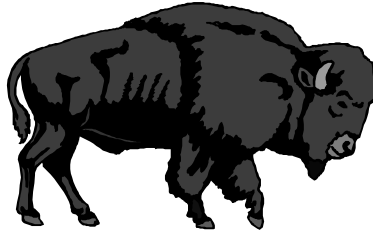


Buffalo County Board of Supervisors
BUFFALO COUNTY COURTHOUSE
P.O. Box 1270 . Kearney, NE 68848-1270
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REGULAR MEETING
BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 11, 2003
9:00 A.M.

Regular meeting of the Buffalo County Board of Supervisors was held at 9:00 A.M. on Tuesday, February 11, 2003.

Chairman McMullen led the County Board and audience in the Pledge of Allegiance. Chairman McMullen called the regular meeting to order with the following Board members responding to roll call: Greg Barney, Horace Dannehl, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Absent: None.

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 said meeting was open to the public. Deputy County Attorney Andrew Hoffmeister was present.

Chairman McMullen called for the Citizen's Forum as per the agenda. Denise Zwiener, of the Buffalo County Community Health Partners presented Horace "Hoss" Dannehl with an Admiralship in formal appreciation for the time he gave to the BCCHP which reads as follows: ADMIRAL THE GREAT NAVY OF THE STATE OF NEBRASKA To All Who Shall See These Presents Greetings; Know Ye, that reposing special trust and confidence in the Patriotism valor, fidelity and abilities of Hoss Dannehl and knowing you to be a good person and a loyal friend and counselor I have nominated and do appoint you an Admiral in the Great Navy of the State of Nebraska. You are therefore called to

diligently discharge the duties of Admiral by doing and performing all manner of things thereto belonging. And I do strictly charge and require all officers, seamen tadpoles and goldfish under your command to be obedient to your orders as Admiral – and you are to observe and follow, from time to time, such directions as you shall receive, according to the rules and discipline of the Great Navy of the State of Nebraska. This commission to continue in force during the period of your good behavior, and the pleasure of the Chief Admiral of the Great Navy of the State of Nebraska. Given under my hand in the City of Lincoln, State of Nebraska the 23rd day of April, 2002 in the year of our Lord. /s/ Mike Johannes, Governor

Ron Tillery, Director of the Economic Development Council was present at the request of the County Board to answer questions and update the board on a few changes with the Great Platte River Archway Monument. Marvon Reichert was present and brought forth a question about the 1000 foot distance between residences as stated in the adopted zoning plan.

Moved by Loewenstein, seconded by Morrow for this issue to be better defined, reviewed and identified by the zoning committee. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Dannehl, Klein, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Marvon also brought up his concerns with the Equestrian Hills and the Board Chairman asked Mr. Reichert to attend the One and Six Year Road and Bridge Plan hearing at 10:00 A.M. today to discuss his concerns with Ron Sklenar.

The Board members reviewed minutes from Tuesday, January 28, 2003. It was moved by Dannehl, seconded by Pierce to approve the minutes of January 28, 2003. Upon roll call vote, the following Board members voted "Aye": Dannehl, Pierce, Barney, Klein, Loewenstein, Morrow and McMullen. None voted "Nay". Absent: None. Motion declared carried.

County Attorney Shawn Eatherton was present at this time.

Current correspondence was discussed. Letters were received from Buffalo County Attorney, Shawn Eatherton with his statement to the County Board and the Historical Society that his office will take no active part carrying out the provisions for the County Historical Society Grant; from Deputy County Attorney, Andrew Hoffmeister a copy of his answer to the petition on appeal of Northridge Retirement Community, L.L.P. and his request for dismissal; from Deputy County Attorney Hoffmeister a clarification of statute concerning Firework sales outside of corporate limits; information about an upcoming meeting on March 21, 2003 concerning Public Records and Open Meetings; and from the

Fullerton Group on LB754 Action Alert concerning the dilution of local control for feed lots by this legislation.

Moved by Barney, seconded by Dannehl to approve the following resolution for opposition of LB754 and authorize County Board Chairman, William C. McMullen to sign on behalf of the County. Upon roll call vote, the following Board members voted "Aye": Barney, Dannehl, Klein, Loewenstein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

RESOLUTION 2003-4

WHEREAS, LB754, which deals with livestock waste facilities, is under consideration in the Nebraska State Legislature; and,

WHEREAS, currently it is the responsibility of the livestock waste facility to show the local zoning boards that the facility meets the requirements necessary to obtain a conditional permit; and

WHEREAS, said bill would cause undue hardship on the County by restricting local control and oversight of such facilities;

NOW, THEREFORE, BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby makes known to all of the forty nine Nebraska State Legislators of their strong opposition to LB754.

