

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 10, 2011
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 10, 2011 at 9:00 A.M and 10:45 A.M. Vice Chairman Dannehl called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Joseph Brayton, Horace Dannehl, Kent Greder, Ivan Klein, William McMullen, Sherry Morrow. Absent: Richard Pierce. Vice Chairman Dannehl 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.

Vice Chairman Dannehl called for Citizen's forum and no one was present to address the Board.

CONSENT AGENDA

Vice Chairman Dannehl inquired if there was anything which needed to be removed from the Consent agenda. Moved by McMullen and seconded by Klein 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, Klein, Brayton, Greder, Morrow and Dannehl. Absent: Pierce. None voted "Nay".

GENERAL COUNTY BUSINESS

1. Approve April 26, 2011 minutes
2. Accept reports
 - Clerk of District Court Report for April 2011
 - County Treasurer Fund Balance Report for April 2011

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project. Moved by Morrow and seconded by Klein to approve the following Phase 2 Change Requests and amounts: #76 caulking steel cell windows credit for \$2,202.00; #78 new cylinders and keys for exterior doors for \$1,368.00; #79 install additional light fixtures for \$956.00; #80 light modifications for \$893.00; #81 revisions to VAV-8 Duct Heater for \$638.00; #82 modifications to door for \$3,711.00; #83 electrical rough in for future heater for \$1,019.00; #84 modify booking area ductwork for \$1,162.00; and #85 skylight grills for \$1,581.00. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, McMullen and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Discussion followed on the placement of signage at the completion of the Phase 2 Construction Project. Moved by Klein and seconded by Brayton to place the signs at the completion of Phase 2 Construction Project as indicated in the Board meeting. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Morrow, McMullen and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Discussion followed with Clerk of the District Court, Sharon Mauler to purchase the cubicles for the new Court offices. Mauler will return to this Board meeting with more information and further discussion.

Barritt also presented Contract Change Order 8 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

Ed Butler, Business Manager and Tammy Jeffs, Community Services Director from Community Action Partnership of Mid Nebraska were present to discuss the General Assistance Program. A draft copy of a General Assistance Guide was presented to the Board. Moved by Morrow and seconded by Greder that the County contract with Community Action Partnership to administer the General Assistance program and that the details of the guidelines will be reviewed before the July 1, 2011 effective date. Cost to administer the program will be \$14,000.00 annually. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, McMullen and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Vice Chairman Dannehl reviewed the following correspondence with the Board. Newsletters were received from US Bank and Diggers Hotline.

Moved by Brayton and seconded by McMullen to approve the following Resolution 2011-22 with an effective date of June 1, 2011. Upon roll call vote, the following Board members voted "Aye": Brayton, McMullen, Greder, Klein, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-22

WHEREAS, local governing bodies across the State of Nebraska have very limited authority to deal with the issuance of liquor licenses within their jurisdictional limits; and

WHEREAS, counties only have the ability to provide a recommendation to the Nebraska Liquor Control Commission with reference to the issuance of new liquor licenses and the renewal of an existing liquor license; and

WHEREAS, a county does have authority to deny special designated licenses should there be a basis to find that the issuance of such a license is not appropriate; and

WHEREAS, the Buffalo County Board of Supervisors (hereinafter "Board") believes that there is an underage drinking problem in Buffalo County and the Board desires to impress upon all liquor license holders and liquor retailers under the County's jurisdiction, the importance of not serving alcohol to minors or serving alcohol to obviously intoxicated persons and otherwise to comply with state law relative to the sale of alcoholic beverages; and

WHEREAS, the Board wishes to establish guidelines to be used in evaluating the issuance of new liquor licenses, the renewal of existing licenses and the issuance of special designated licenses in Buffalo County in an effort to provide consistency to the County's recommendations and the evaluation of these matters by Board.

