

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, OCTOBER 12, 2010  
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, October 12, 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, and 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.

**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 September 28, 2010 Minutes
2. Accept reports
  - Buffalo County Treasurer September 2010 Fund Balance Report
  - Clerk of District Court September 2010 Report
  - Veteran's Service September 2010 Reports
3. Approve Early Claim submitted by County Clerk

<b>ROAD FUND</b>			
STATE OF NEBRASKA	E	FUEL TAX	2,481.00

**JUSTICE CENTER PROJECT**

Buster Beckenhauer and Bill Barrett from Beckenhauer Construction were present for updated reports on the Justice Center Project. All change order requests were reviewed by Barrett before the following Board action. Moved by Dannehl and seconded by Morrow to approve Phase 2 Change Request 16 in the amount of \$14,673.00, Change Request 17 in the amount of \$1,613.00, and Change Request 18 in the amount of \$424.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

No one was present for the Platte River Recovery discussion.

**REGULAR AGENDA**

Chairman Pierce reviewed the following correspondence with the Board. Bruce Sackett with Headwaters Corporation sent a letter of regret that he could not attend the October 12, 2010 meeting and would be at the November 9, 2010 meeting to present information about the Headwaters Corporation and the work they do for the Platte River Recovery Implementation Program. The October Newsletter from Community Partners was received. NIRMA sent the quarterly loss reports for the quarter ending September 30, 2010. Deann Haeffner, Assistant Deputy Auditor for the State of Nebraska sent letters that they have not received the 2010-2011 adopted budgets from Logan Township, Elm Creek Township, and Collins Township. State of Nebraska Department of Roads sent a copy of the official notice regarding an upcoming Notice of Highway Public Involvement on 10-2 (114) Kearney East By-Pass; CN 42103. Received letter regarding preparation of indirect cost allocation plans in Nebraska from Wesley J. Ehlers, Manager of Sequoia Consulting Group. Received the completed Countywide Cost Allocation Plan for the fiscal year ended June 30, 2009 from Donald E. Workman, Maximus Consulting Services, Inc. The Nebraska Farm Service Agency Newsletter from USDA was received. Brian Bosshamer with UNL Extension sent invitation to the annual 4-H Recognition Banquet on Sunday, November 7, 2010. Central Platte Natural Resources District sent their bi-monthly newsletter. Darren Robinson, Executive Director of the Economic Development Council of Buffalo County sent a thank you for the 2010-2011 contribution. The Nebraska Chamber of Commerce & Industry sent the 2010 legislative information. Nebraska Public Power District sent their Community Facts brochure.

Moved by Dannehl and seconded by Loewenstein to approve requests for lower tax asking from Harrison Township, Scott Township and Miller fire District 6. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Damon T Bahensky, attorney for Headwaters & Platte River Recovery Implementation Foundation, was present to withdraw the request on Deed of Conservation Easement between Dennis P. Sherrerd, Trustee, Christine J. Sherrerd, Trustee, Richard M. Clark, Trustee and Platte River Recovery Implementation Foundation to the Buffalo Planning & Zoning Commission until the next meeting on October 26, 2010.

After review of the Manager Application for the Gibbon Valley View Golf Club, Inc. with the Nebraska Liquor Control Commission, it was moved by Klein and seconded by McMullen to approve Leisa McConnell as the new manager. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Dannehl to recess the regular meeting of the Board of Supervisors at 9:30 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 Loewenstein and seconded by Morrow to approve tax list corrections 3693 through 3698 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the following Resolution 2010-61 for final levy allocations for the various political subdivisions as provided by the Buffalo County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

