

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 9, 2016
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 9, 2016 at 9:00 A.M. and 10:15 A.M. respectively. 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, Kent Greder, Ivan Klein, Sherry Morrow, Dennis Reiter and William McMullen. 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. Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Kari Fisk were present.

REGULAR AGENDA

Moved by Biehl and seconded by Klein to approve the July 26, 2016 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Biehl, Klein, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to ratify the following August 5, 2016 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein and McMullen. None voted "Nay". Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			220,869.11
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,061.70
RETIREMENT PLANS DIV OF AMERITAS	R	EMPE RET	37,569.95
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	40.00
BUFFALO COUNTY TREASURER	I	PREMIUMS	93,738.00
LIFE INSURANCE CO NORTH AMERICA	I	PREMIUMS	367.44
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	3,947.85
FIRST NATIONAL BANK	T	FEDERAL TAXES	82,719.26
KEARNEY UNITED WAY	E	DONATIONS	97.84
MADISON NATIONAL LIFE INS CO	I	PREMIUMS	365.08
MADISON NATIONAL LIFE INS CO	I	LT DISABILITY	526.43
MASSMUTUAL FINANCIAL GROUP	R	DEFERRED COMP	804.00
METLIFE GROUP BENEFITS	E	DENTAL	2,709.74
NATIONWIDE RETIREMENT SOLUTIONS	R	DEFERRED COMP	545.32
NEBRASKA CHILD SUPPORT PAYMENT	E	CHILD SUPPORT	546.98
STATE OF NEBRASKA	T	STATE TAXES	11,983.48
VISION SERVICE PLAN	E	EMPE EYE CARE	531.91
<u>ROAD FUND</u>			
NET PAYROLL			41,972.29
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,009.42
RETIREMENT PLANS DIV OF AMERITAS	R	EMPE RET	6,811.32
BUFFALO COUNTY TREASURER	I	PREMIUMS	2,557.00
LIFE INSURANCE CO NORTH AMERICA	I	PREMIUMS	12.00
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	440.34
FIRST NATIONAL BANK	T	EMPE FICA	14,207.47
MADISON NATIONAL LIFE INS CO	I	LT DISABILITY	106.45
METLIFE GROUP BENEFITS	E	DENTAL	686.10
NATIONWIDE RETIREMENT SOLUTIONS	R	DEFERRED COMP	972.50
NEBRASKA CHILD SUPPORT PAYMENT	E	CHILD SUPPORT	302.50
STATE OF NEBRASKA	T	STATE TAXES	1,843.21
VISION SERVICE PLAN	E	EMPE EYE CARE	137.70
<u>WEED DEPARTMENT</u>			
NET PAYROLL			4,051.65
RETIREMENT PLANS DIV OF AMERITAS	R	EMPE RET	651.76
BUFFALO COUNTY TREASURER	I	PREMIUMS	348.50
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,277.60
MADISON NATIONAL LIFE INS CO	I	LT DISABILITY	3.27
METLIFE GROUP BENEFITS	E	DENTAL	78.48
STATE OF NEBRASKA	T	STATE TAXES	156.76

Moved by Morrow and seconded by Brayton to accept the County Treasurer July 2016 Fund Balance 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 Reiter and seconded by Biehl to accept the Clerk of the District Court July 2016 Fee Report. Upon roll call vote, the following Board members voted "Aye": Reiter, Biehl, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to accept the Community Action Partnership of Mid-Nebraska June 2016 RYDE Report. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to accept the Buffalo County Sheriff's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Biehl to accept the Buffalo County Treasurer's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Morrow, Biehl, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Morrow to approve the following Resolution 2016-26 to authorize the transfer of uncollected taxes to inactive status. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-26

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Commissioners, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Commissioners hereby authorize the transfer of said taxes to an inactive status. 77-1738

Facility Manager Steve Gaasch reviewed the Extension Fire Main, Office Sprinkler System and Fire Alarm with Voice System bids that were opened on July 26, 2016. Moved by Klein and seconded by Brayton to approve the bid from Bamford, Inc. for installation of the Fire Main and Office Sprinkler System at the Buffalo County Extension Office in the amount of \$54,250.00 and approve the bid from Electronic Systems, Inc. for installation of the Fire Alarm with Voice system in the amount of \$24,790.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Greder and seconded by Brayton 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 October 10, 2016. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Greder and seconded by Morrow to approve the Special Designated Liquor License application filed by the Nebraska FFA Foundation for an event to be held at the George Spencer Tasting Room on September 18, 2016. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Reiter and McMullen. Voted "Nay": Biehl. Motion declared carried.

Chairman McMullen noted that the only correspondence was a hearing notice from the City of Kearney in regards to a CRA Blight/Substandard Determination Study and General Redevelopment Plans for Area 11. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Zoning Administrator LeAnn Klein, Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Kari Fisk were present for the following Zoning agenda items.

