

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 12, 2011
8:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, July 12, 2011 at 8:00 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: Joseph Brayton, Kent Greder, Ivan Klein, William McMullen and Richard Pierce. Absent: Horace Dannehl and Sherry Morrow. 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.

Moved by McMullen and seconded by Greder to recess the regular meeting of the Board of Supervisors at 8:05 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried. (Supervisor Morrow arrived at 8:05 A.M. and Supervisor Dannehl arrived at 8:53 A.M.)

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward, Deputy County Assessor Joe Barber and Field Appraisers Scott Anderson, Gwen Campbell, Laura Fredericks and Ryan Conner were present. Robert Spencer and Jack Besse were present for Property Valuation Protest hearings on the following parcels: 651116345, 850000718, 850000845, 850000846, 850000847, 850000848, 850000849, 850000850, 850000851, 850000852, 850000854, 850000855, 850000857, 850000858, 850000862, 850000863, 850000864, 850000865, 850000866, 850000867, 850000869, 850000870, 850000871, 850000874, 850000873, 850000875, 850000876, 850000877, 850000878, 850000880, 850000882, 850000883, 850000884, 850000885, 850000886, 850000887, 850000888, 850000889, 850000890, 850000891, 850000897, 850000898, 850000899, 850000900, 850000901, 850000902, 850000903, 850000904, 850000905, 850000906, 850000907, 850000909, 850000910, 850000911, 850000912, 850000913, 850000914, 850000915, 850000926, 850000927, 850000929, 850000930, 850000931, 850000932, 850000933, 850000934, 850000935, 850000937, 850000938, 850000939, 850000941, 850000942, 850000943, 850000955, 850000967, 850000969, 850000975, 850000976, 850000977, 850000978, 850000994, 850000995, 850000996, 850000997, 850000998, 850000999, and 600044000. Hearings were closed and the Board of Equalization will make a decision at a later time.

Moved by Greder and seconded by McMullen to recess the Board of Equalization at 9:15 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. (County Attorney Shawn Eatherton joined the meeting at 9:20 A.M.)

Chairman Pierce called for Citizen's forum and Jim Anderson was present to report on the progress of reopening the basement storm shelter with volunteer staffing.

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, Brayton, Greder, Morrow and Pierce. None voted "Nay".

GENERAL COUNTY BUSINESS

1. Approve minutes for June 28, 2011
2. Approve Early Claim

County Clerk Janice Giffin submitted the following claim for approval

ROAD FUND			
STATE OF NEBRASKA	E	FUEL TAX	2,348.00

3. Accept reports:
 - County Treasurer June 2011 Fund Balance Report
 - Clerk of District Court June 2011 Report

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction and Cliff Sullivan from Goldberg, Sullivan and McCrery Architects and Planners were present for updated reports and decisions on the Justice Center Project. Barritt reviewed the Contract Change Order Requests that were sent to the Board members prior to this meeting. Moved by Klein and seconded by Dannehl to approve Change Request 1 for the Extension Parking Lot in the amount of \$17,711.00; and the following Phase 2 Change Order Requests: #96 amount \$1,149.00 for Reverse Osmosis Water Unit; #97 amount \$496.00 for casework revisions; #98 amount \$27,974.00 for modification in the sprinkler system; and #99 amount \$15,469.00 for removal and replacement of additional paving. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried. Barritt also presented Phase 2 Contract Change Order #10 for the Chairman's signature. No action was necessary because this is a compilation of previously approved Change Order Requests.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. State of Nebraska Board of Public Roads Classifications and Standards sent the Nebraska Surface Transportation Program 2012-2017. City of Kearney sent notice of approval of eight thirty minute parking spaces around the Courthouse. Larry Dix, Executive Director of NACO sent correspondence on the Medicare eligible individuals and participation within the NACO/Blue Cross group health insurance plan. State of Nebraska Department of Environmental Quality sent approval of the Disposal Fee Rebate Program for 2011. U.S. Army Corps of Engineers sent joint public notice of the review of the Platte River Recovery Implementation Program project. Election Commissioner sent copy of election results notice to Pleasanton Fire District 4. City of Kearney sent notice of city code violation on Lot 506 Original Town of Kearney Junction. Donny Christensen from Nebraska Emergency Management Agency sent information on Buffalo County Disaster number 1714. The Paradigm Alliance Inc. sent safety information for Public Officials and Planning and Zoning Personnel. The Government Matters newsletter from the State and Local Government Solutions Group of Esri was also received. Chairman Pierce called on each Board member for the various committee reports and recommendations.

