

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 11, 2018**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, September 11, 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, followed by a moment of silence in remembrance of September 11, 2001. The following Board members responded to roll call: Joseph Brayton, Kent Greder, Ivan Klein, Ronald Loeffelholz, 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. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

At the Board meeting on August 28, 2018 the Board of Commissioners passed the Levy Allocation Resolution that was prepared and in the Board packet and the correct Levy Allocation Resolution was mailed to the Fire Districts and the Ag Society. However, when the minutes were prepared, there was a clerical error and the minutes need to reflect the correct Resolution. It was then moved by Morrow and seconded by Greder to approve the minutes after this correction is made to reflect the accurate 2018 Levy Allocation Resolution. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-31

BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, with a full Board (or quorum) present, that the amounts set forth in the Fiscal Year Budget for Buffalo County, commencing July 1, 2018 and ending June 30, 2019, and appropriated for the following political subdivisions, hereby are approved for final levy allocation, to-wit:				
POLITICAL SUBDIVISIONS	PERSONAL AND REAL PROPERTY TAX REQUEST	TAX REQUEST SUBJECT TO LEVY LIMIT	CALCULATED LEVY SUBJECT TO LEVY LIMIT	TOTAL LEVY
FIRE DISTRICTS				
SUBURBAN #1	439,354.12	372,607.87	0.026675	0.031453
GIBBON #2	49,878.00	49,878.00	0.010529	0.010529
SHELTON #3			Figured by Hall County	
PLEASANTON #4			Outside levy allocation	
RAVENNA #5	30,351.47	17,350.00	0.003014	0.002258
MILLER #6	28,500.00	28,500.00	0.010281	0.010281
ELM CREEK #7	102,050.00	44,150.00	0.010199	0.023574
AMHERST #8	71,693.88	20,693.88	0.013444	0.046577
AGRICULTURAL ASSOCIATION	951,456.00	951,456.00	0.015002	0.015002

Move by Klein and seconded Reiter to ratify the following August 31, 2018 payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL			242,912.49
RETIREMENT PLANS AMERITAS	R	EMPE RET	38,178.33
CREDIT MANAGEMENT	E	GARNISH	212.19
FIRST NATIONAL BANK	T	FEDERAL TAX	81,795.71
STATE OF NE	T	STATE TAX	13,033.09
ROAD FUND			
NET PAYROLL			55,119.21
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,866.83
CREDIT MANAGEMENT	E	GARNISH	65.96
FIRST NATIONAL BANK	T	FEDERAL TAX	16,556.66
STATE OF NE	T	STATE TAX	2,450.06
WEED FUND			
NET PAYROLL			4,747.38
RETIREMENT PLANS AMERITAS	R	EMPE RET	710.37
FIRST NATIONAL BANK	T	FEDERAL TAX	1,529.40
STATE OF NE	T	STATE TAX	236.54

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

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

Moved by Brayton and seconded by Reiter to accept the July 2018 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Greder, Klein, Loeffelholz, Morrow, and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the fiscal year 2017-2018 inventory statements filed by all of the County Officials. All inventory statements will be filed with the County Clerk as a public record. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to approve the payment of flu shots for all Buffalo County employees. The employees will be notified of the scheduled dates. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Klein, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen reviewed the following correspondence. NIRMA sent a notice of the Annual Membership meeting and luncheon and information about NIRMA Board member nominations. The City of Kearney sent notification of the Annexation of Fountain Hills Eleventh Addition. Chairman McMullen called on each board member present for committee reports and recommendations.

ZONING

Zoning Administrator Jason Wozniak and Deputy County Attorney Andrew Hoffmeister were present for the following Zoning agenda items.

Chairman McMullen opened the Zoning Hearing at 9:15 A.M. for an Administrative Subdivision filed by Trenton Snow on behalf of Sylvia K. Perry, Trustee of the Sylvia K Perry Trust for property described as part of Southeast Quarter of the Northeast Quarter of Section 23, Township 12 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Bob White Acres, An Administrative Subdivision. Trenton Snow reviewed the application and Tara Schirmer was present with concerns about the application. Chairman McMullen closed the hearing at 9:21 A.M. Moved by Brayton and seconded by Greder to approve the Administrative Subdivision with the following Resolution 2018-34. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Loeffelholz, Morrow, Reiter, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-34

WHEREAS, Trenton Snow, licensed surveyor, on behalf of Sylvia K. Perry, Trustee of the Sylvia K. Perry Trust, hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "BOB WHITE ACRES, AN ADMINISTRATIVE SUBDIVISION" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on September 11, 2018, this Board conducted a public hearing now finds:

1. The proposed "BOB WHITE ACRES, AN ADMINISTRATIVE SUBDIVISION" is in the Agricultural (AG) Zoning District for Buffalo County, Nebraska and the size of the parcels of real estate owned by the subdividing entity after subdividing complies with the minimum lot size of this 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. Poole Road is a county maintained open public road that abuts the proposed subdivision to the east. The width of this road after dedication complies with the 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 as concerns Buffalo County's interests 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 COMMISSIONERS in regular session with a quorum present, that the plat of "BOB WHITE ACRES, AN ADMINISTRATIVE SUBDIVISION", an administrative subdivision being described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 12 North, Range 15 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.

