

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 11, 2012
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, September 11, 2012 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. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Chairman Pierce noted an error of omission in the August 28, 2012 County Board of Supervisors minutes. The Economic Development Council on Community Development Block Grant (CDBG) Program Income County Reuse Funds public hearing was held at that meeting. Economic Development Council Executive Director Darrin Robinson was the only one to address the Board at that meeting. The omission in the minutes was that no one else was present at that hearing to address the Board. Moved by Brayton and seconded by McMullen to approve the August 28, 2012 Board meeting minutes with the additional statement regarding the hearing for Economic Development Council on Community Development Block Grant Program Income Reuse Funds. Upon roll call vote, the following Board members voted "Aye": Brayton, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the Clerk of the District Court August 2012 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Dannehl to accept the County Treasurer August 2012 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Brayton, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

COURTHOUSE RENOVATIONS

Bill Barritt from Beckenhauer Construction was present for updated reports and review of the Change Requests for the Phase 3 Construction Project. Moved by Klein and seconded by Brayton to approve Change Request #12 of the Phase 3 Project in the amount of \$488.00 credit for Room Signage. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve Change Request #13 of the Phase 3 Project in the amount of \$1,747.00 to provide a Prox Reader to Existing Door 1C114. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Morrow to approve Change Request #14 of the Phase 3 Project in the amount of \$2,832.00 credit for Demo & New Ceiling work that will not be required to complete the project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Pipeline Association for Public Awareness sent correspondence and their newsletter. Ryan Bichler from Client Server Technology Group sent information on their business. NIRMA sent information on the nomination of NIRMA Board members, the annual NIRMA Self Defense Class and the annual NIRMA membership meeting. Schreiber Foods Inc. Facility in Ravenna sent the 60 day warn layoff notice.

Chairman Pierce noted that one department had not turned in the 2011-2012 fiscal year inventory. No action was taken.

Moved by Morrow and seconded by McMullen to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$8,555,848.07 to Platte Valley State Bank. 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 Dannehl and seconded by Klein to approve South Central Planning, Exercise and Training Regional Group with the following Resolution 2012-42. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-42

WHEREAS the Counties of Adams, Buffalo, Clay, Dawson, Franklin, Frontier, Gosper, Hall, Hamilton, Harlan, Kearney, Lincoln, Nuckolls, Phelps, and Webster and the cities and villages within such counties desire to form a Planning, Exercise, and Training Region among the public safety agencies within such counties, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses issues as to creation, operation, and governance of entity described within the interlocal agreement as “South Central Planning, Exercise, and Training Regional” Group, a/k/a “SCPETR”, and

NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself, the named counties and cities and/or villages therein, and this Board authorizes its Chairperson to sign such agreement on behalf of Buffalo County, to sign South Central Region Memorandum of Understanding presented with the Interlocal Agreement and to do all necessary to carry out the provisions of such Interlocal agreement.

Moved by Greder and seconded by Brayton to approve tax refund request submitted by County Treasurer Sidwell for Charles F Walker in the amount of \$172.52 on parcel number 680104000. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Dannehl to approve tax refund request submitted by County Treasurer Sidwell for Charles F Walker in the amount of \$65.24 on parcel number 680100000. Upon roll call vote, the following Board members voted “Aye”: Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Morrow to approve tax refund request submitted by County Treasurer Sidwell for W L Snyder Farms Inc. in the amount of \$452.16 on parcel number 720112000. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Brayton, Dannehl, Greder, McMullen, and Pierce. None voted “Nay”. Motion declared carried.

