

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, FEBRUARY 12, 2013  
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, February 12, 2013 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. (The Board room is being renovated at this time; therefore this meeting was held in Hearing Room B of the Justice Center.) 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 Klein to approve the January 22, 2013 Board meeting minutes. 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 accept the following reports: County Treasurer January 2013 Fund Balance Report, Clerk of District Court January 2013 Report and Community Action Partnerships of Mid-Nebraska RYDE December 2012 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.

Moved by Morrow and seconded by Klein to approve late payroll claim for as submitted by County Clerk Giffin. Sheriff Neil Miller was present to explain the error in payroll for January 2013. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>FUND</b>	<b>NET PAYROLL</b>
(100) GENERAL	330.73

**COURTHOUSE RENOVATIONS**

There were no updated reports or action taken on the Courthouse Renovations.

**REGULAR AGENDA**

Chairman McMullen reviewed the following correspondence. The Board received information from RYDE Transit concerning the proposal of new rates for Buffalo County in May 2013. Nebraska Association of Emergency Management sent a nomination request for Emergency Manager awards. Nebraska Department of Roads sent the Bridge Inspection Program update. The Board received information from NDOR about the Bridge inspection program. Sharon Township sent a request of a road classification change in their township. Janice Martin sent a thank you note for the project at 78th Street and Lakota Road completed by the Road Department. Nebraska Department of Revenue sent information on County Assessor education requirements. The Kearney Hub sent a thank you for designating the Kearney Hub as the legal newspaper. Nebraska Jail Standards Board sent notice of the annual inspection of the Buffalo County Jail. The Nebraska Department of Roads sent a notice of barricading of County Roads for the Kearney East Bypass project. Central Platte Natural Resources District sent the In Perspective newsletter. City of Kearney sent an update on the status of activity at the Peterson Senior Activity Center and an updated city limits map. Chairman McMullen called on each Board member present for committee reports and recommendations.

Paul and Joyce Sears were present to request a special designated liquor license for Cedar Hills Vineyard. Cedar Hills Vineyard is a licensed farm winery/catering establishment and a special designated liquor license is required in order to also serve beer at this event. After discussion and review of the County Sheriff's report, it was moved by Greder and seconded by Klein to approve the Special Designated Liquor License application filed by Cedar Hills Vineyard for an event to be held March 2, 2013. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Visitors Bureau Director Roger Jasnoch gave updated reports of current Visitors Bureau happenings and a Buffalo County Visitors Promotion Lodging Tax report.

Sheriff Neil Miller reviewed the 911 telephone system and presented the costs to upgrade that system and the radio recording system. Moved by Brayton and seconded by Morrow to authorize Sheriff Miller to purchase the 911 telephone system upgrade at a cost

of \$153,627.83. Upon roll call vote, the following Board members voted “Aye”: Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Brayton and seconded by Klein to authorize Sheriff Miller to purchase the radio recording system upgrade at a cost of \$24,892.00. 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 Greder and seconded by Morrow to approve the Buffalo County Affirmative Action Plan as reviewed and presented by the County Attorney. Upon roll call vote, the following Board members voted “Aye”: Greder, Morrow, Biehl, Brayton, Klein, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Brayton to approve tax refund request submitted by County Treasurer Sidwell for Jana L Harnagel in the amount of \$28.62 on parcel number 160120290. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Highway Superintendent Ron Sklenar was present for discussion concerning roads in P&M Subdivision. Calvin Kelly, 43032 Kilgor Rd, Gibbon NE presented a petition asking the Board to maintain a platted road in the P & M Subdivision. The Board accepted the petition and forwarded the petition to the Road Committee and Road Department to review and come back with a recommendation to this Board.

Moved by Brayton and seconded by Klein to authorize Emergency Manager Darrin Lewis to sign the letter of agreement with the Tri-Cities Medical Response System (TRIMRS) and Response Agencies for the Provision of Fulfilling the Hospital Preparedness Program Grant Requirement for a Healthcare Coalition. Upon roll call vote, the following Board members voted “Aye”: Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Chairman McMullen opened the public hearing for the 2013 One and Six Year Road & Bridge Plan at 10:10 A.M. Highway Superintendent Ron Sklenar was present for discussion and review. Also addressing the Board were City Manager Mike Morgan, City Attorney Michael J Tye, Doreen Kittle, Richard Lush and Kay Lush. Chairman McMullen closed this public hearing at 10:42 A.M. Decision will be made at the next Board meeting on February 26, 2013.

Chairman McMullen opened the Public Hearing for the 2012-2013 Budget Amendment at 10:43 A.M. Sheriff Miller explained the 911 Wireless Service Fund budget amendment. No one else addressed the Board and the public hearing was closed. Moved by Morrow and seconded by Greder to approve the 2012-2013 Budget Amendment as presented. 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 Brayton to approve the following transfer of County Funds to complete the Budget Amendment. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Biehl, Greder, Klein, Reiter, and McMullen. None voted “Nay”. Motion declared carried.

