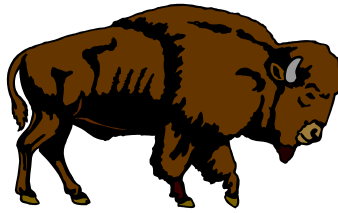


**Buffalo County Board of Supervisors**  
BUFFALO COUNTY COURTHOUSE  
P.O. Box 1270 . Kearney, NE 68848-1270  
(308)236-1224 or (308)236-1225  
Fax (308) 233-3649



**REGULAR MEETING**  
BUFFALO COUNTY BOARD OF SUPERVISORS  
TUESDAY, August 12, 2003  
9:00 A.M.

Regular meeting of the Buffalo County Board of Supervisors was held at 9:00 A.M. on Tuesday, August 12, 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 and Sherry Morrow. Absent: Richard Pierce.

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 McMullen called for the Citizen's Forum as per the agenda. Richard Burkey was present to discuss his concerns with the County Board with regard to people farming the road ditches and how they knock the banks down causing the taxpayers to pay for the repair. The Board requested County Attorney, Shawn Eatherton to look into the statutes which would address this problem and report his findings to them within a month. Lawrence Schroeder discussed a culvert problem with the County Board. Supervisor Horace Dannehl will look into the issue.

Chairman McMullen turned the meeting over to Supervisor Loewenstein for the Resolutions of Thanks to be given to four entities and six individuals who assisted with an incident that happened on

June 24, 2003 when the City and County lost their tower located on top of City Hall therefore causing damage to the infrastructure of Public Safety Communication within Buffalo County. Loewenstein spoke of how the group of individuals recognized today, deserve a special thank you, as each individual person and entity cut through red tape, paperwork and bureaucracy. With their assistance they showed the kind of dedicated and caring people we have in Buffalo County. The following resolutions of commendation were read and presented:

**RESOLUTION 2003-23  
COMMENDATION  
TOM BERNT**

WHEREAS, on Tuesday, June 24, 2003, Tom Bernt of Frontier Communications was notified of the loss of use of a communications tower in the County of Buffalo; and

WHEREAS, he responded immediately to the call offering his help and the use of any of his resources; and

WHEREAS, the Communication backup plan was activated and begun; and

WHEREAS, Tom Bernt took extraordinary measures by providing immediate response, cutting through the bureaucracy and paperwork of a large Corporation, the impact to public safety was minimized.

THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors recognizes Tom Bernt of Frontier Communications for his exemplary actions under extraordinary circumstances and for helping to restore infrastructure necessary for maintaining the safety and welfare of both citizens and visitors to Buffalo County.

**RESOLUTION 2003-24  
COMMENDATION  
BILL BOTSFORD**

WHEREAS, on Tuesday, June 24, 2003, Bill Botsford of Frontier Communications was notified of the loss of use of a communications tower in the County of Buffalo; and

WHEREAS, he responded immediately to the call offering his help and the use of any of his resources; and

WHEREAS, the Communication backup plan was activated and begun; and

WHEREAS, Bill Botsford took extraordinary measures by providing immediate response, cutting through the bureaucracy and paperwork of a large Corporation, the impact to public safety was minimized.

THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors recognizes Bill Botsford of Frontier Communication for his exemplary actions under extraordinary circumstances and for helping to restore infrastructure necessary for maintaining the safety and welfare of both citizens and visitors to Buffalo County.

**RESOLUTION 2003-25  
COMMENDATION  
GARY HOUSE**

WHEREAS, on Tuesday, June 24, 2003, Gary House of Frontier Communications was notified of the loss of use of a communications tower in the County of Buffalo; and

WHEREAS, he responded immediately to the call offering his help and the use of any of his resources; and

WHEREAS, the Communication backup plan was activated and begun; and

WHEREAS, Gary House took extraordinary measures by providing immediate response, cutting through the bureaucracy and paperwork of a large Corporation, the impact to public safety was minimized.

THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors recognizes Gary House of Frontier Communications for his exemplary actions under extraordinary circumstances and for helping to restore infrastructure necessary for maintaining the safety and welfare of both citizens and visitors to Buffalo County.

**RESOLUTION 2003-26  
COMMENDATION  
CHAN LYNCH**

WHEREAS, on Tuesday, June 24, 2003, Chan Lynch of Mid-town Communications was notified of the loss of use of a communications tower in the County of Buffalo; and

WHEREAS, he responded immediately to the call offering his keys to and the use of any and all of his towers; and

WHEREAS, the Communication backup plan was activated and begun; and

WHEREAS, Chan Lynch took extraordinary measures by providing immediate temporary use of his towers the impact to public safety was minimized.

THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors recognizes Chan Lynch of Mid-town Communications for his exemplary actions under extraordinary circumstances and for helping to restore infrastructure necessary for maintaining the safety and welfare of both citizens and visitors to Buffalo County.