Chairman McMullen opened the Zoning Hearing for a zoning map amendment filed by Mitch Humphrey on behalf of Peggy & Mark L.B. (Marty) Garrels and Tedd Adams for a zoning map amendment for property described as part of Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land being inclusive of Lot 2, Rouse Second Administrative Subdivision an administrative subdivision being part of the

Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska. They would like to rezone this property from Agricultural to Commercial. Mitch Humphrey reviewed the application. Larry Lieb, Dustin & Sara Bennett were present in opposition of the zoning map amendment and presented a written document to the Board. Chairman McMullen closed the hearing at 9:54 A.M. Moved by Klein and seconded by Brayton to approve the Zoning Map Amendment with the following Resolution 2018-35. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Morrow, Reiter, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-35

WHEREAS, on July 30, 2018, Mitchell Humphrey on behalf of Mark L.B. Garrels and Peggy E. Garrels and Tedd R. Adams, has 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 part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land being inclusive of Lot 2, Rouse Second Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southeast Quarter of Section 1, and assuming the East line of the Southeast Quarter of Section 1 as bearing S 00°34' 33" E and all bearings contained herein are relative thereto; thence on the North line of the Southeast Quarter of said Section 1, S 89° 30' 41" W a distance of 40.0 feet to a point on the West right-of-way line of Keystone Road (formerly known as Nebraska State Highway No. 10), said point being the Northeast Corner of Lot 1, Rouse Second Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence S 00° 34'33" E parallel with the East line of the Southeast Quarter of said Section 1 and on the West right-of-way line of Keystone Road (formerly known as Nebraska State Highway No 10) a distance of 281.71 feet to the ACTUAL PLACE OF BEGINNING, said point of beginning being the Southeast Corner of Lot 1, Rouse Second Administrative Subdivision and said point also being the Northeast Corner of Lot 2, Rouse Second Administrative Subdivision; thence continuing on the aforescribed West right-of-way line of Keystone Road (formerly known as Nebraska State Highway No. 10), S 00° 34' 33" E a distance of 211.14 feet to the Southeast Corner of said Lot 2, Rouse Second Administrative Subdivision, and said point also being the Northeast Corner of Lot 1, Rouse Third Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence leaving the West right-of-way line of Keystone Road (formerly known as Nebraska State Highway No. 10) and on the South line of said Lot 2, Rouse Second Administrative Subdivision and on the North line of said Lot 1, Rouse Third Administrative Subdivision, S 89° 30' 41" W a distance of 454.58 feet to the Southwest Corner of said Lot 2, Rouse Second Administrative Subdivision, with said point also being the Northwest Corner of said Lot 1, Rouse Third Administrative Subdivision; thence on the West line of said Lot 1, Rouse Third Administrative Subdivision, S 00° 34' 33" E a distance of 194.92 feet to the Southwest Corner of said Lot 1, Rouse Third Administrative Subdivision; thence on the South line of said Lot 1, Rouse Third Administrative Subdivision, if extended, S 89° 30' 41" W a distance of 130.00 feet; thence N 00° 34' 33" W parallel with the East line of the Southeast Quarter of said Section 1 a distance of 372.72 feet to a point on the South line of Lot 1, Rouse Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, thence on the South line of said Lot 1, Rouse Administrative Subdivision, N 89° 30' 41" E a distance of 130.00 feet to the Southeast Corner of said Lot 1, Rouse Administrative Subdivision, thence on the East line of said Lot 1, Rouse Administrative Subdivision, N 00° 34' 33" W a distance of 33.0 feet to the Southwest Corner of said Lot 1, Rouse Second Administrative Subdivision; thence on the South line of said Lot 1, Rouse Second Administrative Subdivision, N 89° 30' 41" E a distance of 454.58 feet to the place of beginning. Containing 3.31 acres, more or less.

be changed from the Agricultural (AG) District to the Commercial (C) District. Property is in the name of Mark L.B. Garrels and Peggy E. Garrels, husband and wife as joint tenants and not as tenants in common and Tedd R. Adams, a single person.

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 August 16, 2018, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 5-0 vote with 3 absent, and

WHEREAS, on September 11, 2018, 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. Two parties 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 Commercial District are 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 Commercial (C) 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.