The County Board members reviewed the January 2003 Buffalo County Treasurer's Fund Balance report. Moved by Dannehl, seconded by Morrow to accept the report. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Barney, Klein, Loewenstein, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

The various Committee reports were given.

Sherry Morrow reported on her attendance at the Region III meeting and the need to oppose LB 724 which would combine three Regional Centers into one. After discussion it was moved by Morrow, seconded by Klein to approve the following Resolution opposing LB724 and authorize County Board Chairman, William C. McMullen to sign on behalf of the County. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Barney, Dannehl, Loewenstein, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

RESOLUTION 2003-5

WHEREAS, LB 724 is currently pending before the Nebraska State Unicameral in its 2003, First Session, deals with amendment to this State's and this county's responsibilities for the management, funding, and control of localized services for mental health, and

WHEREAS, LB 724 , in its present form, particularly Sec. 6 thereof, seeks to: reduce the number of behavioral health regions which diminishes this county's voice in management of services; limit and redefine the duties of regional governing board which diminishes this county's voice in management of services; centralize administration to become one state controlled Department which again diminishes this county's control of such services; and yet it maintains provisions for funding from each county for such services,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT LB 724, in its present form, is opposed for the foregoing reasons.

Hoss Dannehl reported the elevator installed located in the north wing of the Courthouse and used by the Health and Human Services Department is complete. Moved by Dannehl, seconded by Klein to authorize County Board Chairman, William C. McMullen to sign the Certificate of Substantial Completion concerning the elevator project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

County Clerk Judy Jobman submitted the following early vendor claims to the County Board for approval:

GENERAL FUND:

Vintage Title and Escrow Company	McCue closing costs	\$114,359.25
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BOND DEBT FUND:

Union Bank & Trust Company	Interest payment	\$ 27,943.75
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Moved by Loewenstein, seconded by Barney to authorize the final payment through early vendor claim to Vintage Title and Escrow Company in the amount of \$114,359.25 for the costs associated with the real estate purchase and closing for Lots 504, 505, 506, 507, 508, and 509, Original Town of Kearney Junction, Now City of Kearney, Buffalo County, Nebraska, commonly known as "McCue's" Store. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Barney, Dannehl, Klein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Moved by Morrow, seconded by Klein to authorize the early vendor claim to Union Bank & Trust Company in the amount of \$27,943.75 interest only on the 56th Street Bond pavement project. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Barney, Dannehl, Loewenstein, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried

The following Resolution was presented to the Board for discussion on the proposed State funding reductions that would result in a shift to increase local property tax.

RESOLUTION NO. 2003-6

WHEREAS:

The State of Nebraska has made reductions in direct aid to counties in 2002 and are proposing additional reductions in 2003, these reductions include the areas of Property Tax Relief, state prisoner reimbursement, and gas tax allocation to counties; and

WHEREAS:

The State of Nebraska has reduced funding to some of its programs such as Medicaid, that increase citizen dependence on county funded programs such as General Assistance/Medical Relief; and

WHEREAS:

The State of Nebraska has enacted certain "unfunded mandates" that affect county budgets and tax requirements; and

WHEREAS:

Certain legislators continue to attempt to divert the local County Inheritance Tax receipts into state coffers; and

WHEREAS:

The afore mentioned actions result in increased demands on local property tax; and

WHEREAS:

This demand results in a significant "tax shift" from state income, sales, and gas tax **TO LOCAL PROPERTY TAX**; and

WHEREAS:

This proposed “tax shift” and increase in local property tax is very unpopular with the citizens of Buffalo and the Buffalo County Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS:

1. By this resolution the Buffalo County Board of Supervisors does encourage the State of Nebraska to 1.) broaden the sales tax base, and 2.) to examine the use of income tax to raise needed revenue after all reasonable spending cuts have been implemented.
2. Avoid any actions that would lead to “tax shifts” and increases in local property tax rates: be it county, K-12 schools, or community college rates.
3. All pending legislation should be required to be accompanied by a “fiscal impact to counties” statement which would be co-authored by the Legislative Research Office and the Nebraska Association of County Officials (NACO).
4. The Buffalo County Board of Supervisors will use every reasonable means to inform the public about the tax

implications of pending
Legislation.

After discussion it was moved by Dannehl, seconded by Barney to authorize County Board Chairman, William C. McMullen to sign the foregoing resolution. Upon roll call vote, the following Board members voted "Aye": Dannehl, Barney, Klein, Loewenstein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Chairman McMullen announced the additional appointments of County Board members to serve as representatives on local agency advisory boards for 2003 as follows: Co-Location Committee Ivan Klein and Tim Loewenstein; South Central Behavioral Services- Richard Pierce.

