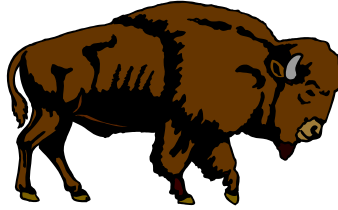


**Buffalo County Board of Supervisors**  
BUFFALO COUNTY COURTHOUSE  
P.O. Box 1270 . Kearney, NE 68848-1270  
(308)236-1224 or (308)236-1225  
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REGULAR MEETING  
BUFFALO COUNTY BOARD OF SUPERVISORS  
TUESDAY, JULY 13, 2004  
9:00 A.M.

Regular meeting of the Buffalo County Board of Supervisors was held at 9:00 A.M. on Tuesday, July 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, 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. County Attorney Shawn Eatherton was present.

Chairman Pierce called for the Citizen's Forum as per the agenda. No one was present.

The County Board members reviewed the minutes from Tuesday, June 22, 2004, Friday June 25, 2004 and Thursday, July 1, 2004. There being no additions or corrections to the minutes, it was moved by McMullen, seconded by Morrow to approve the minutes of June 22, 2004, June 25, 2004 and July 1, 2004. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Barney, Dannehl, Klein, Loewenstein and Pierce. None voted "Nay". Absent: None. Abstain: Barney for June 22 as he was absent from the meeting; Morrow for June 25 as she was absent from the meeting. Motion declared carried.

Current correspondence was discussed.

Letters were received from Marshall Tofte of NIRMA advising of a TeleSeminar addressing wage issues on Thursday, July 29 from, 10:00A.M. until Noon; (NIRMA) Nebraska Intergovernmental Risk Management Association a letter with the renewal costs of insurance for Buffalo County for the 2004-2005 fiscal year; Contryman Associates, P.C asking for the opportunity to submit a proposal for the County's next audit; the "Rural News Bits" sponsored by the Partnership for Rural Nebraska; request from Region III Behavioral Health Services for 2004/2005 funding from Buffalo County; City of Kearney advising of a public hearing to be held on July 13, 2004 at 7:30 P.M. in City Council Chambers for the approval of an area to be blighted and substandard determination of Redevelopment Area #7; and July calendar of events for Buffalo County Agricultural Association.

The County Board reviewed the Treasurer's monthly fund balance report and the report of the County Veteran's Service Committee and NE Veterans Aid report all for the month of June.

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

The various Committee reports were given.

Moved by Klein, seconded by Dannehl to approve the Public Official Bond for Craig E. Nutter, Secretary-Treasurer of the Gibbon Rural Fire District. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Barney, Loewenstein, Morrow, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

The following resolution was presented to the Board for their review

**RESOLUTION 2004-25**  
RESOLUTION OF AGREEMENT OF  
THE BOARD OF COUNTY SUPERVISORS  
OF BUFFALO COUNTY

WHEREAS, the Board of Supervisors of Buffalo County has determined there are public health needs in the county not currently being met and as a result, there is need for the establishment of a District Health Department to meet these needs;

IT IS HEREBY resolved by the Board of Supervisors of Buffalo County, Nebraska, that an agreement be submitted to the Health & Human Services Regulation and Licensure for the purpose of establishing a full-time District Health Department, for the counties of Dawson, Franklin, Gosper, Harlan, Kearney, Phelps and Buffalo, pursuant to Neb. Rev. Stat. Sections 71-1626 to 1636, as amended.

IT IS FURTHER RESOLVED that the District Health Department be subject to approval of the Department of Health an Human Services Regulation and Licensure of the State of Nebraska, and the adoption of a like resolution in Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney and Phelps Counties, Nebraska.

THAT this resolution shall, in conjunction with approval of a like resolution in Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney and Phelps County, Nebraska, and upon approval by the Department of Health and Human Services Regulation and Licensure, be and constitute an agreement between the counties of Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney, and Phelps, and the Department of Health and Human Services Regulation and Licensure, for the establishment and maintenance of a District Health Department for Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney, and Phelps Counties.

IT IS FURTHER RESOLVED that the management of the District Health Department shall be governed by the local health district statutes (Neb. Rev. Stat. Sections 71-1626 to 71-1636) and managed by the Local Health Department Director, with administrative support services provided by Community Action Partnership of Mid Nebraska, subject to the oversight of the Board of Health.

IT IS FURTHER RESOLVED that the duties of the District Health Department shall be those core functions of public health as determined by the appointed Board of Health and approved by the Boards of Commissioners or Supervisors of each county which is a part of the Local Health Districts.

