

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, March 9, 2010 at 9:00 A.M. and 10:15 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, William McMullen, Sherry Morrow and Richard Pierce. Absent: Timothy Loewenstein. 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. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum. Buss and Casey Biehl were present to address the Board. Biehl asked about his subdivision roads and why there hasn't been any progress with the maintenance of those roads. Biehl noted that at one time Highway Superintendent Ron Sklenar stated that the roads in question would be grandfathered in even though the Subdivision Rules and Regulations were adopted. Supervisor McMullen noted that Highway Superintendent Sklenar would be at the meeting at 10:00 A.M. and asked if the Biehl's could meet at that time with the Board and Sklenar. Discussion resumed later in this meeting.

**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 February 23, 2009 minutes
2. Accept reports
  - Buffalo County Treasurer February 2010 Fund Balance Report
  - Buffalo County Clerk of District Court February 2010 Report

**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 before action was taken. Barritt noted that Change Request #93 was required by the elevator inspector, Change Request #94 is voided and Change Request #95 adds a door position switch to the roof hatch in the garage. Moved by Morrow and seconded by Greder to approve Phase 1B Change Request #93 in the amount of \$1,534.00 and Change Request #95 in the amount of \$937.00. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, McMullen and Pierce. Absent: Loewenstein. Motion declared carried.

**REGULAR AGENDA**

Chairman Pierce reviewed the following correspondence with the Board. Larry Goldberg sent a thank you note for allowing Goldberg, Sullivan & McCreery to be part of the Jail Ribbon Cutting Ceremony. Thomas Johnson sent a letter addressing flood waters at the Shelton road and I-80. NACO Legislative Report was received. Sequoia Consulting Group sent information about the indirect cost allocation plans in Nebraska. City of Kearney invited the Board members to a tour/luncheon of the new Peterson Senior Activity Center. Nate Dobbs Election Specialist from the Secretary of State's office sent notification of the cost of services for election reporting. United States Census Bureau sent information about the Census 2010. Dan Evans, Field Representative of the Nebraska Jail Standards Division sent approval to move the prisoners into the new facility. NIRMA sent a statement request for the new jail to be added to the previous billing. NACO sent a spreadsheet of the Nebraska County elected officials salaries for the years 2011 and 2012. Bobby Payne sent notice of the joint Buffalo County/City of Kearney spring vehicle auction. An article from the Nebraska Farmer was submitted to the Board showing the percent of ag land of total property assessed values. Central Platte Natural Resources District newsletter and the Nebraska Forest Service Annual Report were received. Chairman Pierce called on each Board member present for the various committee reports and recommendations.

Moved by Morrow and seconded by McMullen to approve an early claim for Northwestern Energy in the amount of \$7,859.72 to be paid out of the General Fund. The February claims that were submitted for payment did not include all of the Buffalo County

invoices. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Greder, Klein and Pierce. Absent: Loewenstein. Motion declared carried.

Moved by Morrow and seconded by Greder to approve the pledged collateral in the amount of \$750,000.00 for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, McMullen and Pierce. Absent: Loewenstein. Motion declared carried.

Chairman Pierce turned the meeting over to Vice Chairman Dannehl and excused himself from the next Agenda item. Supervisor McMullen noted that Chairman Pierce excused himself from all discussion because his daughter in law Andrea Pierce was one of the nominees submitted to replace Robert Jacobs on the Veteran's Service Committee. All nomination letters were sent out in the Board packet prior to the meeting and those nominations were Andrea Pierce, Virgil Kenney, Larry Meyer, Allen Richards and Jody Moeller. Supervisor McMullen nominated Andrea Pierce to fill the vacancy on the Veteran's Service Committee for the remainder of Robert Jacobs term. Vice Chairman Dannehl called for other nominations and there were no other nominations. Supervisor McMullen moved that nominations cease and Supervisor Morrow seconded that motion. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried. Moved by McMullen and seconded by Morrow to appoint Andrea Pierce to complete the unexpired term of Robert Jacobs on the Veteran's Service Committee. Supervisor Greder expressed his concerns of the potential conflict with Andrea Pierce's relationship to Chairman Pierce. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Klein and Dannehl. Voting "Nay": Greder. Absent: Loewenstein and Pierce. Motion declared carried.

