

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 10, 2015
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, February 10, 2015 at 9:00 A.M. and 9:45 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: Francis Biehl, Joseph Brayton, Ivan Klein, Sherry Morrow, Dennis Reiter and William McMullen. Absent: Kent Greder. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. 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, Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Kari Fisk were present.

REGULAR AGENDA

Moved by Biehl and seconded by Reiter to approve the January 27, 2015 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Klein, Morrow and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to accept the County Treasurer January 2015 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to accept the Clerk of the District Court January 2015 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to ratify the following February 6, 2015 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL		PAY AMOUNTS	119,717.65
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,013.34
AMERITAS LIFE INSURANCE CORP	I	EMPE EYE CARE	478.52
RETIREMENT PLANS DIV OF AMERITAS	R	EMPE RET	20,260.75
BUFFALO CO TREASURER	I	PREMIUMS	85,854.45
LIFE INSURANCE OF NORTH AMERICA	I	PREMIUMS	354.45
COLONIAL SUPPLEMENT INSURANCE	I	EMPE COLONIAL	41.84
FIRST CONCORD BENEFITS GROUP	I	FLEX FUNDS	3,749.21
FIRST NATIONAL BANK	T	FEDERAL TAX	43,272.08
KEARNEY UNITED WAY	E	DONATIONS	34.60
MADISON NATIONAL LIFE	I	PREMIUMS	872.61
MASSMUTUAL FINANCIAL GROUP	I	DEFER COMP	804.00
METLIFE GROUP BENEFITS	I	DENTAL	2,271.62
NATIONWIDE RETIREMENT SOLUTIONS	I	DEFER COMP	277.32
NEBRASKA CHILD SUPPORT PAYMENT	E	PAYMENT	872.48
STATE OF NEBRASKA	T	STATE TAX	5,869.35
ROAD FUND			
NET PAYROLL		PAY AMOUNTS	44,173.41
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,037.59
AMERITAS LIFE INSURANCE CORP	I	EMPE EYE CARE	111.94
RETIREMENT PLANS DIV OF AMERITAS	R	EMPE RET	7,387.75
BUFFALO COUNTY TREASURER	I	PREMIUMS	1,151.50
LIFE INSURANCE OF NORTH AMERICA	I	PREMIUMS	11.20
FIRST CONCORD BENEFITS GROUP	I	FLEX FUNDS	479.42
FIRST NATIONAL BANK	T	FEDERAL TAX	16,004.80
MADISON NATIONAL LIFE	I	LT DISABILITY	106.06
METLIFE GROUP BENEFITS	I	DENTAL	446.01
NATIONWIDE RETIREMENT SOLUTIONS	I	DEFERRED COMP	1,122.50
NEBRASKA CHILD SUPPORT PAYMENT	E	PAYMENT	649.10

STATE OF NEBRASKA	T	STATE TAX	2,212.76
WEED DEPARTMENT			
NET PAYROLL		PAY AMOUNTS	5,613.04
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	13.26
AMERITAS LIFE INSURANCE CORP	I	EMPE EYE CARE	4.74
RETIREMENT PLANS DIV OF AMERITAS	I	EMPE RET	889.57
BUFFALO COUNTY TREASURER	I	PREMIUMS	213.50
LIFE INSURANCE OF NORTH AMERICA	I	PREMIUMS	0.80
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	10.50
FIRST NATIONAL BANK	T	FEDERAL TAX	1,935.11
METLIFE GROUP BENEFITS	I	DENTAL	84.75
STATE OF NEBRASKA	T	STATE TAX	257.97

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. The Nebraska Jail Standards Board sent a notice of the annual inspection of the Buffalo County Jail facility. The Nebraska Emergency Management Agency sent a notice of an Emergency Management Performance Grant monitoring desk review. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Chairman McMullen opened the Zoning hearing at 9:15 A.M. Chad Dixon, on behalf of D. Klein Farms Inc., filed a request for an administrative subdivision for property described as part of the Southwest Quarter of the Southeast Quarter of Section 21, Township 12 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska to be known as D Klein Acres. Chad Dixon was present to review the application. Chairman McMullen closed the hearing at 9:18 A.M. Moved by Brayton and seconded by Klein to approve the Administrative Subdivision application with the following Resolution 2015-06. Upon roll call vote, the following Board members voted “Aye”: Brayton, Klein, Biehl, Morrow, Reiter and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

