

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 11, 2010  
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 11, 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. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and Leann Hervert, 47340 Grand Island Road, Ravenna, NE was present to address the Board with concerns of water drainage on her property. Hervert stated that the location of the property is in Section 13, Schneider Township and that NRD had referred her to this Board. The Road Committee will review the statues and the situation Hervert presented.

**JUSTICE CENTER PROJECT**

Buster Beckenhauer from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project. Chairman Pierce instructed County Clerk Giffin to open the Phase 2 Justice Center Project bids that were received by the 2:00 P.M. deadline on Monday, May 10, 2010. Deputy Clerk Leora Hofmann assisted with the opening and reading aloud of the following bids for the Phase 2 Expansion: Blessing Construction, Myers Construction, The Dirt Works, Heartland Pest Control, Romar Pest Control, American Fence Co., Drake Williams Steel, Stephens & Smith Construction Co., Dandee Concrete Co., GD Construction, M & D Masonry, Masonry Unlimited, Midwest Masonry, Arrowhead Steel Fabricators, Katelman Steel Fabrication, Central Nebraska Steel, Consteel Erectors, Davis Erection, Moen Steel Erection, Custom Woodworks, Designer Woods, Mark's Custom Woodworking, Cabinets Plus, Architectural Arts, Mark Sass & Associates, Total Interiors, Hardwood Assoc., Beckenhauer Construction, Dobberstein Roofing, Duff Roofing, Ziemba Roofing, Architectural Roofing & Sheetmetal, Fisher Building Services, Johnson Hardware, Metal Door & Hardware, Midwest Door & Hardware, Kearney Glass, Essink Brothers Drywall, Midwest Partitions, Amax Contracting, Don Wasson Co., Floors Inc., Kucera Painting, Tri City Sign Co., ASI, Covenant Church Furniture, American Pew & Bench, Sauder Manufacturing, Continental Fire Sprinkler Corp., Bamford, Anderson Brothers Electric, Plumbing & Heating, Dave Waggoner Plumbing & Heating, Jerry's Sheetmetal Heating & Cooling, Snell Services, Cornerstone Electric, Middleton Electric, Kelly Electric, and Wilmar Electric. Clerk Giffin stated that four bids were received after 2:00 p.m. on Monday, May 10, 2010. Chairman Pierce noted that those bids would not be opened. Chairman Pierce thanked the vendors present and noted that the demolition bid would be decided later in this meeting. All other bids will come back to the next Board meeting after review by the Construction Manager.

Moved by Morrow and seconded by Dannehl to approve Phase 1B Change Order Request numbers 103, 104, 105, 106 and 107 after review and discussion. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Klein to set a bid date of May 24, 2010 at 2:00 p.m. for additional Detention Equipment and Electronic Security Systems. Sealed bids will be submitted to the County Clerk and publicly opened the following day, May 25, 2010 at the Board meeting. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by McMullen to authorize the Oversight Committee to determine the award of the asbestos removal in the former Detention Center after informal bids were received to keep the project on schedule. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Dannehl to allow the Oversight Committee to determine the low demolition bid of the former Detention Center. After discussion, the motion was withdrawn and the award of Bid package 2C will be later in this meeting after Buster Beckenhauer has a chance to review all bids.

Chairman Pierce moved down the Agenda to the Highway Department bid openings. Road Committee Chairman McMullen instructed the County Clerk to open the bids on Project C10 (593) Riverdale Rehabilitation and C10 (598) Kea West precast concrete deck slabs. Bids were submitted by Oden Enterprises and Husker Steel. Wilke Contracting submitted bids for the Bridge Rehabilitation Project C10 (584) Shelton North and Project C10 (593) Riverdale Project.

Chairman Pierce opened the public hearing for road vacation of a portion of Strong Avenue in Odessa at 10:10 A.M. Deputy County Attorney Andrew Hoffmeister was present and reviewed the Resolution presented by the County Attorney's office. Bev Refior, President of Odessa Community Church addressed the Board. The public hearing was closed at 10:17 A.M.

Moved by McMullen and seconded by Klein to approve the following Resolution 2010-27 as submitted by the County Attorney's office. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

### **RESOLUTION 2010 -27**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of Strong Avenue, a street in the unincorporated Village of Odessa, Buffalo County, Nebraska, from the East line of the vacated West 17.0 feet of Main Street, a street laid out in said village, to the West line of Lots 186 and 187 in the Village of Odessa, excepting the north 17 feet abutting Lot 186 and the south 17 feet abutting Lot 187, Village of Odessa that was previously vacated in County Board Resolution filed on Roll 88, Page 3601 in records of Buffalo County Register of Deeds together with all of alley abutting Lots 186 and 187.

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study and has recommended that said road be vacated; and

WHEREAS, offer was made by Buffalo County to relinquish this road to Odessa Township and this Township, due to expiration of lawful time to respond, has declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, by prior Resolution, this Board established April 27, 2010, at 10:00 o'clock, a.m. as the date and time for public hearing for this Board to consider whether this portion of Strong Avenue should be abandoned or vacated with notice as provided by law, and

WHEREAS, publication of Notice for the public hearing to consider the proposed vacation or abandonment has occurred with publication for three consecutive weeks and notice of the public hearing also given no less than two weeks in advance of the hearing to owners of land adjoining the road to be vacated or abandoned by register or certified mail, and

WHEREAS, on April 27, 2010, this Board conducted a public hearing to consider it should vacate or abandon of this portion of Strong Avenue. No one present objected to its vacation or abandonment.

