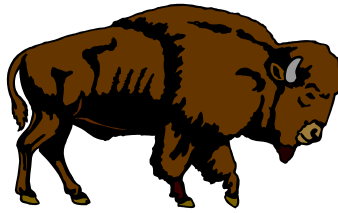


Buffalo County Board of Supervisors
BUFFALO COUNTY COURTHOUSE
P.O. Box 1270 . Kearney, NE 68848-1270
(308)236-1224 or (308)236-1225
Fax (308) 233-3649



REORGANIZATION MEETING
BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, JANUARY 11, 2005
9:00 A.M.

County Clerk Judy Jobman announced that it was 9:00 A.M., Tuesday, January 11, 2005 and called the Reorganization Meeting of the Buffalo County Board of Supervisors to order. Following the Pledge of Allegiance, the County Board members responded to roll call as follows: Greg Barney, Hoss Dannehl, Ivan Klein, Tim Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Absent: None. County Clerk Judy Jobman announced that a quorum was present to conduct County business and that posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors 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 of Supervisors is attached to these minutes. County Clerk Judy Jobman took all proceedings hereinafter shown; while the convened meeting was open to the public.

County Clerk Judy Jobman called for the election of a Chairman.

Loewenstein nominated Richard Pierce for Chairman of the Buffalo County Board of Supervisors, which was seconded by McMullen. County Clerk Jobman asked for further nominations three times. There were none. Moved by Loewenstein, seconded by McMullen to cease nominations for Chairman and elect Pierce by acclamation. There was no discussion, therefore upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Barney, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried and Richard Pierce elected Chairman.

County Clerk Judy Jobman called for the election of Vice-Chairman.

McMullen nominated Horace Dannehl for Vice-Chairman of the Buffalo County Board of Supervisors, which was seconded by Morrow. County Clerk Jobman asked for further nominations three

times. There were none. Moved by McMullen, seconded by Morrow to cease nominations for Chairman and elect Dannehl by acclamation. There was no discussion, therefore upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Barney, Dannehl, Klein, Loewenstein and Pierce. None voted "Nay". Absent: None. Motion declared carried and Horace Dannehl elected Vice-Chairman.

County Clerk Judy Jobman turned the meeting over to Chairman Richard Pierce.

Chairman Pierce called for the Citizen's Forum as per the agenda. Buffalo County Extension Educator Brian Bosshamer was present to discuss and update the Board about the (IANR) Institute of Agricultural Sciences and Natural Resources strategic planning session and the listening session which was held in Kearney on December 2, 2004 and to advise he will have a vacancy in his office and will be advertising for a replacement.

County Attorney Shawn Eatherton arrived for the meeting at 9:10 A.M.

Chairman Pierce announced that the following local banks submitted applications for approval as County Depository Banks: FirstTier Bank of Elm Creek; Exchange Bank, Gibbon; First State Bank, Shelton; Kearney State Bank & Trust Co., Kearney; Nebraska National Bank, Kearney; Platte Valley State Bank & Trust Co., Kearney; Town and Country Bank, Pleasanton and Ravenna; U.S. Bank, NA, Kearney; and Wells Fargo Bank Nebraska, NA, Kearney. Moved by Morrow seconded by Dannehl to approve and accept each of the applications for Buffalo County Depository Banks, as submitted and any other appropriate financial institute subsequently approved. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Barney, Loewenstein, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Morrow, seconded by Dannehl to authorize County Treasurer Jean Sidwell to invest County funds and that the interest from those funds be credited to the Building Fund for 2005 unless otherwise stated. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Barney, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce announced that the appointments of County Board members to serve as representatives on local agency advisory boards for 2005 would be as follows: Airport Zoning Board - Timothy Loewenstein and William McMullen; Agland Valuation Board Region 6 - Richard Pierce; Buffalo County Community Health Partners Board of Directors - Greg Barney; Buffalo County Extension Board- Greg Barney; Central Community College Advisory Board - Timothy Loewenstein; Community Action Partnership of Mid-Nebraska Board - Richard Pierce; Economic Development Council - Richard Pierce (one year term) and Timothy Loewenstein (two year term); Kearney Area Visitor's Bureau Advisory Board - William McMullen; Mid-NE Individual Services Advisory Board -

Ivan Klein; Region III Governing Board - Sherry Morrow; Senior Hospitality Center Board of Directors – Greg Barney; Solid Waste Agency -Sherry Morrow; South Central NE Area Agency on Aging Governing Board – Ivan Klein; South Central Resource Conservation & Development (RC&D) – Ivan Klein; and Two Rivers Public Health Department- Richard Pierce. These appointments are for a one-year term unless otherwise stated, beginning January 1, 2005 and ending December 31, 2005.

Chairman Pierce announced that the designation of the 2005 County Medical Doctor would remain the same as it has in the past. The Doctor belonging to the Buffalo County Medical Association and who is on call will be the County Medical Doctor.

