

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 8, 2010
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, June 8, 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, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Absent: Kent Greder. 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 no one was present to address the Board. (Supervisor Greder arrived at 9:05 A.M.)

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 minutes for May 25, 2010
 2. Accept reports:
 - Clerk of District Court April and May 2010 Reports
 - County Treasurer May 2010 Fund Balance Report
 3. Miscellaneous County business
 - Approve Early Claim
- County Clerk Janice Giffin submitted the following claim for approval.

GENERAL FUND

JACK'S UNIFORMS & EQUIPMENT 1,242.00

JUSTICE CENTER PROJECT

Buster Beckenhauer from Beckenhauer Construction was present for updated reports on the Justice Center Project. No formal action was taken at this time.

REGULAR AGENDA

Chairman Pierce reviewed the following current correspondence with the Board. Thank you note from the Mildred Kincaid family was received. The NIRMA annual billing was reviewed and forwarded to the Board Administrator. Nebraska Green Jobs Survey was received from the Nebraska Department of Labor. Hartford Insight Newsletter and Nebraska Department of Environmental Quality Disposal Fee Rebate program were received. NACO sent communication about the free use of Online Procurement and Auction Systems. An invitation to the retirement party for Dave Huryta was received. Federal Emergency Management Agency sent notice of the final flood elevation for the unincorporated areas of Buffalo County. Nebraska Department of Road sent correspondence on the Bridge Inspection Program. Chairman Pierce then called on each Board member present for the various updated committee reports.

Discussion followed on the County Employee meal reimbursement rates. The Board will continue to review state and federal rates and a final decision on new rates will be made at the next Board meeting.

Thereafter information regarding the need to create Buffalo County Buffalo Recovery Zone Economic Development Bond Fund #3800 for bond tax levy receipt fund was discussed. Thereafter Greder moved and McMullen seconded that the fund be created under authority of the following resolution. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2010-32

WHEREAS, Buffalo County on May 25, 2010, by prior board resolution decided to incur the public debt in the amount of \$2,015,000.00 to pay for infrastructure capital construction and to levy the taxes to pay for this public debt under provisions of Nebraska law and the American Recovery and Reinvestment Act of 2009, and

WHEREAS, it is necessary and proper that Buffalo County create a budgetary fund for the accounting of the receipt of the taxes to be levied to pay for the bonds sold for the public debt incurred, and

WHEREAS, after consultation with Buffalo County Treasurer, the use of a tax receipt fund designated as "Recovery Zone Economic Development Bond Fund" #3800 should be created for consistent accounting practices now in use by the County.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT Buffalo County creates a debt service fund known as "Recovery Zone Economic Development Bond Fund" numbered #3800 on Buffalo County's Accounting and Budgeting System.

The information regarding the need to create Buffalo County (Recovery) Bond Fund for receipt and accounting of rebate interest payments as allowed under the 2009 Recovery Act with Numerical Fund Code #2650. Thereafter Morrow moved and Loewenstein seconded that the fund be created under authority of the following resolution. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

RESOLUTION 2010-33

WHEREAS, Buffalo County has by prior board resolution decided to incur public debt under the provisions of Nebraska law and the 2009 American Recovery and Reinvestment Act of 2009 in the amount of \$2,015,000.00 to pay for infrastructure capital construction, and to levy the taxes to pay for such public debt, and

WHEREAS, under the provisions of the 2009 American Recovery and Reinvestment Act of 2009, the federal government will reimburse Buffalo County forty-five (45) percent of this county's interest expense that will incurred for this public debt, and

WHEREAS, it is necessary and proper that Buffalo County create a budgetary fund for the accounting of the receipt of the interest to be rebated to Buffalo County for the public debt incurred, and

WHEREAS, the Nebraska Public Auditor has suggested that the appropriate name and number code for the fund be "Buffalo County Recovery Zone Economic Development Rebate Fund" and that for accounting purposes it be numbered #2650 on Buffalo County's Accounting and Budgeting System as a capital project fund.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT Buffalo County creates a Capital Project Fund entitled "Buffalo County Buffalo County Recovery Zone Economic Development Rebate Fund", numbered #2650 on Buffalo County's Accounting and Budgeting System. The purpose of such fund shall be to receive interest rebate funds from the United State government under the provisions of the American Recovery and Reinvestment Act of 2009 for bonds authorized by this Board on or about May 25, 2010, for infrastructure improvements on West 11th Street, East 56th Street, and Thunder (Imperial) Road.