IT IS FURTHER RESOLVED that this agreement shall continue from year to year under the same terms and conditions until the District Health Department is terminated in accordance with Nebraska Revised Statutes Sections 71-1626 to 71-1636, as amended.

IT IS FURTHER RESOLVED that this agreement is subject to annual review by the Board of Supervisors of Buffalo County.

IT IS FURTHER RESOLVED that said District Health Department shall be funded by state and federal grants, private donations, donations and other monies for which the District Health Department is eligible. The Board of Supervisors of Buffalo County shall not be required to provide funding to the District Health Department for the purpose of establishing and/or maintaining the District Health Department.

THAT copies of the Agreement between the Counties of Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney, and Phelps, and with the State of Nebraska, shall be kept on file with the County Clerks of Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney, and Phelps Counties.

BE IT FURTHER RESOLVED that this Resolution shall become effective from and after its approval by the Buffalo, Dawson, Franklin, Gosper, Harlan, Kearney, and Phelps County Commissioners or Supervisors and the Department of Health and Human Services Regulation and Licensure of the State of Nebraska.

It was moved by Dannehl, seconded by Morrow to authorize County Board Chairman Richard Pierce to sign the foregoing resolution in support of the Two Rivers Health Department on behalf of the County. Upon roll call vote, the following Board members voted "Aye": Barney, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

It was moved by Loewenstein, seconded by McMullen to defer approval of the 2-1-1 Resolution pending the development and presentation of written testimony to go before the NE Public Service Commission on August 18th. The written testimony and revised resolution will be presented to the Board for approval at it's meeting on August 10<sup>th</sup>. 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.

After discussion it was moved by Dannehl, seconded by Morrow to authorize Buffalo County Board Chairman Richard Pierce to sign on behalf of Buffalo County the Supplemental Agreement #2 with the State of Nebraska Department of Roads for Project STPB-10(57) for the Buffalo County Trails & Rails Museum Depot Renovation. 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 McMullen, seconded by Morrow to set a public hearing date for the Miller-Amherst Fire District redistricting Petition for August 24, 2004 at 10:00 A.M. and instruct County Clerk Judy Jobman to publish notice. 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 Loewenstein, seconded by Klein to recess the regular meeting of the Board of Supervisors at 9:38 A.M. and reconvene as a Board of Equalization for the purpose of approving tax list corrections, a tax refund request and renewal applications for motor vehicle tax exemptions. 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.

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

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

County Assessor Joe Woodward was present to review the tax list adjustments with the Board.

Moved by Dannehl, seconded by Klein to approve tax list adjustments #2109-2120 as submitted. 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.

County Treasurer Jean Sidwell submitted a tax refund request for Codner JT4.

Moved by Morrow, seconded by Loewenstein to approve the tax refund request of Codner JT4 in the amount of \$29.40 for overpayment due to a clerical error. 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.

Moved by Klein, seconded by Dannehl to approve the renewal application for motor vehicle tax exemption for Mother Hull Home on a 1991 Ford van; Open Bible Church for a 1993 Ford van, 1996 Dodge van and 2001 Haulmark trailer; and South Central Behavioral Services on six Dodge vehicles consisting of a 2002, 2001, 2000 and 1999 Stratus's, 1997 Intrepid, and 1996 Caravan. Upon roll call

vote, the following Board members voted "Aye": Klein, Dannehl, Barney, Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Abstain: Pierce on South Central. Motion declared carried.

Moved by Loewenstein, seconded by Dannehl to enter into an executive session of the County Board meeting at 9:44 A.M. for discussion to be held with Legal Counsel as the next item of business may involve litigation. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Loewenstein, seconded by Klein to return to open session of the Board of Equalization meeting at 9:50 A.M. 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.

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

Moved by Barney, seconded by Morrow to authorize the County Attorney's office on behalf of Buffalo County, to hire expert consultant Great Plains Appraisal, Inc., regarding the Northridge litigation. Upon roll call vote, the following Board members voted "Aye": Barney, Morrow, Dannehl, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce recessed the Board of Equalization at 9:53A.M. and returned to the regular meeting of the Board of Supervisors.

#### **-REGULAR MEETING-**

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

Emergency Manager Darrin Lewis was present for the bid letting of the High Speed Public Notification System for Emergency Management and to discuss the 2004 Homeland Security Grants.

The Emergency Manager presented the 2004 Homeland Security Grants to the Board for their review and approval.

Moved by Loewenstein, seconded by Klein to authorize County Board Chairman Richard Pierce to sign the 2004 Homeland Security Grants Plan for Buffalo County. 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.