Moved by Morrow, seconded by Pierce to recess the regular meeting of the Board of Supervisors at 9:45A.M. and reconvene as a Board of Equalization to approve new purchase and renewal applications for motor vehicle tax exemptions and to approve tax list corrections. Upon roll call vote, the following Board members voted "Aye": Morrow, Pierce, Barney, Dannehl, Klein, Loewenstein and McMullen. None voted "Nay". Absent: None. Motion declared carried.

-BOARD OF EQUALIZATION-

Chairman McMullen called the Board of Equalization to order in open session.

Moved by Pierce, seconded by Morrow to approve the renewal applications for motor vehicle tax exemptions for (Faith United Methodist Church) FUMC Boys Scout Troop 158 on a 1994 untitled trailer; First Baptist Church on a new purchase 2002 Ford Bus; Evangelical Lutheran Good Samaritan Society on a new purchase 1993 Ford XL pickup. Upon roll call vote, the following Board members voted "Aye": Pierce, Morrow, Barney, Dannehl, Klein, Loewenstein and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Moved by Loewenstein, seconded by Klein to approve tax list adjustments #1870-1888 as presented. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Barney, Dannehl, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Moved by Dannehl, seconded by Klein to approve tax list adjustments #1889-1906 as presented. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Moved by Klein, seconded by Loewenstein to recess the Board of Equalization at 9:50 A.M. and return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Klein, Loewenstein, Barney, Dannehl, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

-REGULAR MEETING--BOARD OF SUPERVISORS-

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

Weed Superintendent Dick Kincaid was present to set a bid date for bid letting for a 2003, 4WD pickup and possible sale of a 1998 K3500 Sierra GMC pickup. It was moved by Klein, seconded by Dannehl to set a bid letting date of March 11, 2003 at 10:30 A.M. for the new purchase and sale of used vehicle. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Barney, Loewenstein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

At 9:45 A.M. Chairman McMullen called for the decision on bid letting for lease of the small concrete block building. Chairman McMullen instructed County Clerk, Judy Jobman to open each bid and read them out loud. There was only one bid submitted, it was from Myron McCue of Kearney, Nebraska.

Moved by Loewenstein, seconded by Barney to accept the proposal of Myron McCue for \$40.00 per month with the understanding that he agrees to all specifications as stipulated in the bidding requirements. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Barney, Dannehl, Klein, Morrow, Pierce and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Highway Superintendent Ron Sklenar was present.

Moved by Pierce, seconded by Dannehl to set Tuesday, February 25, 2003 at 10:00 a.m. for bid letting for gravel for the Highway Department and instruct County Clerk Judy Jobman to publish notice for the same according to Nebraska law. Upon roll call vote, the following Board members voted "Aye": Pierce, Dannehl, Barney, Klein, Loewenstein, Morrow and McMullen. None voted "Nay". Absent: None. Motion declared carried.

Chairman McMullen called for the public hearing to approve the 2003 One & Six Year Road & Bridge Plan. Marvon Reichert and Barbara Riege were in attendance and presented their concerns.

Following discussion, it was moved by Pierce, seconded by Dannehl to approve the 2003 One & Six Year Road & Bridge Plan for Buffalo County as presented. Upon roll call vote, the following Board members voted "Aye": Pierce, Dannehl, Barney, Klein, Loewenstein, Morrow and McMullen. None voted "Nay". Absent: None. Motion declared carried.

At 10:25 A.M., moved by Loewenstein, seconded by Dannehl to enter into an Executive Session to discuss pending litigation and contract negotiations. Upon roll call vote, the following Board

members voted "Aye": Loewenstein, Dannehl, Barney, Klein, Morrow, Pierce, and McMullen. None voted "Nay". Absent: None. Motion declared carried. Supervisor Morrow left the meeting.

Moved by Loewenstein, seconded by Klein to move out of Executive Session and return to an open session of the County Board meeting at 11:30 A.M. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Barney, Dannehl, Pierce and McMullen. None voted "Nay". Absent: Morrow. Motion declared carried.

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

Chairman McMullen appointed a subcommittee for Emergency Management, consisting of Timothy Loewenstein, Chairman; Sherry Morrow and William McMullen.

Moved by Pierce, seconded by Dannehl to authorize the sub committee and/or committee chairman to negotiate contracts for Emergency Management for Buffalo County. Upon roll call vote, the following Board members voted "Aye": Pierce, Dannehl, Barney, Klein, Loewenstein and McMullen. None voted "Nay". Absent: Morrow. Motion declared carried.

Chairman McMullen announced there would be a meeting next week February 18, 2003 when they will discuss with Ron Sklenar his report on the vacation of land, the heating and cooling contract in the courthouse and Emergency Management.

Chairman McMullen declared the meeting adjourned at 11:35 A.M. until the next regular meeting on Tuesday, February 18, 2003 at 9:00 A.M. and instructed County Clerk Judy Jobman to publish notice for the same according to Nebraska law.