	<u>FUND</u>	<u>NAME</u>		<u>FUND</u>	<u>NAME</u>	<u>AMOUNT</u>
<u>FROM</u>	100	General	<u>TO</u>	2913	911 Wireless Service Fund	15,000.00

Moved by Klein and seconded by Brayton to recess the regular meeting of the Board of Supervisors at 10:45 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. 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 Greder and seconded by Klein to approve Tax List Corrections numbered 3903 through 3941 submitted by County Assessor Joe Barber. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Chairman McMullen opened the hearing for Make A Wish Foundation Permissive Tax Exemption application at 10:55 A.M. Hannah Stone from Make A Wish Foundation was present to address the Board. The garage was built by Make A Wish Foundation for Brett Shubert, son of Scott and DeAnn Shubert. County Assessor Joe Barber recommended denying the application. Chairman McMullen recessed the public hearing at 11:08 A.M. until the Board Meeting February 26, 2013.

Moved by Greder and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Salvation Army on a 2002 Dodge Grand Caravan, 2003 GMC Emergency Canteen, 2006 Chevrolet Express Van, and 2008 Dodge Grand Caravan. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Biehl, Klein, Reiter and McMullen. Abstain: Morrow. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Brayton to recess the Board of Equalization at 11:10 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

## **ZONING**

Chairman McMullen opened the Zoning hearings for Administrative Subdivisions. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Trenton Snow on behalf of ALFCO, LLC filed a request for an Administrative Subdivision for property described as part of the south Half of the Southwest Quarter located in Section 34, Township 9 North, Range 17, West of the 6<sup>th</sup> P.M., Buffalo County Nebraska to be known as Alfalfa Acres. Snow reviewed the application and Rick Benjamin with All Points Co-op addressed the Board. Chairman McMullen closed this public hearing at 11:15 A.M. Moved by Greder and seconded by Biehl to approve the Administrative Subdivision application with the following Resolution 2013-05. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

### **RESOLUTION 2013-05**

WHEREAS, Trenton Snow Licensed Surveyor, on behalf of ALFCO, LLC, An Ohio Limited Liability Company, owner hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "Alfalfa Acres" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on February 12, 2013, this Board conducted a public hearing and finds:

1. The proposed Alfalfa Acres is in the Industrial (I) 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. 24<sup>th</sup> Road and Odessa Road are section line roads that abut the proposed subdivision. The width of these roads 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 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 "ALFALFA ACRES", an administrative subdivision being part of the South Half of the Southwest Quarter (S1/2SW1/4) of Section Thirty-Four (34), Township Nine (9) North, Range Seventeen (17) 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.

Mitchell Humphrey on behalf of James A. & Marsha A. Fairbanks, Trustees has filed a request for an Administrative Subdivision for property described as part of the South Half of the Southeast Quarter located in Section 12, Township 10 North, Range 14, West of the 6<sup>th</sup> P.M., Buffalo County Nebraska to be known as Fairbanks Administrative Subdivision. Humphrey reviewed the application and no one else was present to address the Board. Chairman McMullen closed this public hearing at 11:17 A.M. Moved by Brayton and seconded by Klein to approve the Administrative Subdivision application with the following Resolution 2013-06. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

### **RESOLUTION 2013-06**

WHEREAS, Mitchell Humphrey, Licensed Surveyor, on behalf of James A. Fairbanks and Marsha A. Fairbanks, Trustees of James A. Fairbanks Living Trust dated February 14, 2011, owners hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "FAIRBANKS 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 February 12, 2013, this Board conducted a public hearing and finds:

1. The proposed Fairbanks Administrative Subdivision is in the 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. 175<sup>th</sup> Road is a section line 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

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 "FAIRBANKS ADMINISTRATIVE SUBDIVISION", an administrative subdivision being part of the South Half of the Southeast Quarter (S1/2SE1/4), Section Twelve (12), Township Ten (10) North, Range Fourteen (14) 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.

### **REGULAR AGENDA**

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

Moved by Klein and seconded by Greder to enter into Executive Session to discuss pending litigation and contract negotiations At 11:20 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried. Deputy County Attorney Hoffmeister was present and invited Assessor Joe Barber, Sheriff Neil Miller, Zoning Administrator LeAnn Klein, Board Administrator Lynn Rauner and Clerk Janice Giffin to stay in the Executive Session until 11:26 A.M. Deputy County Attorney Hoffmeister and Board members continued the Executive Session.

Moved by Klein and seconded by Brayton to move out of Executive Session at 11:35 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. 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 11:37 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday February 26, 2013 at 9:00 A.M.