

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 8, 2016  
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 8, 2016 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, 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 Kari Fisk was present.

**REGULAR AGENDA**

Moved by Brayton and seconded by Klein to approve the October 25, 2016 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Greder to ratify the following October 28, 2016 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Biehl, Greder, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			214,119.83
AMERICAN FAMILY LIFE	I	PREMIUMS	1,061.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	36,099.90
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	40.00
BUFFALO CO TREASURER	I	PREMIUMS	93,389.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	367.18
FIRST CONCORD BENEFITS	E	FLEX FUNDS	4,292.85
FIRST NATIONAL BANK	T	FEDERAL TAX	79,324.20
KEARNEY UNITED WAY	E	DONATIONS	97.84
MADISON NATIONAL LIFE	I	PREMIUMS	363.38
MADISON NATIONAL LIFE	I	LT DISABILITY	541.28
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	804.00
METLIFE GROUP BENEFITS	E	DENTAL	2,692.76
NATIONWIDE RETIREMENT	R	DEFERRED COMP	545.32
NE CHILD SUPPORT	E	CHILD SUPPORT	484.98
STATE OF NE	T	STATE TAX	11,355.28
VISION SERVICE PLAN	E	EMPE VSP EYE	537.88
<b>ROAD FUND</b>			
NET PAYROLL			43,292.38
AMERICAN FAMILY LIFE	I	PREMIUMS	957.44
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,056.18
BUFFALO CO TREASURER	I	PREMIUMS	2,790.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	11.20
FIRST CONCORD BENEFITS	E	FLEX FUNDS	480.34
FIRST NATIONAL BANK	T	FEDERAL TAX	14,684.58
MADISON NATIONAL LIFE	I	LT DISABILITY	110.01
METLIFE GROUP BENEFITS	E	DENTAL	671.03
NATIONWIDE RETIREMENT	R	DEFERRED COMP	972.50
NE CHILD SUPPORT	E	CHILD SUPPORT	302.50
STATE OF NE	T	STATE TAX	1,916.16
VISION SERVICE PLAN	E	EMPE VSP EYE	141.84
<b>WEED FUND</b>			
NET PAYROLL			4,130.92
RETIREMENT PLANS AMERITAS	R	EMPE RET	664.82
BUFFALO CO TREASURER	I	PREMIUMS	348.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,312.01
MADISON NATIONAL LIFE	I	LT DISABILITY	3.46
METLIFE GROUP BENEFITS	E	DENTAL	78.45
STATE OF NE	T	STATE TAX	162.71

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

Move by Morrow and seconded by Brayton to accept the Community Action Partnership of Mid-Nebraska September 2016 RYDE 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 Morrow and seconded by Greder to approve the release of pledged collateral in the amount of \$34,462,486.28 at the First National Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen reviewed the following correspondence. Larry Dix, Executive Director of the Nebraska Association of County Officials sent the Voter Confirmation form for the election of NACO Officers, information about a 100% Employee-Paid Dental Plan and notice of the acceptance of the audit performed by Dana Cole & Company. Kearney Crete & Block Co sent information about a webinar on Geosynthetic Reinforced Soil Integrated Bridge System. Newsletters were received from the Brookdale Kearney Northridge and the Nationwide Insights & Solutions. Chairman McMullen called on each Board member present for committee reports and recommendations.

## **ZONING**

Zoning Administrator LeAnn Klein was present for the following Zoning agenda items.

Chairman McMullen opened the Zoning hearing at 9:15 A.M. Mitchell Humphrey on behalf of James and Tara Janda filed a request for a Vacation of Plat for Lots 1 through Lot 6 and Lots 9 through Lot 12 and Lot A, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter located in Section 6, Township 12 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 9:19 A.M. Moved by Greder and seconded by Reiter to approve the Vacation of Plat application with the following Resolution 2016-49. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Biehl, Brayton, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

## **RESOLUTION 2016-49**

WHEREAS, Surveyor Mitchell Humphrey on behalf of James R. Janda and Tara E. Janda, husband and wife, owners of:

A tract of land being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots 1 through 6, and Lot A, Block 1, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 6, which point is also the Southeast Corner of Lot 5, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the East line of the Northeast Quarter of Section 6 as bearing N 00° 16' 26" E and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 6 and on the East line of said Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 2303.48 feet to the Northeast Corner of Lot 1, Block 1, of said Turkey Ridge Subdivision; thence leaving the East line of said Northeast Quarter of Section 6 and on the North line of said Lot 1, Block 1, Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 533.0 feet to the Northwest Corner of said Lot 1, Block 1, Turkey Ridge Subdivision; thence on the West line of Lot 1 and Lot 2 of said Block 1, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 870.0 feet to the Northwest Corner of Lot 3 of said Block One, Turkey Ridge Subdivision, thence on the West line of Lot 3 and Lot 4 of said Block One, Turkey Ridge Subdivision, S 12° 39' 10" E a distance of 878.59 feet to the Northwest Corner of Lot A of said Block One, Turkey Ridge Subdivision; thence on the West line of said Lot A, Block One, Turkey Ridge Subdivision, S 19° 55' 53" E a distance of 53.41 feet to the Southwest Corner of said Lot A, Block One, Turkey Ridge Subdivision, which point is also the Northwest Corner of Lot 5 of said Block One, Turkey Ridge Subdivision, and which point is also the Northeast Corner of Lot 6 of said Block One, Turkey Ridge Subdivision; thence on the North line of said Lot 6, Block One, Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 335.0 feet to the Northwest Corner of said Lot 6, Block One, Turkey Ridge Subdivision; thence on the West line of said Lot 6, Block One, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 528.48 feet to a point on the South line of said Northeast Quarter of Section 6, which point is also the Southwest Corner of said Lot 6, Block One, Turkey Ridge Subdivision; thence on the South line of said Northeast Corner of Section 6 and on the South line of said Turkey Ridge Subdivision, S 89° 20' 26" E a distance of 653.0 feet to the place of beginning. Subject to the public's interest in the existing public road (Range Road) crossing through the easterly portion of Lots 1 through 5 and Lot A of said Block One, Turkey Ridge

Subdivision, and subject to the public's interest in the existing public road (375<sup>th</sup> Road) crossing the southerly portion of Lot 5 and Lot 6 of said Block One, Turkey Ridge Subdivision.

TOGETHER WITH;

A tract of land being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots 9 through 12, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 6, which point is also the Southeast Corner of Lot 5, Block One, Turkey Ridge Subdivision, a subdivision being part of the Northeast Quarter of Section 6, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the East line of the Northeast Quarter of Section 6 as bearing N 00° 16' 26" E and all bearings contained herein are relative thereto; thence on the South line of the Northeast Quarter of the Northeast Quarter of said Section 6 and on the South line of said Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 1223.0 feet to the ACTUAL PLACE OF BEGINNING, which point is also the Southeast Corner of Lot 9 of said Block One, Turkey Ridge Subdivision, thence continuing on the South line of said Northeast Quarter of Section 6 and in the South line of said Turkey Ridge Subdivision, N 89° 20' 26" W a distance of 1300.0 feet to the Southwest Corner of Lot 12 of said Block One, Turkey Ridge Subdivision; thence leaving the South line of said Northeast Quarter of Section 6 and on the West line of said Lot 12, Block One, Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 298.33 feet to the Northwest Corner of said Lot 12, Block One, Turkey Ridge Subdivision; thence on the North line of Lot 12 and Lot 11 of said Block One, Turkey Ridge Subdivision, S 87° 37' 59" E a distance of 730.47 feet to the Northeast Corner of said Lot 11, Block One, Turkey Ridge Subdivision, which point is also on the West line of Lot 10 of said Block One, Turkey Ridge Subdivision; thence on the West line of said Lot 10, Block One, Turkey Ridge Subdivision, N 00° 16' 26" E a distance of 251.9 feet to the Northwest Corner of said Lot 10, Block One, Turkey Ridge Subdivision; thence on the North line of Lot 10 and Lot 9 of said Block One, Turkey Ridge Subdivision, S 89° 20' 26" E a distance of 570.0 feet to the Northeast Corner of said Lot 9, Block One, Turkey Ridge Subdivision; thence on the East line of said Lot 9, Block One, Turkey Ridge Subdivision, S 00° 16' 26" W a distance of 528.48 feet to the place of beginning. Subject to the public's interest in the existing public road (375<sup>th</sup> Road) crossing the southerly portion of Lots 9 through 12 of said Block One, Turkey Ridge Subdivision. Containing a total of 39.20 acres, more or less.

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

WHEREAS, on November 8, 2016, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agricultural (AG) 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 October 20, 2016, the Buffalo County Planning and Zoning Commission recommended approval of the proposed vacation.
4. No 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 & Marcile Woodward for property describe as being part 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 Third. Mitch Humphrey and Josiah Woodward were present to review the application and answer questions. Deputy County Attorney Andrew Hoffmeister arrived at 9:27 A.M. With concerns of the road into the subdivision and the utility easements, the Board recessed the hearing until the November 22, 2016 Board meeting.

Chairman McMullen opened the Zoning hearing for a Zoning Map Amendment filed by Mitchell Humphrey on behalf of Terry and Teresa Hadwiger for property described as part of the Southwest Quarter of the Southwest Quarter of Section 8, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska from Agricultural to Agricultural-Residential. Mitch Humphrey was present to review the application. No one else addressed the Board and Chairman McMullen closed the hearing at 10:01 A.M. Moved by Brayton and seconded by Klein to approve the Zoning Map Amendment with the following Resolution 2016-50. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Morrow, Reiter and McMullen. Abstain: Greder. None voted "Nay". Motion declared carried.

