

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 13, 2018**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 13, 2018 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: Joseph Brayton, Kent Greder, Ivan Klein, Ronald Loeffelholz, Dennis Reiter and William McMullen. Absent: Sherry Morrow. 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. Deputy County Clerk Laura Kring took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton and Deputy County Attorney Kari Fisk were present.

REGULAR AGENDA

Moved by Klein and seconded by Loeffelholz to approve the February 27, 2018 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to ratify the following March 2, 2018 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			234,413.12
AMERICAN FAMILY LIFE	I	PREMIUMS	1,059.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	39,112.98
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	100.00
BUFFALO CO TREASURER	I	PREMIUMS	98,060.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	375.41
CREDIT MANAGEMENT SVCS	E	GARNISHMENT	212.70
FIRST CONCORD	E	FLEX FUNDS	4,018.14
FIRST NATIONAL BANK	T	FEDERAL TAX	79,405.73
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL	I	PREMIUMS	363.79
MADISON NATIONAL	I	LT DISABILITY	560.11
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,115.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	705.00
NE CHILD SUPPORT	E	CHILD SUPPORT	334.12
PRINCIPAL FINANCIAL	E	DENTAL	2,775.64
ROSS SCHROEDER & GEORGE	E	GARNISHMENT	95.78
STATE OF NE	T	STATE TAXES	12,547.30
VISION SERVICE PLAN	E	EMPE VSP EYE	653.17
<u>ROAD FUND</u>			
NET PAYROLL			47,889.59
AMERICAN FAMILY LIFE	I	PREMIUMS	850.94
RETIREMENT PLANSAMERITAS	R	EMPE RET	7,733.70
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	10.00
BUFFALO CO TREASURER	I	PREMIUMS	3,308.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	10.40
FIRST CONCORD	E	FLEX FUNDS	443.33
FIRST NATIONAL BANK	T	FEDERAL TAX	14,479.86
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL LIFE	I	LT DISABILITY	102.96
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	749.06
STATE OF NE	T	STATE TAX	2,084.78
VISION SERVICE PLAN	E	EMPE VSP EYE	186.12
<u>WEED FUND</u>			
NET PAYROLL			4,269.15
RETIREMENT PLANS AMERITAS	R	EMPE RET	679.23
BUFFALO CO TREASURER	I	PREMIUMS	323.50
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,352.25

MADISON NATIONAL	I	LT DISABILITY	3.51
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	196.44

Moved by Greder and seconded by Reiter to accept the Clerk of the District Court February 2018 Fee Report. Upon roll call vote, the following Board members voted “Aye”: Greder, Reiter, Brayton, Klein, Loeffelholz and McMullen. Absent: Morrow. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Brayton to accept the Buffalo County Treasurer February 2018 Fund Balance Report. Upon roll call vote, the following Board members voted “Aye”: Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted “Nay”. Motion declared carried.

Moved by Reiter and seconded by Greder to set the date of March 27, 2018 at 10:00 A.M. for Requests for Proposal (RFP) for Auditing Services. Upon roll call vote, the following Board members voted “Aye”: Reiter, Greder, Brayton, Klein, Loeffelholz and McMullen. Absent: Morrow. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Loeffelholz to update the name of the Buffalo County Recognition Fund to the Employee Recognition Fund Account. Upon roll call vote, the following Board members voted “Aye”: Klein, Loeffelholz, Brayton, Greder, Reiter and McMullen. Absent: Morrow. None voted “Nay”. Motion declared carried.

Moved by Reiter and seconded by Klein to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$164,480.00 at the Cornerstone Bank. Upon roll call vote, the following Board members voted “Aye”: Reiter, Klein, Brayton, Greder Loeffelholz and McMullen. Absent: Morrow. None voted “Nay”. Motion declared carried.

Chairman McMullen reviewed the following correspondence. BlueCross BlueShield sent a notice about a Wellness Academy Webinar and Nebraska’s proposed reorganization. The Board received notice of public presentations from the U.S. Department of the Interior Bureau of Reclamation for the Platte River Recovery Implementation Program. Hall County Planning Commission sent a notice of a public hearing to consider recommendation of amendments for Zoning Regulations. Nebraska Department of Transportation sent information about a roadway improvement project along Nebraska Highway 10. NIRMA sent the 2017 Annual report and CHI Health sent notice of health screenings. Chairman McMullen called on each board member present for committee reports and recommendations.

