

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 8, 2011
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, November 8, 2011 at 9:00 A.M and 10:30 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, Ivan Klein, William McMullen, Sherry Morrow and Richard Pierce. Absent: Kent Greder. 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. (Supervisor Greder arrived at 9:12 A.M.)

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 arrived at 9:08 A.M.

Chairman Pierce called for Citizen's forum and no one was present.

REGULAR AGENDA

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

Moved by Morrow and seconded by McMullen to accept the Buffalo County Treasurer October 2011 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Klein, and Pierce. Absent: Greder. 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 and presented and reviewed the Change Order Requests. Moved by Klein and seconded by Dannehl to approve the following Change Order Request #117 of the Phase 2 project which is a credit back for unused allowance funds in the amount of \$38,670.43. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Brayton, McMullen, Morrow, and Pierce. Absent: Greder. None voted "Nay". Motion declared carried. Barritt presented the Contract Change Order #13, which is a compilation of previously approved Change Orders and the Certificate of Substantial Completion of the Phase 2 Courts were presented for the Chairman's signature.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. State of Nebraska Department of Environmental Quality sent a copy of the new Wellhead Protection area map of Ravenna. Brian Gaskill, Housing Coordinator Community & Rural Development Division sent Notice of Public Comment Period for the proposed 2012 Annual Action Plan. MetLife sent the-intermediary and producer compensation notice. Pipeline Awareness newsletter and Dawson County Planning and Zoning sent notice of the public hearing for the adoption of updated Zoning Regulations. NACO sent information about the Annual Conference including the NACO Bylaw Change, NACO voting procedures and the silent auction. Chairman Pierce called on each Board member for Committee reports and recommendations.

Moved by Dannehl and seconded by Brayton to reappoint Sharon Martin and Barb Pemberton Riege, Alternate to the Board of Adjustment. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Kyla Boersma and Rachel Tobaben from the Armor Club were present to request approval for a special designated liquor license. Moved by Morrow and seconded by Klein to approve the Special Designated Liquor License application filed by the Armor Club for an event to be held on December 17th, 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.

Moved by Dannehl and seconded by Brayton to approve the Recommitment Resolution 2011-62 for the Intergovernmental/ Interlocal Agreement with Nebraska Intergovernmental Risk Management Association (NIRMA). Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-62
FOR AMENDMENT AND ADDENDUM TO
NIRMA/NIRMA II INTERGOVERNMENTAL/INTERLOCAL AGREEMENTS

WHEREAS, Buffalo County has previously entered into Intergovernmental/Interlocal Agreements with various other Nebraska Counties and other public agencies to form and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) as authorized by the Intergovernmental Risk Management Act (Neb.Rev.Stat. 44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb.Rev.Stat. 13-801 et seq.); and

WHEREAS, Counties and other Public Agencies as defined in Neb. Rev.Stat. 44-4303 are allowed to participate in said cooperative undertakings; and

WHEREAS, the Legislature has found that proper risk management requires the spreading of risk so as to minimize fluctuation in insurance needs and that benefits can be derived through the pooling of insurance purchasing by local government, and

WHEREAS, NIRMA and NIRMA II have provided coverages to the County in a cost effective way which meet and exceed that provided by standard insurance carriers; and

WHEREAS, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits, claims and litigation management, and coverages tailored to address loss exposures counties face not economically available from other sources; and

WHEREAS, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

WHEREAS, the current Intergovernmental/Interlocal Agreements will expire on June 30, 2012, and

NOW, THEREFORE, BE IT RESOLVED that the Buffalo County Board hereby:

1. Extends its commitment to participate in NIRMA and NIRMA II for the period July 1, 2012 through June 30, 2015; and
2. Declares that this Resolution shall serve as an amendment and addendum to the previous Intergovernmental/Interlocal Agreements entered into by the county Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

Angie Hilton from the Election Commissioner's office and Lynn Rauner, Board Administrator were present to discuss the Redistricting map and Resolution that was mailed out in the Board packet. Maps will be redrawn and this will be addressed again later in this same meeting.

Highway Superintendent Ron Sklenar was present for the following Agenda items. Road Committee Chairman McMullen instructed County Clerk Giffin to open and read aloud the bids for Precast Concrete Deck Sections. Bids received were from Oden Enterprises Inc, Midwest Services & Sales Co and Husker Steel Company. Bids will be reviewed by Highway Superintendent Ron Sklenar and the Road Committee. A decision will be made at the next Board meeting.

Moved by McMullen and seconded by Dannehl to approve the Interlocal Agreement with Hall County for bridge replacement projects. 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 McMullen and seconded by Klein to set a bid date of December 13th, 2011 at 10:00 A.M. for 2012 Asphalt Overlay Maintenance Projects. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Dannehl to accept petition for vacation or abandonment of road located in 20-12-17 and 17-12-17. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Discussion was held with Thomas L Freeman, Assistant Professor of the University of Nebraska Kearney on bird surveys conducted on County Roads. No action was taken.

After discussion and revision of the Resolution and map sent out in the Board packet, a motion was made by McMullen and seconded by Greder to approve redistricting Board of Supervisors Districts Resolution 2011-63. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton Dannehl, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-63

WHEREAS, the office of the Buffalo County Election Commissioner did receive the 2010 Census figures for Buffalo County, and

WHEREAS, according to Section 32-553 of the Revised Statutes of Nebraska, it is mandatory that Buffalo County redistrict itself within six months after the passage of approval of the legislative bill providing for reestablishing legislative districts, and

WHEREAS, on May 26, 2011, the Nebraska Legislature and Governor approved LB 704 which redistricted legislative districts.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that in compliance with Section 32-553 of the Revised Statutes of Nebraska, that Buffalo County be redistricted, according to the attached map and following descriptions defining the Buffalo County Board of Supervisor District Boundaries, and

DISTRICT #1 – is comprised of all of Cherry Creek Township, all of Garfield Township (including the city of Ravenna), all of Beaver Township, all of Cedar Township, all of Schneider Township, all of Gardner Township, all of Sharon Township, all of Valley Township, all of Shelton Township (including the city of Shelton), all of Gibbon Township (including the city of Gibbon) and all of Platte Township.