Chairman Pierce returned to the meeting. Moved by Dannehl and seconded by McMullen to approve the following Resolution 2010-10 to formally designate Buffalo County as a Recovery Zone. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Greder, Klein, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

**RESOLUTION 2010-10  
DESIGNATION OF BUFFALO COUNTY AS A  
RECOVERY ZONE UNDER THE INTERNAL REVENUE CODE**

WHEREAS, Section 1400U-1 of the Internal Revenue Code authorizes Buffalo County to designate a Recovery Zone for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code and for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code; and

WHEREAS, the term "recovery zone" means any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress;

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Buffalo County, Nebraska designates the area within the corporate limits of Buffalo County as a Recovery Zone for purposes of Sections 1400U-1, 1400U-2 and 1400U-3 of the Internal Revenue Code.

Moved by McMullen and seconded by Greder to approve the following reimbursement Resolution 2010-11 for the Recovery Zone Bonds. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

**RESOLUTION 2010-11**

WHEREAS, Buffalo County, hereinafter, "County" has determined the need for the construction of the County's portion of 56<sup>th</sup> Street, 11<sup>th</sup> Street, and Imperial Road, which are all located in Buffalo County; and

WHEREAS, all or a portion of the expenditures relating to the project (i) have been paid within 60 days prior to the passage of this Resolution, or (ii) will be paid on or after the passage for this resolution; and

WHEREAS, in 2009, Buffalo County has declared certain or all parts of the County as distressed and the County wishes to declare its intention to authorize the issuance in one or more series pursuant to a plan of financing its tax-exempt bonds, including Recovery Zone Facility Bonds, or taxable Recovery Zone Economic Development Bonds for the purpose of defraying all or a portion of the cost of acquisition and construction of the County's share; and

WHEREAS, the County reasonably expects to reimburse itself for the expenditures with the proceeds of the obligation; and

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the County does hereby declare its intention to authorize the issuance and sale of the Bonds in one or more series, as Recovery Zone Facility Bonds or other bonds the interest on which will be excluded from gross income for federal income tax purposes or as taxable Recovery Zone Economic Development Bonds, under and in accordance with applicable State law, in such an amount as is necessary to defray all or a portion of the cost (including the reimbursement of project costs previously incurred by the County) of acquisition and construction of the above-described project, presently estimated not to exceed \$2,675,000, and upon such terms and conditions as may be mutually

agreed upon by the County and the purchaser of the Bonds, the issuance and sale of each series of such Bonds to be authorized by a subsequent resolution of the Board of Supervisors at a meeting to be held for such purpose.

Chairman Pierce turned the following Agenda items over to Road Committee Chairman McMullen. Committee Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted Asphaltic Concrete Resurfacing and Reinforced Concrete Box Culvert bids. Asphaltic Concrete Resurfacing bids were submitted from the following companies: Paulsen Inc., Blessing Inc. and Dan Roeder Concrete Inc. Clerk Giffin opened the Reinforced Concrete Boxes and the only bid submitted was a joint venture from Midlands Contracting and Wilke Contracting. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting.

Moved by McMullen and seconded by Klein to approve the following Resolution 2010-12. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

### **RESOLUTION 2010-12**

**Whereas:** Buffalo County is proposing a transportation project for which it would like to obtain Federal funds;

**Whereas:** Buffalo County understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**Whereas:** Buffalo County and Nebraska Department of Roads (NDOR) wish to enter into a Project Program Agreement setting out the various duties and funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the Board of Supervisors of Buffalo County that:

Richard Pierce, Chairperson is hereby authorized to sign the attached Project Program Agreement between Buffalo County and the NDOR for the project as required by the Project Program Agreement.

NDOR Project Number BR-NBIS (83)

NDOR Control Number 00810

Fracture Critical Bridge Inspections

Moved by Dannehl and seconded by McMullen to authorize Chairman Pierce to sign on behalf of Buffalo County the Interlocal Maintenance Agreement with Grant Township. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Greder, Klein, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

Josh Salter was present to discuss a Road Extension of 235<sup>th</sup> Road. This extension was reviewed at the One and Six Year Road and Bridge public hearing on February 9, 2010. Moved by McMullen and seconded by Dannehl to extend an additional 1000 feet going to the west on 235<sup>th</sup> Road with a caveat that fill and compaction dirt be removed from the Salter property to offset costs to the County. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Morrow and Pierce. Voting "Nay": Klein. Absent: Loewenstein. Motion declared carried.

