

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, JUNE 10, 2014  
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, June 10, 2014 at 9:00 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. County Attorney Shawn Eatherton and Deputy County Attorney Kari Fisk were present.

County Sheriff Neil Miller and Deputy County Sheriff Paul Cox were present to introduce Kira, the new K-9 cop.

**REGULAR AGENDA**

Moved by Biehl and seconded by Reiter to approve the May 27, 2014 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to accept the Clerk of the District Court May 2014 Report and the County Treasurer May 2014 Fund Balance 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.

Sharon Hueftle, South Central Economic Development District Executive Director was present to update the Board and review the District program.

**COURTHOUSE RENOVATIONS**

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project. Moved by Klein and seconded by Reiter to approve the following Change order requests of the Phase 4-7 Courthouse Renovation Project: Change Order request #72 in the amount of \$1,437.00 to replace seven existing fire alarm horn/strobes and Change Order #74 in the amount of \$1,487.00 to clean and install sealant to existing stone masonry joints. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

**REGULAR AGENDA**

Chairman McMullen reviewed the following correspondence. State of Nebraska Department of Natural Resources sent notice of National Flood Insurance Program Community Assistance Visit. State of Nebraska Emergency Management Agency sent a report of the 2013 Emergency Management Performance Grant Monitoring Visit. NIRMA sent information on the Road Sign Retro reflectivity policy. The City of Kearney sent notice of the backflow preventer compliance testing. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Clerk in the amount of \$1,200,000.00 at the First National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the Cable Television Franchise Agreement for Community Antenna Television Systems with Charter Communications VI, LLC with the following Resolution 2014-29. 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 2014-29**

WHEREAS, Neb.Rev.Stat. Sec. 23-386 allows counties to charge a franchise tax for Community Antenna Television Systems when these systems use county right of ways and easements, and

WHEREAS, Charter Communications VI, LLC, locally known as "Charter Communications", as a non-exclusive occupant, uses Buffalo County's right of ways and easements for its cable television systems in this county and desires to continue this non-exclusive use,

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT Buffalo County hereby imposes a five (5) per cent franchise fee on the gross receipts of Charter Communications derived from cable television service revenues earned by Charter derived from sales of its cable television service in the unincorporated areas of Buffalo County with the term

of this use being allowed for ten (10) years commencing May 1, 2014 with an allowance of an additional five (5) year extension at the option of Charter all as set forth in Franchise Agreement that is approved this date by this Board, and

RESOLVED FURTHER that the Chairperson of this Board is authorized to execute the proposed Franchise Agreement on behalf of Buffalo County and all other county officials are authorized to do all acts necessary to enact this resolution.

Moved by Biehl and seconded by Brayton to amend Resolution 2014-24 to correct the legal description for Winfield Solutions LLC Zoning Map Amendment. Upon roll call vote, the following Board members voted "Aye": Biehl, Brayton, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

### **RESOLUTION 2014-24 AMENDMENT**

WHEREAS, on May 13, 2014, in Resolution 2014-24 this Board approved a Zoning Map Amendment filed by Winfield Solutions, LLC, and

WHEREAS, a typographical error in the real estate description was discovered while filing the Resolution and the original Resolution was withdrawn for filing until amendment of the original Resolution could be made, and

WHEREAS, the real estate description in Resolution 2014-24 should be amended and refiled.

NOW THEREFORE, BE IT RESOLVED THAT THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that Resolution 2014-24 is amended to state that the real estate involved in the zoning map amendment in that Resolution is correctly described as:

"A tract of land being part of Government Lot 1 and part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 26 and assuming the West line of said Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South *on the aforesaid West line of a distance of 1656.62 feet to a point on the Northerly right-of-way line* of the Union Pacific Railroad; thence N73°13'15"E on the aforesaid right-of-way line a distance of 447.03 feet to the Actual Place of Beginning; thence continuing N73°13'15"E on the aforesaid course a distance of 539.99 feet; thence North parallel with the West line of said Southwest Quarter a distance of 675.06 feet; thence West a distance of 517.0 feet; thence South parallel with the aforesaid West line a distance of 830.95 feet to the place of beginning. Address of the property is 7980 E. Highway 30, Kearney, NE 68847"

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 May 1, 2014, 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 no conditions placed on the proposed map amendment or anyone speaking in opposition to the amendment, and

WHEREAS, on May 13, 2014, 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's Zoning Regulations, and Comprehensive Plan, and finds:

- a. The subject property is located along Highway 30. The adjacent properties to the east and west are already zoned Industrial.
- b. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan as adopted and implemented by Buffalo County, Nebraska, and
- c. That no citizens appeared in opposition of this amendment.

