

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 13, 2011
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, September 13, 2011 at 9:00 A.M and 10:45 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Joseph Brayton, Horace Dannehl, Kent Greder, Ivan Klein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all Board members; and availability of the agenda was communicated in the advance notice and in the notice 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 members is attached to these minutes. County Attorney Shawn Eatherton was present. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public.

Chairman Pierce called for Citizen's forum and no one was present to address the Board.

REGULAR AGENDA

Moved by McMullen and seconded by Brayton to approve the August 23, 2011 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Klein to accept the following reports: Veterans' Service Quarterly Report, Community Action Partnership of Mid-Nebraska R.Y.D.E Report for July 2011, Clerk of the District Court August 2011 Fee Report and the Buffalo County Treasurer August 2011 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project and reviewed the Phase 2 Change Order Request #106. Moved by Morrow and seconded by Greder to approve Change Order Request #106 of the Phase 2 project in the amount of \$2,494.00 to install an additional VFD. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried. Barritt also presented Contract Change 12 for the Chairman's signature, which is a compilation of previously approved Change Orders. Board members will tour the construction site after this Board meeting.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Nebraska Local Technical Assistance Program sent notice of LPA Workforce Development Project Courses that are available in October. Tom Chapman sent a tentative refinancing timetable for review. Michelle Stover sent an updated report from the Fort Kearny Shooting Sports Association. U.S. Environmental Protection Agency sent their review sheet on cleanup sites. NIRMA sent information on nomination of NIRMA Board members and the annual meeting to be held in October. Buffalo County Community Partners sent a request for their Annual Fund Campaign drive. Chairman Pierce called on each Board member for committee reports and recommendations.

Moved by Dannehl and seconded by McMullen to approve the 2010-2011 fiscal year inventory statements filed by all of the County Officials and to file the inventory statements with County Clerk Giffin as a public record. All Board members signed the certification of examination and approval. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. Motion declared carried.

Discussion was held on the reopening of the Courthouse horseshoe parking lot in approximately two or three weeks. The Law Enforcement /Public Safety Committee will review the possibilities of limited parking and this will be placed on the September 27, 2011 Board Agenda. Supervisor Dannehl reported on the Extension Building parking lot replacement progress and no action was necessary.

After review of the County Sheriff's office report, it was moved by Klein and seconded by Greder to approve the manager application for Pamela M. Treffer in connection with the Farmers Cooperative Association in Ravenna liquor license based upon her completion of the alcohol server training course and her filing certification of completion with the County Clerk. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Jeff Orr, legal counsel for Jim Bendfeldt, was present to discuss drainage issues near Gibbon, an unnamed tributary of the North Channel of the Platte River. An engineering report was presented from Olsson Associates regarding the site conditions of the drainage works along the west side of Section 25, Township 9 North, Range 14 West of the 6th p.m. Buffalo County. The Road Committee and the County Highway Superintendent will review this report and make their recommendations at a later meeting.

Milt Moravek, Projects Director from Central Platte Natural Resources District River sent an Interlocal Cooperative Act Agreement for Platte River Ice Jam Removal. This agreement is among the following parties: Central Platte NRD, Tri-Basin NRD, Dawson County, Buffalo County, Hall County, Merrick County, Polk County, Hamilton County, Phelps County, Kearney County and Platte County. Moved by Greder and seconded by Dannehl to authorize Chairman Pierce to sign the interlocal agreement. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the public hearing at 9:51 A.M. for blocking the Sycamore Street in Amherst during school hours to redirect traffic for safety concerns. Amherst School District Principal Roger Thomsen, Business Teacher and FBLA Advisor Karla Rohde, FBLA President Katie Klingelhofer, FBLA Vice President Jessica Fernandez and Village of Amherst Attorney Jack Besse all addressed the Board. Discussion involved the safety issues and jurisdiction of the Village or the County for Sycamore Street in Amherst. This street/road is a primary road that connects with a State Highway and continues as a County Road. Hearing was closed at 10:13 A.M. No action was taken.