Discussion in general resumed with Highway Superintendent Sklenar regarding the maintenance of streets in rural subdivisions since the adoption of Buffalo County Subdivision Rules and Regulations on February 17, 2009. Deputy County Andrew Hoffmeister, Buss and Casey Biehl were present. Since this was not an Agenda item, no action was taken.

Moved by McMullen and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:48 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. County Assessor Joe Woodward was present. Moved by Greder and seconded by Morrow to approve tax list corrections 3652 through 3655 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Dannehl, Klein, McMullen and Pierce. Absent: Loewenstein. None voted "Nay". Motion declared carried.

Chairman Pierce then opened the following public hearings for Exemption Applications. Each hearing was opened and closed with only those requesting the exemption present to address the Board. Julie Brooker, Trustee of First Baptist Church was present to request exemption on parcel number 603688120. Moved by Morrow and seconded by Dannehl to approve tax exemption as recommended by County Assessor Woodward. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, McMullen and Pierce. Absent: Loewenstein. Motion declared carried.

Julie Bray, Executive Director of Kearney Area Children's Museum was present to request exemption on parcel number 603907200. Moved by McMullen and seconded by Klein to approve tax exemption as recommended by County Assessor Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

Dean Shultz, Pastor and Mike Montgomery Chairman of Open Door Fellowship were present to request exemption on parcel number 640115000. Moved by Greder and seconded by Klein to approve tax exemption as recommended by County Assessor Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, McMullen, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

The hearing was opened for the Nebraska Firefighters Foundation on parcel number 608002025. No one was present. Moved by Morrow and seconded by Greder to approve tax exemption as recommended by County Assessor Woodward. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Klein, Dannehl, McMullen and Pierce. Absent: Loewenstein. Motion declared carried.

Moved by Klein and seconded by Dannehl to return to the regular meeting at 10:58 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

### **REGULAR AGENDA**

Chairman Pierce opened the public hearing at 10:59 A.M. to amend the 2009-2010 fiscal year budget. The Buffalo County Emergency Service Fund will be receiving grant funds and it is necessary to amend the budget to reflect the same. No one was present to address the Board and the hearing was closed. (Supervisor Klein excused himself from the meeting and returned before the Zoning public hearings.) Moved by Morrow and seconded by Greder to amend the 911 Emergency Service Fund budget. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, McMullen and Pierce. Absent: Klein and Loewenstein. Motion declared carried.

### **ZONING**

Chairman Pierce opened the public hearing for approval of O'Brien Cabin Administrative Subdivision at 11:02 A.M. Zoning Administrator LeAnn Klein and Mitch Humphrey, on behalf of applicants Michael J. and Patrese J. O'Brien, were present. No one else was present to address the Board and Chairman Pierce closed the public hearing. Moved by Greder and seconded by Klein to approve the following Resolution 2010-12. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, McMullen, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

### **RESOLUTION 2010-13**

WHEREAS, Mitchell W. Humphrey, Registered Surveyor on behalf of Michael J. O'Brien and Patrese J. O'Brien, husband and wife, hereinafter referred to as "applicants" have filed for an administrative Subdivision to be known as "O'Brien Cabin 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 March 9, 2010 this Board conducted a public hearing and finds:

1. The proposed administrative subdivision is located in the AG Zoning District of Buffalo County, Nebraska Zoning Map.
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. A road, dedicated as a private road, abuts the proposed subdivision and provides access to this subdivision. The width of that road as a private road complies with the minimum width standards required by the Buffalo County Subdivision Resolution.
3. 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.
4. 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 "O'Brien Cabin Administrative Subdivision", an administrative subdivision being in part of Government Lot Ten (10) and accretions located in Section Three (3), Township Eight (8) North, Range Fourteen (14) West of the Sixth 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 11:10 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, March 23, 2010 at 9:00 A.M.