

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 11, 2014
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, February 11, 2014 at 9:00 A.M. and 10:30 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 Supervisors 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 was present.

REGULAR AGENDA

Moved by Brayton and seconded by Biehl to approve the January 28, 2014 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to accept the County Treasurer January 2014 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.

Moved by Morrow and seconded by Greder to accept the Clerk of District Court January 2014 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Zoning Administrator LeAnn Klein was present to review and file the annual 2013 Zoning Report. Moved by Biehl and seconded by Reiter to accept the 2013 Annual Zoning and Floodplain Administrator Report. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

COURTHOUSE RENOVATIONS

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project and to present Change Order Requests #52 and #53.

Moved by Klein and seconded by Morrow to approve Change Order Request #52 of the Phase 4-7 Project in the amount of \$3,618.00 to repair and insulate the leaking roof drain pipe in Veteran's Affairs area and Change Order Request #53 in the amount of \$1,139.00 for a new closer for door 158. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. The Board received a notice of the surplus property spring auction date of March 29, 2014. Nebraska Jail Standards Board sent a notice of the annual inspection of the Buffalo County Detention Center. The City of Kearney sent an updated City Limits Map that will be posted in the Board room. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Reiter and seconded by Klein to approve the following Resolution 2014-05 for the Weed Control Authority. Upon roll call vote, the following Board members voted "Aye": Reiter, Klein, Biehl, Brayton, Greder, Morrow, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-05

WHEREAS, there is a need to fully state duties of the Buffalo County Weed Control Authority, herein simply referred to as "Authority" as to work of that Authority performs concerning "bare ground" spraying work, and

WHEREAS, this Board finds that bare ground spraying commonly means the spraying of nonselective herbicides used in the practice of total vegetation control resulting in the lands being sprayed being cleared of all growing vegetation together with some form of residual surface control of all vegetative growth, and

WHEREAS, the Board believes that it is not an appropriate use of the Authority personnel and Authority equipment to be involved with the application of bare ground type spraying work, other than work done to control noxious weeds,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT from this date forward, the Buffalo County Weed Control Authority, its employees, and equipment shall not be used to perform for hire or contracted bare ground type spraying.

FURTHER RESOLVED that this resolution does not prohibit the purchase by the public of any nonselective total vegetative control herbicide that the Authority would regularly carry as chemical stock for sale to the public.

Thereafter discussion of Economic Development Loan to Aspen Dairy was held. After discussion with Andrew W. Hoffmeister, Chief Deputy Buffalo County Attorney, trustee on deed of trust held in favor of Buffalo County for this Economic Development Loan, it was moved by Klein, seconded by Biehl, that he be authorized to settle this loan for amount to be no less than that which due on this loan as originally written, with any sale or transfer of the real estate all being sold subject to real estate taxes, including those to be paid under the Chapter 11 Plan of Aspen Dairy. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

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

Moved by Klein and seconded by Brayton to place a stop sign at the north end of Road No. 66-K or in the northwest corner of Section 18, T-10-N, R-17-W. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Morrow, Reiter and McMullen. Absent: Greder. (Supervisor Greder left the meeting at 9:49 A.M.) None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Reiter to inform Nebraska L-TAP that Buffalo County is interested in hosting a two day Motor Grader Operator Course. Also to allow the use of the Buffalo County Highway Department building, equipment, roadways and whatever other items necessary to perform the two day instructional class for Motor Grader operations. (Supervisor Greder returned to the meeting at 9:51 A.M.) Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen opened the Public Hearing at 10:00 A.M. for the road vacation petition request that is referred to as 115th Road between Poole Avenue and Keystone Road. Deputy County Attorney Hoffmeister reviewed the petition and the responses from Center and Thornton Townships. Highway Superintendent had submitted his report prior to this meeting. No one from the public was present to address the Board and Chairman McMullen closed the hearing at 10:14 A.M. A decision will be made at the next Board meeting on February 25, 2014.

Chairman McMullen opened the public hearing for the 2014 One and Six Year Road & Bridge Plan. Highway Superintendent Ron Sklenar was present for discussion and review. Larry Hardesty addressed the Board with concerns about paving Dove Hill Avenue from U.S. Highway 30 to 56th Street. Hardesty and other area landowners had met prior to this meeting with the Road Committee. Chairman McMullen closed the public hearing at 10:25 A.M. Moved by Klein and seconded by Brayton to approve the 2014 One and Six Year Road and Bridge Plan as presented. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to recess the regular meeting of the Board of Supervisors at 10:26 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, 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 and County Treasurer Jean Sidwell were present.

Moved by Klein and seconded by Brayton to approve Tax List Corrections numbered 3938 through 3945 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Morrow, Reiter and McMullen. Abstain: Greder. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Hospital on a 2006 Ford Ambulance and a 2013 Chevrolet Ambulance. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Biehl, Brayton, Klein, Morrow, and McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for New Life Assembly on a 2013 Ford E350 Van. Upon roll call vote, the following Board members voted "Aye": Biehl, Brayton, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Community Action Partnership of Mid Nebraska on a 2006 International. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Greder, Klein, and McMullen. Abstain: Brayton. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to adjourn the Board of Equalization at 10:30 A.M. and to return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

ZONING

County Surveyor Trenton Snow and Zoning Administrator LeAnn Klein were present for the following agenda item.

Snow requested an extension of time in order to complete the filing of the Whitesel Acres administrative subdivision. Moved by Morrow and seconded by Greder to amend the Whitesel Acres administrative subdivision Resolution 2013-39. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-39 AMENDED

WHEREAS, on August 27, 2013, this Board in Resolution 2013-39A, approved the plat of "WHITESEL ACRES", an administrative subdivision being part of the South Half of the Southeast Quarter of the Southwest Quarter (S1/2SE1/4SW1/4) of Section Ten (10), Township Eleven (11), North, Range Eighteen (18), West of the Sixth Principal Meridian, Buffalo County, Nebraska. Thereafter, as provided in Sec. 3.02(K) of Buffalo County's Subdivision Resolution, the applicants of this subdivision are allowed to file and record this plat in the Office of the Register of Deeds, Buffalo County, Nebraska, and

WHEREAS, the parties seeking to file the plat for this administrative subdivision have encountered unforeseen difficulties in obtaining all necessary signatures to dedicate, transfer, and convey the underlying real estate to this administrative subdivision within the time limitations of Buffalo County's Subdivision Resolution, and

WHEREAS, the Board finds that Subdivision Resolution, Sec. 7.03(D) allows this Board to grant a deviation of the Subdivision Resolution for non-administrative development type subdivisions and this deviation should apply to the situation now before the Board, with this Board specifically finding that this request meets the intent of the Subdivision Resolution and the delays in timely filing has not been the fault of not caused by the applicants, and

WHEREAS, the Board believes that it would be proper to extend the six month time limitation in a plat is required to be filed with the Register of Deeds because the requested extension does not cause undue harm to any surrounding property and/or future development of this real estate.

NOW THEREFORE BE IT RESOLVED BY THIS BOARD that applicants of Whitesel Acres, an administrative subdivision, shall be allowed an additional six (6) months from and after February 27, 2014 to the file the plat of Whitesel Acres with the Register of Deeds.

REGULAR AGENDA

Chairman McMullen called for Citizen's forum and no one was present to address the Board.

Chairman McMullen asked if there was anything else to come before the Board at 10:35 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, February 25, 2014.