Chairman Pierce opened the public hearing for vacation of portion of 115th Road located in Section 33, Township 10 North and in Section 4, Township 9 North Range 14 West at 10:29 A.M. Deputy County Attorney Hoffmeister reviewed the petition for the Board. Janice Martin was present to request the vacation of road. No one else was present to address the Board and hearing was closed at 10:32 A.M. Decision on this road vacation will be made on September 27, 2011.

Chairman Pierce opened the Board discussion on the vacation of portion of road previously named Airport Road located North of 39th Street in Section 28, Township 9 North, Range 15 West. Public hearing was held on August 23, 2011. Moved by Greder and seconded by Brayton to approve the following Resolution 2011-51. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried

RESOLUTION 2011-51

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of the remaining portion of the road previously named Airport Road located north of 39th Street located in Section Twenty-Eight (28) in Township Nine (9) North, Range Fifteen (15), West of the 6th P.M., Buffalo County, Nebraska, and

WHEREAS, the described road, alley, and/or public way, lies within the zoning jurisdiction of the City of Kearney, Buffalo County, Nebraska, and

WHEREAS, the City of Kearney considered this request to vacate and placed two conditions on the vacation. First, that the vacation not extend beyond 807 feet to the north from the intersection of old Airport Road and 39th Street. Secondly, that the vacation of this road not deny an access road that presently extends from the west side of the new Airport Road extended westerly to the east boundary lines of parcels now owned by ACE Irrigation and Reinke Heating and Air Conditioning, and

WHEREAS, the Buffalo County Highway Superintendent has made a study and has recommended that said road be vacated; and

WHEREAS, offer was made by Buffalo County to relinquish this road to Center Township and this after expiration of four months following the offer has failed to respond, which in effect means that this Township has declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, by prior Resolution, this Board established August 23, 2011, at 10:00 o'clock, a.m. as the date and time for public hearing for this Board to consider whether this portion of Airport Road should be abandoned or vacated with notice as provided by law, and

WHEREAS, publication of Notice for the public hearing to consider the proposed vacation or abandonment has occurred with publication for three consecutive weeks and notice of the public hearing also given no less than two weeks in advance of the hearing to owners of land adjoining the road to be vacated or abandoned by register or certified mail, and

WHEREAS, on August 23, 2011, this Board conducted a public hearing to consider vacation or abandonment of this portion of Airport Road. No one present objected to vacation or abandonment to this portion of Airport Road. The owner of all property adjacent to this portion of the road asked that this part of Airport Road be vacated or abandoned.

WHEREAS, at conclusion of the public hearing held August 23, 2011 the Board set September 13, 2011, at 10:00 o'clock a.m., the first public hearing following the public hearing, as date and time for decision by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of this portion of Airport Road as in the judgment of this board and the public good may require, and

WHEREAS, the Buffalo County Board of Supervisors finds that:

1. The described road has never been publicly dedicated, surveyed, and/or laid out. It exists by the use of the public over land owned by the City of Kearney and provided access to various parcels of land that abutted it. The access to some of these parcels has been provided by another road also situated on land owned by the City of Kearney.
2. The County Road Superintendent has recommended vacation or abandonment of this portion of Airport Road.
3. The Center Township Board when offered this portion of Airport Road refused to accept this road.
4. The portion of Airport Road proposed to be abandoned is within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class, to-wit: Kearney, Nebraska and that jurisdiction has placed conditions upon the vacation that it will permit for the portion of road to be vacated and abandoned.
5. All necessary public publications and notices to adjoining landowners have been given.
6. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued occupation of any public utilities that now occupy the public right-of-way and an assurance of continued access for abutting property owners.
7. No public purpose would be served to keep this portion of Airport Road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the above described public road, street, or alley, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska and that it shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to:

1. The continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.
2. That any access from and/or to parcels now owned by ACE Irrigation and Reinke Heating and Air Conditioning as it now exists shall continue to exist over and across the vacated and abandoned road.

