

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 14, 2014
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, January 14, 2014 at 9:00 A.M. County Clerk Janice Giffin called the Reorganization Meeting of the Buffalo County Board of Supervisors 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. County Clerk Giffin announced that a quorum was present to conduct County business and that posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. In accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

County Clerk Janice Giffin called for the election of a Chairman. Supervisor Greder nominated William McMullen for Chairman of the Buffalo County Board of Supervisors. County Clerk Giffin called for nominations three times. There were no further nominations. Moved by Klein and seconded by Morrow to cease the nominations. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. Motion declared carried and William McMullen is the Board Chairman.

County Clerk Janice Giffin turned the meeting over to Chairman McMullen.

Chairman McMullen called for the election of a Vice Chairman. Supervisor Morrow nominated Ivan Klein as Vice Chairman of the Buffalo County Board of Supervisors. Chairman McMullen called for nominations three times. There were no further nominations. Moved by Morrow and seconded by Brayton to cease the nominations. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. Motion declared carried and Ivan Klein is the Board Vice Chairman.

Moved by Klein and seconded by Reiter to approve the following list of Depositories for County Monies. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. Motion declared carried.

Exchange Bank	Heritage Bank
Farmers & Merchants Bank-Kearney	Platte Valley State Bank & Trust Co
Cornerstone Bank	State Bank of Riverdale
FirsTier Bank of Elm Creek	Great Western Bank
FirsTier Bank of Kearney	Town & Country Bank-Ravenna
Five Points Bank	Wells Fargo Bank
Bank of the West	NebraskaLand National Bank
US Bank	NPAIT

Moved by Klein and seconded by Biehl to authorize Buffalo County Treasurer Jean Sidwell to invest the County funds at the approved banks. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. Motion declared carried.

Chairman McMullen then made the following Agency Appointments/County Board Representatives:

Airport Zoning Board-William McMullen
Archway Board-Ivan Klein
Buffalo County Community Health Partners-Francis "Buss" Biehl
Buffalo County Extension Board-Kent Greder
Community Action Partnership of Mid-Nebraska Board-Joe Brayton
Buffalo County Economic Development Council-William McMullen & Sherry Morrow
Kearney Area Visitors Bureau Advisory Board-William McMullen
Mid-NE Individual Services Advisory Board-Ivan Klein
Region III Governing Board-Sherry Morrow
Solid Waste Agency-Francis "Buss" Biehl
South Central Economic Development Council-Francis "Buss" Biehl
South Central NE Area Agency on Aging Governing Board-Ivan Klein

Two River Public Health Department-Dennis Reiter

Chairman McMullen then made the following miscellaneous appointments:

County Medical Doctor-The Doctor belonging to the Buffalo County Medical Association, Doctor on Call at Good Samaritan Hospital.

Legal Newspaper Designations - The Kearney Hub and the Buffalo County Website.

Chairman McMullen then made the following Board Committee appointments with the first person listed to be the Committee Chair:

<u>Budget & Finance Committee</u>	Sherry Morrow Kent Greder Francis Biehl
<u>Building & Grounds</u>	William McMullen Sherry Morrow Ivan Klein
<u>IT Committee</u>	Kent Greder Sherry Morrow Ivan Klein
<u>Construction Oversight Committee</u>	William McMullen Joe Brayton Sherry Morrow
<u>Human Resource/Insurance</u>	Kent Greder Francis Biehl Joe Brayton
<u>Public Safety, Law Enforcement, Court & Judicial Committee</u>	Dennis Reiter Kent Greder Francis Biehl
<u>Road & Bridge Committee</u>	Ivan Klein Dennis Reiter Joe Brayton
<u>Weed Committee</u>	Dennis Reiter Ivan Klein Joe Brayton
<u>Veterans Service Committee</u>	Joe Brayton William McMullen Ivan Klein
<u>Zoning Committee</u>	Francis Biehl Sherry Morrow Joe Brayton
<u>Election Committee</u>	Kent Greder Dennis Reiter Francis Biehl
<u>Policies and Procedures</u>	William McMullen Ivan Klein Sherry Morrow

Buffalo County NIRMA (Nebraska Intergovernmental Risk Management Association) Contact - Janice Giffin

REGULAR AGENDA

Moved by Brayton and seconded by Reiter to approve the December 24, 2013 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the County Treasurer December 2013 Fund Balance Report and the Clerk of the District Court December 2013 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Brayton to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	2,013.00

Moved by Greder and seconded by Klein to approve payroll claim as submitted by County Clerk Giffin. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