Moved by Dannehl and seconded by McMullen to approve tax refund request submitted by County Treasurer Sidwell for Brian Rumbeck in the amount of \$1,964.26 on parcel number 714601869. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

A public hearing was held August 28, 2012 for discussion on the change in Nebraska Law relating to the sale of distilled spirits on Sunday. Moved by McMullen and seconded by Dannehl to approve hours of sale of distilled spirits on Sunday with the following Resolution 2012-43. Upon roll call vote, the following Board members voted “Aye”: McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-43

WHEREAS, on or about July 19, 2012, LB 861, a Legislative Bill passed by the Nebraska Legislature, 2nd Session, 102nd Legislature, and approved by the Governor became law, and

WHEREAS, LB 861 allows a local governing body to authorize the sale of alcoholic liquor, including beer, to be sold at retail or dispensed between the hours of 6 a.m. Sunday to 1 a.m. Monday, and

WHEREAS, it would be in the public’s convenience to allow the sale of these beverages during these stated hours,

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, SITTING IN REGULAR SESSION THIS 11th day of September, 2012 that effective immediately, for areas inside Buffalo County, and outside the corporate limits of any city or village as allowed by LB 861, 2012 Nebraska Laws, 2nd Session, 102nd Legislature, that alcoholic liquor, including beer, shall be allowed to be sold at retail or dispensed between the hours of 6 a.m., Sunday and 1 a.m. Monday.

Moved by Greder and seconded by Brayton to approve MetLife Dental insurance renewal rates for fourteen months through December 2013. This dental insurance coverage is a voluntary employee benefit. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Greder to approve additional funding for Election Commissioner’s Office in the absence of the current Election Commissioner. Each staff member will receive additional wages of \$3,125.15 and the total funding will increase by \$6,250.30 plus retirement and social security taxes. Upon roll call vote, the following Board members voted “Aye”: McMullen, Greder, Brayton, Dannehl, Klein, Morrow, and Pierce. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Brayton to recess the regular meeting of the Board of Supervisors at 9:39 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Dannehl, Greder, Klein, McMullen and Pierce. 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 and County Assessor Joe Woodward were present.

Moved by Klein and seconded by Greder to approve August tax list correction numbered 3880 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Countryside Christian Church on a 2000 Ford Excursion. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Hospital on a 2001 Dodge Ram Truck. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by McMullen to recess the Board of Equalization and to return to the regular meeting of the Board of Supervisors at 9:43 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Deputy County Attorney Andrew Hoffmeister was present for the following road vacation decisions. Public hearings were conducted on August 28, 2012.

Moved by Greder and seconded by Morrow to approve vacation of portion of road located in Section 17 and 20 Township 12, Range 17 with Resolution 2012-44. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-44

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:

North to South public Road located in Sections Seventeen (17) and Twenty (20) Township Twelve (12), North, Range Seventeen (17) West of the 6th P.M., Buffalo County, Nebraska. As laid out in Buffalo County Board of Supervisors Records, Book 7, Pages 422-423, October 19, 1911.

hereinafter simply referred to as "subject public road".

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, the minutes of the Buffalo County Board of Supervisors of October 19, 1911, describe the subject public road as "a county road commencing at a pojnt (sic) six rods east of the south east cor (sic) of the Southwest quarter of Section 20, Town 12, Range 17, and running thence due north about 40 rds. Until the tree line is passed then jogging northwest to the half section line which it follows for a distance of 1 7/8 miles more or less and terminating at the northeast corner of the northwest quarter of Section 17, Town 12, Range 17. Said road to be three rods wide.", and

WHEREAS, the Board offered to relinquish said public road by written notification to the Sartoria Township and said Township has declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2012-024 that set August 28, 2012, at 10:00 o'clock a.m, in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2012-24 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on August 28, 2012, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one present objected to vacation or abandonment to this request, and

WHEREAS, at conclusion of the public hearing held August 28, 2012, the Board set September 11, 2012, 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 the subject public 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 Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The Sartoria Township Board when offered the subject public road refused to accept this road.

3. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
4. All necessary public publications and notices to adjoining landowners have been given.
5. 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.
6. No public purpose would be served to keep the subject public 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 subject public road shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to said vacated and abandoned section of road shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road. A copy of this resolution shall be filed against the West one-half of the Northeast Quarter (W1/2NE1/4); the east one-half of the Northwest Quarter (E1/2NW1/4); the east one-half of the Southwest Quarter (E1/2SW1/4); the West one-half of the North one-half of the Southeast Quarter (W1/2N1/2SE1/4); and the west one-half of the South one-half of the Southeast Quarter (W1/2S1/2SE1/4) of Section Seventeen (17), and the West one-half of the Northeast Quarter (W1/2NE1/4); the East half of the Northwest Quarter (E1/2NW1/4); the East one-half of the Southwest Quarter (E1/2SW1/4) and West one-half of the Southeast Quarter (W1/2SE1/4) of Section Twenty (20), Township Twelve (12), North, Range Seventeen (17) West of the 6th P.M. as these are believed to be the abutting parcels or parcels over which this vacated road traversed.