With said public road to be abandoned and vacated being described as:

A tract of land being a part of the Southeast Quarter of Section Twenty-Eight (28), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being a part of Avenue "A" (aka Airport Road) as shown on Midway Industrial District plat, but never dedicated, with said tract being more particularly described as follows: Referring to the Northwest Corner of the North Half of Section 33; thence easterly on the North line of said North Half a distance of 2725.45 feet to a point on the west line of Avenue "A" and the northeast corner of Tract B and southeast corner of Tract C in said Midway Industrial District; thence N06°, 44'49"E and along east property line of Tract C a distance of 80 feet to the north line of right of way for 39th Street, a public street and THE ACTUAL POINT OF BEGINNING, thence N06°, 44'49"E 807 feet along the west line of Avenue "A" and on the east property line of Tract C of the Midway Industrial District Plat, thence east, parallel to the south section line of Section 28 a distance of 66', thence south and parallel to the west line of Avenue "A" a distance of 807 feet, and thence west and parallel to the south section line of Section 28, to the east property line of Tract C, of the Midway Industrial District Plat, to the place of beginning.

Chairman Pierce opened the public hearing to approve the 2011-2012 Fiscal Year Budget for Buffalo County at 10:42 A.M. No one from the public was present to address the Board and Chairman Pierce closed the public hearing. After review by the Budget Committee, it was moved by Morrow and seconded by McMullen to approve an additional 1% Board approved increase in the prior year's budgeted restricted funds subject to limitation as allowed by law. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by McMullen to approve the following Resolution 2011-44 to authorize the petty cash accounts for the various offices. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein, and Pierce. Motion declared carried.

RESOLUTION 2011-44

We, the Buffalo County Board of Supervisors, authorize petty cash funds to be operated by the Sheriff's Office in the amount of \$2,500.00; the County Attorney's Office in the amount of \$1,500.00; the County Treasurer's Office in the amount of \$13,000.00; the Probation Office in the amount of \$50.00; the Public Defenders Office in the amount of \$2,000.00; the Clerk of the District Court in the amount of \$1,000.00; Veteran's Service Office in the amount of \$10,000.00; and Extension in the amount of \$2,000.00.

Moved by Morrow and seconded by McMullen to approve the Buffalo County Budget 2011- 2012 fiscal year Resolution 2011-45. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein and Pierce. Motion declared carried.

**RESOLUTION OF ADOPTION AND APPROPRIATIONS
2011-45**

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2011 to June 30, 2012, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Supervisors on the 13th day of September 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Buffalo County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2011 to June 30, 2012 as categorically evidenced by the Budget Document is, and the same hereby is, adopted as the budget for Buffalo County for said Fiscal Year.

SECTION 2. That the offices, departments, activities, and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2011 and ending June 30, 2012.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Chairman Pierce opened the public hearing to approve the property tax requests for fiscal year 2011-2012 at 10:47 A.M. No one was present to address the Board and the hearing was closed. Moved by Morrow and seconded by McMullen to approve Resolution 2011-46. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein and Pierce. Motion declared carried.

RESOLUTION 2011-46

WHEREAS, Nebraska Revised Statue 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Buffalo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the County of Buffalo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE the Governing Body of the County of Buffalo, by a majority vote, resolves that the 2011-2012 property tax requests be set and as follows:

FUND	2011-2012 Proposed Property Tax Request
General	13,616,116.22
Veteran's Aid	11,469.70
Bond	<u>1,441,230.50</u> (outside limit)
TOTAL	15,068,816.42

Requests for Proposals for Voluntary Employee Dental Coverage were received from the following companies: Principal Financial Group, Ameritas and Met Life. Agents submitting the bids were Tim Shada, Gene Beerbohm and Mike Boden. All bids were opened and then read aloud by County Clerk Giffin. Copies of the bids will be turned over to the Human Resource/Insurance committee for review with recommendations to come back to this Board at a later date.

Moved by Morrow and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:58 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Treasurer Jean Sidwell was present.

