

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, November 12, 2013 at 9:00 A.M. and 10:15 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. 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 Reiter and seconded by Biehl to approve the October 22, 2013 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Reiter, Biehl, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the County Treasurer October 2013 Fund Balance Report, the Clerk of the District Court October 2013 Fee Report and the Community Action Partnership of Mid-Nebraska R.Y.D.E. Report for September 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.

**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 taken at this time.

**REGULAR AGENDA**

Chairman McMullen reviewed the following correspondence. The quarterly report from Kearney/Buffalo County CASA was received. Greg Sextro for GPS Cattle sent a request of personal property tax refund for taxes assessed in 2012. Buffalo County Community Partners sent a thank you note for the financial support from Buffalo County. NACO sent information on the election procedures for voting for NACO officers at the annual NACO conference. Bankruptcy information on the Great Platte River Road Memorial Foundation was received from the Courts. Brian Bosshamer, Extension Educator sent a thank you for the participation in the Connect the Dots: A Career Exploration program. The State of Nebraska sent the 2012 annual traffic crash facts report and the Nebraska Department of Environmental Quality sent a reminder of the 2014 Waste Reduction and Recycling Incentive Grant Application. NACO Executive Director Larry Dix sent the NACO audit report that was prepared by Dana F. Cole & Company LLP. Association of Public and Land-Grant Universities sent information on the goals and objectives to advance economic development. 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 \$350,000.00 at the Platte Valley State 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.

Armada Cemetery Association had sent a request for taxation funding and the County legal staff concluded that a Cemetery District has never been formed. No formal action was necessary and the Board will send correspondence to the Armada Cemetery Association.

Emergency Manager Darrin Lewis was present to explain the compliance with Hazardous Materials Emergency Preparedness Grant and the Nebraska Emergency Management. Moved by Klein and seconded by Reiter to authorize Chairman McMullen to sign an agreement with Nebraska Emergency Management Agency to use grant funds to develop the Local Emergency Operations Plan. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Morrow to enter into Executive Session to discuss contract negotiations at 9:24 A.M. In addition to Board members responding to roll call, Deputy County Attorney Andrew Hoffmeister was present. 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 Greder and seconded by Brayton to move out of Executive Session at 9:50 A.M. and resume the open meeting. Chairman McMullen stated that legal counsel advised that a certified independent appraiser be contacted for services. 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 and Assistant Highway Superintendent John Maul were present for the following Agenda items.

Moved by Klein and seconded by Brayton to set a bid date of December 10, 2013 for one new 2013 or 2014 Excavator per specifications. 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 Brayton and seconded by Morrow to grant the request of Loup Township Board to change the classification for one quarter of a mile from Minimum Maintenance Classification to an RL-3 (Rural Local) Classification located on 325<sup>th</sup> Road west of Riverdale between Sections 19 and 30, T-12-N, R-16-W as this one quarter of mile does meet the RL-3 Classification (west one quarter mile). Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Road Committee Chairman Klein instructed County Clerk Giffin to open and read aloud the sealed bids for a new Dump Truck, Mechanic Truck, Sign Truck (Cab & Chassis) and Sign Truck Utility Box. Bids were submitted from the following companies for a Dump Truck: Hansen International and Nebraska Truck Center; for a Mechanic Truck: Hansen International, Sid Dillon, Maintainer Corporation of Iowa, Aspen Equipment and Star Equipment; for a Sign Truck: Hansen International and Nebraska Truck Center; for a Sign Truck Utility Box: Maintainer Corporation of Iowa. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at 10:00 A.M. on the November 26, 2013 Board meeting.

Road Committee Chairman Klein instructed County Clerk Giffin to open and read aloud the sealed bids for Concrete Items. Bids were submitted from the following companies: Simon Contractors, Gus Construction and Wilke Contracting. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at 10:00 A.M. on the November 26, 2013 Board meeting.

