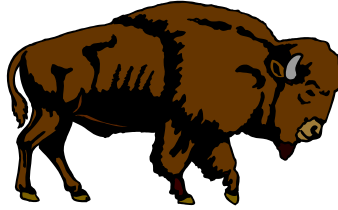


**Buffalo County Board of Supervisors**  
BUFFALO COUNTY COURTHOUSE  
P.O. Box 1270 . Kearney, NE 68848-1270  
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REGULAR MEETING  
BUFFALO COUNTY BOARD OF SUPERVISORS  
TUESDAY, APRIL 13, 2004  
9:00 A.M.

Regular meeting of the Buffalo County Board of Supervisors was held at 9:00 A.M. on Tuesday, April 13, 2004. Chairman Pierce led the County Board and audience in the Pledge of Allegiance. Chairman Pierce called the regular meeting to order with the following Board members responding to roll call Greg Barney, Hoss 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. County Attorney Shawn Eatherton was present.

Chairman Pierce called for the Citizen's Forum as per the agenda. Marv Reichert was present and voiced his concern of some highway issues which were referred to the Highway Committee for follow up.

Elected Officials and Department Heads came before the County Board to discuss various items of concern within their individual offices.

The Board members reviewed minutes from the regular meeting Tuesday, March 23, 2004 and Wednesday, April 7, 2004.

There being no additions or corrections to the minutes, it was moved by Loewenstein, seconded by Barney to approve the minutes of March 23, 2004. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Barney, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

There being no additions or corrections to the minutes, it was moved by Dannehl, seconded by Loewenstein to approve the minutes of April 7, 2004. 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.

Correspondence was received from Cheryl Pesek, Director of the Senior Hospitality Center requesting funding for continuance of the Buffalo County Housekeeping Program into the next fiscal year in the amount of \$10,000.00; State of Nebraska Board of Public Roads Classification and Standards advising they received the NBCS Form 10 Notification of Revision to the Buffalo County One and Six Year Road Plan; Newsletter from Rural New Bits; 2003 Community Action Partnership of Mid-Nebraska Annual Report and Agency brochure; South Central Economic Development District advising of Public input meeting dates; City of Kearney sent information and a list of backflow preventers inspectors; Nebraska Health and Human Services System informing of the extended date for application of the (CJSAP) County Juvenile Services Aid Program; State of Nebraska Department of Roads sent a copy of a letter they sent to Hall County Board of Supervisors asking if they were interested in raising the speed limit on Highway N-2 to 65 mph, between the Buffalo County/Hall County line to the west edge of Grand Island noting all criteria for raising the speed limit on Highway N-2 are met from Hazard to the west edge of Grand Island; Pamphlet was received from Zoll Medical Corporation about First AED for resuscitation which was turned over to Supervisor Morrow to research with the Public Sector Cooperative. The annual report with evaluation of the Buffalo County Jail was found in compliance with Standards by the State of Nebraska Jail Standards Division. The floodplain management ordinance which was adopted on February 6, 2004 was found to meet the minimum standards of the National Flood Insurance Program (NFIP) and the State of Nebraska. An invitation was received for the Retirement of Gene Schwab at the Buffalo County Highway Department Shop on Thursday, April 15, 2004 from 2:00 P.M until 4:00 P.M.

The County Board reviewed and the March monthly reports from the Nebraska Veterans Aid and Buffalo County Veterans Aid, Quarterly Report of the County Veterans' Service Committee; and the Buffalo County Treasurer's Fund Balance report for March 2004.

It was moved by McMullen seconded by Barney to accept the reports as presented. Upon roll call vote, the following Board members voted "Aye": McMullen, Barney, Dannehl, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

The various Committee reports were given.

Jean Sidwell was present for discussion with the County Board to request the Treasurer's Office be allowed to remain open on Arbor Day, April 30, 2004. After discussion it was moved by Morrow, seconded by Loewenstein to approve the request of the Treasurer to remain open on April 30, 2004 to conduct county business with limited access into the Courthouse and the Treasurer instructed to make all necessary arrangements. 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.

County Treasurer Jean Sidwell submitted the following resolution for approval.

**RESOLUTION 2004-12**

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Supervisors, for the County Treasurer to issue Tax Sale Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002, and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Klein, seconded by Dannehl to approve the foregoing resolution. 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.