Chairman McMullen opened the Zoning hearing at 9:18 A.M. for a partial Vacation of Plat request filed by Mitchell Humphrey on behalf of Bruners Sand and Gravel, Inc., James R. Bruner, President for property described as part of Lot 8, Bruner Lakeside Estates, a subdivision being part of the Northwest Quarter of the Northwest Quarter, part of Government Lot 1 and part of Government Lot 2 located in Section 24, Township 9 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitch Humphrey was present to review the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:21 A.M.

Moved by Greder and seconded by Brayton to approve the Vacation of Plat application with the following Resolution 2016-27. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-27

WHEREAS, Surveyor Mitchell Humphrey on behalf of Bruners' Sand & Gravel, Inc., James R. Bruner its President, owners of: Part of Lot Eight (8), Bruner Lakeside Estates, a subdivision being part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼), part of Government Lot One (1) and part of Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of Lot 8, Bruner Lakeside Estates and assuming the West line of said Lot 8 as bearing S 00°07'37" E and all bearings contained herein are relative thereto; thence on the West line of said Lot 8, Bruner Lakeside Estates, S 00°07'37" E a distance of 131.16 feet, thence leaving the West line of said Lot 8, Bruner Lakeside Estates, N 89°52'23" E a distance of 79.71 feet to a point on the Easterly line of said Lot 8, Bruner Lakeside Estates, thence on the Easterly line of said Lot 8, Bruner Lakeside Estates, N 39°31'49" W a distance of 54.36 feet; thence continuing on the Easterly line of said Lot 8, Bruner Lakeside Estates, N 27°00'59" W a distance of 99.97 feet to the place of beginning. Containing 4,639 Sq. Ft, more or less being hereinafter referred to as the "described property",

Have filed to vacate part of this lot with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on August 9, 2016, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agricultural-Residential (AGR) Zoning District of Buffalo County, Nebraska.
2. The proposed vacation, as reflected on the survey that accompanies this request, fulfills Buffalo County's Subdivision Resolution requirements for vacation of subdivided land as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. On July 21, 2016, the Buffalo County Planning and Zoning Commission recommended approval of the proposed vacation on the condition that the streets and the public utilities will not be affected by this vacation.
4. Public utilities occupy the land sought to be vacated.
5. The proposed vacation of the described property should be approved to the extent reflected on the survey given to this Board.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the proposed vacation of this subdivision is approved.

RESOLVED FURTHER, that a copy of this Resolution, when it is filed with the Buffalo County Register of Deeds against the above named legal description, shall cause the vacation of previously subdivided land.

Chairman McMullen opened the Zoning hearing for a preliminary plat filed by Mitchell Humphrey on behalf of Josiah and Marcile Woodward for property described as being part of the South half of the Southeast Quarter of Fractional Section 7, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska to be known as Woodward Estates. Mitch Humphrey was present to review the request. No one else addressed the Board and Chairman McMullen closed the hearing at 9:31 A.M. Moved by Biehl and seconded by Reiter to approve the Preliminary Plat application with the following Resolution 2016-28. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-28

WHEREAS, on July 21, 2016, the Buffalo County Planning & Zoning Commission after public hearing gave a favorable recommendation to Woodward Estates, a proposed subdivision of land, together with various suggestions and recommendations all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and

WHEREAS, on August 9, 2016, this Board after public hearing considered approval of the preliminary plat for Woodward Estates, and

WHEREAS, the plan of development appears to be compliant with Buffalo County's Subdivision Resolution, with the following section relaxed:

1. Section 4.04 Relaxation of easements as noted and shown on the plat.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that Buffalo County, on a preliminary basis, approves the proposed Woodward Estates, a subdivision being part of a tract of land being part of the South Half of the Southeast Quarter (S ½ SE ¼) of Fractional Section 7, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 24.37 acres, more or less, of which 1.66 acres, more or less, are presently being used for road purposes on the East and South sides.

FURTHER RESOLVED, that it is not approval of a Final Plat and a copy of this Resolution is not to be filed against the foregoing real estate.

