

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 12, 2011
9:00 A.M.**

The Buffalo County Board of Supervisors met on Tuesday, April 12, 2011 at 9:00 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, Sherry Morrow and Richard Pierce. Absent: Joseph Brayton, Ivan Klein and William McMullen. Supervisor Greder was ill and excused himself at 10:50 A.M., therefore Board of Equalization did not meet because there was no longer a quorum present at that point in the Agenda. All Board of Equalization Agenda items will be rescheduled to the next meeting on April 26, 2011. 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 Morrow 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: Morrow, Dannehl, Greder, and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay".

GENERAL COUNTY BUSINESS

1. Approve March 22, 2011 minutes
2. Accept reports
 - Buffalo County Treasurer March 2011 Fund Balance Report
 - Clerk of the District Court March 2011 Report
 - Veteran's Service Report
3. Approve Early Claim

County Clerk Janice Giffin submitted the following early claim for approval.

GENERAL FUND			
STATE OF NEBRASKA	E	FUEL TAX	2,783.00

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project. Moved by Dannehl and seconded by Morrow to approve the following Phase 2 Change Requests and amounts: #62 additional wire basket tray for \$7,137.00; #65 fire dampers in the basement for \$594.00; #66 panel fuses for \$911.00; #67 fused disconnect for the VAV units for \$2,934.00; #68 additional exit sign for \$365.00; #69 additional cable trays in Basement IT Room and Courts Lobby for \$6,483.00; #70 power to smoke dampers for \$3,580.00; #71 additional conduit at judges benches for \$375.00; and #72 credit amount of \$430.00 for soap dispensers. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Barritt also presented Contract Change Order 7 for the Chairman's signature. This Contract Change Order is a compilation of the previously approved Change Requests; therefore no formal action was necessary.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. Thank you note was received from Chief Deputy County Sheriff Tony Paulsen. Information on the State Transportation Improvement Plan (STIP) was received from the Nebraska Department of Roads. NACO sent notice of Blue Cross Blue Shield Informational Meetings for the next fiscal year. City of Kearney sent communication on the 56th Street Extension. Newsletters were received from Government Matters, Buffalo County Community Partners and the Central Platte NRD In Perspective. The annual evaluation of the Buffalo County Jail was received from State of Nebraska Jail Standards Commission. United States Department of Commerce sent notice of the 2010 Census Count Question

Resolution Program. Department of Environmental Quality sent notice of approval for the Nutrient Management Plan Amendment for Sweetwater Cattle Company LLC. NIRMA quarterly loss reports for the 2011 first quarter were received. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Bid proposals for Audit Services were submitted at the March 22, 2011 Board meeting. Chairman Pierce and Supervisor McMullen interviewed representatives from the State Auditor's office, Tonniges and Associates and Dana F Cole & Company prior to this meeting. Chairman Pierce stated that the Budget committee will come back with a recommendation at the Board meeting on April 26, 2011.

Moved by Greder and seconded by Morrow to approve the following Resolution 2011-14 to instruct the County Treasurer to issue Tax Sale Certificates. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Dannehl, and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2011-14

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Supervisors, for the County Treasurer to issue Tax Sale Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2003, 2004, 2005, 2006, 2007, 2008, 2009 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 2003, 2004, 2005, 2006, 2007, 2008, 2009 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Morrow and seconded by Dannehl to ratify the decision to notify Health and Human Services that Buffalo County plans to take over responsibility for the general assistance program currently handled by Health and Human Services. On March 29, 2011 a letter was sent to the Service Area Administrator to terminate the contract on July 1, 2011. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Discussion followed on the current cell phone policy. Moved by Dannehl and seconded by Morrow to change the monthly reimbursement rate for the smart phone from \$35.00 to \$45.00. The standard cell phone reimbursement rate will remain at \$25.00 per month. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

County Treasurer Jean Sidwell was present to discuss the observance of Arbor Day on April 29, 2011. Moved by Morrow and seconded by Greder to authorize the County Treasurer to remain open on April 29, 2011 to accommodate taxpayers on the last day before the 2010 first half tax delinquency date. The rest of the Courthouse offices will be closed. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