Chairman McMullen opened the Zoning Hearing for a Vacation of Plat filed by Mitch Humphrey on behalf of Mark L.B. (Marty) & Peggy E. Garrels request for a vacation of the lots in Rouse Second and Rouse Third Administrative Subdivision for property described as Lot 2, Rouse Second Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska and Lot 1, Rouse Third Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Chairman McMullen closed the hearing at 10:02 A.M. Moved by Greder and seconded by Morrow to approve the Vacation of Plat with the following Resolution 2018-36. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Loeffelholz, Reiter, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-36

WHEREAS, Surveyor Mitchell Humphrey on behalf of Mark L.B and Peggy E Garrels, husband and wife, owners of: Lot Two (2), Rouse Second Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Fractional Section One (1), Township Eight (8), Range (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska

And

Lot One (1) Rouse Third Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Have filed to vacate part of this subdivision with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on September 11, 2018, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Commercial (C) 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 August 16, 2018, the Buffalo County Planning and Zoning Commission recommended approval of the proposed vacation on a 5-0 vote.
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 an Administrative Subdivision filed by Mitch Humphrey on behalf of Mark L. B. and Peggy E. Garrels and Tedd R. Adams for property described as part of Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Rouse Fourth Administrative Subdivision. Chairman McMullen closed the hearing at 10:03 A.M. Moved by Klein and seconded by Reiter to approve the Administrative Subdivision with the following Resolution 2018-37. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-37

WHEREAS, Mitchell Humphrey, licensed surveyor, on behalf of Mark L.B. and Peggy E Garrels, husband and wife, hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "ROUSE FOURTH ADMINISTRATIVE SUBDIVISION" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on September 11, 2018, this Board conducted a public hearing now finds:

1. The proposed "ROUSE FOURTH ADMINISTRATIVE SUBDIVISION" is in the Commercial (C) Zoning District for Buffalo County, Nebraska and the size of the parcels of real estate owned by the subdividing entity after subdividing complies with the minimum lot size of this 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. State Highway 10 also known as Keystone Road is a county maintained open public road that abuts the proposed subdivision to the east. The width of this road after dedication complies with the 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 as concerns Buffalo County's interests 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 COMMISSIONERS in regular session with a quorum present, that the plat of "ROUSE FOURTH ADMINISTRATIVE SUBDIVISION", an administrative subdivision being described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 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.

Chairman McMullen opened the Zoning Hearing for a Preliminary Plat filed by Mitch Humphrey on behalf of Eric C.D. & Heather Roubicek for approval of Roubicek Subdivision for property described as being part of the North Half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Chairman McMullen closed the hearing at 10:15 A.M. Moved by Morrow and seconded by Loeffelholz to approve the Preliminary Plat with the following Resolution 2018-38. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Brayton, Greder, Klein, Reiter, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-38

WHEREAS, on August 16, 2018, the Buffalo County Planning & Zoning Commission after public hearing gave a favorable recommendation to Roubicek, 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 September 11, 2018, this Board after public hearing considered approval of the preliminary plat for Roubicek and

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

1. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66' (Section 4.03 Subdivision),
2. Relaxation of the width of street to be 66' (Section 4.03 Subdivision)
3. Relaxation of access from public street or road (Section 4.13 (Subdivision)
4. Set back of 50' from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution)

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 Roubicek Subdivision, a subdivision being part of A tract of land being part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section One (1), Township Nine (9) North, Range Sixteen (16), West of the Sixth Principal Meridian, Buffalo County, Nebraska,

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

Moved by Loeffelholz and seconded by Reiter to recess the regular meeting of the Board of Commissioners at 10:16 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Klein, Morrow 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 Ethel Skinner and County Treasurer Jean Sidwell were present.

Moved by Greder and seconded by Loeffelholz to approve Tax List Corrections numbered 4494 through 4498 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Reiter to approve the Valuation Change submitted by County Assessor Skinner for Trevor and Monica Weston on parcel number 520067205. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Greder, Klein, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Deputy County Attorney Andrew Hoffmeister reviewed the documents relating to the confessions of judgment to be considered by the Board. Moved by Klein and seconded by Greder that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R0010 in appeal concerning Michelle L Seeba, Appellant, and Buffalo County, Appellee,

for property identified as tax parcel #604494000 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$177,000. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Klein to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society on a 2012 Ford Fusion SE, four 2012 Chevrolet Malibus, four 2010 Ford Fusions, two 2011 Chevrolet Impalas and two 2014 Chevrolet Fusions. Upon roll call vote, the following Board members voted "Aye": Reiter, Klein, Brayton, Greder, Loeffelholz and McMullen. Abstain: Morrow. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:22 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen opened the public hearing to approve the 2018-2019 Fiscal Year Budget and approve the property tax requests for fiscal year 2018-2019 at 10:22 A.M.

