

**BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, SEPTEMBER 9, 2014
9:00 A.M.**

The Buffalo County Board of Supervisors met on Tuesday, September 9, 2014 at 9:00 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 was present.

REGULAR AGENDA

Moved by Brayton and seconded by Biehl to approve the August 26, 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 Clerk of the District Court August 2014 Report and the County Treasurer August 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 Brayton and seconded by Biehl to approve the early claim submitted by the County Clerk as listed below. Upon roll Call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

GENERAL FUND		
BUFFALO COUNTY CLERK	PETTY CASH	12,000.00

COURTHOUSE RENOVATIONS

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project.

Executive Director Meredith Collins was present to give an overview of the Community Action Partnership of Mid Nebraska. Collins thanked the Board for the Buffalo County financial support and gave each Board member a copy of the 2013 Annual Report.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. NIRMA sent correspondence about the upcoming election of NIRMA Board members and the Annual meeting to be held on October 10, 2014. Personnel Concepts sent information on Nebraska Labor Law posters. Nebraska Pipeline Association sent information on their safety training program. Standard & Poor's Ratings Services sent the new Buffalo County rating. Nebraska State Historical Society sent notice of consideration of the Lowe Building for nomination to the National Register of historic properties. City of Kearney sent notification of the annexation of TAAA Estates and Cherry Avenue Industrial Park. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Brayton and seconded by Klein to approve the fiscal year 2013-2014 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": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral in the amount of \$135,000.00 at Firstier 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.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral in the amount of \$49,696,000.00 at 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 opened the public hearing to approve the 2014-2015 Fiscal Year Budget and approve the property tax requests for fiscal year 2014-2015 at 10:00 A.M.

Chairman McMullen closed the hearing at 10:05 A.M. After review by the Budget Committee, it was moved by Morrow and seconded by Greder 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, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to authorize petty cash funds with the approval of the following Resolution 2014-52. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-52

We, the Buffalo County Board of Supervisors, 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 \$1,500.00; 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 \$10,000.00; the County Court Office in the amount of \$50.00, and Extension in the amount of \$2,000.00 and previously approved 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 2014-2015 with the the following Resolution 2014-53. 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 OF ADOPTION AND APPROPRIATIONS
2014-53**

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2014 to June 30, 2015, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Supervisors on the 9th day of September 2014.

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

SECTION 1. That the budget for the Fiscal Year July 1, 2014 to June 30, 2015 as categorically evidenced by the Budget Document is, 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, 2014 and ending June 30, 2015.

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 to approve the property tax requests for fiscal year 2014-2015 at 10:12 A.M. Chairman McMullen closed the hearing at 10:14 A.M. Moved by Morrow and seconded by Greder to approve Property Tax Request for the fiscal year 2014-2015 with the following Resolution 2014-54. 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 2014-54

WHEREAS, Nebraska Revised Statue 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 2014-2015 property tax requests be set and as follows:

FUND	2014-2015 Proposed Property Tax Request
General	14,406,004.56
Veteran's Aid	34,146.40
Bond	1,531,331.80 (outside limit)
TOTAL	15,971,482.76

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

Road Committee Chairman Klein instructed County Clerk Giffin assisted by Deputy County Clerk Leora Hofmann to open and read aloud the submitted bids for Project C10 (934), (1430), (938), (905), (723) and (1417). Bids were submitted from the following companies: Collins Contracting Co Inc., Commercial Construction Inc., Gus Construction Co. Inc., Midlands Contracting Inc., Simon Contractors Co. and Wilke Contracting Corp. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting on September 23, 2014.

ZONING

Chairman McMullen opened the Zoning Hearing at 11:00 A.M. Deputy County Attorney Kari Fisk, Zoning Administrator LeAnn Klein and Trenton Snow were present. Orville W. and Avis D. Nickel Trust filed a request for an administrative subdivision for property described as part of the Government Lot 2 in Section 6, Township 8 North, Range 18 West of the 6th p.m., Buffalo County, Nebraska to be known as Nickel Acres. Trenton Snow reviewed the application. Chairman McMullen closed the hearing at 11:06 A.M. Moved by Klein and seconded by Brayton to approve the Administrative Subdivision application with the following Resolution 2014-55. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-55

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of trustees of Orville W. Nickel Trust and Avis D. Nickel Trust, owners hereinafter referred to as "applicant" have filed for an administrative Subdivision to be known as "NICKEL ACRES" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on September 9, 2014, this Board conducted a public hearing and now finds:

