

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 8, 2012  
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 8, 2012 at 9:00 A.M and 10:30 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.

Chairman Pierce noted that the Resolution of Commendation would be at the next Board meeting because the retired employee could not attend today's meeting.

**REGULAR AGENDA**

County Clerk Giffin noted that the April 24, 2012 minutes need to be corrected to reflect the following action taken by the Board of Equalization. The Board of Equalization approved 100% tax exemption for Buffalo County Community Health Partners, Developmental Services of Nebraska Inc. and Bethesda Foundation. The minutes reflected that partial exemption was granted based on the recommendation on the application by the County Assessor. Moved by Dannehl and seconded by Klein to approve the April 24, 2012 Board meeting minutes with the necessary corrections as indicated by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to accept the Community Action R.Y.D.E. March 2012 report. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

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

Moved by Morrow and seconded by McMullen to accept the County Treasurer Fund Balance Report for April 2012. 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 McMullen to approve the early claims submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

<b>GENERAL FUND</b>		
DUANE AND LINDA BOND	DEPOSIT	1,000.00
<b>COUNTY BOND</b>		
BECKENHAUER CONSTRUCTION	CONSTRUCTION	88,298.53

Moved by Morrow and seconded by Klein to authorize payment of error made in the Building and Grounds Department on an employee payroll claim in April. Claim total amount to be paid out of the General Fund is \$1,741.29. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

**COURTHOUSE RENOVATIONS**

Chairman Pierce asked the Oversight Committee members to update the rest of the Board with progress being made in the Courthouse Renovation Project. No formal action was necessary at this time.

**REGULAR AGENDA**

Chairman Pierce reviewed the following correspondence. City of Kearney sent notice of hearing of a CRA Blight and Substandard Area. Newsletters were received from Cannon Moss Brygger Architects and Central Platte NRD In Perspective. Chairman Pierce called on each Board member present for committee reports and recommendations.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$496,225.02 at First Tier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$ 5,000,000.00 at the Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Supervisor Greder reported on the Insurance Committee review of the health insurance bids that were received at the March 27, 2012 Board meeting. Buffalo County's current provider is NACO Blue Cross and Blue Shield and the rates that were received from NACO were the same as the 2011-2012 fiscal year rates. Moved by Greder and seconded by McMullen to stay with the current NACO Blue Cross and Blue Shield health insurance provider for the fiscal year 2012-2013. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

County Sheriff Neil Miller reported on the review process of the Jail Food Service bids that were received on March 27, 2012. The Board of Supervisors Safety Committee met with the Sheriff and staff to review the bids received. Present to answer questions were Lori Petersen and Scott Garrett with Consolidated Correctional Food Service. Moved by Klein and seconded by Greder to approve the selection of Consolidated Correctional Food Service and allow the Sheriff to negotiate a final contract that would be reviewed by the County Attorney and brought back to this Board for ratification. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Randy Tonniges with Tonniges and Associates reviewed the audit report that was sent to the Board prior to this meeting. Moved by Morrow and seconded by McMullen to accept the Audit Report for fiscal year ending June 30, 2011. 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 Brayton and seconded by Klein to accept the recommendation of the Budget Committee to approve auditing services contract with Tonniges and Associates for the fiscal year ending June 30, 2012. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Supervisor Dannehl discussed the purchase agreement for property known as the Bond property. Moved by Dannehl and seconded by McMullen to approve the purchase agreement with Duane and Linda Bond for Lots 1412 and 1413 in Original Town of Kearney Junction, now known as City of Kearney, Buffalo County. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Supervisor Morrow reported that the Budget Committee met with Christina McIntire prior to this meeting to determine what Buffalo County could do to support the Court Appointed Special Advocate program (CASA). Moved by Morrow and seconded by Dannehl to approve the following Resolution 2012-14. 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 2012-14**

WHEREAS, the Buffalo County Board of Supervisors support the Court Appointed Special Advocate program (CASA); and

WHEREAS, the Buffalo County Board of Supervisors asked the Budget Committee to meet with CASA to discuss how Buffalo County can contribute to the CASA program; and

WHEREAS, the Buffalo County Budget Committee has met with CASA and has decided how Buffalo County could contribute to the CASA program in Buffalo County.

THEREFORE, BE IT RESOLVED, that the Buffalo County Board of Supervisors will support the CASA program in Buffalo County with annual contributions of \$10,000/year for three (3) years, if funds are available. The first contribution will be dispersed in Fiscal Year 2012-2013 and the final contribution will be dispersed in Fiscal Year 2014-2015. In order to receive this funding, Buffalo County has asked that CASA become a 501C3 organization or become a part of the Kearney Area Community Foundation (KACF) and utilize their 501C3 status. Buffalo County will not disperse any funds until a 501C3 status has been established or the agreement between CASA and the KACF has been received from CASA.

BE IT FURTHER RESOLVED, a copy of the 501C3 status or the agreement between CASA and KACF will be on file with the Buffalo County Clerk's office.

Highway Superintendent Ron Sklenar was present for the following Agenda items. Moved by McMullen and seconded by Klein to set a bid date of May 22, 2012 for bridge steel. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

Discussion followed on the Supplemental Agreement #5 with Nebraska Department of Roads and the City of Kearney. Decision on this Supplemental Agreement will be placed on the May 22, 2012 Agenda so that more questions can be answered before a decision is made to approve the Supplemental Agreement.

