

BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, JANUARY 8, 2013
9:00 A.M

The Buffalo County Board of Supervisors met on Tuesday, January 8, 2013 at 9:00 A.M. County Clerk Janice Giffin called the Reorganization Meeting of the Buffalo County Board of Supervisors to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Francis Biehl, Joseph Brayton, Kent Greder, Ivan Klein, Sherry Morrow, Dennis Reiter and William McMullen. (The Board room is being renovated at this time; therefore this meeting was held in Hearing Room B of the Justice Center.) 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.

County Clerk Janice Giffin called for the election of a Chairman. Supervisor Morrow nominated William McMullen for Chairman of the Buffalo County Board of Supervisors. County Clerk Giffin called for nominations three times. There were no further nominations. Moved by Morrow and seconded by Klein to cease the nominations. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. Motion declared carried and William McMullen is the Board Chairman.

County Clerk Janice Giffin turned the meeting over to Chairman McMullen.

Chairman McMullen called for the election of a Vice Chairman. Supervisor Brayton nominated Ivan Klein as Vice Chairman of the Buffalo County Board of Supervisors. Chairman McMullen called for nominations three times. There were no further nominations. Moved by Reiter and seconded by Brayton to cease the nominations. Upon roll call vote, the following Board members voted "Aye": Reiter, Brayton, Biehl, Greder, Klein, Morrow and McMullen. Motion declared carried and Ivan Klein is the Board Vice Chairman.

Chairman McMullen welcomed Francis Biehl and Dennis Reiter to their first meeting as Board members.

Moved by Morrow and seconded by Klein to approve the following list of Depositories for County Monies. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. Motion declared carried.

Bank of the West	Platte Valley State Bank & Trust Company
Exchange Bank of Gibbon/Kearney	State Bank of Riverdale
FirsTier Bank of Elm Creek	FirsTier Bank of Kearney
Great Western Bank	Town & County Bank-Ravenna
Cornerstone Bank	Wells Fargo Bank
Farmers & Merchants Bank-Kearney	Heritage Bank

Moved by Morrow and seconded by Brayton to authorize Buffalo County Treasurer Jean Sidwell to invest the County funds. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. Motion declared carried.

Chairman McMullen then made the following Agency Appointments/County Board Representatives:

- Airport Zoning Board-William McMullen
- Buffalo County Extension Board-Kent Greder
- Community Action Partnership of Mid-Nebraska Board-Joe Brayton
- Buffalo County Economic Development Council-William McMullen & Sherry Morrow
- Kearney Area Visitors Bureau Advisory Board-William McMullen
- Mid-NE Individual Services Advisory Board-Ivan Klein
- Region III Governing Board-Sherry Morrow
- Solid Waste Agency-Francis Biehl
- South Central Economic Development Council-Lynn Rauner
- South Central NE Area Agency on Aging Governing Board-Ivan Klein
- Two Rivers Public Health Department-Dennis Reiter

Chairman McMullen then made the following miscellaneous appointments:

County Medical Doctor-The Doctor on call belonging to the Buffalo County Medical Association.

Legal Newspaper Designations - The Kearney Hub and the Buffalo County Website.

Chairman McMullen then made the following Board Committee appointments with the first person listed to be the Committee Chair:

Budget & Finance Committee

Sherry Morrow
Kent Greder
Francis Biehl

Building & Grounds

William McMullen
Sherry Morrow
Ivan Klein

IT Committee

Kent Greder
Sherry Morrow
Ivan Klein

Construction Oversight Committee

William McMullen
Joe Brayton
Sherry Morrow

Human Resource/Insurance

Kent Greder
Dennis Reiter
Joe Brayton

Public Safety, Law Enforcement,

Court & Judicial Committee

Dennis Reiter
Kent Greder
Francis Biehl

Road & Bridge Committee

Ivan Klein
Dennis Reiter
Joe Brayton

Weed Committee

Joe Brayton
Ivan Klein
Dennis Reiter

Veterans Service Committee

Joe Brayton
William McMullen
Ivan Klein

Zoning Committee

Francis Biehl
Sherry Morrow
Joe Brayton

Election Committee

Kent Greder
Dennis Reiter
Francis Biehl

Buffalo County NIRMA (Nebraska Intergovernmental Risk Management Association) Contact – County Clerk Jan Giffin

REGULAR AGENDA

Moved by Brayton and seconded by Klein to approve the December 27, 2012 Board meeting minutes. Upon roll call vote, the following Board members voted “Aye”: Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Brayton to accept the Clerk of the District Court December 2012 Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Reiter to ratify late vendor and payroll claims for December 2012 as submitted by County Clerk Giffin. Two departments submitted payroll claims on December 31, 2012 for errors in payroll requisitions. Since the payroll errors were discovered after the last Board meeting; Board members were contacted by phone to authorize the employee payments and their withholdings paid through the vendor account. Upon roll call vote, the following Board members voted “Aye”: Morrow, Reiter, Biehl, Brayton, Greder, Klein and McMullen. None voted “Nay”. Motion declared carried.

