

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 12, 2012
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, June 12, 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.

REGULAR AGENDA

Moved by Brayton and seconded by Klein to approve the May 22, 2012 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by McMullen to accept the Clerk of the District Court May 2012 Report. 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 Klein to accept the County Treasurer Fund Balance Report for May 2012. 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

Bill Barritt from Beckenhauer Construction and Brad Kissler and Matt Johnson from Cannon Moss Brygger & Associates were present to educate the board and the public on Phase 4 of the Courthouse Renovation project. Both firms have been meeting with the Oversight Committee for several months, but recently the plans were far enough along to present Phase 4 to the entire board. Before the presentation began, Supervisor Morrow shared with the board a short history of the renovation project. She stated this project started back in 2004 with the master plan. Supervisor Dannehl thanked all of the elected and appointed officials for their patience and cooperation throughout this process. Bill Barritt and Brad Kissler then presented on the timeline and phasing of Phase 4.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Department of Environmental Quality sent the design change approval for Rogers Grain and Livestock Inc. Good Samaritan Hospital sent an invitation to the 3rd Annual Healthy Community Awards Luncheon. Buffalo County Community Partners sent an invitation to the Annual Fund Campaign Kick-off Party. Department of Health & Human Services Division of Public Health sent information on the Fair Labor Standards Act that supports breastfeeding women. The NIRMA Interchange and US Bank Today newsletters were received. The Spirit of Nebraska Pathway program sent information on the statewide campaign for the Revitalization of Nebraska's Centennial Mall. Chairman Pierce called on each Board member present for committee reports and recommendations.

Supervisor McMullen reported that the Human Resources and Insurance Committee wants to build communications between "frontline employees" and the Board of Supervisors and is recommending a Buffalo County Employee Council. More details will follow at a later date and no formal action was taken.

Supervisor McMullen reported that the Reorganization Committee has been meeting over a two year period and has been considering the possibility of consolidating some County offices. Moved by McMullen and seconded by Brayton to set a public hearing on June 26, 2012 at 9:30 A.M. for the merging of County Assessor and the Register of Deeds offices. After public hearing the Board could adopt a resolution for the consolidation of the two offices to submit the issue to the registered voters of Buffalo County. 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 McMullen to approve the Bond property acquisition with Resolution 2012-18. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-18

WHEREAS, this Board desires to purchase land hereinafter referred to as the “described property” from Duane D. Bond and Linda J. Bond, husband and wife, hereinafter referred to as “Seller” and

WHEREAS, Buffalo County should ratify all prior acts of county officials to accomplish this purchase,

NOW THEREFORE, BE IT RESOLVED THAT THE BUFFALO COUNTY BOARD OF SUPERVISORS that all actions taken by County Officials towards the purchase of the following described property, to-wit: Lot 1512 and Lot 1513, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska

Shall be and hereby are ratified and approved by this Board,

FURTHER RESOLVED that claims for payment of the same, together with administrative costs for this purchase, shall be drawn and the same are approved.

RESOLVED FURTHER, that a copy of this resolution shall be filed against the above described real estate after or with the filing deed of transfer.

Clerk of the District Court Sharon Mauler was present to review the reimbursement contract with the Department of Health and Human Services for child support enforcement. Moved by Dannehl and seconded by Greder to authorize Chairman Pierce to sign the Clerk of the District Child Support reimbursement contract with Department of Health and Human Services Children and Family Services Child Support Enforcement. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Greder, Brayton, Klein, McMullen Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Brayton to approve the District Court and County Court Interlocal Agreement. 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 Morrow and seconded by Klein to raise the deductible limits on property insured with NIRMA to \$2500.00 per incident. County Sheriff Neil Miller addressed his concerns with the actual savings based on the number of incidents. After further discussion the motion was withdrawn. More information will be gathered before a decision is made at the next meeting.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$6,557,782.00 at Platte Valley State Bank. 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 Greder to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$15,440,880.44 at 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.

Moved by Dannehl and seconded by Greder to approve tax refund request submitted by County Treasurer Sidwell for ELN, LLC in the amount of \$6,042.06, parcel number 600044000, TERC case 11C231. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Greder, Brayton, 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 New West Sports Medicine in the amount of \$10,277.71, parcel number 310001424. 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 Brayton and seconded by McMullen to approve reappointment of Tim Moninger to the Veterans Service Committee Member for a five year term. Upon roll call vote, the following Board members voted “Aye”: Brayton, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Emergency Manager Darrin Lewis and Sheriff Neil Miller were present to review the Memorandum of Agreement (MOA) between FEMA and the Collaborative Operating Group (COG). Moved by Morrow and seconded by Klein to authorize Emergency Manager to move forward with the application to request an IPAWS (Integrated Public Alert & Warning System) Memorandum of Agreement. Upon roll call vote, the following Board members voted “Aye”: Morrow, Klein, Brayton, Dannehl, Greder, McMullen, and Pierce. None voted “Nay”. Motion declared carried.

Assistant Highway Superintendent John Maul was present for the following Agenda items. Moved by McMullen and seconded by Klein to accept the following low bids for Steel: Husker Steel for Bearing Pile and Sheet Pile in the amount of \$122,120.00 and Oden Enterprises for 8” Channel and Angle Iron in the amount of \$12,928.00. 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 McMullen and seconded by Brayton to authorize Chairman Pierce to sign the Kearney East Bypass Project Supplemental Agreement #5 with Nebraska Department of Roads and City of Kearney. County Attorney Eatherton has reviewed the Agreement and recommended that Chairman Pierce sign the Supplemental Agreement. 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 McMullen and seconded by Dannehl to enter into Executive Session to discuss personnel issues at 10:49 A.M. County Attorney Shawn Eatherton was present. 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 Klein to move out of Executive Session at 11:00 A.M. and resume the open meeting. 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 Klein and seconded by Greder to recess the regular meeting of the Board of Supervisors at 11:04 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 Deputy County Treasurer Brenda Rohrich were present.