Chairman Pierce called for the bid letting at 10:22 A.M. and asked County Clerk Judy Jobman to open each bid and read them aloud. The following companies submitted bids for the High Speed Public Notification System: Mark Toney, DIGITAL INFORMATION NETWORK, Plano Texas; REVERSE SUPPORT, Indianapolis, Indiana; Edward Rutherford, SIMTEL INC, Grass Valley, California;

DIALOGIC MARKETING, Franklin, Tennessee; COMMUNITY ALERT NETWORK, Albany, New York; and FIRSTCALL NETWORK, INC., Baton Rouge, Louisiana. The bids were turned over to the Law Enforcement/Public Safety Committee and a recommendation to the County Board will be made at a later date.

Moved by Morrow, seconded by Dannehl to recess the regular meeting of the Board of Supervisors at 10:53 A.M. and reconvene as a Board of Equalization for the purpose of holding hearings on real estate valuation changes. 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.

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

Chairman Pierce called the Board of Equalization hearing to order in open session

Moved by Morrow, seconded by Dannehl to approve the notice of real estate valuation changes as noted: Stephen & Kathleen Orcutt, parcel #560622415 (Combined with 560622416 for 2004 per owners); Stephen & Kathleen Orcutt, parcel #560622416 (Combined 560622415 & 560622417 with this parcel for 2004); Stephen & Kathleen Orcutt, parcel #560622417(combined with 560622416 for 2004 per owners request); Chester F Scott Etal, parcel #500153000 (clerical error); Loren D & Connie Murdock, parcel #500153000 (clerical error). 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.

Moved by Morrow, seconded by Klein to return to open session of the County Board meeting at 10:55 A.M. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Barney, Dannehl, Loewenstein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

### **-REGULAR MEETING-**

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

County Attorney Shawn Eatherton was excused from the remainder of the meeting.

At 11:04 A.M. Chairman Pierce called the continued public hearing for the petition regarding formation of the Cottonmill Improvement District formed as a Rural Road Improvement District as provided in Sec. 39-1638, *et seq.* Rev.Stat.Rev. open for comment. Court Reporter Cindy Gembala was present to record the proceedings and Deputy County Attorney Andrew Hoffmeister was present to lead discussion of the Rural Road Improvement District. Deputy County Attorney Hoffmeister requested four letters received by the County Clerk prior to the hearing and dispersed to each County Board member is made part of the record. Exhibit 1 Hanson, Exhibit 2 Welch, Exhibit 3 Gibbs and Exhibit 4 Whitacre.

Other professionals present to discuss process of formation, funding, and engineering requirements and costs were: Kearney attorney Ron Tvrdik and Stan Johnson of Miller & Associates Consulting Engineers submitting interests as proposed by petition of property owners, for the organization of proposed Buffalo County Rural Road Improvement District No. 2004-1. In addition the following residents of the Cottonmill Area spoke during the hearing: Betty Jo Armagost; R.Andrew Hanson; Dave Welch; Scott Foutch, John McDill and Mark Whitacre.

At 12:22 P.M. Chairman Pierce closed the hearing for public input.

After discussion, Barney moved, seconded by Morrow to approve the formation of the Cottonmill Improvement District as a Rural Road Improvement District No. 2004-1 in form of Resolution 2004-26 as presented, and more fully set forth below. Also, that a five member advisory committee be appointed by the County Board. Said resolution states:

#### **RESOLUTION 2004-26**

BE IT RESOLVED BY THE BOARD OF COUNTY SUPERVISORS OF THE COUNTY OF BUFFALO, IN THE STATE OF NEBRASKA, as follows:

Section 1. The Board of County Supervisors does hereby find and determine that the Board has received a Petition of owners of more than 25% of the area within the following described boundaries, to-wit:

All of Cottonmill Lake Subdivision, consisting of all lots and lands located therein, including dedicated streets and public roads located therein or abutting thereon, excepting, however, those lots more particularly described as Lots 28, 33 and 34, Block 1, Cottonmill Lake Subdivision, and specifically including the following-described lots:

Lots 1 through 27, inclusive, Block 1, Cottonmill Subdivision,

Lots 29 through 32, inclusive, Block 1, Cottonmill Subdivision,

Lots 1 through 15, inclusive, Block 2, Cottonmill Subdivision,

As surveyed, platted and recorded in Buffalo County, Nebraska:

AND

All of Cottonmill Lake Second Subdivision, consisting of all lots and lands located therein, including that part of Cottonwood Road located therein or abutting thereon, excepting, however, that lot more particular described as Lot 6, Cottonmill Lake Second Subdivision, and specifically including the following described lots:

Lots 1 through 5, inclusive, Cottonmill Lake Second Subdivision,

Lot 7, Cottonmill Lake Second Subdivision,

As surveyed, platted and recorded in Buffalo County, Nebraska.

that said Petition for the creation of the proposed Rural Road Improvement District has been received pursuant to Section 39-1640; that it is advisable and necessary to construct paving improvements, which improvements shall consist of asphalt paving, along with culverts and all other necessary appurtenances thereto upon County Roads as follows:

Cottonwood Road (as it either abuts upon or is included within the boundaries of Cottonmill Lake Subdivision and Cottonmill Lake Second Subdivision);

East Arbor Lane within Cottonmill Lake Subdivision,  
West Arbor Lane within Cottonmill Lake Subdivision,  
Ash Place within Cottonmill Lake Subdivision,  
Maple Place within Cottonmill Lake Subdivision,  
Birch Place within Cottonmill Lake Subdivision,  
Cedar Place within Cottonmill Lake Subdivision, and  
Catalpa Place within Cottonmill Lake Subdivision.

Section 2. The estimate of total cost of the improvements, as estimated by the engineer for the project, is \$372,500. To pay the cost of the improvements as the work progresses, the County may issue progress warrants or bond anticipation notes. On completion and acceptance of the improvements the County may issue and sell bonds of the County in an amount sufficient to pay the balance of the cost of the improvements, taking into account amounts collected on special assessments and any funds contributed to the County to pay a portion of the project.

Section 3. The outer boundaries of the Rural Road Improvement District in which it is proposed to levy special assessments shall coincide with and be the same as the area described in Section 1 of this resolution, and said District is hereby designated as Rural Road Improvement District No. 2004-1 of Buffalo County, Nebraska, pursuant to Sections 39-1639 et.seq., R.R.S. Nebraska, 1943, as amended.

Upon roll call vote, the following Board members voted "Aye": Barney, Morrow, Klein and Pierce. Dannehl, Loewenstein, McMullen voted "Nay". Absent: None. Motion declared carried.

Moved by Loewenstein, seconded by Dannehl to hold a public hearing on July 27, 2004 at time set forth on agenda, as the date for appointment of the advisory board members for Rural Route Improvement District No. 2004-1. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce excused Court Reporter Gembala from the remainder of the meeting at 12:44 P.M.

At 12:45 P.M. Chairman Pierce recessed the regular meeting for lunch and announced the Board would reconvene at 1:30 P.M. as a Board of Equalization to continue scheduled property valuation protest hearings.

Vice-Chairman Dannehl reconvened as a Board of Equalization to hear property valuation protests in open session at 1:37 P.M. County Assessor Joe Woodward, Field Appraisers Scott Anderson and Jason Wozniak were also present. Board members Loewenstein and Pierce were excused as they were attending a Development Council meeting. Vice-Chairman Dannehl turned the meeting over to Chairman

Pierce when he and Supervisor Loewenstein arrived at 1:39 P.M. At 2:30 P.M. Supervisor Klein was excused from the meeting for a prior commitment and returned at 3:00P.M. for the remainder of the meeting.

The 2004 Property Valuation Protest hearings were conducted as follows:

**1:30 P.M.**

Mildred Kuebler a Trustee	620384000	Robert Kuebler (son of Mildred) present
Mildred Kuebler a Trustee	620385000	Robert Kuebler (son of Mildred) present
Michael Eickhoff	600048000	Michael present
Adan Garcia	850000370	Not present
William J Timm	602066203	William present

**2:00 P.M.**

Joyce R. Knapp	605225000	Joyce present
William L Stauffer	500296000	Protest withdrawn
Jesse Joe Leigh	603237006	Not present
Aspen Dairy	160140000	Janet Slegers present
West Kearney Storage LLC	580041026	Not present

**2:30 P.M.**

Deborah L Schrack	604594000	Not present
Loren Murdock	500153011	Loren present
Joshua Foulk	603292000	Joshua present

**3:00 P.M.**

D & K Woodman	700109000	Carolyn present
D & K Woodman	720030000	Carolyn present
D & K Woodman	720045010	Carolyn present
C Raye & Carolyn Woodman	700108000	Carolyn present
D & K Woodman	700114000	Carolyn present
C Raye & Carolyn Woodman	700156000	Carolyn present
D & K Woodman	700106000	Carolyn present
C Raye & Carolyn Woodman	720042000	Carolyn present
D & K Woodman	700111000	Carolyn present

The names of those individuals that did not appear during the day were read into the record.

Chairman Pierce recessed the Board of Equalization at 3:26 P.M. until the next scheduled Board of Equalization meeting of the County Board of Supervisors on Thursday, July 22, 2004 at 9:00A.M.