Chairman McMullen opened the Zoning hearing for final plat filed by Mitchell Humphrey on behalf of Josiah and Marcile Woodward for property described as being part of the South half of the Southeast Quarter of Fractional Section 7, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska to be known as Woodward Estates. Mitch Humphrey was present to review the request. No one else addressed the Board and Chairman McMullen closed the hearing at 9:35 A.M. Moved by Morrow and seconded by Brayton to approve the Final Plat application with the following Resolution 2016-29. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-29

WHEREAS, this Board has received a request for Final Plat approval for part of Woodward Estates, and

WHEREAS, on August 9, 2016, this Board accepted and approved the preliminary plat for Woodward Estates and this Board incorporates all findings of that resolution into this Resolution as if fully set forth herein, and

WHEREAS, the developer has made various improvements upon part of the land sought to be subdivided, and

WHEREAS, the plan of development appears to be compliant with Buffalo County's Subdivision Resolution, with the following section relaxed:

2. Section 4.04 Relaxation of easements as noted and shown on the plat.

WHEREAS, the developer has elected to stage improvements in the subdivision on land sought to be subdivided all as allowed under Section 3.24 of Buffalo County's Subdivision Resolution, and

WHEREAS, the required minimum improvements have been completed on the land sought to have final plat approval, and

WHEREAS, 85th Road and Cottonmill Ave, which are section line open public roads, abuts the proposed subdivision on its south and east side. The width of that road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of " Woodward Estates", a subdivision being part of a tract of land being part of the South Half of the Southeast Quarter (S ½ SE ¼) of Fractional Section 7, Township 9 North, Range 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 recorded in the Office of the Register of Deeds, Buffalo County, Nebraska..

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

Moved by Greder and seconded by Klein to authorize Assistant Highway Superintendent John Maul to be the designated project Liaison and sign on behalf of Buffalo County the DR530 Programming document indicating that Buffalo County will move forward with the replacement of bridge structure number CO01004920 using Federal Transportation funds as well as utilizing Buffalo County's 20% Soft Match funding split. 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 Reiter to accept that the Union Pacific Railroad Crossing No. DOT 817514R on the Sodtown Road Mainline is eligible for crossing improvement or active warning devices that will be funded as follows: NDOR 90%, UPRR 5% and Buffalo County 5%. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Klein to accept that the Union Pacific Railroad Crossing No. DOT 817018V on the Arrow Road is eligible for crossing improvement or roadway approach work for active warning devices that will be funded as follows: NDOR 90%, UPRR 5% and Buffalo County 5%. Upon roll call vote, the following Board members voted "Aye": Reiter, Klein, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein 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. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. 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, Brian Jeffries and County Treasurer Jean Sidwell were present.

Moved by Klein and seconded by Greder to approve a Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Society-Ravenna on a 2008 Dodge Caravan SXT, 2010 Dodge Caravan SE, 2011 Ford Econoline Van and 2008 Buck Dandy Trailer. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Reiter to approve a Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for the Evangelical Lutheran Good Samaritan Village (St. Lukes) on a 2010 Ford Van and 2014 Dodge Grand

Caravan. Upon roll call vote, the following Board members voted “Aye”: Greder, Reiter, Biehl, Brayton, Klein, Morrow and McMullen. None voted “Nay”. Motion declared carried.

Moved by Biehl and seconded by Klein to approve a Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society (St. Johns Center) on a 2012 Dodge Grand Caravan and 2013 Ford Bus. Upon roll call vote, the following Board members voted “Aye”: Biehl, Klein, Brayton, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Brayton to approve a Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for the Evangelical Free Church on a 2012 Dodge Pickup. 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 Klein and seconded by Biehl to approve the Property Valuation Protest Hearing Minutes from June 15 through July 25, 2016 Board meeting minutes. Upon roll call vote, the following Board members voted “Aye”: Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Morrow to accept the 2016 Cemetery Report as presented by County Assessor Joe Barber. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Klein to approve Tax List Correction numbers 4233 and 4234 submitted by County Assessor Barber. 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 Greder and seconded by Biehl to approve the Valuation Changes submitted by County Assessor Barber for the following list of properties and assigned parcel numbers. Upon roll call vote, the following Board members voted “Aye”: Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

<u>Name</u>	<u>Parcel</u>
MEIER FAMILY, LTD	500129000
PLATTE RIVER RECOVERY IMPLEMENTATION FOUNDATION	620281000
PLATTE RIVER RECOVERY IMPLEMENTATION FOUNDATION	620502101
PLATTE RIVER RECOVERY IMPLEMENTATION FOUNDATION	620510000
PLATTE RIVER RECOVERY IMPLEMENTATION FOUNDATION	620515000
PLATTE RIVER RECOVERY IMPLEMENTATION FOUNDATION	620513000

Moved by Brayton and seconded by Klein to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:56 A.M. Upon roll call vote, the following Board members voted “Aye”: Brayton, Klein, Biehl, Greder, Morrow, Reiter, and McMullen. None voted “Nay”. Motion declared carried.

REGULAR AGENDA

Chairman McMullen opened the discussion with those present about the Extension Office proposed budget cuts at 9:57 A.M. Dave Behle, Deb Eickhoff and Jeff Pope addressed the Board with their concerns.

Chairman McMullen called for Citizen’s forum and Tom Rayburn was present to address the Board.

Chairman McMullen asked if there was anything else to come before the Board at 11:19 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, August 23, 2016 at 9:00 A.M.