Chairman Pierce opened the Public hearing for the Faith Christian School tax exemption application. No one was present to address the Board. Chairman Pierce closed the hearing at 11:05 A.M. Moved by Dannehl and seconded by Greder to approve tax exemption for the Faith Christian School on parcel number 608002051. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the Public hearing for Great Platte River Road Memorial tax exemption application. No one was present to address the Board. Moved by Dannehl and seconded by Greder to table the tax exemption for the Great Platte River Road Memorial until June 26th at 10:30 A.M. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Morrow to approve May tax list corrections numbered 3828 through 3851 as submitted by County Assessor Joe Woodward. 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 Greder and seconded by Brayton to extend the Homestead Exemption filing date to July 20, 2012 as recommended by Assessor Joe Woodward. 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 Dannehl and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for New Life Assembly on a 2000 Ford Bus, 2003 Chevrolet Bus and 2010 Ford Bus. 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 Brayton and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Catholic High School on a 2008 Chevrolet Suburban, 1999 Chevrolet Suburban and 2009 Chevrolet Suburban. 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 McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Servants of Mary on a 2009 Nissan. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Greder, Dannehl, Klein and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Sinsinawa Dominicans Inc on a 2011 Honda Civic. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Klein to recess the Board of Equalization and to return to the regular meeting of the Board of Supervisors at 11:19 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Wayne Homan, Animal Control Specialist presented the renewal contract with Wildlife Services. Moved by McMullen and seconded by Klein to authorize Chairman Pierce to sign the contract renewal with Wildlife Services at the same rate as the last fiscal year. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Greder, Dannehl, Morrow and Pierce. None voted "Nay". Motion declared carried.

ZONING

Chairman Pierce opened the Zoning Hearing at 11:22 A.M. Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein were present.

Mitchell Humphrey on behalf of O & O Farms, Inc, filed a request for an Administrative Subdivision for part of Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Twenty-nine (29), Township Ten (10) North, Range Fifteen (15) West of the 6th p.m., Buffalo County, Nebraska, to be known as Shapley Administrative Subdivision. Mitch Humphrey was present to review the application. No one else addressed the Board and Chairman Pierce closed this public hearing at 11:24 A.M.

Moved by Brayton and seconded by Klein to approve the Administrative Subdivision application with the following Resolution 2012-19. 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 2012-19

WHEREAS, Mitchell Humphrey, Surveyor, on behalf of O & O Farms, Inc., a Nebraska Corporation, hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "Shapley Administrative Subdivision" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on June 12, 2012, this Board conducted a public hearing and finds:

1. The proposed Shapley Administrative Subdivision is part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twenty-Nine (29), Township Ten (10) North, Range Fifteen (15) West of the Sixth P.M., Buffalo County Nebraska and is 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. 130th 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. 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.
5. 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 "SHAPLEY ADMINISTRATIVE SUBDIVISION", an administrative subdivision being part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twenty-Nine (29), Township Ten (10) North, Range Fifteen (15) West of the Sixth P.M., 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.

Chairman Pierce announced next item of business concerned public hearing to adopt Buffalo County Comprehensive Plan Update 2022 prepared by Hanna:Keelan Associates of Lincoln, Nebraska. Public discussion was held with Andrew Hoffmeister, Chief Deputy Buffalo County Attorney. Mr. Hoffmeister suggested an amendment of the draft plan on file concerning livestock confinement facilities and not have that use referred to as "industrial" additionally he noted some name omissions concerning members of the Planning Commission. The public hearing was closed at 11:53 A.M. and discussion was held among the Board members. Thereafter it was moved by Dannehl and seconded by Brayton that Buffalo County Board of Supervisors adopt the following Resolution. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-20

WHEREAS, pursuant to Neb.Rev.Stat. Sec. 23-114.02 and other applicable Nebraska Laws, Buffalo County as revised its general plan for development and improvement of Buffalo County by preparation of a Comprehensive Plan update, referred to as "Buffalo County Comprehensive Plan Update 2022", hereinafter referred to as "Plan", and

WHEREAS, The Buffalo County Planning and Zoning Commission in public hearing held April 19, 2012, recommended approval of this Plan, and

WHEREAS, this Board has reviewed the Plan and believes that it should be adopted as the plan of development and improvement for Buffalo County, with specific amendments as subsequently noted.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT THE BUFFALO COUNTY COMPREHENSIVE PLAN UPDATE 2022 BE ADOPTED BY APPROVAL OF THIS BOARD SITTING IN PUBLIC HEARING SESSION ON THIS 12TH DAY OF JUNE 2012, with the following specific amendments:

1. That Section 2.6 of the Plan as drafted is amended to read: "All intensive livestock facilities should be classified as ~~industrial~~ agricultural uses, ~~only~~-allowable,~~only~~, as special permitted uses." with the Board noting that certain smaller sized uses of this nature are allowed without need of special use permit in the AGR and AG Districts of this county.

2. That the name of Richard Skelton should be added as the ninth member of the Buffalo County Planning and Zoning Commission.

FURTHER, that a copy of the 2022 Comprehensive Plan with copy of this Resolution shall be filed with the Buffalo County Clerk and posted on Buffalo County Website.

Chairman Pierce called for Citizen's forum and no one was present.

Chairman Pierce asked if there was anything else to come before the Board at 11:57 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, June 26, 2012 at 9:00 A.M.