Moved by McMullen and seconded by Greder to approve special designated liquor license application for event at Rowe Sanctuary on August 19, 2011. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

County Sheriff Neil Miller presented the jail food service contract with CBM Managed Services. This contract sets the new pricing levels within the contract through April 30, 2012. Moved by Greder and seconded by Morrow to continue contracting with CBM Managed Services for food services in the Buffalo County Jail. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Sheriff Miller reported on the State Criminal Alien Assistance Program (SCAAP) grant funds. Moved by Dannehl and seconded by Greder to approve the continued practice to apply for SCAAP funds with the Bureaus of Justice Assistance. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

On April 26, 2011 the Board awarded the contract to Tonniges & Associates Inc. for audit services. Discussion was held on agreeing to one year service or three year services. Moved by Dannehl and seconded by Greder to authorize Chairman Pierce to sign the one year term of engagement with Tonniges & Associates Inc. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by McMullen to approve the Benefit Consulting Services Agreement with Charlesworth Benefits L.C. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Brayton to approve the Memorandum of Understanding (MOU) with the Community Action Partnership of Mid-Nebraska to staff and administer the General Assistance Fund. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen and Morrow. Abstain: Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the tax refund request submitted by County Treasurer Jean Sidwell for Kevin and Tiffany Pracht in the amount of \$39.03 on parcel number 640528000. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Dannehl to approve the fiscal year 2011-2012 Interlocal Agreement with Educational Service Unit 10 for Information Technology Support Services (IT). Supervisor Brayton questioned whether this should go out for bids and if the agreement needs to include three personnel for support services. Supervisor McMullen stated that this agreement has been in place for

several years and is a specialized service. Supervisor McMullen also stated that it would be a difficult time to change IT services in the middle of the construction projects. Upon roll call vote, the following Board members voted “Aye”: Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:31 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Greder to enter into Executive Session to discuss litigation and contract negotiations at 10:02 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton, Dannehl, Klein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to move out of Executive at 10:21 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward, Deputy County Assessor Joe Barber and Field Appraisers Scott Anderson, Nora Borer, Gwen Campbell and Laura Fredericks were present.

Moved by McMullen and seconded by Morrow to approve tax list corrections 3767-3774 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted “Aye”: McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted “Nay”. Motion declared carried.

County Treasurer Jean Sidwell was present for the following Motor Vehicle Tax Exemption application. Moved by Greder and seconded by Klein to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Good Samaritan Hospital on a 2010 Chevrolet ambulance and a 2000 Chevrolet pickup. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Chairman Pierce opened the following scheduled Property Valuation Protest hearings:

Time	Name	Protest		Parcel	Present
10:30 a.m.	Union Pacific	110220		700275025	No one present
	Harry Curtis	110046		40508100	Harry Curtis
	Allen E and June S Nelson	110047		520118103	Allen and June Nelson
	Catherine Ann Bals	110048		520118101	Catherine Bals and Ann Gould
	Catherine Ann Bals	110049		520118000	Catherine Bals and Ann Gould
10:45 a.m.	Douglas Stamm	110050		460099000	No one present
	Dennis and Berneta DeBoer	110051		600161000	No one present
	Dennis and Berneta DeBoer	110289		620446050	No one present
	Andrew F and Lisa D Donovan	110052		602860000	No one present
	Deborah A. Shubert	110053		480347106	Deb Shubert

Chairman Pierce recessed the Board of Equalization and reconvened the Board of Supervisors Agenda at 11:13 A.M.

ZONING

Deputy County Andrew Hoffmeister was present for all Zoning Agenda items. James Hoppenstedt was present to request a zoning map amendment on behalf United Suppliers. This Zoning Map Amendment request is to rezone property from Agricultural to Industrial for property located in part of the South 381.5 feet of the East 500.0 feet of the West 540.0 feet of Government Lot Ten (10) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 4.379 acres, more or less, of which 0.379 acres, more or less, are presently being used for road purposes on the South side. No one else was present to address the Board and Chairman Pierce closed the public hearing at 11:22 A.M. Moved by Brayton and seconded by Morrow to approve the following Resolution 2011-36. Upon roll call vote, the following Board members voted “Aye”: Brayton, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2011-36

WHEREAS, James Hoppenstedt, of B-D Construction, Inc., has filed an application for Zoning Map Amendment with the Buffalo County Clerk and/or Zoning Administrator for lands owned by United Suppliers, Inc. This application requests a Zoning Map amendment to change real estate described as:

The South 381.5 feet of the East 500.0 feet of the West 540.0 feet of Government Lot Ten (10) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 4.379 acres, more or less, of which 0.379 acres, more or less, are presently being used for road purposes on the South side,

hereinafter referred to as the “subject property” from the Agricultural (AG) to the Industrial (I) District, and

WHEREAS, on June 16, 2011, the Buffalo County Planning and Zoning Commission following public hearing recommended approval this proposed Zoning Map amendment by a 7-0 vote, with two members absent and not voting, and

WHEREAS, no protests have been filed against this zoning map amendment request as allowed under Sec. 11.4 of Buffalo County’s Zoning Resolution, and

WHEREAS, on July 12, 2011, this Board conducted public hearing regarding this proposed zoning map amendment, and

WHEREAS, the Board finds:

1. State Highway #10 abuts subject property’s west property line. To the south property line of the subject property abuts a county road that accesses this State Highway. The subject property is located less than one mile south of the mainline track for Union Pacific Railroad. The property’s present use for is for warehousing, a use that commenced prior to the adoption of zoning by Buffalo County.
2. The requested zoning map amendment and the uses that would follow would have minimal adverse affect on surrounding properties.
3. That commercial and industrial type uses for the subject property is consistent with property use in the immediate surrounding area, particularly to the areas along Highway #30 to the north of the subject property. The subject property is located in close proximity to an Interstate interchange, and that area has commercial uses.
4. This request for zoning map amendment from the AG to I District is consistent with the overall comprehensive plan of development adopted by Buffalo County, Nebraska.
5. The minutes and findings of the Buffalo County Planning and Zoning Commission are incorporated into this Resolution as if set forth herein in their entirety.
6. The Board incorporates by this reference Buffalo County’s Comprehensive Plan, Zoning District Map, and Zoning Regulations as items considered and reviewed by this Board in considering this zoning map application.

WHEREAS, this Board has reviewed Applicant’s application for zoning map amendment and incorporates this application into this resolution as if fully set forth herein as the same is filed with the County Clerk and/or Zoning Administrator together with attachments and surveys submitted with the application, and

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning map amendment change zoning district from Agricultural (AG) to Industrial (I) District as requested by applicant for the following described real estate known as the “subject property” is approved, and

BE IT FURTHER RESOLVED that the Buffalo County Zoning Map originally adopted on or about September 10, 2002 shall be amended to reflect adoption of this resolution and copy of this resolution shall be filed against the subject property, and

Chairman Pierce opened the public hearing at 11:25 A.M. for an Administrative Subdivision filed by Trenton Snow on behalf of Gregory and Angela Smyth for property described as part of the SW ¼ of the NW1/4 located in Section 27, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska. Present were Trenton Snow and Gregory Smyth. No one else was present to address the Board and the hearing was closed at 11:30 A.M. Moved by Klein and seconded by Dannehl to approve the following Resolution 2011-37 for the Smyth Acres Administrative Subdivision. Upon roll call vote, the following Board members voted “Aye”: Klein, Dannehl, Brayton, Greder, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2011-37

WHEREAS, Trenton Snow, Register Surveyor, on behalf of Gregory and Angela Smyth, husband and wife, hereinafter referred to as “applicant” filed for an administrative Subdivision to be known as “Smyth Acres”, with the Buffalo County Clerk and/or Zoning Administrator, with the original filing and public notice by typographical error referring to the subdivision as “Smyth Acres”, and

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

WHEREAS, on July 12, 2011, this Board conducted a public hearing and finds:

1. The proposed Smyth Acres is located in the Agricultural (AG) 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. Sioux Road, a Buffalo County section line open public road abuts the proposed subdivision. The width of that 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 “Smyth Acres”, an administrative subdivision being in part of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Twenty-Seven (27), Township Nine (9), Range Thirteen (13) 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.

Chairman Pierce recessed the meeting at 11:30 A.M. for a lunch break. Board of Equalization will reconvene at 1:00 P.M. with scheduled Property Valuation Protest Hearings.

BOARD OF EQUALIZATION

Chairman Pierce opened the scheduled Property Valuation Protest Hearings. County Assessor Joe Woodward, Deputy County Assessor Joe Barber and Field Appraisers Scott Anderson, Gwen Campbell, Laura Fredericks and Ryan Conner were present for the following scheduled protest hearings. Supervisor Morrow did not return after the lunch break.