Chairman Pierce designated The Kearney Hub and Gibbon Reporter as legal newspapers for Buffalo County for 2005.

Chairman Pierce appointed the County Board members to various County Committees as follows for 2005: Budget & Finance -- Chairman Sherry Morrow, Bill McMullen and Hoss Dannehl; Building & Grounds -- Chairman Hoss Dannehl, Sherry Morrow and Greg Barney; Court & Judicial -- Chairman Greg Barney, Tim Loewenstein and Ivan Klein; Law Enforcement/Public Safety -- Chairman Tim Loewenstein, Ivan Klein and Bill McMullen; Road & Bridge -- Chairman Bill McMullen, Hoss Dannehl and Ivan Klein; Weed Committee -- Chairman Ivan Klein, Hoss Dannehl and Bill McMullen; Technology Committee -- Chairman Tim Loewenstein, Greg Barney and Ivan Klein; Zoning Committee -- Chairman Dick Pierce, Sherry Morrow and Tim Loewenstein; Human Resources/Insurance -- Chairman Greg Barney, Bill McMullen and Ivan Klein.

At 9:30 A.M. Chairman Pierce called for the public hearing for the petition for withdrawal from Cottonmill Improvement District formed as a Rural Road Improvement District as provided in Sec. 39-1638, *et seq.* Rev.Stat.Rev. open for public comment. Court Reporter Cindy Gembala was present to record the proceedings. The following residents spoke during the hearing: Cottonmill Rural Improvement District Advisory Board Chairman, Scott Foutch; Stan Johnson of Miller & Associates Consulting Engineers, Gary Hogg, David Welch, Jim Nelson and Andrew Hanson petition signers. At 10:01 A.M. Chairman Pierce closed the hearing for public input. After much board discussion it was moved by Dannehl, seconded by McMullen to approve the petition for withdrawal filed with the Buffalo County Clerk on October 19, 2004 and allow the petitioners to withdraw from Cottonmill Lake Rural Improvement Paving District 2004-1. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Klein, Loewenstein, Morrow and Pierce. Voting "Nay": Barney. Absent: None. Motion declared carried. At 10:22 A.M. Chairman Pierce excused Court Reporter Gembala from the remainder of the meeting.

Assistant Highway Superintendent Phil Dixon was present for various agenda items.

Moved by McMullen, seconded by Klein to set Tuesday, January 25, 2005 at 10:15 A.M. to review the One and Six Year Road and Bridge Plan. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Barney, Dannehl, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by McMullen, seconded by Morrow to reject the petition requesting the County to provide road maintenance west of Dove Hill Road, as the area in and around has not been subdivided into a legal subdivision. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Barney, Dannehl, Klein, Loewenstein and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by McMullen, seconded by Dannehl to reject the filed petition requesting paving of shoulder approaches into Blue Sky Estates. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Barney, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Loewenstein, seconded by Morrow to accept the road top maintenance of the roadway located in Rio Madera Avenue and Lindsay Road. These roadways meet Buffalo County's Subdivision specifications in terms of roadway width, surface covering, drainage and signage. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by McMullen, seconded by Dannehl to set the bid date of February 8, 2005 at 9:45 A.M. for Asphalt Overlays on Project Nos. C10 (824, C10 (839) and C10 (843). Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Barney, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Barney, seconded by Loewenstein to reconsider the motion passed earlier for road top maintenance of Rio Madera Avenue and Lindsay Road.. Upon roll call vote, the following Board members voted "Aye": Barney, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Loewenstein, seconded by McMullen to table a decision on road top maintenance of Rio Madera Avenue and Lindsay Road.until February 8, 2005 for clarification of the Board and Highway Departments policy with regard to acceptance. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Barney, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

General County Business.

The Board members reviewed minutes from Tuesday, December 28, 2004. It was moved by Barney, seconded by Loewenstein to approve the minutes of Tuesday, December 28, 2004. Upon roll call vote, the following Board members voted "Aye": Barney, Loewenstein, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Abstain: Klein who was absent from the December 28th meeting. Absent: None. Motion declared carried.

Chief Deputy Sheriff Tony Paulsen came before the board to discuss and update the County Board with regard to the assessment which is scheduled of the Local Jail System and advised them the (NIC) National Institute of Corrections will be doing a study of the current court, law enforcement and jail needs on January 25 and 26, 2005 assisted by (PONI) Planning and New Institutions and will be meeting with the County Board for their input on the afternoon of January 25 in the Board room. Paulsen also advised the Sheriff's Office will be advertising for an (RFP) Request for Proposal with regard to the possibility of using an outside Jail Food Service if it will save the County money.