### RESOLUTION 2010-61

PROPERTY TAX RATES 2010-2011							
<b>COUNTY FUNDS</b>		<b>LEVY</b>					
GENERAL		0.376593					
DEBT SERVICE		0.037261					
VETERAN'S AID		0.000253					
TOTAL		0.414107					
<b>BUFFALO COUNTY AGRICULTURAL SOCIETY</b>							
<b>GENERAL</b>	0.010438	<b>SINKING</b>	0.010118				
*****							
<b>TOWNSHIP</b>	<b>GENERAL</b>			<b>TOWNSHIP</b>		<b>GENERAL</b>	
ARMADA	0.020231			LOGAN		0.025463	
BEAVER	0.008760			LOUP		0.007447	
CEDAR	0.022114			ODESSA		0.007992	
CENTER	0.004453			PLATTE		0.005824	
CHERRY CREEK	0.010222			RIVERDALE		0.002379	
COLLINS	0.000000			RUSCO		0.007987	
DIVIDE	0.014701			SARTORIA		0.010882	
ELM CREEK	0.040977			SCHNEIDER		0.010082	
GARDNER	0.041065			SCOTT		0.032317	
GARFIELD	0.005908			SHARON		0.038529	
GIBBON	0.047981			SHELTON		0.054613	
GRANT	0.020533			THORNTON		0.018055	
HARRISON	0.013552			VALLEY		0.010821	
*****							
<b>FIRE DISTRICTS</b>	<b>GENERAL</b>	<b>SINKING</b>		<b>BOND</b>			
SUBURBAN #1	0.033282	0.012248					
GIBBON #2	0.020421						
SHELTON #3	Set by Hall County						
PLEASANTON #4	0.015169			0.021697			
RAVENNA #5	0.006671			0.013652			
MILLER #6	0.025150						
ELM CREEK #7	0.019106			0.023537			
AMHERST #8	0.055319						

<b>SID #3</b>								
<b>GENERAL</b>	0.303810							
<b>CITY/VILLAGE</b>	<b>GENERAL</b>	<b>BOND</b>			<b>PARKING</b>		<b>STREET</b>	<b>CRA</b>
AMHERST	0.143798						0.262810	
ELM CREEK	0.500000							
GIBBON	0.350000	0.168030						
KEARNEY	0.125240	0.023630			0.102946			0.008929
MILLER	0.498401							
PLEASANTON	0.407305	0.134808						
RAVENNA	0.410000							
RIVERDALE	0.122816							
SHELTON	0.498369	0.419804						
					*****			
<b>SCHOOL DISTRICTS</b>								
<b>DISTRICT</b>	<b>NO.</b>	<b>GENERAL</b>	<b>BOND</b>	<b>K-12 BOND</b>	<b>9-12 BOND</b>	<b>CAPITAL</b>	<b>SP BLDG</b>	
GIBBON	2	0.950095	0.349863					
KEARNEY	7	1.040000		0.044831	0.121154		0.128765	
ELM CREEK	9	1.016700		0.124103	0.266282			
SHELTON	19	1.039999	0.081628				0.009999	
RAVENNA	69	1.011276	0.049521			0.027170	0.030188	
PLEASANTON	R105	1.165703	0.165341				0.021298	
AMHERST	119	0.962741		0.213005	0.091655		0.023147	
CENTURA	100	set by Hall County						
SEM	101	set by Dawson County						
CUSTER COUNTY	44	set by Custer County						
					*****			
<b>NATURAL RESOURCES DISTRICTS</b>								
<b>DISTRICT</b>	<b>GENERAL</b>	<b>SINKING</b>						
CENTRAL PLATTE	Set by Hall County							
LOWER LOUP	Set by Platte County							
					*****			
<b>EDUCATIONAL SERVICE UNIT NO 10</b>								
Set by Hall County								
<b>CENTRAL NEBRASKA COMMUNITY TECHNICAL COLLEGE</b>								
<b>GENERAL</b>	<b>CAPITAL IMPROVEMENTS</b>							
Set by Hall County								

Moved by Klein and seconded by Loewenstein to recess the Board of Equalization at 9:32 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried. Break in the Agenda and Supervisor McMullen excused himself from the meeting.

