

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, August 9, 2011 at 9:00 A.M and 9:45 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, Horace Dannehl, Kent Greder, Ivan Klein, 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 Attorney Shawn Eatherton was present. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public.

Chairman Pierce called for Citizen's forum and Ron Nielsen from the Masonic Lodge was present. Discussion was held on the color and wording on the time capsule/cornerstone for the Phase 2 Construction Project. The Construction Oversight will follow up with Mr. Nielsen and look at color samples for the cornerstone project.

REGULAR AGENDA

Moved by McMullen and seconded by Brayton to approve the July 25, 2011 and July 26, 2011 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Dannehl, Greder, Morrow and Pierce. Abstain: Klein. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the Clerk of the District Court July 2011 Report, County Treasurer July 2011 Fund Balance Report and the Community Action Partnership of Mid-Nebraska R.Y.D.E Report for June 2011. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

County Sheriff Neil Miller contacted the County Clerk on August 1, 2011 and noted that he inadvertently missed submitting new employee payroll claims for July 2011. Chairman Pierce was notified and the employees were paid on August 5, 2011. Moved by Greder and seconded by Dannehl to ratify the decision and approve the County General claims in the amount of \$2,263.44. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

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 Klein to approve the following Change Order Requests of the Phase 2 project: #101 in the amount of \$7,973.00 for additional exterior lettering on the signs; #102 in the amount of \$109,347.00 for labor and materials for "Horseshoe parking lot" and #103 in the amount of \$6,068.00 to provide modifications to the judge's benches. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried. Barritt also presented the updated Contingency report and the Contract Change Order 11 of the Phase 2 project.

REGULAR AGENDA

Chairman Pierce noted that there wasn't any current correspondence and called on each Board member for Committee reports and recommendations.

Moved by Morrow and seconded by Greder to approve the Alley Rose application for special designated liquor license for event to be held on September 17, 2011 at the National Guard Armory. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Greder to approve the following Resolution 2011-40 to authorize the transfer of uncollected taxes to inactive status. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-40

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Supervisors, with the request that the taxes be placed on an inactive status, and stating that Distress

Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Supervisors hereby authorize the transfer of said taxes to an inactive status. 77-1738

Moved by McMullen and seconded by Dannehl to authorize Chairman Pierce to sign the interlocal agreement with the City of Kearney for the 2011 BYRNE Justice Assistance Grant (JAG). Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to correct Resolution 2011-32 to correct the legal description with the following Resolution 2011-32 A. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-32 AMENDMENT

WHEREAS, on June 14, 2011, in Resolution 2011-032 this Board approved a Zoning Map Amendment filed by Randall Stones, and

WHEREAS, a typographical error in the real estate description was discovered while filing the Resolution, and

WHEREAS, the real estate description in Resolution 2011-032 should be amended.

NOW THEREFORE, BE IT RESOLVED THAT THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that Resolution #2010-032 is amended to state that the real estate involved in the zoning map amendment in that Resolution is correctly described as:

A tract of land being part of the Northwest ¼ of the Northwest ¼ of Section 25, Township 10 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Northwest ¼ of said Section 25; thence easterly on the North line of said Northwest ¼ a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East right-of-way line of Nebraska State Highway No. 10; thence continuing easterly on the North line of said Northwest ¼ a distance of ~~665.39~~ 667.39 feet; thence southerly a distance of 916.66 feet to a point, said point being 407.0 feet north of the South line of the Northwest ¼ of the Northwest ¼ of said section; thence westerly parallel with and 407.0 feet northerly of the South line of the Northwest ¼ of the Northwest ¼ a distance of 666.72 feet to a point that intersects on the East right-of-way line of Nebraska State Highway No. 10; thence northerly a distance of 916.8 feet to the place of beginning. EXCEPT a tract of land being part of the Northwest ¼ of the Northwest ¼ of said Section 25, more particularly described as follows: Referring to the Northwest corner of the Northwest ¼ of said Section 25 and assuming the North line of said Northwest ¼ as bearing S 88°59'27" E and all bearings contained herein are relative thereto; thence S 88°59'27" E and on the North line of the Northwest ¼ a distance of 40.0 feet to a point that intersects on the East right-of-way line of Nebraska State Highway No. 10; thence SOUTH on the aforesaid East right-of-way line a distance of 655.76 feet to the ACTUAL PLACE OF BEGINNING; thence continuing SOUTH on the afore described course a distance of 261.31 feet; thence S 89°00'17" E a distance of 666.72 feet; thence N 00°02'07" E a distance of 261.31 feet; thence N 89°00'17" W a distance of 666.97 feet to the place of beginning. AND ALSO EXCEPTING that portion of the Northwest ¼ of the Northwest ¼ of Section 25, Township 10 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, deeded to the State of Nebraska Department of Roads by Inst. 2003-715 and filed in the Buffalo County Register of Deeds office.

