

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 8, 2013
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, October 8, 2013 at 9:00 A.M. and 10:45 A.M. Chairman McMullen called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Joseph Brayton, Kent Greder, Ivan Klein, Sherry Morrow, Dennis Reiter and William McMullen. Absent: Francis Biehl. Chairman McMullen 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. 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 McMullen called for the approval of the September 24, 2013 minutes and Supervisor Reiter indicated that the approval of the Watertown Acres with Resolution 2013-49 was moved by Brayton and seconded by Biehl. Moved by Klein and seconded by Brayton to approve the September 24, 2013 Board meeting minutes contingent on the correction to the approval of Resolution 2013-49. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Morrow Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to accept the Clerk of the District Court September 2013 Fee Report and the County Treasurer September 2013 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

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

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	\$2,627.00
GENERAL FUND		
COUNTY BOARD OF SUPERVISORS	PETTY CASH	\$16,000.00

COURTHOUSE RENOVATIONS

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project. No action was necessary at this time.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. The Board received an invitation to UNL Friends of 4-H Awards from Extension Educator Brian Bosshamer. Chairman McMullen 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 Clerk in the amount of \$200,000.00 at the Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Reiter to approve the tax refund request submitted by County Treasurer Sidwell for Andrew & Annie Novacek in the amount of \$268.10 on parcel number 580721304. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Brayton, Klein, Morrow and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$255,000.00 at Exchange Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$1,366,985.29 at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, Reiter and McMullen. Absent: Biehl. 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 \$7,000,000.00 at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Sheriff Neil Miller was present to discuss the lightning strike on the jail tower on September 19, 2013. Moved by Reiter and seconded by Greder to approve the lightning storm damage repair to the Jail electronics system in the amount of \$17,000.00 to expedite the process and asked that NIRMA be notified for insurance coverage. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Brayton, Klein, Morrow and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to approve Robert Tubbs as the Deputy Director of Emergency Management. Tubbs is already the Communications Lieutenant and will serve in both capacities. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Greder, Klein, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

After discussion, it was moved by Brayton and seconded by Greder to approve the Special Designated Liquor License application filed by Mike Anderson d/b/a Nightlife Concepts Inc, Cunninghams Journal, contingent upon approval of the Sheriff's report for an event to be held at the National Guard Armory 5710 Airport Road, Kearney NE on November 15, 2013. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Weed Superintendent Mitch Huxoll was present to ask for a new one ton truck. Moved by Brayton and seconded by Klein to set a bid date of November 12, 2013 at 10:00 AM for one new 2013 or 2014 regular style cab & chassis with a one ton rating. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Greder, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to enter into Executive Session to discuss contract negotiations at 9:43 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister were present. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to move out of Executive Session at 10:07 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Klein, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Chairman McMullen called for Citizen's forum and Marvion Reichert addressed the Board.

Highway Superintendent Ron Sklenar was present for the following Agenda items.

Moved by Klein and seconded by Brayton to accept the combined bid by NMC for One 2013 Caterpillar 12M2 and One 2013 Model 320EL Caterpillar Excavator with the factory discount for a total amount with trade of \$323,750.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Discussion followed on the opening of road for one-quarter mile between Sections 14 and 15, T-10-N, R-18-W in Logan Township. Moved by Klein and seconded by Reiter to open the north one-quarter mile of undeveloped section line right-of-way located between Sections 14 and 15, T-10-N, R-18-W and develops this section of roadway to an RL-3 Classification under Project No. C10 (935) at an estimated cost of \$4,000.00. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Morrow and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Morrow to add C10 (935) to Buffalo County's One Year Road Program at an estimated cost of \$4,000.00. Project is being added because of a need to open a one-quarter mile of undeveloped right-of-way as the current landowner is building a new residence at this location and it will need to be a mail route and school bus route. Upon roll call vote, the following Board members voted "Aye": Reiter, Morrow, Brayton, Greder, Klein and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to set the date of November 12, 2013 for Project Nos. C10 (919), C10 (930), C10 (558) and C10 (1412) all reinforced concrete box culverts and C10 (933) a low water crossing as per design specifications. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to set bid date of November 12, 2013 for One New 2013-2014 Twin Screw Cab and Chassis for a Dump Truck, One New 2013-2014 4-Wheel Drive Diesel 16,500 GVWR capacity cab and chassis to be used for a sign truck and One New 2013-2014 4 Wheel Drive Diesel 16,500 GVWR complete mechanics truck cab and chassis with new mechanic service body with Auto Crane as per specifications. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to set a bid date of November 12, 2013 for one new truck mounted sign maintenance unit with crane as per specifications. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Short Break before the Board of Equalization and Supervisors McMullen, Klein and Reiter accompanied Sheriff Neil Miller to conduct the quarterly inspection of the Buffalo County Jail at 10:15 A.M.