FUND	NET PAYROLL
(100) GENERAL	873.40

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 Biehl to approve Change Order request #47 of the Phase 4-7 Project in the amount of \$11,243.00 for modifications to the Phase 6 area. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. The City of Kearney sent notification of the annexation of Fountain Hills Seventh Addition. A notice from the Bankruptcy Court for the Great Platte River Road Memorial Foundation LLC was received. The newsletter from Cannon Moss Brygger Architiects was noted. The Board received a notice of the change in appeals from Blue Cross Blue Shield Insurance Company. The Department of Health and Humans Services sent information on the Buffalo County Incentive Payment. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Morrow and seconded by Biehl to approve the following Resolution 2014-01 to set the Elected Officials salaries for years 2015 through 2018. Supervisor Morrow stated that the Budget Committee spent a lot of time reviewing the NACO recommendations. Supervisor Reiter indicated that he could not agree with the percentage increases in salaries. Upon roll call vote, the following Board members voted "Aye": Morrow, Biehl, Brayton, Greder, Klein and McMullen. Voting "Nay": Reiter. Motion declared carried.

RESOLUTION 2014-01

WHEREAS, according to Section 23-1114, Revised Statutes of Nebraska, the salaries of Elected Officials of the County shall be fixed by the County Board prior to January 15 of the year in which a general election will be held for the respective offices, and WHEREAS, said 2014 Primary Election will be held on May 13, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Buffalo County Board of Supervisors that the following salaries be established for Elected Officials for Buffalo County for the years beginning January 1, 2015 through December 31, 2018, to wit:

The annual salary for the offices of County Clerk, Register of Deeds, County Treasurer, County Assessor, and Clerk of District Court will be established at \$65,000 for the calendar year of 2015, \$66,950.00 for calendar year 2016, \$68,958.50 for calendar year 2017 and \$71,027.26 for calendar year 2018.

The annual salary for the office of County Sheriff will be established at \$79,300.00 for the calendar year of 2015, \$81,679.00 for calendar year 2016, \$84,129.37 for calendar year 2017 and \$86,653.25 for calendar year 2018.

The annual salary for the office of County Attorney will be established at \$100,100.00 for the calendar year of 2015, \$103,103.00 for calendar year 2016, \$106,196.09 for calendar year 2017, and \$109,381.97 for calendar year 2018.

The annual salary for the office of County Surveyor will be established at \$27,213.00 for calendar year 2015, \$28,213.00 for calendar year 2016, \$29,213.00 for calendar year 2017, and \$30.213.00 for calendar year 2018. County Surveyor is also entitled to all fees.

The annual salary for the office of Public Defender will be established at \$50,050.00 for calendar year 2015, \$51,551.50 for calendar year 2016, \$53,098.05 for calendar year 2017, and \$54,690.99 for calendar year 2018.

The annual salary for the office of the County Board of Supervisors will be established at \$22,000.00 for calendar year 2015, \$23,000.00 for calendar year 2016, \$24,000.00 for calendar year 2017, and \$25,000.00 for calendar year 2018. Chairman of the Board will receive \$200.00 per month additional pay.

That in addition to the above salary, each official shall receive and be a member of the same benefit package as offered to all County employees.

Moved by Morrow and seconded by Brayton to re-appoint the following appointed officials for 2014: Ron Sklenar as the Highway Superintendent, Mitchell Huxoll as the Weed Superintendent, LeAnn Klein as the Floodplain/Zoning Administrator, Lisa Poff as the Election Commissioner, William Williams as the Veteran's Service Officer, Darrin Lewis as the Emergency Manager, Ross Karabel as the Building and Grounds Supervisor and Lynn Rauner as the Board Administrator. 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 approve the vending contract with Chesterman Company/Coca-Cola. 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 Greder and seconded by Morrow to amend the contract with Pictometry for the City of Kearney. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

County Attorney Shawn Eatherton explained the necessity of creating an additional budget fund to separate forfeiture funds. Moved by Reiter and seconded by Klein to approve Resolution 2014-02 for the County Attorney's office federal equitable sharing budget fund. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-02

WHEREAS, the Buffalo County Attorney receives federal funds from forfeitures seized in the course of certain criminal investigations, and these funds need to be accounted for separate of other forfeiture funds,

WHEREAS, it is necessary and proper that Buffalo County create a budgetary fund for the accounting of the receipts and the expenditures of said fund. Fund # 2370 was assigned by the State Auditor's Office to the Treasurers and County Attorney's Office for the "Federal Equitable Sharing" Fund.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT Buffalo County creates a fund for Federal Equitable Sharing, to be known as "Federal Equitable Sharing" Fund, numbered #2370 on Buffalo County's Accounting and Budgeting System.

Moved by Klein and seconded by Biehl to set the mileage reimbursement rate at 56 cents per mile effective January 1, 2014 as recommended by Administrative Services of Nebraska. The County Sheriff rate for serving papers will be 59 cents per mile. 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 Klein to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$389,885.00 at the Firstier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Biehl to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$7,876,262.57 at the Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Biehl, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$4,000,000.00 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.