**RESOLUTION 2016-50**

WHEREAS, on October 3, 2016, Surveyor Mitchell Humphrey on behalf of Terry Hadwiger and Teresa Hadwiger, Husband and Wife have applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following real estate property, hereinafter referred to as the “subject property”, to wit:

A tract of land being the South 250.00 of the West 374.00 feet of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼ ) of Section Eight (8), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Containing 2.15 acres, more or less, of which 0.45 acres, more or less, are presently being used for road purposes on the South and West sides.

be changed from the Agricultural (AG) District to the Agricultural-Residential (AGR) District,

WHEREAS, three acre minimum in a proposed and approved subdivision may be reduced to 70,000 square feet subject to review and compliance by Nebraska Department of Health and approval of the County Board of Commissioners, and

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on October 20, 2016, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote and

WHEREAS, on November 8, 2016, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

- a. No one voiced opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- c. That the intended uses of the Agricultural-Residential District is consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as sufficient utilities so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

WHEREAS, no protest (s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agricultural (AG) District to the Agricultural-Residential (AGR) District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed’s office against subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Moved by Klein and seconded by Reiter that the Buffalo County Board of Commissioners authorizes the County Board Chairman William McMullen to sign an agreement with the State of Nebraska, Department of Roads and the Union Pacific Railroad Company for the installation of flashing light signals and gates and constant warning circuitry on Evergreen Road at Union Pacific Railroad Company DOT No. 816996P with the following Resolution 2016-51. Upon roll call vote, the following Board members voted “Aye”: Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted “Nay”. Motion declared carried.

### **RESOLUTION 2016-51**

WHEREAS, the County Board of Buffalo County, the Union Pacific Railroad Company and the State of Nebraska intend to make improvements to a railroad grade crossing, located on Evergreen Road, West of Kearney at DOT No 816996P.

WHEREAS, the parties have provided for the terms and conditions for making those improvements in a Supplemental Agreement.

WHEREAS, the County of Buffalo wishes to enter into this three-party agreement.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Buffalo County hereby authorizes the County Board Chair to sign an agreement with the State of Nebraska, Department of Roads and the Union Pacific Railroad Company for the installation of flashing light signals and gates and constant warning circuitry on Evergreen Road at Union Pacific Railroad Company DOT. No. 816996P, NDOR Project Number: RRX-10 (66), NDOR Control Number: 42842, NDOR Project Description: Kearney West UPRR Crossing.

Moved by Klein and seconded by Morrow to place temporary Stop Signs at Cherry Avenue and 56<sup>th</sup> Street during the completion of the Construction Project. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted “Nay”. Motion declared carried.

United Way Executive Director Eileen Dakan was present to address the Board about the United Way of the Kearney Area fund Drive.

Moved by Greder and seconded by Biehl to recess the regular meeting of the Board of Commissioners at 10:12 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Greder, Biehl, Brayton, Klein, 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. Deputy County Assessor Nora Borer was present.

Moved by Klein and seconded by Biehl to approve Tax List Correction numbers 4241 through 4247 submitted by County Assessor Barber. Commissioner Morrow excused herself and returned to the meeting during the tax list correction motion. Upon roll call vote, the following Board members voted “Aye”: Klein, Biehl, Brayton, Greder, Reiter and McMullen. Abstain: Morrow. None voted “Nay”. Motion declared carried.

County Treasurer Jean Sidwell was unavailable and the Board recessed the Board of Equalization at 10:30 until she could attend the meeting for the Motor Vehicle tax exemption application request.

### **REGULAR AGENDA**

County Clerk Janice Giffin opened the sealed bids for voluntary group dental benefits submitted by the following companies: Delta Dental, Humana, National Insurance Services, National Joint Powers Alliance (NJPA) and two from Principal Life. Human Resource/Insurance Committee Chairman Greder stated that the second copy of the bids submitted will be sent to Charlesworth Benefits for review and recommendations for the Board meeting on November 22, 2016.

Deputy County Attorney Hoffmeister, Kearney Visitors Bureau Executive Director Roger Jasnoch and the Economic Development Council of Buffalo County President Darren Robinson were present to discuss a draft interlocal agreement for the Buffalo County Recreational Area. The purpose of this request is to assist the City of Ravenna, Buffalo County and the FAV Foundation with the project of improving the Buffalo County Recreational Area located near the City of Ravenna. After discussion of hiring an engineering consultant for the Buffalo County Recreation Area Project it was moved by Greder and seconded by Klein to approve hiring Miller & Associates. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Biehl, Brayton, Morrow, Reiter, and McMullen. None voted “Nay”. Motion declared carried. The previously formed Committee for this project will meet with Miller & Associates.

### **BOARD OF EQUALIZATION**

County Treasurer Jean Sidwell arrived at 10:53 A.M. and the Board returned to the Board of Equalization Agenda.

Moved by Greder and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Church of the Nazarene on a 2006 Ford Econoline Van. 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 Klein and seconded by Greder to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:55 A.M. Upon roll call vote, the following Board members voted “Aye”: Klein, Greder, Biehl, Brayton, Morrow, Reiter, and McMullen. None voted “Nay”. Motion declared carried.

Chairman McMullen called for Citizen’s forum and Tim Weides from Mid Nebraska Lubricants a CPI Company addressed the Board.

Chairman McMullen asked if there was anything else to come before the Board at 11:05 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday November 22, 2016 at 9:00 A.M.