**REGULAR AGENDA**

Assistant Highway Superintendent John Maul was present for discussion on the following Agenda items. Moved by Klein and seconded by Dannehl to accept the following steel bids of Husker Steel for 10"x 10" x 42 lbs. bearing pile in the amount of \$31,815.00 and Guard Rail and Guard Rail Ends in the amount of \$5,640.00; Midwest Service & Sales for W6 Beams in the amount of \$7,016.00 and 12" x 40lb. Channel in the amount of \$8,868.00; Oden Enterprises for Sheet Piling including 10', 15' 20' lengths and corners in the amount of \$58,105.50. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Moved by Dannehl and seconded by Klein to accept the following joint bid of Wilke Contracting and Midlands Contracting on projects C10 (904), C01 (886), C10 (584), C10 (1403), and C10 (1404) in the amount of \$273,291.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Greder, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Moved by Greder and seconded by Dannehl to accept petition to vacate said undeveloped right-of-way located in Section 24, T-9-N, R-17-W., accept Highway Superintendent's report and offer to relinquish this right of way to Odessa township. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Moved by Greder and seconded by Loewenstein to move in to executive session at 10:45 A.M. to protect the public interest. County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Klein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Moved by Greder and seconded by Dannehl to move out of executive session at 11:10 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

### **ZONING**

Chairman Pierce opened the public hearing for administrative subdivision filed by Mitchell Humphrey on behalf of Josiah Woodward for property located in part of Government Lot 4 located in Section 18, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska, to be known as Sunset Hills Administrative Subdivision. Deputy County Attorney Melodie Bellamy, Zoning Administrator Leann Klein and Mitchell Humphrey were present. Deputy County Attorney Bellamy stated that the application was reviewed by Deputy County Attorney Hoffmeister and presented the draft resolution. No one else was present to address the Board and the hearing was closed at 11:14 A.M.

Moved by Greder and seconded by Dannehl to approve the following Resolution 2010-62 for the Sunset Hills Administrative Subdivision. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

### **RESOLUTION 2010-62**

WHEREAS, Mitchell W. Humphrey, surveyor on behalf of Josiah H. Woodward, a married man, hereinafter referred to as "applicants" have filed for an administrative Subdivision to be known as "Sunset Hills 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 October 12, 2010, this Board conducted a public hearing and finds:

1. The proposed Sunset Hills Administrative Subdivision" is located in part of Government Lot Four (4) located in Section Eighteen (18), Township Nine (9) North, Range Sixteen (16), West of the Sixth P.M., Buffalo County, Nebraska and is 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. Eighty-fifth (85<sup>th</sup>) Street, a Buffalo County section line open public road, abuts the proposed subdivision. The width of this road after dedication 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 "SUNSET HILLS ADMINISTRATIVE SUBDIVISION", an administrative subdivision being in part of Government Lot Four (4) located in Section Eighteen (18), Township Nine (9) North, Range Sixteen (16), West of the Sixth P.M., Buffalo County, Nebraska duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record 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 Roger and Patricia Standage for Standage Country Estate for property located in the E ½ of the SW ¼ of Section 24, Township 9 North, Range 17 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska. Lonty Bryant addressed the Board with safety issues regarding this application. Deputy County Attorney Andrew Hoffmeister was present at the Planning and Zoning Commission meeting but was not present at this hearing. Hoffmeister sent written correspondence to the Board in his absence. In order for all regulations to be met this preliminary plat will need to be presented to the Board of Adjustments according to the Subdivision Regulations. The hearing was closed at 11:52 A.M. Moved by Loewenstein and seconded by Dannehl to wait for final decision on this application until the Board of Adjustment has met to determine the request for variance. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Absent: McMullen. Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 12:06 P.M. before he declared the meeting adjourned following the quarterly jail inspection until the regular meeting on Tuesday, October 26, 2010 at 9:00 A.M.