Moved by Greder and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Corpus Christi Carmelites Inc. on a 2000 Volkswagen. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Brayton to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Countryside Christian Church on a 2000 Ford. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Dannehl to return to the regular meeting at 11:00 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

ZONING

Chairman Pierce opened the Zoning hearings at 11:11 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Mitchell Humphrey filed an application for Croissant Administrative Subdivision for property located in part of Government Lot 11, located in Section 30, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska. Application was reviewed by Hoffmeister and Humphrey. Hearing was closed at 11:13 A.M. Moved by Dannehl and seconded by Brayton to approve the following Resolution 2011-47 for the Croissant Administrative Subdivision. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2011-47

WHEREAS, Mitchell W. Humphrey, Registered Surveyor, on behalf of David Scott Croissant, a single person hereinafter referred to as "applicant" filed for an administrative Subdivision to be known as "Croissant Administrative Subdivision" with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on September 13, 2011, this Board conducted a public hearing and finds:

1. The proposed Croissant Administrative Subdivision is located in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Dove Hill Road, a Buffalo County section line open public road, abuts the proposed subdivision. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution.
4. There is no need for, nor is there a required dedication of, additional public or private right-of-way.
5. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "CROISSANT ADMINISTRATIVE SUBDIVISION", a subdivision being in part of Government Lot Eleven (11) located in Section Thirty (30), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Mitchell Humphrey filed an administrative subdivision application for property located in part of the SE 1/4 of the NE 1/4, located in Section 21, Township 10 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska. Application reviewed by Hoffmeister and Humphrey and hearing was closed at 11:15 A.M. Moved by Brayton and seconded by Klein to approve the following Resolution 2011-48 for the Solomon Administrative Subdivision. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2011-48

WHEREAS, Mitchell W. Humphrey, Registered Surveyor, on behalf of Lysle Solomon & Sons, a Nebraska Partnership, hereinafter referred to as "applicant" filed for an administrative Subdivision to be known as "Solomon Administrative Subdivision" with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on September 13, 2011, this Board conducted a public hearing and finds:

1. The proposed Solomon Administrative Subdivision is located in the Agricultural (AG) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. Maple Road, a Buffalo County section line open public road, abuts the proposed subdivision. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution.
4. There is no need for, nor is there a required dedication of, additional public or private right-of-way.

5. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "SOLOMON ADMINISTRATIVE SUBDIVISION", a subdivision being in part of The Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-One (21), Township Ten (10) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Trenton Snow filed an application for Solomon Acres for property located in part of the NW 1/4 of the SE 1/4, located in Section 2, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska. Application was reviewed by Hoffmeister and Snow and the hearing was closed at 11:17 A.M. Moved by Klein and seconded by Brayton to approve the following Resolution 2011-49 for Solomon Acres. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2011-49

WHEREAS, Trenton D. Snow Registered Surveyor, on behalf of Warren and Roberta Solomon, husband and wife, and Carol M. Solomon, an individual, hereinafter referred to as "applicants" filed for an administrative Subdivision to be known as "Solomon Acres Subdivision" with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on September 13, 2011, this Board conducted a public hearing and finds:

1. The proposed Solomon Acres Subdivision is located in the Agricultural (AG) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. 108th Road that abuts the proposed subdivision is not a Buffalo County section line road but is an open public road. The width of that road prior to dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution.
4. The applicants have dedicated and Buffalo County accepts by their dedication an additional seven (7) feet on the south edge of 108th Road as reflected on the proposed plat for Solomon Acres for consistent road right of way dedication for public roads.
5. There is no need for, nor is there a required dedication of, additional public or private right-of-way.
6. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
7. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "SOLOMON SUBDIVISION", a subdivision being in part of The Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Two (2), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by McMullen and seconded by Morrow to refer the conservation easement to the Planning and Zoning Commission. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein, and Pierce. Motion declared carried.