RESOLUTION 2015-06

WHEREAS, Chad Dixon, Licensed Surveyor, on behalf of D. Klein Farms, Inc., A Nebraska Family Corporation & Delda Klein Johnson, President of said corporation, filed for an administrative subdivision with the Buffalo County Clerk and/or Zoning Administrator, to be known as “D. Klein Acres” encompassing property owned by D. Klein Farms, Inc. and Exchange Bank, Beneficiary and Trustee, herein referred to as “applicants.”

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

WHEREAS, on February 10, 2015, this Board conducted a public hearing and finds:

1. The proposed D. Klein Acres is located as part of the Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4) of Section Twenty-one (21), Township Twelve (12) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska.
2. The property encompassed in this subdivision is zoned Agricultural.
3. The property encompassed in this subdivision is presently owned by D. Klein Farms, Inc. and Exchange Bank, Beneficiary and Trustee.
4. 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.
5. This proposed subdivision abuts 325th Road, a section line road, and includes sufficient road dedications to meet the requirements of the Buffalo County Subdivision Resolution.
6. That no one was present to speak in opposition to this application.
7. That this proposed administrative subdivision should be approved subject to proper road dedication and conditions as they pertain to the existing well outlined below.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of “D. KLEIN ACRES” located as part of the Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4) of Section Twenty-one (21), Township Twelve (12) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Connie Hultine appeared before the Board to introduce herself as the new District 9 Chief Probation Officer.

Moved by Klein and seconded by Biehl to authorize Chairman McMullen to sign the agreement with the State of Nebraska Department of Roads for the State Highway Project Number STPD-10-2 (117). Upon roll call vote, the following Board members voted “Aye”: Klein, Biehl, Brayton, Morrow, Reiter and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

Moved by Brayton and seconded by Reiter to approve the following tax refund request submitted by County Treasurer Sidwell for Cedar Plains Inc. in the amount of \$1,490.96 on parcel number 709701476. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Biehl, Klein, Morrow, and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

Moved by Brayton and seconded by Reiter to authorize Chairman McMullen to sign the agreement with Buffalo County Agricultural Association. This Agenda item was tabled from the January 27, 2015 Board meeting and the original agreement was revised before this meeting. The Highway Department will proceed with the removal of the house located at 1500 East 34th Street, Kearney Nebraska, owned by the Buffalo County Agricultural Association. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Biehl, Klein and Morrow. “Nay”: McMullen. Absent: Greder. Motion declared carried.

Moved by Brayton and seconded by Reiter to approve the Buffalo County Facility Snow Removal Plan as revised after the January 27, 2015 meeting. The Building and Grounds Committee met with staff from the Highway Department and the Building and Grounds to develop the original plan and it was revised by the Board of Commissioners. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Biehl, Klein, Morrow, and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

After discussion and review of the County Sheriff’s report, it was moved by Klein and seconded by Morrow to approve the Special Designated Liquor License application filed by William Taddkicken; DBA Iain Nicolson Audubon Center at Rowe Sanctuary for an event to be held on April 9, 2015. Bill Taddkicken was present. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Biehl, Brayton, Reiter and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister left the meeting at 9:05 A.M. and returned at 9:30 A.M. for the discussion and updates on the Township Dissolution processes. Former Elm Creek Township Chairman Dean Shubert was present to discuss the sale of personal property previously owned by the township. Moved by Brayton and seconded by Reiter to approve the following Resolution 2015-07. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Biehl, Klein, Morrow and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

RESOLUTION 2015-07

WHEREAS, due to dissolution of Township of Elm Creek, Buffalo County, Nebraska, Buffalo County has succeeded the township in ownership of the following personal property:

One (1) 1991 Caterpillar 140G Motor Grader

One (1) Snow V-Plow that can attach to this machine

WHEREAS, this Board finds that these two items of former township property are surplus property and they should be sold at public auction as provided by law and that cooperation and help of the previous operator of this machinery should be used to help show this equipment and provide background information concerning this machinery.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Commissioners acting on behalf of the dissolved Township of Elm Creek, Buffalo County, Nebraska, designates and appoints Stock Realty and Auction Co., doing business as Big Iron Auction, www.bigiron.com, to sell on behalf of Buffalo County these two items of personal property with sale being concluded at 10:00 o’clock, a.m. March 25, 2015, or as directed by this auction service. These two items of property shall be sold “as is” without any warranty of any kind. The site of this sale for local taxation purposes is 715 North Mill Street, Elm Creek, Buffalo County, Nebraska.

RESOLVED FURTHER THAT Wayne Simmerman, former operator of this machinery for the Elm Creek township, should he desire, receive and be enabled to make claim of \$100 payment against county held funds of the dissolved township, as an independent contractor for his assistance in facilitating this sale of dissolved township personal property.

RESOLVED FURTHER that a copy of this Resolution shall be published at least once a week for two consecutive weeks in a legal newspaper, prior to this sale.

Moved by Morrow and seconded by Brayton to recess the regular meeting of the Board of Commissioners at 9:48 A.M. and reconvene as a Board of Equalization. County Attorney Eatherton and Deputy County Attorney Hoffmeister left the Board meeting. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted “Nay”. Motion declared carried.

BOARD OF EQUALIZATION

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

Chairman McMullen opened the hearing for Tax Exemption on Real and Personal Property application at 9:48 A.M. for the Board of Regents of the University of Nebraska. Jon Watts, Director of Business Services at the University of Nebraska at Kearney was present. Chairman McMullen closed the public hearing at 9:59 A.M. Moved by Brayton and seconded by Biehl to approve the tax exemption application on parcel number 600048000. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Klein, Morrow, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Klein to approve the Valuation Change submitted by County Assessor Barber for Bridget R. Krolikowski on parcel number 605830668. Upon roll call vote, the following Board members voted "Aye": Biehl, Klein, Brayton, Morrow, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve Tax List Corrections numbered 4074 through 4092 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

The Board rescheduled the hearing for Salvation Army Motor Vehicle Tax Exemption until February 24, 2015 at 9:45 A.M.

Moved by Biehl and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Goodwill Industries of Greater Nebraska on a 2013 Dodge Caravan. Upon roll call vote, the following Board members voted "Aye": Biehl, Morrow, Brayton, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:04 A.M. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

Chairman McMullen opened the public hearing for the 2015 One and Six Year Road & Bridge Plan at 10:04 A.M. Highway Superintendent Ron Sklenar and Highway Assistant Superintendent Joe Maul were present for discussion and review. Paul Younes voiced his concerns about the safety of Talmadge Road during high volumes of traffic. City of Kearney Director of Public Works Rod Wiederspan and City Engineer Bruce Grupe entered into the discussion. Chairman McMullen closed the public hearing at 10:32 A.M. Moved by Morrow and seconded by Brayton to approve the 2015 One and Six Year Road and Bridge Plan as presented with the addition of Project C10 (948) to the six year plan. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Klein, Reiter and McMullen. Absent: Greder. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Deputy County Attorney Kari Fisk led the round table discussion with County Officials on Buffalo County weather related closures. Those present were: Register of Deeds Kellie John, Election Commissioner Lisa Poff, Zoning Administrator LeAnn Klein, Veteran Service Officer William Williams, Assessor Joe Barber, Board Administrator Lynn Rauner, Emergency Manager Darrin Lewis, Captain Bob Anderson and Deputy Robert Tubbs. The Board of Commissioners asked Deputy County Attorney Fisk to present the various options at the next Board meeting. The work session ended at 11:35 A.M.

Chairman McMullen called for Citizen's forum and Walter Frerichs was present to address the Board. Frerichs presented copies of his land patent to the Board.

At 11:52 A.M. Chairman McMullen asked if there was anything else to come before the board before he declared the meeting adjourned until the regular meeting on Tuesday February 24, 2015 at 9:00 A.M.