

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 14, 2010
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, December 14, 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, 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 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. Moved by McMullen and seconded by Dannehl to approve the Consent Agenda as presented. Upon roll call vote, the following Board members voted "Aye" with the disclaimer of recusing themselves on any claim for themselves or for the benefit of any family member: McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. None voted "Nay".

GENERAL COUNTY BUSINESS

1. Approve November 23, 2010 Board minutes
2. Accept reports
 - Buffalo County Treasurer November 2010 Fund Balance Report
 - Community Action Partnerships of Mid-Nebraska RYDE October 2010 Report
3. Approve early claim

County Clerk Janice Giffin submitted the following claim for approval.

ROAD FUND			
ROBIN CROSS	S	CLEANING	694.00

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports on the Justice Center Project. Prior to this meeting, Change Request numbers 30, 31 and 32 of the Phase 2 Justice Center Project were mailed to the Board members and Change Request 33 and Change Request 34 were presented at this meeting by Barritt. All Change Requests were reviewed and it was moved by Dannehl and seconded by Morrow to approve Change Request 30 to install wind baffles on the condensing units in the amount of \$2,665.00; Change Request 31 to add power outlets in Conference Rooms in the amount of \$351.00; Change Request 32 for carpet changes in the amount of \$2,638.00; Change Request 33 for changes in the Muffin Monster in the amount of \$6,476.00; and Change Request 34 to modify locks in the amount of \$3,003.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried. Change Order Request 3 of the Phase 2 Project was also presented by Barritt for the Chairman's signature. This Change Order Request is a compilation of previously approved Change Requests; therefore no formal action was necessary.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. NIRMA sent notice of NIRMA Board Vacancies for terms expiring in 2011. Department of Roads sent request of information on a joint project completion and the closing of the agreement. Clay County Board of Supervisors sent information on the grant approval process with the Nebraska Environmental Trust. Hayes County Treasurer sent correspondence on a candidate seeking election to the NACO Board. Sequoia Consulting Group sent correspondence on the 2010, 2011 and 2012 indirect cost allocation plans. National Association of Counties will offer free assistance to track energy use in County facilities. Talk of the Town and Coffee Connection sign up sheets were presented. Newsletters were received from Central Platte Natural Resources District, South Central Economic Development District, Beckenhauer Construction Inc., Buffalo County Community Partners, Government Matters and the Two Rivers Public Health Department ground water protection project. Letter was also received from Jackie Stauffer regarding zoning issues and Chairman Pierce read the entire letter into the record.

Chairman Pierce called on each Board member for the various committee reports. During Committee reports, Supervisor Loewenstein asked Sheriff Miller to report on the new Drug Task Force that has been formed in Central Nebraska at the Federal level.

Discussion followed on the Courthouse Christmas and New Year holiday closing hours. Chairman Pierce stated that the Employee manual clearly states that holidays that fall on Saturday are observed on the preceding Friday. Therefore, the Courthouse will be closed on each Friday, December 24 and December 31, 2010. No action was necessary.

Moved by Greder and seconded by Dannehl to accept petition to vacate portion of 115th Road between the Ravenna Road and Maple Road and to forward this petition to the Highway Superintendent for a report. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Dannehl and seconded by McMullen to approve the following Resolution 2010-69 to set a public hearing date for vacation of road between Section 13 and Section 24, Township 9 North, Range 13 West of the 6th P.M., Buffalo County. Upon roll call vote, the following Board members voted "Aye: Dannehl, McMullen, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2010-69

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 east to west section line road that lies in, within, and between Sections Thirteen (13) and Twenty-Four (24), Township Nine (9) North, Range Thirteen (13), West of the 6th P.M., Buffalo County, Nebraska.

And,

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

WHEREAS, more than four months ago, an offer was made by Buffalo County to relinquish this road to the Shelton Township and this Township has not responded to this offer; and

WHEREAS, it is now necessary to set this matter down for Public Hearing with notice to be given by: (1) publication of the proposed vacation or abandonment to be given by publication for three consecutive weeks and (2) copy of this resolute to owners of land adjoining this road given no less than two weeks in advance of the hearing by registered or certified mail, and

WHEREAS, following public hearing, this Board shall in the next meeting following the public hearing, or as soon thereafter as may be practicable, by resolution take action to vacate or abandon or refuse vacation or abandonment as in the judgment of the board the public good may require.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down January 25, 2011, at 10:00 o'clock, a.m. as date and time of public hearing regarding vacation or abandonment of this road and that this Resolution be published once each week for three consecutive weeks with other notice as provided by law.

Chairman Pierce moved to the next Agenda item which was discussion and possible decision on personnel issues. On November 23, 2010 the Board met with Weed Superintendent Dick Kincaid. Kincaid had the choice to go into executive session and chose to have the discussion in the open meeting. Chairman Pierce asked if there was any further discussion. Moved by Loewenstein and seconded by Greder to terminate Weed Superintendent Dick Kincaid effective immediately. Supervisor Klein stated that he thought the termination was too severe and that it would hurt the Department. Klein further stated that Kincaid had not been given the staff until this year so that he could take the vacation time. Upon roll call vote, the following Board members voted "Aye: Loewenstein, Greder, Dannehl, McMullen, Morrow and Pierce. Voting "Nay": Klein. Motion declared carried. Chairman Pierce then read a letter to Kincaid from the Board of Supervisors.

Roger Jasnoch, Director of the Visitor's Bureau was present to discuss the appointment/ reappointment of two Visitor's Bureau Board members. Moved by McMullen and seconded by Loewenstein to reappoint Tammy Jackson and Brad Kernick to another four year term to the Visitor's Bureau Board. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:17 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 County Treasurer Jean Sidwell were present. Chairman Pierce opened each of the hearings for notice of valuation change for W & V Hubbert Farms LTD and Raymond and Sandra Hanson. No one was present for either hearing and each hearing was closed before the following action was taken.

Moved by Klein and seconded by McMullen to approve the notice of Real Estate Valuation Change as submitted by the County Assessor for W & V Hubbert Farms LTD on parcel number 520147000. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve the notice of Real Estate Valuation Change as submitted by the County Assessor for Raymond and Sandra Hanson on parcel number 601834222. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Agenda item of Tax List Correction will be placed on the December 28, 2010 Board meeting.

Moved by Klein and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for New Life Assembly on a 2003 International Bus. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Christian Heritage Childrens Home on the following: 2000 Chrysler, 2005 Chrysler and 1998 Ford Ranger pickup. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Moved by McMullen and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Goodwill Industries of Greater Nebraska on a 2005 Chevrolet 4 door. 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 McMullen to recess the Board of Equalization at 10:25 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.

Moved by Klein and seconded by McMullen to enter into Executive Session to protect the public interest and to discuss personnel issues at 11:10 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Greder to move out of executive session at 11:24 A.M. and resume the regular open meeting. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay".

ZONING

Deputy County Attorney Andrew Hoffmeister was present to address the Board at 11:10 A.M. Hoffmeister reported that the Comprehensive Plan for Buffalo County should be reviewed and updated. On January 13, 1998 Buffalo County awarded the original contract to Hanna: Keelan Associates. Moved by Greder and seconded by McMullen to authorize Hoffmeister to proceed with the \$15,500,000 contractual agreement with Hanna: Keelan Associates to update the Comprehensive Plan. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Jennifer Korgie, Wind Developer with Green Capital Power was present to address the Board. Korgie gave a brief slide presentation to introduce her company and the possibilities of wind energy developments in Buffalo County.

Chairman Pierce asked if there was anything else to come before the Board at 11:49 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, December 28, 2010 at 9:00 A.M.