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 Sec. 11.4, and

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

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning map amendment to change the subject property from the Agricultural "AG" District to the Industrial "I" District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution as now amended shall be filed in the Register of Deed's office against the 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 Greder and seconded by Brayton to authorize Chairman McMullen to sign the Administrative Service Agreement with Blue Cross and Blue Shield of Nebraska. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Biehl to authorize Chairman McMullen to sign the Sequoia Consulting Group contract to provide county central services cost allocation plan. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to extend the Homestead Exemption filing date to July 22, 2014 as recommended by County Assessor Joe Barber. 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 Brayton and seconded by Greder to appoint Bob Harpst to the Veterans Service Committee to replace Darryl Fisher effective July 1, 2014. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to authorize the Chairman to sign the inter-local agreement with ESU 10 for IT (Information Technology) support services for the 2014-2015 fiscal year. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Cody Nelsen, Network Manager for the Buffalo County IT Department presented his quarterly report to the Board.

Dave Vrbas, Director of Nebraska Kids Truth was present to discuss the Color Me Courageous Event to be held at the Buffalo County Lake near Ravenna. Moved by Brayton and seconded by Biehl to approve the Color Me Courageous Event to be held at the Buffalo County Lake on July 26, 2014 contingent upon the review of the insurance coverage and surety bond to be submitted by Vrbas. 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 Greder and seconded by Biehl to enter into Executive Session to discuss personnel issues at 10:22 A.M. Deputy County Attorney Kari Fisk and all Board members were present. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to move out of Executive Session at 10:35 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Deputy County Assessor Nora Borer reviewed the tax refund request for Notz Farms LLC. Moved by Reiter and seconded by Greder to approve tax refund request submitted by County Treasurer Sidwell for Notz Farms LLC in the amount of \$5,475.94 on parcel number 580070000. 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 Morrow and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:37 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, 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, Deputy County Assessor Nora Borer and County Treasurer Jean Sidwell were present.

Chairman McMullen opened the Public hearing for consideration of real and personal property tax exemption for the Nebraska Conference of the United Methodist Church for property located in Ravenna NE. Addressing the Board were Marty Russell and Rev Scott Evans. The public hearing was closed at 10:45 A.M. Moved by Brayton and seconded by Biehl to approve the request of real and personal property tax exemption on parcel 040079000 for the Nebraska Conference of the United Methodist Church. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen opened the Public hearing for consideration of real and personal property tax exemption for the Bethel Evan Church for property located in Odessa NE. Addressing the Board were Scott Guthrie and Bev Refior. The public hearing was closed at 10:55 A.M. Moved by Morrow and seconded by Brayton to approve the request of real and personal property tax exemption on parcel 520293000 for the Bethel Evan Church. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried. Supervisor Morrow excused herself from the meeting.

Moved by Brayton and seconded by Klein to approve tax list corrections numbered 3972 through 3991 as submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Supervisor Morrow returned to the meeting.

Moved by Greder and seconded by Biehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Mid-Nebraska Individual Services on a 2009 Chevrolet Covalt, 2009 Chrysler Town & Country, 2010 Dodge Ram Truck, 2009 Ford Cutaway Van, 2003 Ford Focus, 2006 Chevrolet Impala, 2004 Honda Element and a 2008 Dodge Caravan. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Morrow, Reiter and McMullen. Abstain: Klein. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to adjourn the Board of Equalization at 11:01 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

### **REGULAR AGENDA**

Wayne Homan, Animal Control Specialist presented the Wildlife Services Contract with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS). Moved by Klein and seconded by Biehl to authorize Chairman McMullen to sign the 2014-2015 fiscal year contract renewal with APHIS-WS. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen called for Citizen's forum. A public hearing to amend the Adult Entertainment Establishment Ordinance was set at the April 22, 2014 for this meeting. The public hearing was inadvertently omitted from today's Agenda and the public hearing will have to be rescheduled. Mike Snyder and John Canterbury were present to discuss this Ordinance.

Chairman McMullen asked if there was anything else to come before the Board at 11:15 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, June 24, 2014.