Jeff Rumery was present to discuss with the County Board the following resolution for Community Action Partnership of Mid-Nebraska (R.Y.D.E.) to provide public transportation in Buffalo County for elderly and handicapped persons.

**RESOLUTION 2004-13**

WHEREAS, There are available, federal funds under Section 5311 of the Federal Transit Act (FTA), and state funds under the Nebraska Public Transportation Act; and,

WHEREAS, Community Action Partnership of Mid-Nebraska, a private, non-profit organization, wishes to apply for said funds to be used to provide public transportation in Buffalo County with special emphasis on meeting the needs of the elderly and handicapped persons.

NOW, THEREFORE, BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby instructs Community Action Partnership of Mid-Nebraska, to apply for the above mentioned funds. Said funds are to be used for fiscal year 2004-2005.

Moved by McMullen, seconded by Morrow to approve the foregoing resolution and authorize Chairman Pierce to sign on behalf of the Buffalo County Board. 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.

Supervisor Morrow presented the following resolution to the board for discussion and approval.

**RESOLUTION 2004-14**

WHEREAS, The Buffalo County Board of Supervisors (hereinafter "the Board") has investigated the possibility of utilizing direct deposit as a mode of employee wage and payment method; and

WHEREAS, investigation reveals that most employees favor direct deposit as a payment method; and

WHEREAS, Counsel was sought and advised that no prohibition to mandatory direct deposit for County employees appears under State Law; and

WHEREAS, direct deposit has been determined to be a viable option by the financial institution utilized by Buffalo County for payroll; and

WHEREAS, the Board believes that mandatory direct deposit is in the best interest of the citizens and employees of Buffalo County.

NOW THEREFORE BE IT RESOLVED by the Buffalo County Board of Supervisors that effective July 1, 2004 all employee payroll payments shall be via mandatory direct deposit, with all appropriate arrangements made prior thereto.

Moved by Dannehl, seconded by Morrow to approve the foregoing resolution and authorize County Board Chairman to sign on behalf of the Buffalo County Board. 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.

Extension Youth Educator, Brian Bosshamer and Extension Board President Jeff Burr were present for discussion of Buffalo County's mileage/meal reimbursement policy. Moved by Loewenstein, seconded by Dannehl to table the discussion of the mileage/meal reimbursement policy to allow time for Bosshamer, Burr and the Budget committee to meet and discuss the process. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Klein, Barney, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

At 10:24 P.M. Chairman Pierce called for the bid letting of proposals for Ruggedized Laptop Computers & Peripherals to be used by the Sheriff's Department. Sheriff Neil Miller was present as County Clerk Judy Jobman opened each bid and read them aloud. The following companies submitted bids for the Ruggedized Laptop Computers & Peripherals: MOTOROLA, Omaha, Nebraska (2 bids); Computer Pros, Kearney, Nebraska; ITRONIX Corp, Spokane, Washington; PCS Minnesota, Elk River, Minnesota; BIZCO Technologies, Lincoln, Nebraska; and Computer Hardware, Inc., Kearney, Nebraska. The bids were turned over to the Law Enforcement/ Public Safety Committee for review with a recommendation to the County Board and a decision to be made at a later date.

Veteran's Service Officer William Williams was present to discuss veteran benefits with the County Board.

After much discussion it was moved by Barney, seconded by Loewenstein to ask Veteran Service Officer William Williams with consultation of County Attorney Eatherton and Supervisor Barney to draft a Resolution to all appropriate State officials requesting them to readdress the State Statutes clarifying who is eligible for Veteran's Benefits and requesting they consider a postponement of the July 1, 2005 deadline imposed by the Attorney General. 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.

Highway Superintendent Ron Sklenar was present as the following Resolution of Commendation was presented to Merlyn Eugene Schwab for his 34 years of service to the Highway Department.

**RESOLUTION OF COMMENDATION 2004-15**

WHEREAS, Merlyn Eugene Schwab began his employment as a heavy equipment operator with the Buffalo County Highway Department on March 9, 1970; and

WHEREAS, Eugene has now served Buffalo County for thirty-four years and has elected to retire as of April 15, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that Merlyn Eugene Schwab be commended with a unanimous vote of appreciation for his dedicated and loyal service to Buffalo County for thirty-four years at the Highway Department.