BE IT RESOLVED, that a copy of this Resolution shall be filed against the above described property.

Moved by McMullen and seconded by Morrow to enter into Executive Session to discuss contract negotiations at 9:38 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, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to move out of Executive Session at 9:49 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Brayton, Greder, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Supervisors at 9:52 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 Deputy County Treasurer Brenda Rohrich were present.

Moved by Morrow and seconded by Dannehl to approve tax list corrections 3775-3779 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Brayton, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Discussion followed on the Faith Christian School Exemption Application. County Assessor Joe Woodward stated that the property listed on the application had not been transferred into the name of Faith Christian School. No action was taken.

Moved by Greder 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-St Lukes on a 2010 Ford, 2003 Dodge caravan, 2000 Chevrolet van and 2006 trailer. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Society of Ravenna on a 2008 Dodge caravan, 2010 Dodge caravan and a 2008 trailer. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by McMullen to recess the Board of Equalization at 10:00 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.

REGULAR AGENDA

Highway Superintendent Ron Sklenar was present for the following Agenda items. Moved by Dannehl and seconded by McMullen to approve the following Resolution 2011-41 to set a public hearing for vacation of portion of road. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-41

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, hereinafter referred to as "described road":

All of that portion of 115th Road that is located both in Section Thirty-three (33). Township Ten (10) North and in Section Four (4), Township Nine (9) North, Range Fourteen (14) West of the 6th P.M., Buffalo County

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down September 13, 2011 at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Moved by McMullen and seconded by Dannehl to authorize Chairman Pierce to sign the Federal Aid Transportation Fund Purchase-Sale Agreement with the State of Nebraska with the following Resolution 2011-42. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-42

Whereas, each year the federal government makes available to Nebraska certain federal-aid transportation funds, including funds from the Surface Transportation Program (STP) and the Highway Bridge Program (HBP) (formerly known as the Highway Bridge Replacement and Rehabilitation Program), for use on State and Local federal-aid transportation projects; and,

Whereas, certain federal-aid STP and HBP funds have historically been made available to the LPA by the State for its use in funding federal-aid projects on the public streets or roads within its jurisdiction; and,

Whereas: LPA and the NDOR wish to enter into an Agreement to provide for the purchase, at a discount; certain federal-aid dollars currently made available to the LPA.

Whereas, the LPA is interested in selling its available federal-aid funds to the State on the terms and conditions set out in this Agreement, including certain limitations on the use of the cash received by the LPA.

Whereas, the Board/Council has reviewed the Agreement and has determined that it is in its best interest to enter into the Agreement in the attached form.

Be It Resolved: by the Board/Council of Buffalo County that: Chairman Richard Pierce is hereby authorized to sign the attached Federal Funds Purchase Program Agreement between Buffalo County and the NDOR.

Roger Jasnoch, President of Kearney Visitors Bureau was present for discussion and updated reports.

Chairman Pierce asked if there was anything else to come before the Board at 10:30 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, August 23, 2011 at 9:00 A.M.