After review by the Budget Committee and no one else addressing the Board, Chairman McMullen closed the public hearing at 10:24 A.M. It was then moved by Morrow and seconded by Reiter to approve an additional 1% Board approved increase in the prior year's budgeted restricted funds subject to limitation as allowed by law. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Brayton, Greder, Klein, Loeffelholz and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to authorize petty cash funds for the various County Offices with the approval of Resolution 2018-39. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Board Administrator Lynn Martin noted that the County Board Commissioner's petty cash was omitted from the previous Resolution that was presented to the Board, it was then corrected and moved by Morrow and seconded by Klein to approve the petty cash funds for the various offices with the approval of the following Resolution 2018-39. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-39

We, the Buffalo County Board of Commissioners, authorize petty cash funds to be operated by the Sheriff's Office in the amount of \$2,500.00; the County Attorney's Office in the amount of \$16,500.00; the Probation Office in the amount of \$50.00; the Public Defender's Office in the amount of \$2,300.00; the Clerk of the District Court in the amount of \$1,000.00; Veteran's Service Office in the amount of \$12,000.00; the County Court Office in the amount of \$450.00; Board of Commissioners in the amount of \$2,500.00 and County Clerk in the amount of \$12,000.00.

Moved by Morrow and seconded by Greder to approve the Buffalo County Budget for the fiscal year 2018-2019 with the following Resolution 2018-40. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-40

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2018 to June 30, 2019, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Commissioners on the 11th day of September, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Buffalo County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2018 to June 30, 2019 as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the budget for Buffalo County for said fiscal year.

SECTION 2. That the offices, departments, activities, and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2018 and ending June 30, 2019.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Chairman McMullen opened the public hearing for Property Tax Requests. After review of the Property Tax Request for fiscal year 2018-2019 and no one else addressing the Board, Chairman McMullen closed the hearing at 10:27 A.M. Moved by Morrow and seconded by Greder to approve the property tax request for the fiscal year 2018-2019 with the following Resolution 2018-41. (County Clerk Giffin excused herself from the meeting and Deputy County Clerk Laura Kring recorded the remainder of the meeting.) Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-41

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Buffalo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the County of Buffalo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE the Governing Body of the County of Buffalo, by a majority vote, resolves that the 2018-2019 property tax requests be set and as follows:

FUND	2018-2019 Proposed Property Tax Request
General	17,245,108.06
Veteran's Aid	14,092.86
Bond	1,702,048.06 (outside limit)
TOTAL	18,961,248.98

REGULAR AGENDA

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

Moved by Greder and seconded by Loeffelholz to authorize Chairman McMullen to sign the State of Nebraska Department of Transportation Odessa West Crossing agreement with the following Resolution 2018-42. (Commissioner Morrow excused herself at 10:31 A.M.) 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.

RESOLUTION 2018-42

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 at Daykin Road, west of Odessa at DOT No 817006B.

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 Transportation and the Union Pacific Railroad Company for the installation of flashing light signals and gates and constant warning circuitry at Daykin Road at Union Pacific Railroad Company DOT. No. 817006B.

NDOT Project Number: RRX-NFG-10(69)

NDOT Control Number: 42876

NDOT Project Description: Odessa West UPRR Crossing

Moved by Reiter and seconded by Brayton to authorize Chairman McMullen to sign the State of Nebraska Department of Transportation Elm Creek East Crossing agreement with the following Resolution 2018-43. (Commissioner Morrow returned to the meeting.) Upon roll call vote, the following Board members voted "Aye": Reiter, Brayton, Greder, Klein, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-43

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 Birch Road, East of Elm Creek at DOT No 81701 IX.

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 Transportation and the Union Pacific Railroad Company for the installation of flashing light signals and gates and constant warning circuitry at Birch Road at Union Pacific Railroad Company DOT.No. 81701 IX.

NDOT Project Number: RRX-NFG-10(71)

NDOT Control Number: 42879

NDOT Project Description: Elm Creek East UPRR Crossing

Moved by Greder and seconded by Loeffelholz to accept the petition that was filed with the County Clerk for the public road vacation request referred to as 340th Road, an east to west section road, lying between Sections 18 and 19, Township 12 North, Range 14 west of the 6th p.m., Buffalo County, Nebraska and forward this petition to the Highway Superintendent for his review. Upon roll call

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

Chairman McMullen called for Citizen's forum and Dave Murman was present to address the Board.

Chairman McMullen asked if there was anything else to come before the Board at 10:46 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, September 25, 2018.