Moved by Brayton and seconded by McMullen to approve vacation of portion of Grant Street in Odessa with Resolution 2012-45. Upon roll call vote, the following Board members voted "Aye": Brayton, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-45

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 that portion of Grant Street lying between lots 87, 88, 89, 90, 91, and 92, in the unincorporated Village of Odessa, Buffalo County, Nebraska, hereinafter simply referred to as "subject public road".

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, the Board offered to relinquish said public road by written notification to the Odessa Township and said Township has declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2012- that set August 28, 2012, at 10:00 o'clock a.m, in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2012-025 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on August 28, 2012, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one present objected to vacation or abandonment to this request, and

WHEREAS, at conclusion of the public hearing held August 28, 2012, the Board set September 11, 2012, 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 the subject public 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 Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The Odessa Township Board when offered the subject public road refused to accept this road.
3. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
4. All necessary public publications and notices to adjoining landowners have been given.

5. 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.
6. No public purpose would be served to keep the subject public road open.
7. All owners of lots abutting the public street to be abandoned have signed the Petition to Vacate this road. After vacation, solely only Lots 87 and 92 will have access to a public road. In this regard the owners of the land have consented to what amounts to land locking of Lot 88, 89, 90 and 91, in the unincorporated village of Odessa.

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 subject public road shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to said vacated and abandoned section of road shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

Moved by Morrow and seconded by Greder to approve vacation of portion of road located in Bridle Acres Third Subdivision in Section 24, Township 9, Range 17 with Resolution 2012-46. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-46

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:

Turkey Ridge Road from the Southeast corner of Lot One (1), Block One, Bridle Acres Fourth Subdivision and the Southwest corner of Lot Eight (8), Block One 1, Bridle Acres Third Subdivision, north to 70th Road; and 70th Road from the Northwest Corner of Lot One (1), Block One (1), Bridle Acres Fourth Subdivision, east to the Northeastern Corner of Lot Eight (8), Block One (1), Bridle Acres Third Subdivision, all located in part of Section Twenty-Four (24), Township Nine (9), North, Range Seventeen (17), West of the 6th P.M., Buffalo County, Nebraska

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, the Board offered to relinquish said public road by written notification to the Odessa Township and said Township has declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2012-026 that set August 28, 2012, at 10:00 o'clock a.m, in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2012-026 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on August 28, 2012, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one present objected to vacation or abandonment to this request, and

WHEREAS, at conclusion of the public hearing held August 28, 2012, the Board set September 11, 2012, 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 the subject public 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 Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The Odessa Township Board when offered the subject public road refused to accept this road.
3. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
4. All necessary public publications and notices to adjoining landowners have been given.
5. 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.
6. No public purpose would be served to keep the subject public road open.

7. The land for these streets proposed to be abandoned was obtained by the county by dedication when the land was subdivided. The street once vacated should revert to the owners of the subdivided land that abuts the streets to be vacated.
8. 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 subject public road shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to said vacated and abandoned section of road shall revert to private ownership to the owner(s) of the adjacent real estate as further described below, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road. As concerns lands abutting Turkey Creek Road, this Street shall revert one-half on each side thereof, with the west half to Lot One (1), Block One, Bridle Acres Fourth Subdivision, and the east half to Lot Eight (8), Block One (1), Bridle Acres Third Subdivision, located in part of the Northeast Quarter (NE1/4) of Section Twenty-Four (24), Township Nine (9), North, Range Seventeen (17), West of the 6th P.M., Buffalo County, Nebraska. As concerns 70th Road, this Street as vacated shall revert wholly to the lots abutting it, to-wit: Lot One (1), Block One, Bridle Acres Fourth Subdivision, and Lot Eight (8), Block One (1), Bridle Acres Third Subdivision, located in part of the Northeast Quarter (NE1/4) of Section Twenty-Four (24), Township Nine (9), North, Range Seventeen (17), West of the 6th P.M., Buffalo County, Nebraska, together with the North 33.00 feet of vacated Turkey Creek Road as it intersects with 70th Road.