ZONING

Chairman McMullen opened the Zoning Hearing at 9:15A.M. Zoning Administrator LeAnn Klein and Deputy County Attorney Kari Fisk were present.

Chairman McMullen opened the Zoning Hearing for recommendation to amend Buffalo County Zoning Regulations as previously adopted to allow cell towers with a special use permit under Commercial zoning. Jeffrey Skinner representative for Verizon was present in support of the amendment to the zoning regulations. Chairman McMullen closed the hearing at 9:16 A.M. Moved by Klein and seconded by Loeffelholz to approve the Zoning Map Amendment with the following Resolution 2018-03. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Reiter and McMullen. Absent: Morrow. None voted “Nay”. Motion declared carried.

RESOLUTION 2018-03

WHEREAS, on February 15, 2018, the Buffalo County Planning and Zoning Commission held a public hearing concerning an amendment to Buffalo County’s Zoning Regulations concerning cell towers in the Commercial zoning district, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendment, and

WHEREAS, on March 13, 2018 this Board conducted a public hearing concerning one proposed amendment to Buffalo County’s Zoning Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted with amending language as generally shown as underlined wording:

Add the Zoning Regulation section below to read as follows:

Section 5.54 #12 Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower.

Chairman McMullen opened the Zoning Hearing for Special Use Permit filed by Michael Mauslein for property described as part of the North Half of the Northwest Quarter north of railroad in Section 30, Township 9 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska for a welding shop. Ron Follmer and Michael Mauslein were present to review the application and answer questions. No one else addressed the Board and Chairman McMullen closed the hearing at 9:18 A.M. Moved by Brayton and seconded by Klein to approve the Special Use Permit with the following Resolution 2018-04. Upon roll call vote, the following Board

members voted "Aye": Brayton, Klein, Greder, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

RESOLUTION 2018-04

WHEREAS, Michael Mauslein and Rhonda Mauslein, Applicants, have filed for a Special Use Permit with Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed January 26, 2018 for a welding shop to be situated on the following legal description: A tract of land being part of the Northeast Quarter of the Northwest Quarter and part of Government Lot 1 located in Section 30, Township 9 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30 and assuming the West line of Government Lot 1 as bearing S 00°09'34" W and all bearings contained herein are relative thereto; thence S 00°09'34" W and on the West line of said Government Lot 1, a distance of 989.72 feet to a point being on the most Northerly corner of a tract of land deeded to the State of Nebraska Department of Roads, as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds Office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforesaid tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's Right-of-Way, thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's Right-of-Way, a distance of 1271.12 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 73° 30' E and on the North line of the Union Pacific Railroad Company's Right-of-Way a distance of 317.08 feet; thence leaving the North line of the Union Pacific Railroad Company's Right-of-Way, N 04° 30' W a distance of 313.50 feet; thence continuing on the aforescribed course N 04° 30' W a distance of 11.73 feet; thence S 89° 29' 20" E and parallel with the North line of said Government Lot 1, a distance of 373.17 feet; thence S 00° 09' 34" W and parallel with the West line of said Government Lot 1, a distance of 96.91 feet; thence S 16° 29' 55" E a distance of 334.45 feet to the place of beginning.

WHEREAS, on February 15, 2018 the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 7-0 vote, with 2 absent voted to forward this application to the County Commissioners, and

WHEREAS, on March 13, 2018, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, two exhibits are attached to the application

1. The application of the Special Use Permit.
2. The minutes of the February 15, 2018 Planning & Zoning Commission meeting.

WHEREAS, only a simple majority is required by this Board to approve this Special Use Permit because no protests against issuance of this permit have been filed, and

WHEREAS, the Board after public hearing and review of the Special Use application finds:

1. Applicant may construct the proposed building and up to one additional building (two buildings total) so long as each building is principally used as a welding shop.
2. That appropriate exterior security lighting shall be placed on the premises by applicant with the lighting projecting downward if mounted on the building or light pole(s) and upward so long as any upward lights is directed at the building itself.
3. Only operative equipment shall be allowed on the premise outside of approved buildings.
4. That no items or materials will be stored on the premises unless (1) stored within the approved building; (2) stored inside an enclosed and well maintained shipping container or (3) stored within an area totally enclosed by an 8' privacy fence which completely obscures visibility of the materials stored therein.
5. That all driveways and building approaches must be surfaced with crushed rock or higher grade of construction material.
6. That all garage doors and/or loading areas will be on the east and/or west side of the building.
7. That up to one well-maintained shipping container may be placed on the property for the purpose of storing materials or equipment.
8. That one roll-off dumpster and scrap material storage container can be placed on the north side of the building so long as it is shielded from road visibility.
9. That the property shall be kept free of litter and trash by the applicant and/or successor.
10. That the applicant will secure proper 911 addressing and will place adequate signage on the building in a manner visible to emergency personnel.