Moved by Loewenstein, seconded by Morrow for the board to hold a work session on Thursday, January 27, 2005 at 1:30 P.M. at the Multi-purpose Room of the Law Enforcement Center and instructed County Clerk Judy Jobman to publish notice for the same according to Nebraska law.

Current correspondence was discussed.

A Thank you was received from Irene Newman who retired from the Veteran's Service Office for her recognition plaque and watch; a proposal was received from Lawn Builders for lawn care which was turned over to the Building and Grounds Committee for review; Nebraska Department of Environmental Quality sent notice of grants available for scrap tire collection; Randy Tonniges, CPA sent a card inviting Buffalo County to their one year anniversary open house on January 14, 2005 from 5:00 P.M. until 7:00 P.M. at their location in Kearney; The State of Nebraska sent a letter advising the Federal Highway Administration approved the 2000 Census update of the National Functional Classification and Kearney Urban Area Boundary effective December 17, 2004 and included an updated map. (NIRMA) Nebraska Intergovernmental Risk Management Association sent a letter about their 2005 Annual Conference in Kearney on Wednesday, February 9th along with a request for advance registration by January 21, 2005. NIRMA also advised of a vacancy on the NIRMA Board and asked for a list of names of those interested in serving prior to the meeting.

County Board members reviewed the December fund balance listing from the County Treasurer; The Fort Kearney Shooting Sports Association tree planting plan; the County/City December monthly update for Cottonmill, Kearney Area Solid Waste Agency, Kearney/Buffalo County Communications Center and Kearney Public Library. Moved by Klein, seconded by Dannehl to accept the reports as presented. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Barney,

Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Various Committee reports were given.

Moved by Dannehl, seconded by Klein to appoint Willie Keep from Elm Creek to the Planning and Zoning Board for a three year term left vacant by Gene Jameson in November 2004. The term will begin immediately and expire on November 30, 2007. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Dannehl, seconded by Morrow to approve the following reappointments to (LEPC) Local Emergency Planning Committee: Mike Martinosky- Kearney Volunteer Fire Department (representing Suburban Fire); Dan Saathoff, Eaton Corporation (representing Manufacturing); Vern Fiala – Retired (representing Communication); Harlan Simmerman, Elm Creek Fire (representing Rural Fire); and Timothy Loewenstein-Buffalo County Board of Supervisors (representing County Government). Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Barney, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Dannehl, seconded by Klein to recess the regular meeting of the Board of Supervisors at 11:40 A.M. and reconvene as a Board of Equalization to approve renewal applications for motor vehicle tax exemptions and tax list corrections. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

-BOARD OF EQUALIZATION-

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present.

Moved by Loewenstein, seconded by McMullen to approve Tax List Corrections 2183-2207 as submitted. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Barney, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Dannehl, seconded by Loewenstein to approve as shown on the agenda the renewal applications for motor vehicle tax exemption: Faith United Methodist Church of a 1993 Ford Sport van and 1999 GMC Savanna van; Corpus Christi Carmelites Sisters of a 2002 Buick Century, a 1994 Chrysler Concorde, a 2000 Chevrolet cutaway van, a 2002 Pontiac Sport van and a 2000 Buick Lesabre; Campus House of a 1994 Ford; Evangelical Lutheran Good Sam Society on a 1995 Ford bus, 1992 Chevrolet bus and 1993 Ford Pickup and for Good Samaritan Health Systems on a 1992 Plymouth Grand Voyager Van,

1993 Ford Ambulance, 1993 Dodge Caravan, 1993 Ford Van, 1994 Chevrolet Astro Van, 1994 Chevrolet Pickup, 1994 Ford Econoline Van, 1994 Ford Explorer, 1995 Ford Econoline Van, 1996 GMC Sierra Pickup, 1996 Chevrolet Van, 2003 Ford Ambulance, 2-1997 Ford Vans, 1998 Ford Ambulance, 1998 Ford Van, 1999 Dodge Intrepid, 1999 Ford Ambulance, 1999 Ford Econoline Van, 2000 Ford Explorer, 3-2002 Ford Ambulances, 2002 Ford Van, 2003 Pontiac Van and 2-2003 Ford Vans. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Barney, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Morrow, seconded by Loewenstein to recess the Board of Equalization at 11:45 A.M. and return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

-REGULAR MEETING-

Chairman Pierce called the regular meeting to order in open session.

At 11:46 A.M. it was moved by Loewenstein, seconded by Klein to enter into an Executive Session to discuss personnel issues and pending litigation. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Barney, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Klein, seconded by McMullen to move out of Executive Session and return to an open session of the County Board meeting at 12:12 P.M. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Barney, Dannehl, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce called the County Board meeting to order in open session.

Chairman Pierce declared the meeting adjourned at 12:13 P.M. until the next regular meeting on Tuesday, January 25, 2005 at 9:00 A.M. and instructed County Clerk Judy Jobman to publish notice for the same according to Nebraska law.