NOW, THEREFORE, BE IT RESOLVED by Buffalo County Board of Supervisors that:

1. For all applications for new liquor licenses/new manager, the Buffalo County Board of Supervisors policy will be that such a business will be required to complete the Liquor License Training Compliance form that indicates they have completed training which is specifically certified and approved by the Nebraska Liquor Commission or approved by the Buffalo County Sheriff's Office and that confirmation of such training or, for new license holders, an intent to provide training to employees will also be indicated on the Liquor License Training Compliance form. The license holder must provide certification of this training to the County Clerk when submitting the Liquor License Training Compliance form or, in the case of a new license, within 60 days of the opening of the business. Without the completed Liquor License Training Compliance form and a copy of the certificate of training, the Board of Supervisors will recommend that the license not be issued or renewed. Certification of servers/managers shall be valid for a maximum of three years. Recertification shall consist of the same elements of any other program approved by the Nebraska Liquor Commission or approved by the Buffalo County Sheriff's Office.

2. With reference to an automatic renewal of a presently existing liquor license, the County Clerk will notify the license holders that they must provide a copy of their Certification prior to the automatic renewal of the liquor license. Class C liquor licenses are renewed annually commencing November 1 with written protests to the issuance of automatic renewal of license being filed by any resident of Buffalo County on or before the Friday before the first Board meeting in August. Certification must be provided to the County Clerk no later than September 1. Non-Class C liquor licenses are renewed annually commencing May 1 with written protests to the issuance of automatic renewal of license being filed by any resident of Buffalo County on or before the Friday before the first Board meeting in February. Certification must be provided to the County Clerk no later than March 1. If Certification is not provided to the County Clerk, it shall be the policy of the Board to require that license holder to appear before the Council at a public hearing to review the status of the license and its renewal.

3. With reference to the application for a new license/new manager or an automatic renewal of an existing license, the Board policy will be that if such license holder has been charged and convicted of two or more charges of the sale of alcohol to a visibly intoxicated person or the sale of alcohol to a minor within the renewal period (one year) and/or has been charged and convicted of three or more similar violations in the prior five years, Board will not recommend approval of said liquor license to the Nebraska Liquor Control Commission. The Board does hereby find that having such a number of violations of state law with reference to the sale of alcoholic beverages to be evidence of the fact that such a license holder has failed to comply with Nebraska law as it relates to the handling of alcoholic beverages and that it would not be appropriate for such an individual and/or business to continue to hold a liquor license due to such failures to comply with state law. If a license holder is up for automatic renewal of its license and there have been two or more law violations as outlined above, it shall be the policy of the Board to require that license holder to appear before the Board at a public hearing to review the status of the license and its renewal.

4. With reference to special designated licenses, if the license holder that is making application for such a special designated license has had two or more violations of the law including the sale of alcohol to a visibly intoxicated person and/or the sale of alcohol to a minor within one calendar year (calendar year shall be defined as from January 1 to December 31 of a given year) of the last issuance of its underlying liquor license or three or more such violations within the last five years, it shall be the policy of the Board to deny such application and to not grant that license holder the ability to have a special designated license for the event requested.

5. If the license holder has been cited for the above-referenced violations of state liquor law but has not had an opportunity to be heard either in a court of law or before the Nebraska Liquor Control Commission, Board policy will be that such citations cannot be considered until there has been a final determination as to the citations which have been issued.

6. This shall be a nonbinding resolution and the Board may evaluate each license application on a case-by-case basis and take into consideration such circumstances or factors as it might deem appropriate with reference to each individual application or applicant. The intent of this Resolution is to establish an overall policy as to when the Board will consider not recommending the issuance or

renewal of a liquor license to the Nebraska Liquor Control Commission and what factors it deems appropriate to consider in denying an application for a special designated license.

Moved by McMullen and seconded by Klein to have the Board Administrator mail the Resolution 2011-22 and the Special Designated Liquor License Supplemental form to all non municipal liquor license holders in Buffalo County. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Greder, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Highway Superintendent Ron Sklenar was present for the following Agenda items. Moved by McMullen and seconded by Greder to approve Resolution 2011-23 to establish minimum bridge widths. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton, Klein, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-23

WHEREAS, the Buffalo County Board of Supervisors has adopted Minimum Bridge Standards for all new bridges on county roads for Buffalo County and;

WHEREAS, all new bridges on county roads will meet or exceed the standards established;

THEREFORE, BE IT RESOLVED that the Buffalo County Board of Supervisors have established the minimum bridge width in Buffalo County at 32 feet deck width measured out to out and built to a HL-93 Load Design or Federal and State required design load capacity.