Moved by Morrow and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:47 A.M. and reconvene as a Board of Equalization. (Supervisor Greder had not returned from the break in the meeting.) Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Reiter and McMullen. Absent: Biehl and Greder. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman McMullen called the Board of Equalization to order in open session. County Treasurer Jean Sidwell, County Assessor Joe Barber and Deputy Assessor Nora Borer were present.

Moved by Brayton and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society Home Health of Central Nebraska on a 2012 Chevrolet Malibu. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Klein, Reiter and McMullen. Absent: Biehl and Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Hospital on a 2011 Chevrolet Van. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Brayton, Klein, and McMullen. Absent: Biehl and Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Restore Ministries on a 2014 Quality Steel Dump Trailer. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Reiter and McMullen. Absent: Biehl and Greder. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Community Action Partnership of Mid-Nebraska on a 2013 Ford Explorer XLT. Upon roll call vote, the following Board members voted "Aye": Reiter, Klein, Morrow, and McMullen. Abstain: Brayton. Absent: Biehl and Greder. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Christian Student Fellowship on 2001 GMC Safari Van, 2002 Dodge Ram Wagon and a 2000 Dodge Ram Wagon. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Morrow, Reiter and McMullen. Absent: Biehl and Greder. None voted "Nay". Motion declared carried.

Supervisor Greder returned to the meeting at 10:52 A.M.

Steve Codner was present for the Homestead exemption request for Loretta Hadlock on parcel number 640408000. This approval was previously denied by the County Assessor based on the Real Estate Transfer Statement. Moved by Klein and seconded by Reiter to approve the Homestead exemption status for Loretta Hadlock. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Morrow and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to approve Tax List Correction number 3927 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Morrow, Reiter and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to approve the following Resolution 2013-50 for final levies for the various political subdivisions as provided by the Buffalo County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Brayton, Greder, Klein, and McMullen. Absent: Biehl. None voted "Nay". Motion declared carried.

RESOLUTION 2013-50

		PROPERTY TAX RATES 2013-2014					
COUNTY FUNDS		LEVY					
GENERAL		0.394364					
DEBT SERVICE		0.040338					
VETERAN'S AID		0.000985					
TOTAL		0.435687					
BUFFALO COUNTY AGRICULTURAL SOCIETY							
GENERAL	0.010310	SINKING	0.009615				

TOWNSHIP	GENERAL				TOWNSHIP		GENERAL
ARMADA	0.014227				LOGAN		0.000000
BEAVER	0.005756				LOUP		0.006220
CEDAR	0.012699				ODESSA		0.008556
CENTER	0.003413				PLATTE		0.000000
CHERRY CREEK	0.000000				RIVERDALE		0.002410
COLLINS	0.000000				RUSCO		0.006049
DIVIDE	0.009350				SARTORIA		0.007217
ELM CREEK	0.029465				SCHNEIDER		
GARDNER	0.023728				SCOTT		0.020137
GARFIELD	0.004014				SHARON		0.022735
GIBBON	0.029510				SHELTON		0.038045
GRANT	0.000000				THORNTON		
HARRISON	0.009954				VALLEY		0.007805

FIRE DISTRICTS	GENERAL	SINKING			BOND		
SUBURBAN #1	0.029243	0.010354			0.007797		
GIBBON #2	0.013960						
SHELTON #3	Set by Hall County						
PLEASANTON #4	0.064448	0.022337			0.013214		
RAVENNA #5	0.004734				0.003997		
MILLER #6	0.018008						
ELM CREEK #7	0.013729				0.022789		
AMHERST #8	0.022077				0.050655		
SID #3 GENERAL	0.289661						

