

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 13, 2013
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, August 13, 2013 at 9:00 A.M. and 10:00 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. (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. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Moved by Brayton and seconded by Biehl to approve the July 23, 2013 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 Greder and seconded by Morrow to accept the Clerk of the District Court July 2013 report, County Treasurer July 2013 Fund Balance report and the Community Action Partnership of Mid-Nebraska June 2013 RYDE report. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Klein, Reiter 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. No action was necessary.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. The Board received a thank you note from CASA for budget support to aid the mission to make a better place for abused children. Nebraska Department of Environmental Quality sent notice of a design change request for Wood River Dairy, a copy of the Waste Management Program Regulations and information on the Road Side Clean Up Grant process. The Nebraska Department of Natural Resources sent information about the National Flood Insurance Program and the Department of the Army Corps of Engineers sent a report on the proposed Avenue M Concrete paving project. 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 Treasurer in the amount of \$280,000.00 at Exchange 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.

Supervisor Greder stated that in order to stay competitive in the job market, he felt that it was necessary for the Board to contribute more to the employee/spouse, employee/children and the family coverage costs of the NACO Blue Cross Blue Shield health insurance plan. Sheriff Miller was also present and indicated that he has lost potential employees because of the family health insurance costs through the current plan. After discussion it was moved by Klein and seconded by Greder to add an additional \$100.00 per month from the County for the employee/spouse, employee/children and employee/family health insurance coverage. This will take effect on September 1, 2013 and brings the total allowance to \$300.00 per month per participating employee. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Clay Schutz, Chief Probation Officer was present to discuss the County's responsibility for providing space for the newly hired additional probation staff assigned to Buffalo County. Schutz provided a copy of the Nebraska statute 22-2259, a letter stating the office space needs, a World Herald editorial about prison alternatives with additional probation staff and a report of current monthly usages of the reporting center.

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

Moved by Klein and seconded by Brayton to authorize Buffalo County Board of Supervisor Chairman Bill McMullen to sign on behalf of Buffalo County the following: A) Application and Certificate for Final Payment in the amount of \$106,647.00 and B) Change order No 3 in the amount of \$15,616.77 (included in the \$106,647.00) and the Certificate of Substantial Completion for Buffalo County's

2013 Asphalt Resurfacing. 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 Klein and seconded by Morrow to authorize Buffalo County Board of Supervisor Chairman Bill McMullen to sign on behalf of Buffalo County an agreement with the State of Nebraska Department of Roads involving the realignment of a Buffalo County Road being 78th Street for the Kearney By-Pass Project as stated in Section 1. The County agrees with the State's plan to close 78th Street from approximately one-half mile east of Antelope Avenue to the west. The County agrees with the State plan to realign existing 78th Street at approximately one-half mile east of Antelope Avenue to intersect with the proposed By-Pass. The County agrees with the State's plan to construct a cul-de-sac on Cherry Avenue south of 78th Street at a location appropriately based on access to adjacent properties. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to approve Resolution 2013-34 to authorize Buffalo County Board of Supervisor Chairman Bill McMullen to sign on behalf of Buffalo County the Program Agreement BL1390 by and between the County of Buffalo and the State of Nebraska Department of Roads for underwater bridge inspection. 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 2013-34

Whereas: Nebraska Department of Roads (NDOR) is developing a transportation project, on the behalf of the county, for which it intends to obtain Federal funds;

Whereas: Buffalo County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local law, rules, regulation, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: Buffalo County and NDOR wish to enter into a Program Agreement to provide for underwater bridge inspection services for the Federal-aid project.

Be It Resolved: by the Board of Supervisors of Buffalo County that:

William McMullen, Chair of the Buffalo County Board of Supervisors is hereby authorized to sign the attached Program Agreement between the Buffalo County and the NDOR.

NDOR Project Number: NBIS(101)

NDOR Control Number: 00895

NDOR Project Name: Statewide Underwater Bridge Inspection

Moved by Morrow and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:17 A.M. and reconvene as 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 Treasurer Jean Sidwell and County Assessor Joe Barber were present.