Moved by McMullen and seconded by Klein to set the bid date of May 24, 2011 to receive bids for Project No. C10 (589) Shelton North, C10 (1409) Amherst Southwest, C10 (1408) Elm Creek East, C10 (1405) Elm Creek Northeast, C10 (1406) Elm Creek Northeast, C10 (1410) Ravenna Road Extension and C10 (1411) Ravenna Road Extension. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Greder, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Morrow to change the Classification of Road No. 22-G on the south six tenths of mile located between Section 21 and 22, T-10-N, R-14-W from the classification of Minimum Maintenance to a Rural Local 3 classification. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Greder, Klein and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Brayton to accept the report from the Highway Superintendent on the roadway named Standage Place in the Standage Country Estates Subdivision and to place it in the County road plan. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Greder, Klein, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Terry Krohn, Director of Two Rivers Public Health Department and Assistant Director Amy Elwood were both present for updated reports and discussion with the Board. The 2010 Annual Report of Two Rivers Public Health Department was also received.

Cody Wickham from D.A. Davidson & Company and Linda Hall, Executive Director of Regency Retirement Residence were present to discuss Regency Retirement Bond Refinancing. A draft resolution was presented in the Board meeting and Wickham explained the request to refinance the Regency Bonds. Moved by McMullen and seconded by Morrow to table the decision on the resolution for the Regency Retirement Bond Refinancing until May 24, 2011 at 10:45 A.M. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Greder, Klein and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to recess the regular meeting of the Board of Supervisors at 11:10 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

Vice Chairman Dannehl called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Joe Woodward were present. Vice Chairman Dannehl opened the public hearing for Family Advocacy Network tax exemption and Director Jamie Vetter was present. Hearing was closed at 11:13 A.M. Moved by Klein and seconded by Morrow to approve the tax exemption status for Family Advocacy Network. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Brayton, Greder, McMullen and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Public hearing for Prince of Peace Catholic Church was opened and closed since no one was present to address the Board. Moved by McMullen and seconded by Greder to approve the tax exemption status for Prince of Peace Catholic Church. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton, Klein, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to approve the following tax exemption applications: Community Action Partnership parcel numbers 601211100, 605082000, 605273000, 605082100, 605272000, 605330000; Mid Nebraska Foundation Inc. parcel numbers 605841652, 605841666, 602100000; Mid Nebraska Assoc for Developmental Housing parcel number 603142200; Epona Horse Rescue parcel number 260046000; Tri Family Ministries parcel 720036101; South Central Behavioral Services parcel numbers 605525000, 601472105; University of Nebraska Foundation parcel number 602032000; Board of Regents of the University of Nebraska parcel number 606098010, 602449000, 603746000, 604494000; Christian Heritage Children's Homes parcel number 560006016; Buffalo County Fair Association parcel number 602096000; and the following personal property requests with no parcel number assigned Educationquest Foundation, Foundation for Educational Services Inc and Developmental Services of Nebraska Inc. At the April 26, 2011 discussion was held on the necessity of scheduling public hearings and it was determined to place these applications on the Agenda for approval/disapproval without a formal hearing. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Greder, Morrow and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve tax list corrections 3740-3753 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, McMullen and Dannehl. Absent: Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society on a 1998 Ford. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Greder, Morrow and Dannehl. Absent: Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for G55 Prairie View Gardens on a 2000 Lincoln. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Greder, Morrow and Dannehl. Absent: Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to recess the Board of Equalization at 11:22 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.

ZONING

Vice Chairman Dannehl opened the Zoning Agenda items at 11:23 A.M. Present for all Zoning Agenda items were Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein. Nuttelman Fencing Inc. on behalf of Lawrence and Sheila Nickman, Trustees is requesting a zoning map amendment for property in Section 11, Township 9 North, Range 16 West, Buffalo County. Present to address the Board were Keith Nuttelman, Jim and Janis Shultz and Dennis Connor. Hearing was closed at 11:39 A.M. and a decision was not made at this time.