Weed Superintendent Mitch Huxoll was present for the bid opening for a 2013 or 2014 new truck. Bids were submitted from the following companies: Midway Chevrolet Buick Cadillac, Bid John's Auto, Crossroads Ford and Woodhouse. The Weed Committee and Weed Superintendent will review the bids and come back with recommendations at 10:00 A.M. on the November 26, 2013 Board meeting.

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

### **BOARD OF EQUALIZATION**

Chairman McMullen called the Board of Equalization to order in open session. Deputy County Treasurer Brenda Rohrich and County Assessor Joe Barber were present.

Moved by Greder and seconded by Biehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for South Central Behavioral Services Inc. on a 2005 Chrysler Pacifica Wagon and 2009 Toyota SUV. 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 Klein and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Restore Ministries on a 2003 Ford Cutaway Van and a 2014 Dump Trailer. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow, and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Biehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Christian Congregation of Jehovah's Witnesses on a 2012 Chevrolet Impala. 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 Morrow and seconded by Brayton to approve Tax List Corrections numbered 3928 and 3929 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to ratify the 2013-2014 levy change requested by Ravenna Fire District 5 and completed by County Clerk Giffin. Clerk Giffin received prior approval of four Board members to change the 2013-2014 levy from .004734 to .004695 for Fire District 5 General Fund and notified Sherman County and Buffalo County Assessor before the November 5, 2013 deadline. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Biehl to adjourn the Board of Equalization at 10:39 A.M. 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 opened the public hearing on the sale of Real Estate property commonly known as 1500 E 34<sup>th</sup> Street, Kearney, NE. After discussion, the Board determined that said property is excess property. No one was present to address the Board and the hearing was closed at 10:45 A.M. Moved by Brayton and seconded by Greder to approve the following Resolution 2013-53. Upon roll call vote, the following Board members voted "Aye: Brayton, Greder, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

**RESOLUTION 2013-53**

WHEREAS, Buffalo County owns the following real estate:

Lots Five (5) and Six (6), Block Two (2), East Lawn, an Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated East half of Avenue "P" abutting said Lot 6 on the West and together with the vacated North 7 feet of 34<sup>th</sup> Street abutting said lots and said vacated portion of Avenue "P" (above mentioned) on the South, hereinafter referred to as the "described property" and,

WHEREAS, on November 12, 2013, this Board conducted a public hearing to consider whether this property or portions thereof constitute excess property, and

WHEREAS, this Board believes that the described property is excess public property and it should be sold at public auction as provided by law, and

WHEREAS, this Board believes that it should hire a professional auctioneer to obtain the best price for this property when sold at public auction.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT the described property shall be sold at public auction on the 8th day of December, 2013 at 2:00 o'clock, p.m.:

FURTHER RESOLVED that Bramer Auction and Realty Service, of Kearney, Nebraska, or affiliate thereof, shall be retained to market and conduct auction services. The Chairperson of this Board is authorized to sign contract(s) for these sales services to be performed on behalf of Buffalo County, and

FURTHER RESOLVED that in addition to any advertisement of Bramer Auction and Realty Service, that the Buffalo County Clerk shall publish one legal notice of this sale with the publication to occur at least ten (10) days prior to the date of sale, with the notice stating the legal description and address of the real estate, and stating that the real estate shall be sold to the highest bidder all pursuant to Sec 23-107.01, Neb.Rev.Stat.