FUND	NET PAYROLL
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(100) GENERAL	3,651.73
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GENERAL FUND			
AMERITAS LIFE INSURANCE CORP	R	EMPE RET	527.85
PLATTE VALLEY STATE BANK	T	FEDERAL TAX	786.45
STATE OF NEBRASKA	T	STATE TAX	75.28

Moved by Brayton and seconded by Morrow to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	1,853.00

COURTHOUSE RENOVATIONS

There were no updated reports or action taken on the Courthouse Renovations.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. Steve Glenn sent a request for consideration of legal public notice designation in other Buffalo County area newspapers in addition to the Kearney Hub. Big Iron sent information on their online auction of equipment. City of Kearney sent notice of annexation of Younes Center Addition and 1300 East 11th Street. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Morrow and seconded by Klein to approve a three year contract for audit services with Tonniges & Associates Inc. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

At the December 11, 2012 Board meeting, Chairman Pierce was authorized to negotiate a contract with Pictometry for aerial image photography of Buffalo County and to enter into an interlocal agreement with the City of Kearney to share the cost of the project. An interlocal agreement was not presented and this Agenda item will be discussed at the next Board meeting.

Weed Superintendent Mitch Huxoll was present for the following agenda item. Moved by Brayton and seconded by Klein to approve Resolution 2013-01 for Weed Control Cost Assessment on property in the East one-half (E1/2 of Section Thirty-Five (35), Township Ten (10) North, Range Seventeen (17), West of the 6th P.M., Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-01

WHEREAS, Buffalo County Weed Control Authority pursuant to Sec. 2-955 Neb.Rev.Stat. proceeded to take action to control noxious weeds located on the following described real estate:

That portion of the East one-half (E1/2 of Section Thirty-Five (35), Township Ten (10) North, Range Seventeen (17), West of the 6th P.M., Buffalo County, Nebraska, thereafter filing a Notice of Lien for Unpaid Weed Control Costs in the amount of \$567.04 with the Buffalo County Register of Deeds on or about October 29, 2012, and

WHEREAS, more than two months have passed since the filing of the Notice, the costs remain unpaid and it would be proper and prudent to place special assessments against the described real estate similar to unpaid taxes.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT Mitchell Huxoll, Buffalo County Weed Control Superintendent, shall be and hereby is authorized to file certification with the Buffalo County Treasurer causing this unpaid weed control cost to become a special assessment upon the above described real estate all as authorized by Sec. 2-955 Neb.Rev.Stat. with interest charged at the same rate as taxes.

The Board accompanied Sheriff Neil Miller to conduct the quarterly inspection and tour of the Buffalo County Jail.

ZONING

Chairman McMullen opened the Zoning Hearing at 11:05 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Mitchell Humphrey on behalf of Darla Juhl has filed a request for an Administrative Subdivision for property described as being part of the Northwest Quarter of the Northwest Quarter located in Section 33, Township 10 North, Range 17 West of the 6th p.m. to be known as Juhl Administrative Subdivision. The application was reviewed by Deputy County Attorney Andrew Hoffmeister and Mitchell Humphrey. Gary Harmony also addressed the Board. Chairman McMullen closed the public hearing at 11:20 A.M.

Moved by Greder and seconded by Biehl to approve the Administrative Subdivision application with the following Resolution 2013-02. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-02

WHEREAS, Mitchell Humphrey, Licensed Surveyor, on behalf of Darla Juhl, a single person, owner hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "JUHL 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 January 8, 2013, this Board conducted a public hearing and finds:

1. The proposed Juhl Administrative Subdivision is 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. No section line road abuts the proposed subdivision. There is no proposed or existing road to be located upon a section line for the proposed subdivision. Access to the property is obtained by easement, already existent.
4. It is not clear what is the front of the lot for purposes of Subdivision Sec. 4.04 concerning easements or set backs for zoning resolution compliance. Any zoning permit will need to specify the front, rear, and sides should future development occur.
5. Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicant.
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 "JUHL ADMINISTRATIVE SUBDIVISION", an administrative subdivision being part of the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4 of Section Thirty-Three (33), Township Ten (10) North, Range Seventeen (17) 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.

REGULAR AGENDA

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

Moved by Greder and seconded by Klein to enter into Executive Session to discuss litigation at 11:22 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Biehl to move out of Executive Session at 11:35 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen reminded the Board members that a special information only meeting on the process of dissolving the townships in Buffalo County will be held at the Extension Building on Thursday, January 10, 2013 at 7:00 P.M. The township boards have been invited to come with their questions regarding the process of dissolving the township form of government. The discontinuance of the township form of government question was put before the registered voters in November 2012. Chairman McMullen asked if there was anything else to come before the Board at 11:36 A.M. before he declared the meeting adjourned. The next regular meeting will be Tuesday, January 22, 2013 at 9:00 A.M.