Moved by McMullen and seconded by Dannehl to accept a two mile segment of roadway that is designated as Logan Township Ownership and because of special hardship financial concerns by Logan Township to be able to provide adequate maintenance for Road Numbers 17-NN and 17-MM and being a primary artery Buffalo County will take over the necessary maintenance as County owned roadways. Legal Description being those roads located between Sections 21 and 28 and Sections 22 and 27, Township 10 North, Range 18 West. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Dannehl to recess the regular meeting of the Board of Supervisors at 10:30 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. Deputy County Assessor Joe Barber and County Treasurer Jean Sidwell and were present.

John Lakey, Assistant Vice Chancellor for Business and Finance for the University of Nebraska Kearney was present to answer questions about the Board of Regents University of Nebraska permissive tax exemption application. Chairman Pierce closed this public hearing at 10:35 A.M. Moved by Klein and seconded by Greder to approve tax exemption for the Board of Regents University of Nebraska on parcel number 604494000. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen and Pierce. None voted "Nay". Abstain: Morrow. Motion declared carried.

Moved by Dannehl and seconded by Brayton to approve tax list corrections numbered 3826 through 3827 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

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

Moved by Greder and seconded by Morrow to recess the Board of Equalization and to return to the regular meeting of the Board of Supervisors at 10:40 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

### **ZONING**

Chairman Pierce opened the Zoning Hearing at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Dave Hervert on behalf of DDH Properties, L.L.C., requests a special use permit for part of the N1/2 of the SW1/4 of Section 9, Township 12 North, Range 13 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska for a mechanic shop. Present were Craig Bennett from Miller and Associates and Dave Hervert. Chairman Pierce closed this public hearing at 11:14 A.M.

Moved by Brayton and seconded by Klein to approve the special use permit application with the following Resolution 2012-15. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

### **RESOLUTION 2012-15**

WHEREAS, David Hervert on behalf of DDH Properties, L.L.C., of Ravenna, Nebraska, hereinafter referred to as "applicant" filed an Application for Special Use Permit with Buffalo County Clerk requesting special permit in AG District for a retail truck and farm equipment repair use on property that is more particularly described in following language and herein referred to as "subject property", and

WHEREAS, on April 19, 2012, following public hearing on applicant's special use permit application, with no proponent or opposition present concerning the retail truck and farm equipment repair use, but opposition to other uses regarding a potential truck wash in the original application, the Buffalo County Planning and Zoning Commission, as concerns solely the retail truck and farm equipment repair use unanimously recommended approval of the retail truck and farm equipment repair special use permit as submitted, and

WHEREAS, on May 8, 2012, the Buffalo County Board of Supervisors held public hearing on this Special Use Permit, and  
WHEREAS, no protests have been filed with the Clerk that would require a two-thirds majority of this Board to approve the special permit, and

WHEREAS, this Board after public hearing and review of the special use application finds:

1. Minutes of Planning and Zoning meeting and application together with attachments as submitted should be and hereby are incorporated herein in their entirety as if set forth herein.

2. Applicant proposes to use existing structures on the subject property to perform farm equipment and truck repairs.
3. The subject property on its west property line abuts Sodtown Road. Farm or pasture ground abuts the subject property where it does not abut a road or highway.
4. Lighting needs and other utility requirements of the property were discussed.
5. The closest rural residence to the subject property is about one-fourth of a mile away.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that this Board approves applicants' Special Use Permit to use the subject property for retail farm equipment and truck repair as submitted in their application and attached paperwork all of which is incorporated into this Resolution by this reference, subject however to the following conditions:

1. The property shall have placed upon it a sign of a minimal dimension of 4 feet by 8 feet. Such sign shall state name of business, 911 street address of facility, and a phone number of party to contact in event of emergency.
2. Access or accesses to the property shall be from Sodtown Road. The plans concerning driveway approach and entry shall be subject to review and subject to any change required by the Buffalo County Highway Department.
3. No additional structures used for farm equipment and truck repair purposes are allowed on the subject property without an amendment to this permit and a review process.
4. The requirements/conditions of this special use permit are in addition to any licensing and regulation from any other governmental agency including, but not necessarily limited to Nebraska Department of Environmental Quality.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance all as provided in Buffalo County Zoning Regulations.

RESOLVED FURTHER that copy of this Resolution shall be filed against the subject property, to-wit:

A tract of land comprising a part of the North Half of the Southwest Quarter (N ½ SW ¼ ) of Section Nine (9), Township Twelve (12) North, Range Thirteen (13) West of the 6<sup>th</sup> P.M. in Buffalo County, Nebraska more particularly described as follows: Beginning at the Southwest corner of said North Half of the Southwest Quarter (N ½ SW ¼ ); thence running Northerly on the West line of said North Half of the Southwest Quarter (N ½ SW ¼ ), on assumed bearing of N 00° 39' 29" W, a distance of One Thousand Twenty and Nine Hundredths (1020.09) feet, thence running N 89° 58' 15" E, a distance of Nine Hundred Seventy Nine and Ninety Eight Hundredths (979.98) feet; thence running S 00° 39' 14" E, distance of One Thousand Twenty and Eight Hundredths (1020.08) feet; to a point on the South line of said North Half of the Southwest Quarter (N ½ SW ¼ ); thence running S 89° 58' 14" W, on the South line of said North Half of the Southwest Quarter (N ½ SW ¼ ); a distance at Nine Hundred Seventy Nine and Ninety Hundredths (979.90) feet, to the point of beginning.

RESOLVED FURTHER that copy of this Resolution shall be filed against the subject property.

Chairman Pierce called for Citizen's forum at 11:16 A.M. and James Bamford was present to discuss noxious weed problems.

Moved by McMullen and seconded by Klein to enter into Executive Session for the protection of public interest to discuss contract matters and litigation at 11:27 A.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, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to move out of Executive Session at 11:40 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 11:44 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, May 22, 2012 at 9:00 A.M.