as are to be provided for by the Borrower under said Loan Agreement and Indenture; said Loan Agreement provides that the

Borrower shall maintain said Project and carry all proper insurance with respect thereto and that the Borrower shall pay all proper taxes, if any, with respect to said Project; and

J. All conditions, acts and things required by law to exist or to be done precedent to the issuance by the Issuer of its development revenue refunding bonds as described herein, in the principal amount of up to \$1,300,000 pursuant to the Act do exist and have been done as required by law.

Section 2. That the Issuer's Development Revenue Refunding Bonds (Regency Retirement Residence Project), Series 2011 (hereinafter, the "Bonds") in an aggregate principal amount of up to \$1,300,000 be and the same are hereby authorized and ordered to be issued by the Issuer, and to provide for the authorization of and to secure the Bonds under the Act, to refinance the Project and refund the Refunded Bonds and necessary expenses incidental thereto and to prescribe the terms and conditions upon which the Bonds are to be issued, secured, executed, authenticated, accepted and held, the Chairperson is hereby authorized and directed to execute and acknowledge the Indenture, including necessary counterparts, and the County Clerk is hereby authorized and directed to attest the same and to affix the seal of the Issuer thereto, the Indenture, which constitutes and is hereby made a part of this Resolution, and the Bonds, the form and content of which are set forth in the Indenture, to be in substantially the form, text and containing the provisions set forth in the form of the Indenture now before this meeting, but with such insertions, changes, modifications, additions or deletions therein as shall to the Chairperson, the County Clerk or County Attorney seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of and authorization by the Issuer and the Chairperson and County Clerk's approval of any and all insertions, changes, modifications, additions or deletions therein from the form and content of the Indenture now before this meeting. The series designation, aggregate principal amount, individual principal maturities and rates of interest applicable to such maturities, call provisions, and other terms relating to the Bonds shall be those determined on behalf of the Issuer by the Chairperson and agreed to by the Borrower and the initial Purchaser designated in Section 6 of this Resolution; provided, however, that:

(A) the aggregate principal amount of Bonds issued shall not exceed the amount authorized in this Section 2 above;

(B) the last maturity of the Bonds shall not be later than December 31, 2024;

(C) the principal and interest payment obligations for the Bonds, in each year from the issuance of the Bonds until the Bonds are no longer outstanding, must not exceed the amount of principal and interest payment obligations which would have been due in each year if the Bonds had not been issued (i.e, if only the Refunded Bonds remained outstanding);

(D) the amounts, interest rates, maturity schedule, redemption provisions and other terms of the Bonds shall be acceptable to the Borrower, and shall result in a net present value of the savings attributable to the refunding of the Refunded Bonds acceptable to the Borrower; and

(E) the average maturity of the Bonds shall not be later than the average maturity of the Refunded Bonds.

Section 3. That the Issuer loan to the Borrower the proceeds of the Bonds pursuant to the Loan Agreement. That there be and there is hereby authorized the execution of such a Loan Agreement in substantially the form and with the contents hereinafter set forth, and the Chairperson is hereby authorized and directed to execute and acknowledge the Loan Agreement, including necessary counterparts, and the County Clerk is hereby authorized and directed to attest the same and affix the seal of the Issuer thereto; the Loan Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text, and containing the provisions set forth in the Loan Agreement now before this meeting, but with such changes, modifications, additions or deletions therein as shall to the Chairperson, the County Clerk or County Attorney seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form and content of the Loan Agreement now before this meeting.

Section 4. That the form and content of the Mortgage, constituting a conveyance and grant by the Borrower to the Issuer and the Trustee (as the assignee of the Issuer) of a mortgage lien and security interest in and to the Project and certain other property, subject to Permitted Encumbrances as defined in the Loan Agreement, and the assignment to the Trustee of the Issuer's rights and interests in and to the Mortgage, pursuant to the Indenture, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson is hereby authorized and directed to execute, acknowledge and deliver the Mortgage for and on behalf of the Issuer, as a mortgagee and secured party thereunder, including necessary counterparts, and the County Clerk is hereby authorized and directed to attest the same and affix the seal of the Issuer thereto, the Mortgage, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in the form of Mortgage now before this meeting, but with such changes, additions, modifications and deletions therein as shall to the Chairperson, the County Clerk or County Attorney seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions from the form and content of the Mortgage now before this meeting.

Section 5. That Great Western Bank is hereby appointed Trustee under the Indenture, and the assignment of the Issuer's rights and interests in and to the Loan Agreement (and Note) and Mortgage (with certain exceptions as stated in the Indenture), be and the same hereby are in all respects authorized, approved and confirmed.

Section 6. That the sale of the Bonds to D.A. Davidson & Co. (the "Purchaser") in the amounts set forth above, upon the terms described in the Bond Purchase Agreement, be and the same is hereby directed and approved, and the Chairperson is hereby authorized and directed to execute, acknowledge and deliver the Bond Purchase Agreement for and on behalf of the Issuer, including necessary counterparts, and the County Clerk is hereby authorized and directed to attest the same and affix the seal of the Issuer thereto, the Bond Purchase Agreement, which constitutes and is hereby made a part of this Resolution, to be in substantially the form, text and containing the provisions set forth in the form of Bond Purchase Agreement now before this meeting, but with such changes, additions, modifications and deletions therein as shall to the Chairperson, the County Clerk or County Attorney seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions from the form and content of the Bond Purchase Agreement now before this meeting.

