

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 9, 2010
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, February 9, 2010 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: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, 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 meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards 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. Deputy County Attorney Andrew Hoffmeister was present.

Chairman Pierce called for Citizen's forum and Lynn Miller was present to address the Board. Miller was representing Buss Biehl who could not attend the meeting today. Biehl had previously submitted a petition for roadtop maintenance of a portion of 168th Road and Central Place Road, Buffalo County and Miller asked the status of that petition. Supervisor McMullen noted that the Buffalo County Subdivision Rules and Regulations explained the standards that had to be met before the County took roadtop maintenance of any road.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve January 26, 2010 Board minutes
2. Accept reports
 - Buffalo County Treasurer January 2010 Fund Balance Report
 - Buffalo County Treasurer Semi-Annual Report
 - Detention Center Report for January 2010

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project. Barritt reviewed the change orders were reviewed before action was taken. Moved by Klein and seconded by Dannehl to approve Phase 1B Change Request 86 in the amount of \$33,795.00. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Klein to approve Phase 1B Change Request 87 and 88 in the amount of \$2,968.00 and \$391.00 respectively. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

Clayton Edwards, an employee of the County Sheriff Department, has been serving as the owner representative during the construction of the new Jail. Edwards served as a liaison between the County and the Construction Manager. After discussion with Sheriff Miller, it was moved by Loewenstein and seconded by Greder to continue to have Edwards serve in that capacity during Phase 2 of the Construction project. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. The Buffalo County Detention Center employees sent a thank you note for the cost of living increase. NIRMA sent the Quarterly loss reports for the quarter ending December 31, 2009. Department of Environmental Quality sent approval to operate Livestock Waste Control Facilities for the Nebraska ILS Feeders, Inc. Central Platte NRD and NPAIT sent newsletters. The NACO Central District meeting is March 18, 2010 at the Interstate Holiday Inn in Grand Island. Securus Technologies sent information regarding the inmate telephone service. The Kearney Hub and the Gibbon Reporter sent thank you responses for being chosen the legal designated newspapers. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Moved by Klein and seconded by Dannehl to approve the tax refund request submitted by County Treasurer Jean Sidwell for Midwest Masonry Inc. in the amount of \$273.38. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by McMullen to accept the State Auditor Report and management letter as presented and authorize Chairman Pierce to respond to the same. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Greder, Klein, Loewenstein and Pierce. Motion declared carried.

Moved by Morrow and seconded by Greder to approve the release of pledged collateral at the Platte Valley State Bank in the amount of \$500,000.00 (effective date 1/23/2009) for the Buffalo County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Greder to approve the release of pledged collateral at the Platte Valley State Bank in the amount of \$500,000.00 (effective date 5/13/2009) for the Buffalo County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Chairman Pierce discussed the Coffee Connection held once a month at the Chamber of Commerce. Board Administrator Lynn Rauner will make a rotation calendar designating one Board member for each monthly meeting.

Sheriff Neil Miller was present to discuss and finalize plans for the Ribbon Cutting and the public tours for the Buffalo County Jail and the Emergency Operations Center. The Ribbon Cutting Ceremony will be on February 17, 2010 at 10:30 A.M. Public tours will be conducted the following two weeks at various times. Sheriff Miller also presented a timeline of the various training events before transition into the new facility.

Moved by Loewenstein and seconded by Klein to authorize Sheriff Miller to purchase a 2010 Dodge Charger equipped with the police vehicle package under the state contract. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to ratify an emergency decision made by Dannehl and Pierce to authorize the one time increase of the NACO purchase card limit. The current policy limits the card transaction amount to \$1000.00 and an airline ticket to transport a Court witness exceeded that dollar amount. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Dannehl and seconded by Loewenstein to amend the NACO purchase card policy to allow two Board members to authorize charges that need to exceed the limit of \$1000.00 subject to ratification at the next Board meeting. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Chairman Pierce opened the public hearing for the 2010 One and Six Year Road and Bridge Plan at 10:14 A.M. Highway Superintendent Ron Sklenar was present. No one from the public was present to address the Board and the public hearing was closed at 10:16 A.M. Moved by McMullen and seconded by Klein to approve the 2010 One and Six Year Road and Bridge Plan as presented. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Chairman Pierce turned the following Agenda items over to the Road Committee Chairman McMullen. Committee Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted gravel bids. Gravel bids were submitted from the following companies: Mid Nebraska Aggregate Inc., T & F Sand & Gravel Inc., Broadfoot Sand and Gravel Co. Inc. and Ed Broadfoot & Sons Sand & Gravel Inc. The Road Committee and Highway Superintendent will review the bids and come back with a recommendation at the next meeting.

Moved by McMullen and seconded by Klein to set the date of Tuesday, March 9, 2010 to accept bids on C10 (871)56th Street Project; C10 (900) Imperial Road Project and C10 (587) and C10 (588) Shelton North reinforced concrete box culvert projects. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

The interlocal agreement with Hall County was not available for this meeting.