United Way Executive Director Lisa Reese Parish and Campaign Co Chairman Kent Barney were present to discuss the campaign for the United Way of the Kearney Area. Moved by Biehl and seconded by Morrow to support the United Way with Resolution 2013-54. Upon roll call vote, the following Board members voted "Aye: Biehl, Morrow, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

**RESOLUTION 2013-54**

**TITLE:** Goal of the County Employee Campaign for the United Way of the Kearney Area

**AUTHOR:** United Way Campaign Co-Chair Michael Schnieders, CEO of Good Samaritan Hospital  
United Way Campaign Co-Chair Kent Barney, President of Barney Abstract and Title

**REFERRED TO:** All Employees of Buffalo County

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**WHEREAS** the United Way of the Kearney Area is a local charitable effort to provide funding to human services programs; and  
**WHEREAS** United Way and its agencies and programs ensure the building blocks of a better life are attainable by all the citizens of Buffalo County; and

**WHEREAS** The United Way Campaign supports many organizations that complement the work of Buffalo County Services; and

**WHEREAS** employees can designate their gift within the United Way partners or to other services as they find meaningful including:

- a. United Way Partner Agencies

- b. Local Non-Profits that are not currently partners of the United Way
- c. Local Food Pantries; and

**WHEREAS** United Way of the Kearney Area will include donors to this year's campaign in prize drawings at the following giving levels:

- a. New givers that pledge a minimum of \$25 will be entered into a drawing for an ipad mini
- b. Givers that pledge \$200 or more will be entered into a drawing for a room makeover; and

**WHEREAS** Buffalo County allows the convenience of payroll deduction to contribute to the United Way; and

**WHEREAS** the employees of Buffalo County enjoy the support of the community at large.

Now therefore be it

**RESOLVED** that the Buffalo County Board of Supervisors gives its thanks to the volunteers that comprise the United Way of the Kearney Area for its leadership in addressing significant social issues. The programs they support help those experiencing hunger, domestic violence, drug and alcohol abuse, neglect, and many more challenges. In Buffalo County the United Way provides leadership and helping hands throughout our county; and also be it

**RESOLVED** that the Buffalo County Board of Supervisors has established a goal of \$3,000 for the Buffalo County Employee Giving Campaign for the United Way of the Kearney Area and encourages all county employees to review information about United Way services and consider making a pledge toward the goal by December 1, 2013.

### **ZONING**

Chairman McMullen opened the Zoning hearings for Administrative Subdivisions at 11:07 A.M. Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and Trenton Snow were present.

Trenton Snow on behalf of Allan and Ruth Hahn, Co Trustees, has requested an administrative subdivision for property described as part of the Southwest Quarter of the Southeast quarter (SW ¼ SE ¼) located in Section 16, Township 10 North, Range 13 West of the 6<sup>th</sup> P.M., Buffalo County Nebraska to be known as Hahn Acres. Deputy County Attorney Andrew Hoffmeister and Trenton Snow reviewed the application and Warren Hahn was also present. Chairman McMullen closed this public hearing at 11:10 A.M. Moved by Brayton and seconded by Klein to approve the Administrative Subdivision application with the following Resolution 2013-55. 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 2013-55**

**WHEREAS**, Trenton Snow, Licensed Surveyor, on behalf of Allan H. Hahn and Ruth Y. Hahn, Co-trustees under the Allan H. Hahn and Ruth Y. Hahn Revocable Trust dated August 3, 2007 owner hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "HAHN ACRES" with the Buffalo County Clerk and/or Zoning Administrator, and

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

**WHEREAS**, on November 12, 2013, this Board conducted a public hearing and now finds:

1. The proposed HAHN 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. 160th 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 "HAHN ACRES", an administrative subdivision being in part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Sixteen (16), Township Ten (10) North, Range Thirteen (13), 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 called for Citizen's forum and no one was present to address the Board. (Break for lunch at 11:15 A.M.)

Chairman McMullen reconvened the Board meeting at 2:10 P.M. for a general work session to discuss Building and Grounds issues. Discussion was held on all properties owned by Buffalo County. Building and Grounds Supervisor Ross Karabel was also present for this discussion and gave updated reports on remodeling projects in the courthouse space rented to Health and Human Services and the property located at 321 Central Avenue. The Board also addressed the parking lots for the public, employee parking and the parking of County owned non-law enforcement vehicles.

Chairman McMullen asked if there was anything else to come before the Board at 3:05 P.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, November 26, 2013.