Section 7. That from and after the execution and delivery of the documents identified above, the Chairperson and the County Clerk are hereby authorized and directed to execute any and all certificates, documents and other papers and do any and all things and to perform

all other acts (including without limitation the filing of Internal Revenue Service Form 8038 and the filing of any financing statements necessary to create or maintain a security interest on the properties pledged or assigned under the Indenture, the Loan Agreement and the Mortgage) deemed necessary in order to effect the refinancing of the Project and the refunding of the Refunded Bonds, the issuance and sale of the Bonds and the execution and delivery of the Loan Agreement, the Indenture, and the Mortgage and to carry out the intent and purpose of this Resolution.

Section 8. The Issuer hereby designates the Bonds as its “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code, as and to the extent not “deemed designated”, and the Issuer hereby covenants and warrants that it does not reasonably anticipate issuing tax-exempt bonds or other tax-exempt interest bearing obligations during calendar 2011 in an amount in excess of \$10,000,000, taking into account statutory exceptions for current refunding transactions.

Section 9. The Chairperson and County Clerk (or either of them) are hereby authorized to take such actions (at the direction of the Borrower) as are necessary call of the Refunded Bonds for redemption on a date to be determined by the Borrower (the “Redemption Date”) by executing and delivering a call notice for the Refunded Bonds in substantially the form attached hereto as Exhibit “A”, with such changes, completions and/or modifications as such officers deem necessary or appropriate in connection with the calling and redemption of the Refunded Bonds.

Section 10. Anything in this Resolution or the Bonds to the contrary notwithstanding, neither this Resolution, the Indenture, the Bonds, or the Loan Agreement shall represent or constitute an indebtedness of the Issuer, within the meaning of any State constitutional provision or statutory limitation, and shall not constitute nor give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers, and each Bond shall contain on its face a statement to that effect.

Section 11. That the provisions of this Resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 12. All other resolutions or orders, or parts thereof, in conflict with the provisions of this Resolution are to the extent of such conflicts hereby repealed.

Section 13. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

ZONING

Chairman Pierce opened the discussion for the Administrative Subdivision for property located in Section 11, Township 9 North, Range 16 West, Buffalo County filed by Trenton Snow on behalf of Lawrence and Sheila Nickman, Trustees at 11:12 A.M. Public hearing was held on May 10, 2011 and the Board moved the decision to this date for further review of the application. Deputy County Attorney Andrew Hoffmeister was present and reviewed the draft resolution. Moved by Greder and seconded by Klein to approve the following Resolution 2011-28. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2011-28

WHEREAS, Trenton Snow, Register Surveyor, hereinafter referred to as “applicant” filed for an administrative Subdivision to be known as “Stone Creek”, with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on May 10, 2011, this Board conducted a public hearing and adjourned to May 24, 2011, to take the matter up for consideration and discussion by this Board. On the basis of that meeting and discussion by this Board, the Board finds:

1. The proposed plat for this subdivision is compliant with Buffalo County’s Commercial and Agricultural Zoning Districts’ required minimum lot size and dimensions and other applicable regulations in Buffalo County’s Zoning Resolution.
2. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Nebraska State Highway #10, which is also section line open public road, abuts the proposed subdivision. The width of that road complies with minimum width standards required by the Buffalo County Subdivision Resolution.
4. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title based upon the title search documents delivered to that office by applicants as to necessary parties to execute the plat.
5. There is no needed dedication of right of way for roads. The tract that is sought to be dedicated abuts on its south side an easement that is sixty (60) feet wide. Because that could eventually become a road that could request county maintenance that would require a 66’ right of way, the plat when prepared should reflect a 53’ setback to allow sufficient front yard setback for future development.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of “STONE CREEK”, an administrative subdivision being part of the North Half of the Northeast Quarter (N1/2NE1/4) of Section Eleven (11), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County,

Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Pierce opened the discussion for the Zoning Map Amendment from Ag-Residential to Commercial for property located in Section 11, Township 9 North, Range 16 W, Buffalo County. Public hearing was held on May 10, 2011 and the Board moved the decision to this date for further review of the application. Deputy County Attorney Andrew Hoffmeister was present and reviewed the draft resolution. Moved by Greder and seconded by Klein to approve the following Resolution 2011-29 for a zoning map amendment. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-29

WHEREAS, Keith Nuttelman on behalf of Nuttelman Fencing, Inc. has applied for change of zoning by filing an Application For A Change of Zoning with the Buffalo County Zoning Administrator requesting that real property now known as Stone Creek, an administrative subdivision, in Buffalo County, Nebraska, be changed from AGR to Commercial, and

WHEREAS, this is solely a rezoning request and the subject property would have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on April 14, 2011, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 6-0 vote, and

WHEREAS, on May 10, 2011, this Board conducted a public hearing and adjourned to May 24, 2011, to take the matter up for consideration and discussion, and on May 24, 2011 also considered this rezoning request and finds that such change in zoning designation would have minimal adverse affect on surrounding properties, is consistent with property use in the immediately surrounding area, and is consistent with overall comprehensive plan adopted by Buffalo County, Nebraska, and

WHEREAS, no protest(s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Supervisors.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning map amendment to change the subject property from the AGR District to the Commercial District is approved and shall occur, for the subject property described as:

Stone Creek, an administrative subdivision, in Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed's office against the subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Buster Beckenhauer returned to the meeting to report his review of the previously opened bids for the Extension Building Parking Lot. Moved by Dannehl and seconded by Morrow to authorize Beckenhauer Construction as the Construction Manager to enter into contract with Concrete Workers Inc. and give them notice to proceed with the project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, Dannehl, McMullen and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 11:55 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, June 14, 2011 at 9:00 A.M.