On February 8, 2011 a public hearing was conducted to approve the Class D Liquor License for Farmers Cooperative Association in Ravenna, Nebraska. Susan K Reed is seeking approval to be the liquor license manager for Farmers Cooperative Association. After review of the County Sheriff's office report, it was moved by Greder and seconded by Dannehl to approve the liquor license manager request by Susan K. Reed. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Morrow and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Deputy County Attorney Andrew Hoffmeister was present to review the Kearney East Bypass Supplemental Agreement with the Nebraska Department of Road and the City of Kearney. Hoffmeister reviewed this agreement and several previously approved agreements regarding the same project. Moved by Morrow and seconded by Dannehl to authorize Chairman Pierce to sign Supplemental Agreement with the Nebraska Department of Roads and the City of Kearney. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Building and Grounds Supervisor Ross Karabel was present to address the Board about the roof repairs on the Buffalo County owned property located at 2022 Avenue A. Prior to this meeting, Karabel solicited three bids from Midwest Roofing & Sheet Metal Co. Inc., Weathercraft Company of Grand Island and Ziemba Roofing Company. After discussion, it was moved by Dannehl and seconded by Morrow to approve Ziemba Roofing Company to install the roof system at 2022 Avenue A. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Weed Superintendent Mitch Huxoll was present to discuss the bids that were opened at the March 22, 2011 Board meeting for a new 2011 Cab & Chassis Truck with one ton rating. Moved by Dannehl and seconded by Morrow to accept the low bid from Woodhouse Ford on a 2011 Ford Super Duty F350 DRW Four Wheel Drive Cab and Chassis with the trade in allowance of a 2005 GMC Cab and Chassis. Trade amount difference is \$15,444.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Highway Superintendent Ron Sklenar was present for the following Agenda items. Moved by Dannehl and seconded by Greder to approve the following Resolution 2011-15 for the Project HRRR-STWD (108). Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Morrow and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2011-15

Whereas: The Hazard Elimination Program is a "core safety program" for Highway Safety Construction. This program is provided for in Title 23, Section 148 of U.S. Code, and is part of the Highway Safety Improvement Program (HSIP) which is provided for in 23 CFR, Part 924, which is administered by the Federal Highway Administration,

Whereas: The State of Nebraska maintains a Multi-Disciplinary High Risk Rural Road Committee to oversee the facets of the HSIP,

Whereas: The High Risk Rural Road Committee has determined that it is desirable to provide work zone and or road closure traffic control devices for use on rural county roads to prevent or minimize vehicle crashes in the State of Nebraska,

Whereas: The High Risk Rural Road Committee on September 14, 2010 approved a project know as HRRR-STWD (108)-work Zone and Road Closure Traffic Control Devices to accomplish the following:

For the purchase and distribution, by the State of Nebraska Department of Roads, of Work Zone and Road Closure Traffic Control Devices for use by Counties on rural roads throughout the State of Nebraska.

Be It Resolved: That the State of Nebraska is hereby requested to act on behalf of said County to program a project for the purchase of traffic control devices shown on Exhibit "A" (Response Form) attached,

Be it Further Resolved: That sufficient funds of said county are now available or will be made available and are hereby pledged to the Nebraska Department of Roads in the amount and at the required time for the purpose of matching Federal funds for the contemplated construction.

The cost to said County is 10% of the work described herein which is estimated to be \$82.40 per set of single lane closure traffic control devices and \$80.40 per set of six Type III barricades and signs to fully close a road. Number of sets of each ordered is shown on Exhibit A Attached to this resolution.

Be It Further Resolved: That the Chairman of the County Board is authorized to sign this Resolution on behalf of said Board. In addition the Chairman and the Highway Superintendent are hereby authorized to sign the Certificate of compliance after completion of the work.

Moved by Dannehl and seconded by Greder to accept the bid from Wilke Contracting for the Concrete Box extension C10(1414) Ravenna Road project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Morrow and Pierce. Absent: Brayton, Klein and McMullen. None voted "Nay". Motion declared carried.

Chairman Pierce opened the public hearing for the vacation of 370 Road between Section 2 and 11, Township 12 North, Range 13 West, Buffalo County at 10:00 A.M. Deputy County Attorney Hoffmeister reviewed the petition. No one was present to address the Board and the hearing was closed. Decision on this vacation will be made at the April 26, 2011 Board meeting.

Chairman Pierce opened the public hearing for the vacation of 40' Road accepted by Supervisors in Minutes Book 15, Page 230, generally described as a road beginning at the center of the West line of Section 24, Township 9 North, Range 17 West, Buffalo County extending eastward approximately 1700 feet. Deputy County Attorney Hoffmeister reviewed the petition. No one was present to address the Board and the hearing was closed at 10:11 A.M. Decision on this vacation will be made at the April 26, 2011 Board meeting.

Chairman Pierce opened the public hearing on the petition for Access Road in NE ¼ of NE ¼ of Section 16, Township 11 North, Range 18 West of the 6th p.m. Buffalo County. Petitioner Daniel Frese and his legal counsel Michael Kelley, Orin Clinger and his legal counsel Patrick Nelson, Richard Endacott, Executive Secretary of the Nebraska Board of Educational Lands and DeLoss Trampe were all present for the hearing. Exhibits 1 through Exhibit 14 were received in the hearing. Supervisor Greder was ill and left the meeting at 10:50 A.M. At this point in the meeting, the hearing was recessed because the Board no longer had a quorum of the Board membership. All parties present waived legal notices so that the hearing could resume on April 26, 2011. County Clerk was instructed to have a transcript made from the recording and all Board members will receive a copy of this transcript prior to the next meeting.

Chairman Pierce declared the meeting adjourned until the regular meeting on Tuesday, April 26, 2011 at 9:00 A.M.