The information regarding the need to create Buffalo County American Recovery and Reinvestment Act of 2009, receipt fund for bonds was discussed. Thereafter McMullen moved and Dannehl seconded that the fund be created under authority of the following resolution. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2010-34

WHEREAS, Buffalo County has by prior board resolution decided to incur public debt under the provisions of Nebraska law and the American Recovery and Reinvestment Act of 2009, in the amount of \$2,015,000.00 to pay for infrastructure capital construction, and to levy the taxes to pay for such public debt, and

WHEREAS, it is necessary and proper that Buffalo County create a budgetary fund for the accounting of the receipt of the proceeds of bonds sold for the public debt incurred, and

WHEREAS, the Nebraska Public Auditor has suggested that the appropriate name and number code for the fund be "Recovery Zone Economic Development Project Fund" and that for accounting purposes it be numbered #2501 on Buffalo County's Accounting and Budgeting System as a capital project fund.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT Buffalo County creates a Capital Project Fund entitled "Recovery Zone Economic Development Project Fund", numbered #2501 on Buffalo County's Accounting and Budgeting System. The amount of such fund shall be \$2,015,000.00. The purpose of such fund shall be to receive proceeds of bond sales authorized by this Board on or about May 25, 2010, for infrastructure improvements on West 11th Street, East 56th Street, and Thunder (Imperial) Road.

Moved by McMullen and seconded by Dannehl to move into Executive Session at 9:30 A.M. to discuss pending litigation. In addition to Board members responding to roll call, County Attorney Eatheron and Deputy County Attorney Andrew Hoffmeister were present. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Loewenstein to return to the open meeting at 9:45 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Morrow to approve the following Resolution 2010-35. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Dannehl, Greder, Klein, Loewenstein and Pierce. Motion declared carried.

RESOLUTION 2010-35

WHEREAS the Village of Riverdale and Buffalo County, Nebraska desire to improve Riverdale Road as it laid out and runs through the Village of Riverdale, and

WHEREAS, at County Board of Supervisors meeting of May 25, 2010, the Board orally committed to financially share in this road improvement with Riverdale immediately thereafter causing the improvements to be performed on Riverdale Road as it passes through the Village of Riverdale, and

WHEREAS, Riverdale Road is a county road that runs north to south for the entire length of Buffalo County. Immediately south and north where it enters the Village of Riverdale, Riverdale Road it is classified as a minor collector road. State Highway #40 at point of intersection with Riverdale Road is classified as a major arterial road. Improvement to this road as it passes through the Village of Riverdale is a vitally important segment of that road that if left unimproved will directly impact through traffic, and

WHEREAS, the cost sharing of the improvement costs between Riverdale and Buffalo County appear to be fair and reasonable.

NOW THEREFORE, be it resolved that Buffalo County accepts and enters into an Interlocal Agreement between itself and the Village of Riverdale all as set forth in the minutes of this meeting and this Board authorizes its Chairperson to sign such agreement on behalf of Buffalo County and to do all necessary to carry out the provisions of such Interlocal agreement.

FURTHER RESOLVED, that language of such Interlocal Agreement with signature lines blank shall be set forth in the minutes of this meeting.

INTERLOCAL AGREEMENT FOR JOINT ROAD/STREET CONSTRUCTION AND/OR MAINTENANCE

THIS AGREEMENT entered into this _____ day of _____, 2010 by and between the County of Buffalo and Village of Riverdale.

IT IS AGREED that Werner Construction will furnish the following items for the completion of Street Overlay and/or maintenance repair of Road No. 50-F, Street No. First in Riverdale and that all items used will conform to safe construction or maintenance standards and/or practices as listed in AASHTO, Board of Public Roads Classifications and Standards and State of Nebraska, Department of Roads 1997 Standard Specifications for Highway Construction:

(Bid document attached)

IT IS AGREED that Werner Construction will furnish the following items (per bid document attached) for the completion of Street Overlay and/or maintenance repair of Road No. 50-F, Street No. First in Riverdale and that all items used will conform to safe construction or maintenance standards and/or practices as listed in AASHTO, Board of Public Roads Classifications and Standards and State of Nebraska Department of Roads 1997 Standard Specifications for Highway Construction:

The above named parties hereby agree to pay the total cost of construction/maintenance of Street Overlay, maintenance of Street/Road No. 50-F or First in Riverdale as described below:

See attached bit document. Total cost \$59,505.65 to be divided as follows:

| | |
|--------------------------|-------------|
| 60% Buffalo County | \$35,703.39 |
| 40% Village of Riverdale | \$23,802.26 |

AGREED UPON AND SIGNED BY:

_____, Chairman of the _____
_____, Mayor of _____

ATTEST:

Village Clerk/Clerk

_____, Chairman of the Buffalo County Board of Supervisors

_____, Highway Superintendent of Buffalo County

ATTEST:

Clerk of Buffalo County

Moved by Greder and seconded by McMullen to refer the Deed of Conservation Easement between Central Platte Natural Resources District and Gary Mike Hubbard and Marian Hubbard to the Buffalo County Planning and Zoning Commission. The Planning and Zoning Commission will review this June 17, 2010 and return their recommendation to this Board on the June 22, 2010 regular Board meeting. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Dannehl to refer the Deed of Conservation Easement between Central Platte Natural Resources District and Gary Mike Hubbard and Shawn Pedro Hubbard aka Shawn Hubbard, Trustees of the Avis L. Moles Testamentary Trust and the Harold M Moles Testamentary Trust to the Buffalo County Planning and Zoning Commission. (Supervisor Loewenstein excused himself at 9:52 A.M.) The Planning and Zoning Commission will review this June 17, 2010 and return their recommendation to this Board on the June 22, 2010 regular Board meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Absent: Loewenstein. Motion declared carried.

Supervisor Loewenstein returned to the meeting.

Moved by Morrow and seconded by Greder to recess the regular meeting of the Board of Supervisors at 9:53 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 and Deputy County Treasurer Brenda Rohrich were present.

Moved by Greder and seconded by Loewenstein to approve tax list corrections 3673 through 3677 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Morrow to extend the Homestead Exemption filing date to July 20, 2010 as recommended by Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Epona Horse Rescue on a 2000 Chevrolet pickup, 2009 Ford pickup and a 2009 Titan Stock trailer. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Catholic High School of Kearney on two 1997 Chevrolet Suburbans, 1998 Chevrolet Suburban and a 1999 Chevrolet Suburban. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for New Life Assembly on a 1997 Ford van, 2000 Ford van, 2003 Chevrolet van and a 2006 enclosed trailer. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Motion declared carried.

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

Moved by Loewenstein and seconded by Morrow to return to the regular meeting at 10:02 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 for vacation or abandonment of Odessa Alley abutting the west lot lines of Lots 174-186 at 10:04 A.M. Deputy County Attorney Andrew Hoffmeister reviewed the petition with the Board. Deb Marlatt, petitioner for the

vacation or abandonment was present to address the Board. No one else was present to speak for or against the vacation and Chairman Pierce closed the public hearing at 10:08 A.M. Decision will be made at the next Board meeting on June 22, 2010.

Nebraska Department of Agriculture Inspector Brent Meyer and Weed Superintendent Dick Kincaid were present for updated reports. A copy of the report that was reviewed is now on file with the County Clerk.

ZONING

Chairman Pierce opened the public hearing for zoning map amendment for M3 Properties, L.L.C. Zoning Administrator LeAnn Klein and Deputy County Attorney Andrew Hoffmeister were present. This zoning map amendment is a request for change from Agricultural-Residential to Agricultural on a tract of land being part of the Government Lots 5, 6 & 8 in Section 31, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska. Craig Bennett from Miller & Associates and Mike Rost, Peavey Plant Manager were present to address the Board with this request. If this zoning map amendment request is granted, a bulk storage facility would be placed on this tract of land near Highway 40. Gwen Stengel, Planning and Zoning Commission member attended this meeting to ask additional questions. Anita Loveless, an adjoining property owner, voiced her concerns of traffic access to the property. Chairman Pierce closed the public hearing at 12:05 P.M. and the Board decided to wait on decision until the next Board meeting, June 22, 2010.

Moved by Dannehl and seconded by Morrow to move into Executive Session at 12:10 P.M. to discuss personnel. In addition to Board members responding to roll call, Deputy County Attorney Andrew Hoffmeister was present. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Greder and seconded by Dannehl to return to the open meeting at 12:28 P.M. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 12:30 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, June 22, 2010 at 9:00 A.M.