**RESOLUTION 2003-27  
COMMENDATION  
STEVE TEDMON**

WHEREAS, on Tuesday, June 24, 2003, Steve Tedmon of Alltel Corporation was notified of the loss of use of a communications tower in the County of Buffalo; and

WHEREAS, he responded immediately to the call offering his help and the use of any of his resources; and

WHEREAS, the Communication backup plan was activated and begun; and

WHEREAS, Steve Tedmon took extraordinary measures by providing immediate temporary use of antenna space, cutting through the bureaucracy and paperwork of a large Corporation, the impact to public safety was minimized.

THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors recognizes Steve Tedmon of Alltel Corporation for his exemplary actions under extraordinary circumstances and for helping to restore infrastructure necessary for maintaining the safety and welfare of both citizens and visitors to Buffalo County.

**RESOLUTION 2003-28  
COMMENDATION  
CORY TROYER**

WHEREAS, on Tuesday, June 24, 2003, Cory Troyer of Platte Valley Communications was notified of the loss of use of a communications tower in the County of Buffalo; and

WHEREAS, he responded immediately to the call offering his help and the use of any and all of his resources; and

WHEREAS, the Communication backup plan was activated and begun; and

WHEREAS, Cory Troyer took extraordinary measures, by providing technical support, the impact to public safety was minimized.

THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors recognizes Cory Troyer of Platte Valley Communications for his exemplary actions under extraordinary circumstances and for helping to restore infrastructure necessary for maintaining the safety and welfare of both citizens and visitors to Buffalo County.

Chairman Loewenstein concluded by stating that what was done this morning is an example of why the City of Kearney and the County of Buffalo continue to grow and afford all the citizens a place where they love to live and it is due to the cooperation and contribution of all, especially those of you recognized this morning.

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 Tuesday, July 22, 2003. There being no additions or corrections to the minutes, it was moved by Loewenstein, seconded by Morrow to approve the minutes of July 22, 2003. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Dannehl, Klein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Letters were received from Buffalo County Community Health Partners requesting Buffalo County's Commitment for support ; a letter from (NIRMA) Nebraska Intergovernmental Risk Management Association advising of several changes to the pools structure with regard to insurance and risk management which will become a part of the 2003/2004 policy period; a letter from Environmental Supply Company Inc. with a list of items they supply; and a letter from the State of Nebraska Department of Roads with information about a one day Transit Summit they are hosting in Lincoln on September 3, 2003.

The County Board reviewed the July report of the County Veteran's Aid Report and NE Veterans Aid; Treasurer's monthly fund balance report for July and the county population reports for July from the Buffalo County Detention Center; the R.Y.D.E. report for the month of June 2003 from Mid-Nebraska Community Action, Inc.; and the report from the Buffalo County Treasurer and Buffalo County Sheriff for Distress warrants issued by the Treasurer on October 24, 2002 numbered 20001 through 20149.

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

Various committee reports were given and Deputy County Attorney Andrew Hoffmeister arrived for the remainder of the meeting.

County Treasurer Jean Sidwell submitted the following resolution to the Board for approval.

**RESOLUTION – 2003-29**

**BE IT RESOLVED** that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Supervisors, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for a collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Supervisors hereby authorize the transfer of said taxes to an inactive status. Sec.77-1738.

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

Moved by Dannehl, seconded by Klein to authorize Chairman William McMullen to sign the change agreement between Buffalo County and Omaha Life Insurance. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Klein, seconded by Dannehl to approve the public official bond for Richard D. Lange, Treasurer of Platte Twp. for the term beginning August 12, 2003 and ending August 12, 2004. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Barney, Loewenstein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

County Clerk Judy Jobman submitted two early Vendor Claims to the County Board for review.

**GENERAL FUND:**

Nebraska Child Support Enforcement	D	Registration	215.00
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**BOND FUND:**

Union Bank & Trust Co	E	Bond Interest payment	27,943.75
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Moved by Morrow, seconded by Loewenstein to approve the two early vendor claims as submitted. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Barney, Dannehl, Klein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

After reviewing the possibility of locating an ATM in the courthouse, County Board Chairman, William McMullen reported he will have bid specifications for review at the next meeting, so a bid date and time can be set for an ATM, which meet with the Board's approval.

Moved by Loewenstein, seconded by Dannehl to authorize Chairman McMullen to sign on behalf of Buffalo County the Interlocal agreements between Buffalo County and the City of Kearney for Prosecutions duties by the Buffalo County Attorney's Office, maintenance and operation of Cottonmill Park and for the operation of the Bookmobile for library services for the citizens and schools of Buffalo County. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

County Attorney Shawn Eatherton discussed with the Board the contracts for Child Support Enforcement, Pathologist Services, and the City of Kearney and University of Nebraska TERC Appeals.