Vice Chairman Dannehl opened the Administrative Subdivision hearing for property located in Section 11, Township 9 North, Range 16 West, Buffalo County filed by Trenton Snow on behalf of Lawrence and Sheila Nickman, Trustees. Trenton Snow reviewed the application. Hearing was closed at 11:45 A.M and a decision was not made at this time.

Vice Chairman Dannehl opened the Administrative Subdivision hearing for property located in Section 7, Township 8 North, Range 16 West, Buffalo County filed by Trenton Snow on behalf of Thad Ingram. Trenton Snow reviewed the application request that was filed. Vice Chairman Dannehl closed the public hearing at 11:54 A.M. Moved by Brayton and seconded by Klein to approve the following Resolution 2011-24. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Greder, McMullen, Morrow and Dannehl. Absent: Pierce. Motion declared carried.

RESOLUTION 2011-24

WHEREAS, Trenton Snow, Register Surveyor, hereinafter referred to as "applicant" filed for an administrative Subdivision to be known as "Ingram Acres", with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on May 10, 2011, this Board conducted a public hearing and finds:

1. The proposed Ingram Acres Administrative Subdivision is located 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. There is no section line open public road that abuts the proposed subdivision.
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 "INGRAM ACRES", an administrative subdivision being in part of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) and Part of Government Lot Seven (7), Located in Section Seven (7), Township Eight (8) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Vice Chairman Dannehl opened the public hearing for a final plat for property in Section 24, Township 9 North, Range 17 West, Buffalo County filed by Mitchell Humphrey on behalf of Roger and Patricia Standage. Humphrey reviewed the application and the hearing was then closed at 11:57 A.M. Moved by Greder and seconded by Brayton to approve the following Resolution 2011-25. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Klein, McMullen, Morrow and Dannehl. Absent: Pierce. Motion declared carried.

RESOLUTION 2011-25

WHEREAS, this Board has received a request for Final Plat approval for part of Standage Country Estates, and

WHEREAS, on or about October 26, 2010, in Resolution 2010-64 this Board accepted and approved the preliminary plat for Standage Country Estates and this Board incorporates all findings of that resolution into this Resolution as if fully set forth herein, and

WHEREAS, from and since October 26, 2010, the developer has made various improvements upon part of the land sought to be subdivided, and

WHEREAS, the developer has elected to stage improvements in the subdivision of land sought to be subdivided all as allowed under Section 3.24 of Buffalo County's Subdivision Resolution, and

WHEREAS, the required minimum improvements have been completed on the land sought to have final plat approval, and

WHEREAS, 56th Road which is a section line open public road, abuts the proposed subdivision on its south side. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "Standage Country Estates" a subdivision being part of the East Half of the Southwest Quarter (E1/2SW1/4) of Section Twenty-Four (24), Township, Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by Morrow and seconded by Greder to table the decision on the Zoning Map amendment request and the Administrative Subdivision hearings for property located in Section 11, Township 9 North, Range 16 West, Buffalo County heard earlier in this meeting to May 24, 2011 at 11:00 A.M. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, McMullen and Dannehl. Absent: Pierce. Motion declared carried.

Vice Chairman Dannehl called on each Board member present for the various committee reports.

Clerk of the District Court Sharon Mauler returned to the Board meeting for discussion on the Justice Center project and the cubicles needed in the Court offices. Moved by Morrow and seconded by McMullen to waive the formal bidding process due to the unique nature of the cubicles and to allow the Courts to solicit three bids for the cubicles as allowed by State Statute 23-3109 and to bring those bids back to this Board for formal approval. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Greder, Klein and Dannehl. Absent: Pierce. Motion declared carried.

Discussion followed on the Blue Cross Blue Shield Health insurance Agenda item. The premium rates have been submitted to the County Clerk but the subgroup contract has not been received. Clerk Giffin was instructed to forward the subcontract to the Board members as soon as it is received and to also forward all information received to the insurance consultant, Bob Charlesworth.

Vice Chairman Dannehl 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, May 24, 2011 at 9:00 A.M.