1. The proposed NICKEL ACRES is in the Agricultural (AG) Zoning District for Buffalo County, Nebraska and the size of the lots after subdividing complies with the minimum lot size requirements of that Zoning District Agricultural (AG) Zoning District for Buffalo County, Nebraska.
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. Arrow Road is a county maintained open public road that abuts the proposed subdivision. The width of this road after dedication complies with 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 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 SUPERVISORS in regular session with a quorum present, that the plat of "NICKEL ACRES", an administrative subdivision being part of Government Lot 2 in Section Six (6), Township Eight (8) North, Range Eighteen (18), 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 record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman McMullen opened the public hearing to consider amending the Adult Entertainment Establishment Ordinance. Moved by Greder and seconded by Klein to suspend the reading of the proposed amendment on three different days with the proposed ordinance amendment now moving forward in this meeting for final adoption and/or rejection. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Chairman McMullen declared that the request to suspend the reading of the proposed amendment to the ordinance on three different days had passed by the needed three-fourths majority.

Thereafter, the Board discussed the proposed amendment regarding hours of operation of Adult Entertainment Establishments. Jonathon Canterbury owner of Paradise City was present. Public hearing was closed at 11:07 A.M. Moved by Morrow and seconded by Greder that the following Resolution 2014-56 be adopted by this Board in regards to amending hours of operation of Adult Entertainment Establishments. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein and McMullen. Voted "Nay": Reiter. Motion declared carried.

RESOLUTION 2014-56

WHEREAS, on August 12, 2014, the Board passed Resolution #2014-039 setting down September 9, 2014, as the first public hearing and first reading of proposed amendment to Buffalo County's Adult Entertainment Establishment Ordinance originally adopted by this Board in Resolution #2014-006, and

WHEREAS, a copy of that resolution with the proposed amendment to ordinance in its entirety was published for two consecutive weeks, with the last publication not less than five (5) days nor more than two weeks prior to the first public hearing. Additionally a copy of the proposed ordinance was sent by the County Clerk to all Village and City Clerks of Buffalo County prior to the first public meeting of the proposed ordinance, and

WHEREAS, during the public hearing held September 9, 2014, this Board found that the proposed amendment concerning hours of operation was an acceptable amendment with various parties speaking favorably to the proposed amendment and no parties opposing the amendment, and

WHEREAS, by separate motion, this Board suspended the requirement set forth in Sec. 23-190 Neb.Rev.Stat. that the proposed amendment to ordinance be read by title on three different days prior to adoption of it as an ordinance of this County.

NOW THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors adopts the following amendment:

“Be it ordained by the county board of the County of Buffalo, State of Nebraska, that Buffalo County’s Adult Entertainment Establishment Ordinance, all as set forth in Resolution #2014- 006 as concerns Section C be amended as authorized pursuant to Neb.Rev.Stat. §23-174.10 and § 23-187, et seq to read as follows, with underlining indicating proposed additional language and strikethrough indicating wording to be deleted:

SECTION C. LOCATIONAL CRITERIA.

1. OPERATION:

- a. It shall be unlawful to operate an Adult Entertainment Establishment, as herein defined, within Buffalo County, Nebraska, unless such use is located on property, consisting of one lot that is situated in the Commercial (C) District of the official zoning district map of Buffalo County, Nebraska.
- b. Adult Entertainment Establishments shall be excluded as a specially permitted use on any property which is zoned as the Agricultural (AG) District.
- c. Adult Entertainment Establishments shall be subject to, and comply with, the rules and provisions of the flood plain and zoning resolutions of Buffalo County.
- d. An Adult Entertainment Establishment shall be located in a freestanding building, situated on one lot, containing no other uses or Adult Entertainment Establishments.
- e. An Adult Entertainment Establishment, as herein defined, shall not be open to customers between the hours of one (1) a.m. and ten (10:00) a.m. for Adult Entertainment Establishments that are licensed to serve alcoholic beverages and three (3) a.m. to ten (10:00) a.m. for Adult Entertainment Establishments that are not licensed to serve alcoholic beverages.
- f. Where conflict exists between the prescriptions established in this Article and the requirements of the zoning resolution, flood plain, or any other applicable code, resolution, or ordinance of Buffalo County or the State of Nebraska, then the more restrictive requirements shall apply.

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. Supervisor Morrow announced that Buffalo County will pay for flu shots for all Buffalo County Employees. Date and times will be sent out to every Department. At 11:25 A.M., Chairman McMullen declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, September 23, 2014.