CITY/VILLAGE	GENERAL	BOND			PARKING		STREET CRA
AMHERST	0.138794						0.220823
ELM CREEK	0.330613	0.089118					
GIBBON	0.350000	0.160000					
KEARNEY	0.131360	0.017513			0.123778		0.008052
MILLER	0.485538						
PLEASANTON	0.383539	0.126398					
RAVENNA	0.430000						
RIVERDALE	0.083423						
SHELTON	0.497408	0.196440					

SCHOOL DISTRICTS							
DISTRICT	NO.	GENERAL	BOND	K-8 BOND	9-12 BOND	CAPITAL	SP BLDG
GIBBON	2	0.951525	0.197298				0.021186
KEARNEY	7	1.040016		0.049203	0.109814		0.125910
ELM CREEK	9	0.958254			0.238720		
SHELTON	19	0.997492	0.026827				0.051684
RAVENNA	69	1.026366	0.039510			0.021254	0.023615
PLEASANTON	R105	0.950003	0.282595			0.010099	0.030297
AMHERST	119	0.950206		0.099563	0.102012		0.049978

Moved by Klein and seconded by Greder to adjourn the Board of Equalization at 10:57 A.M. Upon roll call vote, the following Board members voted “Aye: Klein, Greder, Brayton, Morrow, Reiter and McMullen. Absent: Biehl. None voted “Nay”. Motion declared carried.

ZONING

Chairman McMullen opened the Zoning hearings for Administrative Subdivisions at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and Trenton Snow were present.

Trenton Snow on behalf of Jennifer Klingelhoef and Cody Klingelhoef has requested an administrative subdivision for a parcel of land in part of the Southwest Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southwest Quarter and part of the Northwest Quarter of the Southeast Quarter located in Section 22-10-17 West of the 6th p.m., Buffalo County, Nebraska to be known as Klingelhoef Acres. Deputy County Attorney Andy Hoffmeister and Trenton Snow reviewed the application. Chairman McMullen closed this public hearing at 11:04 A.M. Moved by Reiter and seconded by Morrow to approve the Administrative

Subdivision application with the following Resolution 2013-51. Upon roll call vote, the following Board members voted “Aye”: Reiter, Morrow, Brayton, Greder, Klein, and McMullen. Absent: Biehl. None voted “Nay”. Motion declared carried.

RESOLUTION 2013-51

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Jennifer L. Klingelhofer and Cody J. Klingelhofer, two individuals, owners, hereinafter referred to as “applicant” have filed for an administrative subdivision to be known as “KLINGELHOEFER ACRES” with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on October 8, 2013, this Board conducted a public hearing and finds:

1. The proposed KLINGELHOEFER ACRES is in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska and the size of the lots after subdividing complies with the minimum lot size requirements of that Zoning District.
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 abuts the proposed subdivision.
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 applicant.
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 “KLINGELHOEFER ACRES”, an administrative subdivision being part of the Southwest Quarter of the Northeast Quarter (SW1/4NE/4) and part of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) and part of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Twenty-Two (22), 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.

Trenton Snow on behalf of Gregory & Elizabeth Paitz has requested an administrative subdivision for a parcel of land in part of the East Half of the Southeast Quarter located in 1-11-16 West of the 6th p.m., Buffalo County, Nebraska to be known as Paitz Acres. Chairman McMullen closed this public hearing at 11:06 A.M. Deputy County Attorney Andy Hoffmeister reviewed the application. Moved by Brayton and seconded by Klein to approve the Administrative Subdivision application with the following Resolution 2013-52. Upon roll call vote, the following Board members voted “Aye”: Brayton, Klein, Greder, Morrow, Reiter and McMullen. Absent: Biehl. None voted “Nay”. Motion declared carried.

RESOLUTION 2013-52

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Gregory J. Paitz and Elizabeth A. Paitz, husband and wife, owners, hereinafter referred to as “applicant” have filed for an administrative subdivision to be known as “PAITZ ACRES” with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on October 8, 2013, this Board conducted a public hearing and finds:

1. The proposed PAITZ ACRES is in the Agricultural (AG) Zoning District for Buffalo County, Nebraska and the size of the lots after subdividing complies with the minimum lot size requirements of that Zoning District.
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. Hawk Road is a section line road that abuts the proposed subdivision. The width of this 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 applicant.
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 “PAITZ ACRES”, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section One (1), Township Eleven (11), 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, subject to severed mineral rights of record.

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

Chairman McMullen asked if there was anything else to come before the Board at 11:08 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, October 22, 2013.