Moved by McMullen and seconded by Klein to authorize Highway Superintendent Sklenar to sign on behalf of Buffalo County to amend the U.S. Army Corp of Engineers permit for Project C10(390). The permit will be recorded in the Register of Deeds and a copy is also on file with the County Clerk. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by McMullen to direct the County Attorney's office to draft a demand letter asking that a berm be removed to no less than 40 foot wide in the area of 39th Street and Gibbon Road, Buffalo County. Upon roll call vote, the

following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Klein to recess the regular meeting of the Board of Supervisors at 11:11 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. Chairman Pierce opened the public hearing to confess judgment for Monsanto Tax Equalization & Review Committee (TERC) appeal. Deputy County Attorney Andrew Hoffmeister, County Assessor Joe Woodward and County Commercial Appraiser Scott Anderson were present to review the appeal. No one else was present and Chairman Pierce closed the hearing at 11:24 A.M.

Moved by Dannehl and seconded by Loewenstein that Buffalo County Board of Equalization that Buffalo County, Confess Judgment in Tax Equalization & Review Commission Case 09C-154 in values as further discussed in this motion for property generally known as "DeKalb Plant". The DeKalb Plant for purposes of this confession is to be taxed in two parcels, one real estate and one personal property. For tax parcel #62036000 comprised of real estate, that parcel shall have a valuation of \$11,236,310. For tax parcel #31880141 comprised of personal property, that parcel shall have a valuation of \$22,774,842. Both the real and personal property valuations are the subject of the appeal for 2009 values. After review by the Buffalo County Assessor's Office the values offered in this confession are determined to be fair and reasonable. Therefore, by the authority granted in this Motion, the Buffalo County Attorney's Office is authorized and directed to confess judgment on behalf of the Board for tax year 2009 for the taxable values as set forth in this Motion. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve tax list corrections 3643 and 3651 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

County Treasurer Jean Sidwell was present for the following Board of Equalization Agenda item.

Moved by McMullen and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Mid Nebraska Individual Services on a 2010 Ford Van. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Loewenstein, Morrow and Pierce. Abstain: Klein. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to return to the regular meeting at 11:30 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

ZONING

Chairman Pierce opened the public hearing for administrative subdivision filed by Mitchell Humphrey for Emmitt E. and Ann L. Bosshamer for property described as part of NE ¼ of the SE ¼ of Section 8, Township 11 North, Range 18 West of the 6th P.M., Buffalo County Nebraska. Mitchell Humphrey was present for both hearings. Deputy County Hoffmeister reviewed the application. No one else was present and the hearing was closed at 11:32 A.M. Moved by Klein and seconded by McMullen to approve the following Resolution 2010-07. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2010-07

WHEREAS, Emmitt E. Bosshamer and Ann L. Bosshamer, hereinafter referred to as "applicants" have filed for an administrative Subdivision to be known as "Bosshamer Administrative Subdivision", with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on February 9, 2010 this Board conducted a public hearing and finds:

1. The proposed Bosshamer Administrative Subdivision is located in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
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. U.S. Highway #183, 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.
5. 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 "Bosshamer Administrative Subdivision", an administrative subdivision being in part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Eight (8), Township Eleven (11), Range Eighteen (18) 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 public hearing for administrative subdivision filed by Mitchell Humphrey on behalf of Josiah H. Woodward for property described as part of SE ¼ of the SW ¼ of the SE ¼ of Section 7, Township 9 North, Range 16 West of the 6th P.M., Buffalo County Nebraska. Mitchell Humphrey was present for both hearings. Deputy County Hoffmeister reviewed the application. No one else was present and the hearing was closed at 11:38 A.M. Moved by McMullen and seconded by Dannehl to approve the following Resolution 2010-08. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Motion declared carried.

. RESOLUTION 2010-08

WHEREAS, Josiah H. Woodward, hereinafter referred to as "applicant" filed for an administrative Subdivision to be known as "Hannah Estates Administrative Subdivision", with the Buffalo County Clerk and/or Zoning Administrator, with the original filing and public notice by typographical error referring to the subdivision as "Hanna Estates Administrative Subdivision", and

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

WHEREAS, on February 9, 2010 this Board conducted a public hearing and finds:

1. The proposed Hannah Estates Administrative Subdivision is located in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
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. 85th Road, a Buffalo County section line open public road abuts the proposed subdivision. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution. 69th Avenue, formerly known as 76th Avenue, a dedicated street that also abuts this subdivision is not a section line public road and it has minimum width standards as required under the 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.
5. 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 "Hannah Estates Administrative Subdivision", an administrative subdivision being in part of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE1/4SW1/4SE1/4) of Section Seven (7), Township Nine (9), 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 asked if there was anything else to come before the Board at 11:39 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, February 23, 2010 at 9:00 A.M.