Time	Name	Protest		Parcel	Present
1:00 p.m.	James Riskowski	110054		605247304	James Riskowski
	Larry or Barbara Lindner	110055		160142040	No one present
	Vilene Cherry	110056		160120130	No one present
	Lanny Ingram or KST Farms	110057		580041056	No one present
	Lanny Ingram or KST Farms	110290		580041059	No one present
	Lanny Ingram or KST Farms	110291		580000601	No one present
	Lanny Ingram or KST Farms	110292		580041061	No one present
	Patricia Sadler	110060		360021000	Patricia Sadler
	Patricia Sadler	110061		360024000	Patricia Sadler
1:15 p.m.	Thomas H Neill	110165		480228000	Thomas Neill
	Thomas H Neill	110221		480207000	Thomas Neill
	Thomas H Neill	110222		480208000	Thomas Neill
	Thomas H Neill	110223		480142000	Thomas Neill
	Thomas H Neill	110224		480219000	Thomas Neill
	Thomas H Neill	110225		480217000	Thomas Neill
	Thomas H Neill	110226		480396000	Thomas Neill
	Thomas H Neill	110227		480262112	Thomas Neill
	Thomas H Neill	110228		480262113	Thomas Neill
	Savage and Browning	110171		604764000	No one present
	Estate of Frances Heuer	110205		40446000	Dan Mingus
	Estate of Emma E Fester	110206		40294000	Dan Mingus
	James A. Otto	110209		560353000	No one present
	James A. Otto	110208		560352000	No one present
1:30 p.m.	Riessland Farms Inc	110207		380172000	No one present
	Dale A Herter	110161		700261000	Dale Herter
	Dale A Herter	110162		700258000	Dale Herter
	Dale A Herter	110163		720080000	Dale Herter
	Dale A Herter	110164		700322000	Dale Herter
	Gehlert A Rasmussen	110069		100218100	Gehlert Rasmussen
1:45 p.m.	Guy R Anderson and Rhonda Knapp	110068		560144000	Guy Anderson and Rhonda Knapp
	Mark Miigerl	110062		80008100	No one present
	Juanita Jean Sands	110063		602179242	No one present
	Bryan Duryea	110064		40441000	No one present
	Reymundo J and Daniele M Rodriguez	110065		606127000	Daniele Rodriguez
	Nancy Brehm	110066		650307494	Nancy Brehm
	Anne Hall	110070		850000083	Anne Hall
	Franz Trumler and Randell Gleason	110067		20007000	Randy Gleason
2:00 p.m.	Lou Ann Carroll	110158		850000964	Lou Ann Carroll
	Kirk B Larsen	110160		602540000	Kirk Larsen
	Randall and Penny John	110214		200077100	No one present
	Heimat Corp	110215		300079000	Rodney Link
	Thomas R Candy Sr	110216		603787445	Thomas Candy Sr
	Sidney W Mignery	110217		580060007	Sid Mignery
2:15 p.m.	KMART	110210		605096050	No one present
	Angela Andrews and David Sklenar	110211		40047000	No one present
	Eric and Donna Michel	110212		560000073	Eric Michel
	Eric and Donna Michel	110213		560000072	Eric Michel
	Lath, Gerald, George and Lorna Livingston	110218		320183000	No one present
	Lath, Gerald, George and Lorna Livingston	110219		320175000	No one present
2:30 p.m.	Norma Marshall	110271		480323000	Mary Swartwood
	Shawn and Amanda King	110166		620319102	No one present
	Shawn and Amanda King	110167		610031000	No one present
	Shawn and Amanda King	110168		605736000	No one present
	Shawn and Amanda King	110169		605736000	No one present

	Shawn and Amanda King	110229			560402211	No one present
	Shawn and Amanda King	110230			560402283	No one present
	Shawn and Amanda King	110231			601208000	No one present
	Shawn and Amanda King	110232			620138000	No one present
	Shawn and Amanda King	110233			620319100	No one present
	Shawn and Amanda King	110234			651106097	No one present
	Shawn and Amanda King	110235			850000675	No one present
	Shawn and Amanda King	110236			850000794	No one present
	Shawn and Amanda King	110237			850000803	No one present
2:45 p.m.	Garland and Trenton Snow	110272			520166000	No one present

Moved by Greder and seconded by Brayton to accept the values as determined by the Board of Equalization and indicated per the statement(s) on each protest application heard today except for parcel number 20007000 which is continued at this time with a decision to be made at another Board of Equalization meeting before the July 25, 2011 deadline for all decisions. Also valuations were determined on parcel 20077100 and parcel 80008100 and entered into the record. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

Chairman Pierce recessed the Board of Equalization meeting at 3:20 p.m. until Tuesday, July 19, 2011 at 8:00 A.M.