Moved by Dannehl, seconded by Morrow to authorize Chairman McMullen to sign the Cooperative Agreement for Child Support Enforcement with the Nebraska Department of Health and Human Services. The terms of the agreement are effective the 1<sup>st</sup> day of October 2003 through September 30, 2005. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Barney, Klein, Loewenstein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Barney, seconded by Loewenstein to authorize Chairman McMullen to sign the agreement on behalf of Buffalo County with Dr. Matthias I. Okoye, M.D. for forensic pathology services as the Coroner's Physician for a period of one year with automatic renewal for successive four-year terms unless terminated by either party with at least six months written notice prior to the end of the contract. Upon roll call vote, the following Board members voted "Aye": Barney, Loewenstein, Dannehl, Klein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Loewenstein, seconded by Dannehl to authorize the County Attorney's office to commence procedures to confess judgment on the TERC filings affected by the Supreme Court decision on the case between the City of York versus the York County Board of Equalization and how it relates to the Buffalo County Board of Equalization's taxing of governmental property. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Loewenstein, seconded by Klein to authorize Chairman McMullen to sign the agreement on behalf of Buffalo County with ESU 10 for 137 hours of contracted support in the amount of \$5,500.00. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Barney, Dannehl, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Highway Superintendent Ron Sklenar came before the County Board to discuss a change order for the Shelton project; several stop sign resolutions and other general county highway business.

Moved by Dannehl, seconded by Morrow to authorize Chairman McMullen to sign on behalf of Buffalo County a Change Order Supplemental Agreement for Project No. BR2025 (10) in Shelton. The change order is adding three working days for contract time allowance in the amount of \$7,109.63, changing the contract amount from \$344,437.37 to \$352,046.99. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Barney, Klein, Loewenstein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Loewenstein, seconded by Dannehl to place a stop sign at the intersection of 265<sup>th</sup> Road and Navaho Road, stopping the north /south traffic. The legal description being the place of stop signs at the Southeast Corner of Section 10, Township 11 North, Range 14 West and the Northwest corner of Section 14, Township 11 North, Range 14 West of the 6<sup>th</sup> PM, Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Dannehl, seconded by Klein to place a stop sign at the intersection of Buckeye Road and 280<sup>th</sup> Road stopping the north bound traffic. The legal description being the Northwest corner of Section 8, Township 11 North, Range 14 West of the 6<sup>th</sup> PM, Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Dannehl, seconded by Loewenstein to place a stop sign at the west end of 52nd Road. The legal description being Section 28, Township 9 North, Range 18 West of the 6<sup>th</sup> PM, Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Barney, Klein, Morrow and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Loewenstein, seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:50 A.M. and reconvene as a Board of Equalization for discussion on an application for personal property tax exemption and to approve new and renewal applications for motor vehicle tax

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

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

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

Jim Wilson, President of Press on Ministries, was present to answer questions of the County Board on his request for personal property tax exemption.

Moved by Dannehl, seconded by Loewenstein to approve the application for real estate property tax exemption for Press On Ministries on parcel #601117100 and #601117005, as it meets the criteria for exemption. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Klein, Morrow and McMullen. Barney voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Klein, seconded by Morrow to approve the renewal applications for motor vehicle tax exemption of Faith United Methodist Church on a 1993 Ford van and for Open Bible Church on a 1994 Dodge van and 1993 Ford bus. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Barney, Dannehl, Loewenstein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Morrow, seconded by Loewenstein to approve the new purchase of additional vehicles for Community Action Partnership of Mid-Nebraska on a 2001 Chevrolet Impala, 1999 Pontiac Grand Prix and 2001 Ford Taurus. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl and McMullen. Barney and Klein voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Morrow, seconded by Loewenstein to recess the Board of Equalization at 11:00 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 and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

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

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

After discussion, it was moved by Dannehl, seconded by Morrow to approve the special designated liquor license application of Douglas J. Hoos, D.B.A. Tubs Pub for a wedding dance to be held on September 6, 2003 in the Amherst Community Center and on Main Street from 6:00 P.M until 1:00 A.M. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Barney, Klein, Loewenstein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Dannehl, seconded by Morrow to enter into an Executive Session at 11:04 A.M. to discuss personnel matters and contract negotiations. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Barney, Klein, Loewenstein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Moved by Morrow, seconded by Klein to move out of Executive Session and return to an open session of the County Board meeting at 12:46 P.M. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Barney, Dannehl, Loewenstein and McMullen. None voted "Nay". Absent: Pierce. Motion declared carried.

Chairman McMullen declared the meeting adjourned at 12:48 P.M. until the next regular meeting on Tuesday, August 26, 2003 at 9:00 A.M. and instructed County Clerk Judy Jobman to publish notice for the same according to Nebraska law.