DISTRICT #2 - is comprised of the part of Collins Township that is on the east side of Kearney city limits and east to Avenue M, all of Loup Township (including the village of Pleasanton), all of Rusco Township, all of Thornton Township, all of Divide Township, all of Center Township, all of Precinct 1 in the city of Kearney, the part of Precinct 8 in the city of Kearney that is on the south side of E. 30th Street and all of the Precinct 9 in the city of Kearney.

DISTRICT #3 - is comprised of all of Riverdale Township, all of Precinct 10 in the city of Kearney, all of Precinct 11 in the city of Kearney and the part of Precinct 14 in the city of Kearney that is on the east side of 17th Avenue.

DISTRICT #4 - is comprised of all of Sartoria Township, all of Harrison Township, all of Armada Township (including the village of Miller), all of Scott Township, all of Grant Township (including the village of Amherst), all of Logan Township, all of Elm Creek Township (including the village of Elm Creek), all of Odessa Township, all of Collins Township minus Canal Heights, Highland Park Addition, Youth Rehabilitation Treatment Center (YRTC), and High Plain Estates, all of Precinct 4 in the city of Kearney, part of Precinct 17 in the city of Kearney that is on the west side of Rolling Hills Road, and part of Precinct 17 in the city of Kearney that is south of Kearney Canal and west of Country Club Lane.

DISTRICT #5 - is comprised of part of Collins Township that is Canal Heights, Highland Park Addition, Youth Rehabilitation Treatment Center (YRTC) and High Plains Estates, the part of Precinct 13 in the city of Kearney that is on the south side of W. 28th Street, the part of Precinct 14 in the city of Kearney that is on the west side of 17th Avenue, all of Precinct 15 in the city of Kearney, all of Precinct 16 in the city of Kearney and part of Precinct 17 in the city of Kearney that is on the east side of Rolling Hills Road but minus part of Precinct 17 in the city of Kearney south of the Kearney Canal and west of Country Club Lane.

DISTRICT #6 - is comprised of all of Precinct 7 in the city of Kearney, the part of Precinct 8 in the city of Kearney that is on the north side of E. 30th Street, all of Precinct 12 in the city of Kearney, part of Precinct 13 in the city of Kearney that is on the north side of W. 28th Street and all of Precinct 35 in the city of Kearney.

DISTRICT #7 - is comprised of all of Precinct 2 in the city of Kearney, all of Precinct 3 in the city of Kearney, all of Precinct 5 in the city of Kearney and all of Precinct 6 in the city of Kearney.

BE IT FURTHER RESOLVED that the foregoing action by said Buffalo County Board of Supervisors, setting forth the new Buffalo County Board of Supervisor District Boundaries and area, be certified to the Buffalo County Election Commissioner for voter purposes.

Moved by Klein and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:34 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 Treasurer Jean Sidwell and County Assessor Joe Woodward were present.

Moved by McMullen and seconded by Morrow to approve tax list corrections 3792 through 3793. Upon roll call vote, the following Board members voted “Aye”: McMullen, Morrow, Brayton, Dannehl, Greder, Klein, and Pierce. None voted “Nay”. Motion declared carried.

Chairman Pierce opened the hearing for Christian Congregation of Jehovah’s Witnesses at 10:36 A.M. No one was present to address the Board but a response letter from the Christian Congregation of Jehovah’s Witnesses was read into the record. Deputy County Attorney Andrew Hoffmeister was present. Hearing was closed at 10:41 A.M. Moved by Dannehl and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Christian Congregation of Jehovah’s Witnesses for a 2012 Chevy Impala. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Greder, Brayton, Klein, Morrow, and Pierce. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for New Life Assembly for a 2003 International Bus. Upon roll call vote, the following Board members voted “Aye”: Klein, Greder, Brayton, Dannehl, McMullen, Morrow, and Pierce. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by Alzheimer's Association-Great Plains Chapter for a 2006 Chevrolet Van. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to recess the Board of Equalization at 10:44 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

Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. The Board discussed the final plat for Buffalo Heights Place for property located in part of the Northwest Quarter of section 19, Township 9 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, filed by Gale Luther on behalf of Wayne Patrick Luther and Catherine L Luther. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Present for the discussion was Gale Luther and Doug Stevenson, Registered Land Surveyor with Olsson Associates. Moved by Brayton and seconded by Morrow to approve the Final Plat with the following Resolution 2011-64. 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 2011-64

WHEREAS, this Board has received a request for Final Plat approval for part of Buffalo Heights Subdivision, and

WHEREAS, on or about April 26, 2011, in Resolution 2011-021 this Board accepted and approved the preliminary plat for Buffalo Heights Subdivision and this Board incorporates all findings of that resolution into this Resolution as if fully set forth herein, and

WHEREAS, from and since April 26, 2011, 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, 70th Road is a section line open public road that abuts the proposed subdivision on its north 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 "Buffalo Heights Subdivision," a subdivision being part of the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Nine (9) North, Range Eighteen (18) 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.

Chairman Pierce asked if there was anything else to come before the Board at 11:15 A.M. before he declared the meeting until the regular meeting on Tuesday, November 22, 2011 at 9:00 A.M.