BE IT FURTHER RESOLVED that good wishes for health, happiness and prosperity be extended to Merlyn Eugene Schwab for all of his retirement years.

Moved by McMullen, seconded by Klein to set the date of May 11, 2004 at 10:00 A.M. for accepting Cold-In-Place Recycle bids on Projects C10 (824) and C10 (839) 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": McMullen, Klein, Barney, Dannehl, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Klein, seconded by Loewenstein to recess the regular meeting of the Board of Supervisors at 11:42 A.M. and reconvene as a Board of Equalization for the purpose of approval of new purchase and renewal motor vehicle tax exemptions, to set dates to hear permissive tax exemption application on real and personal property, for tax list corrections and for discussion of Northridge Estates TERC Appeal. Upon roll call vote, the following Board members voted "Aye": Klein, Loewenstein, Barney, Dannehl, 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 Treasurer Jean Sidwell and County Assessor Joe Woodward were present.

Moved by Dannehl, seconded by Loewenstein to approve the application for motor vehicle tax exemptions for Christian Student Fellowship of a 1994 Dodge Ram Van (new purchase); Midwest District of the Evangelical Free Churches of America on a 1997 Buick LeSabre and 2002 Chrysler Van; and First Baptist Church on a 2002 Ford Econoline Bus and 2002 Pace untitled utility trailer. 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 Dannehl, seconded by Morrow to approve tax list corrections #2053 - 2081 as presented. 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.

Supervisor Loewenstein reported on behalf of the permissive exemption committee. He reported there were approximately eighty letters sent out requesting information from the Kearney City and area churches along with parsonages for which sixteen letters were not returned. After review it was decided which applicants would be scheduled for hearings. The Board decided hearings will be scheduled and held for: four of those who returned forms needing further clarification; the sixteen entities that did not respond to the letter requesting clarification; several entities requesting exemptions which were recommended for denial or hearing by the County Assessor Joe Woodward. The hearings will take place April 26, 2004 and April 29, 2004 with all entities who filed tax exemption applications on real and personal property receiving notice.

Moved by Loewenstein, seconded by Barney to set the date to hold hearings to review and make final decisions on the applications for tax exemptions of qualifying organizations seeking tax exemption to commence on Monday, April 26, 2004 starting at 9:00 A.M. and continue as scheduled Thursday, April 29, 2004. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Barney, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Klein, seconded by Loewenstein to recess the Board of Equalization at 11:55 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, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

#### **-REGULAR MEETING--BOARD OF SUPERVISORS-**

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

Sheriff Neil Miller discussed with the County Board replacement of the mobile command post and gave a brief history on the current mobile command post. Sheriff Miller offered to make arrangements to have an available unit which has been located for purchase brought to the Courthouse during the lunch hour for the Board to assess.

Chairman Pierce recessed the County Board meeting at 12:08 P.M. and turned the meeting over to Vice-Chairman Dannehl to reconvene at 1:30 P.M. allowing his attendance at a previously scheduled luncheon commitment.

At 1:30 P.M. Vice-Chairman Dannehl reconvened the County Board meeting in open session with all those in attendance as noted prior to lunch with the exception of excused Chairman Pierce.

Supervisor Klein discussed his serving on the South Central Nebraska RC&D Council and recommended that Buffalo County be a member of the organization if he is to attend the meetings. It was moved by Barney, seconded by Morrow to approve Buffalo County membership to the South Central Nebraska RC&D Council with a claim for membership to be presented later in the month for the annual membership fees of \$30.00. Upon roll call vote, the following Board members voted "Aye": Barney, Morrow, Loewenstein, McMullen and Dannehl. None voted "Nay". Abstain: Klein. Absent: Pierce. Motion declared carried.

Discussion was held concerning the current cleaning contract at the highway building. After discussion it was decided no action would be taken on the cleaning contract for the highway department with the understanding the contract can be renegotiated at a later date to change the business name.