Moved by Greder and seconded by Morrow to approve the Valuation Changes submitted by County Assessor Barber for Kenneth V. and Maureen M. Marisch on parcel number 560622162 and John T & Karen E Davis on parcel number 320198000. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen opened the public hearing for Kearney Restore Ministries motor vehicle tax exemption request at 10:25 AM. Mike O'Brien was present to answer questions about this ministry and request the tax exemption. No one else was present and Chairman McMullen closed the public hearing. Moved by Biehl and seconded by Reiter to approve the tax exemption request submitted by County Treasurer Sidwell for Kearney Restore Ministries on a 2007 International Conventional Cab. 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 Greder and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Hospital on a 2008 Buick LaCrosse. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Klein, Biehl, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for the Evangelical Lutheran Good Samaritan Society-St. Johns on a 2012 Dodge Grand Caravan SE, 2003 GMC Pickup and a 2013 Ford Bus. 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 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 2010 GMC Acadia. 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 Biehl to recess the Board of Equalization at 10:28 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 hearing for Administrative Subdivision at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Mitchell Humphrey on behalf of Gary Rouse and Peggy E. Garrels, successor trustee of the George L Rouse, Sr Revocable Trust was present to request an Administrative Subdivision for property described as part of the North Half of the Southeast Quarter (N ½ SE ¼) located in Section 1, Township 8 North, Range 15, West of the 6th P.M., Buffalo County Nebraska to be known as Rouse Administrative Subdivision. Surveyor Mitch Humphrey and Deputy County Attorney Andrew Hoffmeister reviewed the application. Chairman McMullen closed this public hearing at 11:13 A.M. Moved by Brayton and seconded by Biehl to approve the Administrative Subdivision application with the following Resolution 2013-35. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-35

WHEREAS, Mitchell Humphrey, Licensed Surveyor, on behalf of Peggy E. Garrels, successor trustee of the George L. Rouse, Sr., Revocable Trust and Gary W. Rouse, owners, hereinafter referred to as "applicant" have filed for an administrative Subdivision to be known as "ROUSE 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 August 13, 2013, this Board conducted a public hearing and finds:

1. The proposed ROUSE 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. No section line abuts the proposed subdivision.
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 "ROUSE ADMINISTRATIVE SUBDIVISION", an administrative subdivision being part of the North Half of the Southeast Quarter (N1/2SE1/4) of Section One (1), Township Eight (8), North, Range Fifteen (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 record in the Office of the Register of Deeds, Buffalo County, Nebraska, subject to severed mineral rights of record.

Chairman McMullen opened the public hearing for a zoning map amendment request for a change of zoning from Agricultural to Agricultural Residential filed by Trenton Snow on behalf of James and Carol Whitesel. This request for a zoning map amendment is for property described as part of the South Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 11 North, Range 18 West of the 6th p.m., Buffalo County, Nebraska. Surveyor Trenton Snow and James Whitesel Jr. presented the request and no one else addressed the Board. Chairman McMullen closed this public hearing at 11:13 A.M. Moved by Reiter and seconded by Greder to approve the zoning map amendment request with the following Resolution 2013-36. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Biehl, Brayton, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-36

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of James E. and Carol J. Whitesel, submitted an application for zoning map amendment with the Buffalo County Zoning Administrator. It concerns the following described real property, to-wit:

"All of the South Half of Southeast Quarter of the Southwest Quarter (S ½ SE ¼ SW ¼) of Section Ten (10), Township Eleven (11) North, Range Eighteen (18) West of the 6th p.m., Buffalo County, Nebraska, lying North and East of the County Road running through said South Half of the Southeast Quarter of the Southwest Quarter (S ½ SE ¼ SW ¼) of said Section.."

hereinafter referred to as the “subject property” be changed from the Agricultural “AG” District to the Agricultural Residential “AGR” District, and

WHEREAS, this is solely a request for zoning map amendment request. The subject property will have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on July 18, 2013, the Buffalo County Planning and Zoning Commission, after public hearing with notice as required, recommended approval of this proposed change in zoning on a 7-0 vote with no conditions placed on the proposed map amendment with no one speaking in opposition to the amendment, and

WHEREAS, on August 13, 2013, 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. No one voiced opposition against the amendment.
- b. This change in zoning designation will have minimal adverse effect on surrounding properties.
- c. The intended uses of the Agricultural Residential District are consistent with property use in the surrounding area. The subject property is in close proximity to land that is within the one-mile radius of the Village of Miller that is now zoned AGR.
- d. This amendment is consistent with the overall growth and development of Buffalo County and the Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to existing public improvements, such as paved roads and in place 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 Sec. 11.4, and

WHEREAS, the vote to adopt this resolution only requires a majority vote of members of 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 Agricultural Residential “AGR” 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 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.

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 11:14 A.M. before he declared the meeting recessed until they reconvene at the Buffalo County property known as the R.Y.D.E. Center at 1:15 P.M. and instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska Law. (Lunch break)

All Board members and the County Clerk met at the County owned property located at 321 Central Avenue, Kearney, Nebraska at 1:15 P.M. to discuss possible uses of the building since former tenants have moved to a different location. Also in attendance and part of the discussion were Chief Probation Officer Clay Schutz, Building and Grounds Supervisor Ross Karabel, Network Manager Cody Nelsen, Captain Bob Anderson and Board Administrator Lynn Rauner. Chairman McMullen adjourned the meeting at 1:45 P.M. and the next regular meeting will be at 9:00 A.M. on Tuesday, August 27, 2013.