WHEREAS, at conclusion of the public hearing held April 27, 2010 the Board set May 11, 2010, at 10:00 o'clock a.m., the first public hearing following the public hearing, as date and time for decision by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of this portion of Strong Avenue as in the judgment of this board and the public good may require, and

WHEREAS, the Buffalo County Board of Supervisors finds that:

1. The County Road Superintendant has recommended vacation or abandonment of this portion of Strong Avenue.
2. The Odessa Township Board when offered this portion of Strong Avenue refused to accept this road.
3. The portion of Strong Avenue proposed to be abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
4. All necessary public publications and notices to adjoining landowners have been given.
5. The portion of Strong Avenue is not a road that is used for access to isolated land. Its' west boundary abuts land once platted that was vacated in 1899 by Board action recorded in Book 65, Page 608.
6. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued occupation of any public utilities that now occupy the public right-of-way.
7. No public purpose would be served to keep this portion of Strong Avenue open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the above described public road shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska and that it shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

Chairman Pierce opened the public hearing to set the hearing date for vacation or abandonment of alley abutting Lots 174 through Lots 186, Odessa, NE. After review of the draft and closing of the hearing, it was moved by Loewenstein and seconded by Dannehl to approve the following Resolution 2010-28 which will set the hearing date of June 8, 2010 at 10:00 A.M. Upon roll call vote,

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

### **RESOLUTION 2010-28**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of the alley abutting the west lot lines of Lots 174 through 186, inclusive, including, as to Lot 186, the north Seventeen (17) feet of vacated Strong Avenue abutting 186 that was vacated by prior County Board Resolution filed on Roll 88, Page 3601 in records of Buffalo County Register of Deeds, in the unincorporated Village of Odessa, Buffalo County, Nebraska.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down June 8, 2010, at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

### **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 April 27, 2010 minutes
2. Accept reports
  - Clerk of District Court Report for March 2010
  - County Treasurer Fund Balance Report for April 2010

### **REGULAR AGENDA**

Terry Krohn, Director of Two Rivers Public Health Department, was present for discussion and updated reports. Copies of the report are on file with the County Clerk.

Moved by Morrow and seconded by Dannehl to recess the regular meeting of the Board of Supervisors at 10:43 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, Deputy County Assessor Joe Barber and County Treasurer Jean Sidwell were present. Chairman Pierce opened the public hearing for First Baptist Church tax exemption application. Julie Brooker, Trustee of the First Baptist Church was present. The hearing was closed at 10:46 A.M. Moved by Loewenstein and seconded by McMullen to approve the tax exempt status on the property recently purchased by First Baptist Church. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Dannehl to approve tax list corrections 3665 through 3672 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Discussion followed on the 2010 Plan of Assessment for Buffalo County that had been distributed prior to this meeting. Deputy County Assessor Joe Barber explained the process of reviewing all Buffalo County properties in a six year cycle. No action was taken.

Moved by Klein and seconded by Loewenstein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Evangelical Lutheran Good Samaritan Society on a 1998 Ford Cutaway van. Upon roll call vote, the following Board members voted "Aye": Klein, Loewenstein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid Nebraska on three 2009 Chevy Colorado's, 2009 Chevy HHR, four 2010 Ford cutaway's and two 2010 Hyundai's. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Morrow. Abstain: Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to return to the regular meeting at 11:07 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

### **REGULAR AGENDA**

Kent Thompson, NACO Account Executive and Tara Stevenson, Regional Service Representative were present for discussion on employee Health insurance contract with Blue Cross Blue Shield of Nebraska through NACO. Bob Charlesworth, insurance consultant was present via telephone. No action was taken at this time.

### **JUSTICE CENTER PROJECT**

Buster Beckenhauer returned to the Board meeting and stated that Stephens and Smith submitted three bids and the County Clerk inadvertently omitted two of the bids that were included in the sealed envelope. County Clerk read the bids that were missed into the record at this time. Beckenhauer also noted that bids were not received for some of the packages. County Attorney Eatherton advised that informal bids could be received for those packages.

Moved by Dannehl and seconded by Klein to award Bid Package 2C to Dirt Works for demolition of the former Detention Center. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Greder, Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce returned to the General County Business and current correspondence portion of the Agenda. Continuum Worldwide sent information on archival scanning. Newsletters received were the US Bank Today, Government Matters and NPAIT Investment News. Great Plains ADA Center sent notification of assisting NIRMA members with developing disability and support programs. City of Kearney sent notice of the Tax Increment Financing Projects that are completed. Nebraska Department of Roads asked for participation in a survey to develop a Long Range Transportation Plan. Clay County Board of Supervisors sent report of the Nebraska Environment Trust public meeting regarding the allocation of public lottery funds to grant applicants. Clifford Thibodeau sent questions on the Village of Shelton water restrictions. Chairman Pierce then called on each Board member for Committee Reports

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral in the amount of \$150,000.00 for the Buffalo County Treasurer at Firstier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral in the amount of \$712,536.98 for the Buffalo County Treasurer at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral in the amount of \$1,944,885.94 for the Buffalo County Treasurer at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder approve the addition of pledged collateral in the amount of \$1,912,959.40 for the Buffalo County Treasurer at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Supervisor Morrow excused herself at 12:27 A.M.

Moved by Loewenstein and seconded by McMullen to change the previously approved Recovery Zone Bonds maturity schedule to a 13 year bond retirement rather than a 20 year bond retirement schedule. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 12:29 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, May 25, 2010 at 9:00 A.M.