Moved by Loewenstein, seconded by Klein to recess the regular meeting of the Board of Supervisors at 1:47 P.M. and reconvene as a Board of Equalization for discussion of Northridge Estates TERC Appeal and for discussion on requesting the County Assessor to remove the property known as the McCue property from the tax rolls. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Barney, McMullen, Morrow and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

#### **-BOARD OF EQUALIZATION-**

Vice-Chairman Dannehl called the Board of Equalization to order in open session. Deputy County Attorney Andrew Hoffmeister was present to discuss Northridge Estates TERC appeal with the County Board requested no action be taken at this meeting but requested to be on the agenda for April 27, 2004.

County Assessor Woodward was present.

Moved by McMullen seconded by Klein to instruct County Assessor Joe Woodward to remove parcel #610131000, 610131001, 610132000, 610132001, 610133000 and 610133001, owned by Buffalo County description (Original Township, Kearney Junction OPD#1 LOTS 504, 505, 506, 507, 508 and 509) from the Tax rolls for 2003. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Barney, Loewenstein, Morrow and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Klein, seconded by Loewenstein to recess the Board of Equalization at 1:58 P.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, McMullen, Morrow and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried

#### **REGULAR MEETING--BOARD OF SUPERVISORS-**

Vice-Chairman Dannehl called the regular meeting to order in open session.

Moved by Loewenstein, seconded by Barney to approve the Public Official Bond for Randy Leopold as Treasurer of SID#3. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Barney, Klein, McMullen, Morrow and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Morrow, seconded by Klein to approve the Public Official Bond for Ladd M. Reeves, Treasurer of Central Platte Natural Resource District. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Barney, Loewenstein, McMullen, and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Morrow, seconded by Loewenstein to recess the regular meeting of the Board of Supervisors at 2:13 P.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Barney, Klein, McMullen, and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

#### **-BOARD OF EQUALIZATION-**

Vice-Chairman Dannehl called the Board of Equalization to order in open session

County Assessor Joe Woodward was present to discuss other property purchased by the County the last two years. After discussion the board requested the Assessor to make sure he has removed all property purchased by the County over the last year from the tax rolls.

Moved by Klein, seconded by Morrow to recess the Board of Equalization meeting at 2:23 P.M. and return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Barney, Loewenstein, McMullen and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

#### **-REGULAR MEETING--BOARD OF SUPERVISORS-**

Vice-Chairman Dannehl called the regular meeting to order in open session.

Moved by Morrow, seconded by Klein to authorize the early claim for purchase of three 2004 Crown Victoria's from State bid in the amount of \$19,999 each for a total of \$59,997 to Anderson Ford, Lincoln, Nebraska and for telephone equipment for the Probation Office in the amount of \$2,433.75 to Methe Communications Inc., Kearney, Nebraska. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Barney, Loewenstein, McMullen, and Dannehl. None voted "Nay". Absent: Pierce. Motion declared carried.

Sheriff Neil Miller and Emergency Manager Darrin Lewis were present to discuss the vehicle the board viewed over lunch today as a possible replacement of the Mobile Command Post. Supervisor Pierce returned to the meeting at 2:40 P.M.

After discussion it was moved by Loewenstein, seconded by Morrow to authorize the Vice-Chairman to appoint two board members to negotiate the replacement purchase of a mobile command post for use by all jurisdictions within Buffalo County. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Klein, McMullen, Pierce and Dannehl. None voted "Nay". Absent: None. Motion declared carried.

Vice-Chairman Dannehl appointed Supervisors Morrow and Loewenstein to the Mobile Command Vehicle Committee and returned the remainder of the meeting over to Chairman Pierce.

Moved by McMullen, seconded by Loewenstein to enter into an executive session of the County Board meeting at 2:52 P.M. to discuss contract negotiations. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Barney, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Dannehl, seconded by Klein to return to open session of the County Board meeting at 3:07 P.M. 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.

Chairman Pierce called the regular meeting to order in open session

Supervisor McMullen reported to the Board he had received communication from William Francis the Attorney for Gary Jacobsen regarding the recent correspondence and offer on property Buffalo County desires to acquire. Supervisor McMullen will be responding to the letter.

Chairman Pierce declared the meeting adjourned at 3:10 P.M. until the next meeting on Monday, April 26, 2004 at 9:00 A.M. and instructed County Clerk Judy Jobman to publish notice for the same according to Nebraska law.