WHEREAS, construction shall commence within 120 days from the date of issuance thereof, and shall be completed within two years of the date of issuance, and

WHEREAS, the requested amendment to this previously issued special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, in that if the proposed amendment, with the below stated conditions contained in this Resolution, would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a majority vote of its members, this Board approves applicants' requested Special Use Permit, subject however to the following:

1. Applicant may construct the proposed building and up to one additional building (two buildings total) so long as each building is principally used as a welding shop.
2. That appropriate exterior security lighting shall be placed on the premises by applicant with the lighting projecting downward if mounted on the building or light pole(s) and upward so long as any upward lights is directed at the building itself.
3. Only operative equipment shall be allowed on the premise outside of approved buildings.
4. That no items or materials will be stored on the premises unless (1) stored within the approved building; (2) stored inside an enclosed and well maintained shipping container or (3) stored within an area totally enclosed by an 8' privacy fence which completely obscures visibility of the materials stored therein.
5. That all driveways and building approaches must be surfaced with crushed rock or higher grade of construction material.
6. That all garage doors and/or loading areas will be on the east and/or west side of the building.
7. That up to one well-maintained shipping container may be placed on the property for the purpose of storing materials or equipment.
8. That one roll-off dumpster and scrap material storage container can be placed on the north side of the building so long as it is shielded from road visibility.
9. That the property shall be kept free of litter and trash by the applicant and/or successor.
10. That the applicant will secure proper 911 addressing and will place adequate signage on the building in a manner visible to emergency personnel.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the subject property as described above.

REGULAR AGENDA

Highway Superintendent John Maul was present for the following agenda items.

Moved by Klein and seconded by Greder to award the following gravel bids for April 1, 2018 through March 31, 2019: Broadfoot Sand & Gravel for Zones 10, 11, 12, 13, 14, 15, 16 and 17; Ed Broadfoot & Sons Sand & Gravel for Zones 9; Carl Whitney Sand & Gravel for Zones 5, 19, 20, 21, 24 and 25; Mid-NE Aggregates for Zones 18, 22, 23 and 26; and T & F Sand & Gravel for Zones 1, 2, 3, 4, 6, 7 and 8. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Klein to award the bid for two bottom dump trailers to NMC for a total bid price of \$95,600.00 because the low bid did not meet specification. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Greder, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Jerad Reimers representing Congressman Adrian Smith was present to give updated reports from the Congressman's office and answered questions and concerns from the Board members.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Commissioners at 9:45 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman McMullen called the Board of Equalization to order in open session at 9:45 A.M. County Assessor Ethel Skinner and County Treasurer Jean Sidwell were present.

The Permissive Exemption Application for Riverdale Christian Church on parcel number 540049000 was continued from the February 27, 2018 meeting. Moved by Greder and seconded by Loeffelholz to approve the Permissive Exemption Application for Riverdale Christian Church. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to approve the Permissive Exemption waivers for Zion Evangelical Lutheran Church, Church of the Nazarene and Bethel Temple of Assemblies of God. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to approve Tax List Corrections numbered 4443 through 4450 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Midwest District of the Evangelical Free Church on a 2017 Subaru Outback. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society on a 2015 Ford Fusion. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:55 A.M. Upon roll call vote, the following Board members voted "Aye": Reiter, Loeffelholz, Brayton, Greder, Klein and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Bob Harpst and Dick Pierce with the Central Nebraska Veterans' Memorial Foundation presented information about the memorial on-site at the new Central Nebraska Veterans' Home at 56th Street and Cherry Avenue.

Bob Charlesworth, Health Insurance Consultant with Charlesworth Consulting LLC was present to discuss the employee health insurance benefits. Moved by Greder and seconded by Klein to approve the Blue Health Advantage Premium Program Agreement (Wellness) with employee health screenings to be held April 25 and April 26, 2018 and those employees who choose not to participate will be charged \$20.00 per month. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

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

Chairman McMullen asked if there was anything else to come before the Board at 11:00 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, March 27, 2018.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)