Moved by Brayton and seconded by Dannehl to approve vacation of portion of road between Sections 20 and 29, Township 11, Range 16 with Resolution 2012-47. Upon roll call vote, the following Board members voted "Aye": Brayton, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-47

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:

The east to west section line road situated between Sections Twenty (20) and Twenty-nine (29), excepting the west three-eighths mile thereof, Township Eleven (11), North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska. hereinafter simply referred to as "subject public road".

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, the Board offered to relinquish said public road by written notification to the Rusco Township and said Township has declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2012-027 that set August 28, 2012, at 10:00 o'clock a.m, in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, a copy of Resolution 2012-027 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on August 28, 2012, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one present objected to vacation or abandonment to this request, and

WHEREAS, at conclusion of the public hearing held August 28, 2012, the Board set September 11, 2012, 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 the subject public 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 Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The Rusco Township Board when offered the subject public road refused to accept this road.
3. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
4. All necessary public publications and notices to adjoining landowners have been given.
5. 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.

6. No public purpose would be served to keep the subject public road open.

7. This public road was established in 1905 as a 4-rod public road as noted in Buffalo County Board of Supervisors Minute Book 6, Page 163.

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 subject public road shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to said vacated and abandoned section of road shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road. A copy of this resolution shall be filed against the South one-half of the South one-half (S1/2S1/2) of Section Twenty (20) and the North one-half of the North one-half (N1/2N1/2) of Section Twenty-Nine (29), Township Eleven (11) North, Range Sixteen (16), West of the 6th P.M., Buffalo County, Nebraska.

Chairman Pierce opened the public hearing to approve the 2012-2013 Fiscal Year Budget for Buffalo County at 10:16 A.M. No one from the public was present to address the Board and Chairman Pierce closed the public hearing at 10:18 A.M. Supervisor Dannehl asked questions about salary increases in the Road Department and the Board Administrator. Supervisor McMullen called the Highway Superintendent to come into the meeting to explain the salary increases in the Road Department. Discussion was held by the Board on the increase for the Board Administrator and the Building and Grounds Supervisor. After review by the Budget Committee, it was moved by Morrow and seconded by Greder 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, Greder, Dannehl, Brayton, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve to authorize petty cash funds with the approval of the following Resolution 2012-48. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Brayton, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-48

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 Defender's 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; the County Court Office in the amount of \$50.00, and Extension in the amount of \$2,000.00.

Moved by Morrow and seconded by Klein to approve Buffalo County budget for fiscal year July 1, 2012 to June 30, 2013 with the Resolution 2012-49. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION OF ADOPTION AND APPROPRIATIONS 2012-49

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2012 to June 30, 2013, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Supervisors on the 11th day of September 2012.

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, 2012 to June 30, 2013 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, 2012 and ending June 30, 2013.

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 Certification of property tax requests for fiscal year 2012-2013 at 10:56 A.M. Chairman Pierce closed the hearing at 10:57 A.M. Moved by Morrow and seconded by Greder to approve Resolution 2012-50. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-50

WHEREAS, Nebraska Revised Statute 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 2012-2013 property tax requests be set and as follows:

FUND	2012-2013 Proposed Property Tax Request
General	14,913,758.04
Veteran's Aid	45,564.51
Bond	1,522,721.03 (outside limit)
TOTAL	16,482,043.58

Chairman Pierce called for Citizen's forum and James Bamford was present to discuss leafy spurge and water issues in the County.

Moved by Greder and seconded by Klein to enter into Executive Session for the protection of public interest to discuss contract negotiations at 11:12 A.M. In addition to all Board members present, Deputy County Andrew Hoffmeister was present. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by McMullen to move out of Executive Session at 11:20 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 11:21 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, September 25, 2012 at 9:00 A.M.