Moved by Dannehl and seconded by Greder to approve the following Resolution 2011-50 to authorize Chairman Pierce to sign the Interlocal Cooperation Agreement with Kearney County. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2011-50

WHEREAS, Buffalo County and Kearney County recognize that Summerhaven Lake and the land area surrounding said lake, which is commonly referred to as Summerhaven Development, a development that is over one hundred acres in size, is located primarily in Kearney County with a portion of the land located in Buffalo County as hereinafter described, and

WHEREAS, both counties desire to enter into an Interlocal Cooperation Agreement and a two county compact so that zoning jurisdiction for the portion of land that is located in Buffalo County to be transferred to the zoning jurisdiction of Kearney County, and

WHEREAS, an Interlocal Cooperation Agreement has been drafted, approved by the Kearney County Board of Supervisors, and the same should be approved by this Board.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT BUFFALO COUNTY enter into the proposed Interlocal Governmental Agreement and Compact with Kearney County for transfer solely for the purposes of transfer of zoning administration and jurisdiction to Kearney County of the following described property, that is situated in Buffalo County, effective immediately:

A tract of land being a part of accretion lands deriving from and adjacent to Government Lot 9 located in Section Fourteen (14), a part of Government Lot 1 and accretion lands deriving from and adjacent to said Government Lot 1 located in Section Twenty-three (23), with said part of accretion lands deriving from and adjacent to said Government Lot 9 in Section 14, and said part of Government Lot 1 and accretion lands deriving from and adjacent to said Government Lot 1 in Section 23, being located in Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Referring to a portion of the West line of Government Lot 3 of said Section 23 as such line is drawn from the Southwest Corner of said Government Lot 3 of Section 23 to a Cement Stone (C. Stone) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated June 21, 1960 and as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated May 20 and 21, 1964 as bearing N 00°13'48" E and all bearings contained herein are relative thereto; thence N 00°13'48" E and on the West line of said Government Lot 3 a distance of 988.38 feet to said Cement Stone (C. Stone); thence continuing on the West line of said Government Lot 3 (if extended), N 00°13'36" E a distance of 86.82 feet to the ACTUAL PLACE OF BEGINNING, said point being on the line common to Buffalo County, Nebraska and Kearney County, Nebraska [said line common to Buffalo County, Nebraska and Kearney County, Nebraska being herein after referred to as "said County line"]; thence continuing on the West line of said Government Lot 3 (if extended) and leaving said County line, N 00°13'36" E a distance of 9.21 feet; thence leaving the West line of said Government Lot 3 (if extended), N 48°02'43" E a distance of 306.21 feet; thence N 89°44'44" E a distance of 556.79 feet; thence N 80°48'53" E a distance of 353.30 feet; thence N 89°44'44" E a distance of 197.84 feet; thence N 67°08'02" E a distance of 561.04 feet to a point on said County line; thence on said County line the following courses and distances respectively;

S 55°26'45" W a distance of 291.70 feet; thence
S 74°55'03" W a distance of 234.34 feet; thence
S 85°09'58" W a distance of 492.90 feet; thence
S 78°23'19" W a distance of 73.50 feet; thence
S 66°47'26" W a distance of 141.31 feet; thence
S 77°27'23" W a distance of 600.38 feet; thence
S 77°31'51" W a distance of 105.07 feet to the place of beginning. Containing 2.47 acres, more or less.

FURTHER RESOLVED, that a copy of this resolution shall be recorded against the above described real estate.

Jim Bamford was present to address the Board about road, noxious weeds and drainage issues in Collins Township at 11:38 A.M. Also addressing the Board were Scott, Olen and Marilyn Helgeson. Chairman Pierce will contact Central Platte Natural Resources District. No action was taken.

Moved by McMullen and seconded by Dannehl to enter into Executive Session to discuss contract negotiation at 12:28 P.M. In addition to Board members responding to roll call, Deputy County Attorney Andrew Hoffmeister was present. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Klein to move out of Executive Session at 12:34 P.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. Motion declared carried.

Chairman Pierce announced the employee appreciation luncheon will be on September 20, 2011 at the American Legion from 11:00 A.M. to 1:30 P.M. At 12:36 P.M. Chairman Pierce declared the meeting adjourned after the tour of the Justice Center Project until the regular meeting on Tuesday, September 27, 2011 at 9:00 A.M.