Moved by Brayton and seconded by Reiter to set a public hearing date of February 11, 2014 at 10:00 A.M. for a public health and safety resolution. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Randy Tonniges with Tonniges and Associates reviewed the audit report that was sent to the board prior to this meeting. Moved by Morrow and seconded by Greder to accept the Audit Report for the fiscal year ending June 30, 2013. 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 Greder and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:14 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, 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. County Assessor Joe Barber, Deputy County Assessor Nora Borer and County Treasurer Jean Sidwell were present.

Moved by Morrow and seconded by Biehl to approve Tax List Corrections numbered 3931 and 3937 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Morrow, Biehl, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Catholic High School on a 2011 Chevrolet Suburban. 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 Biehl and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Hospital on a 2008 Buick LaCrosse, 2010 Chevrolet Ambulance, 2003 Ford Cutaway Van, 2008 Ford Cutaway Van, 2002 Ford Cutaway Van, 2002 Ford Ambulance, 2012 Chevrolet Ambulance, 2003 Ford E350, 2005 Dodge Carravan, 2002 Ford Econoline Van, 2007 Road King 7x12 trailer, 2005 Diamond T trailer, 2005 Chevrolet pickup, 2007 Ford Exploer, 2003 Ford Econoline Van, 2011 Chevrolet Express Van, 2003 Pontiac Montana Van and 2003 Ford Cutaway Van. 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 Corpus Christi Carmelites on a 2002 Pontiac Montana Van, two 2005 Toyota Camry and a 2013 Ford Supreme bus. 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 Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Faith United Methodist Church on a 2006 American Hauler Enclosed trailer and a 2012 United Enclosed trailer. Upon roll call vote, the following Board members voted "Aye": Klein Reiter, Biehl, Brayton, Morrow and McMullen. Abstain: Greder. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Biehl to adjourn the Board of Equalization at 10:23 A.M. Upon roll call vote, the following Board members voted "Aye: Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Weed Superintendent Mitch Huxoll was present for the following agenda item. Moved by Klein and seconded by Brayton to approve the annual state reports for the Weed District and authorize the Weed Committee Chairman to sign the reports to be filed. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

M.J. and Janis Shultz were present for discussion on the sale of property located east of the Courthouse and south of the Turner Body Shop. No formal action was taken.

ZONING

Chairman McMullen opened the Zoning Hearing at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Mitchell Humphrey on behalf of James Bruner and Gayle Knoll-Bruner has filed a preliminary plat for property described as part of the Northwest Quarter of the Northwest Quarter, part of Government Lot 1, part of Government Lot 2 and part of accretion land of Section 24, Township 9 North, range 13 West of the 6th P.M., Buffalo County Nebraska to be known as Bruner Lakeside Estates. Chairman McMullen closed the public hearing at 11:30 A.M. James and Gayle Knoll-Bruner were present. Mitch Humphrey and Paul Brungardt reviewed the application.

Moved by Brayton and seconded by Reiter to approve the Preliminary Plat application with the following Resolution 2014-03 and that in light of this hearing the County Attorney draft proposed amendments for referral to the Planning and Zoning Commission. These recommendations are as follows: 1. Allowing lot line changes as a matter of right without need of public hearings if the lots in question prior to and after lot line change are in conformity with all zoning and subdivision resolutions. 2. Elimination or revision of utility easements for the sides and rear lot lines of subdivisions. 3. Elimination or revision of the procedure that subdivision resolution amendments need to be processed through the Planning and Zoning Commission prior to this Board's consideration of the same. 4.

Review provisions regarding requiring that taxes be fully paid when due for non-administrative subdivisions as contrasted to requiring that no land with delinquent taxes can be subdivided for both administrative and non-administrative type subdivisions. i.e. do we want a process whereby the Treasurer certifies that taxes are not delinquent at time of adoption any subdivision. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-03

WHEREAS, on December 19, 2013, the Buffalo County Planning and Zoning Commission after public hearing gave a favorable recommendation to Bruner Lakeside Estates, a proposed subdivision of land, together with various suggestions and recommendations stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and

WHEREAS, on January 14, 2014, this Board after public hearing considered approval of the preliminary plat for Bruner Lakeside Estates, and

WHEREAS, the plan of development appears to be compliant with Buffalo County's Subdivision Resolution, excepting that when the final plat is approved for this subdivision:

- a. Lot 3 in Block 2 will need to be changed together with any abutting lot(s) to reflect that lot's access to a public road.
- b. Side and rear utility easement lines need to be drawn on the final plat unless subdivision resolution amendment that no longer requires these easements occurs prior to approval of the final plat.
- c. Street naming needs to be shown on the final plat together with a plat designation as to whether the streets are private or public. If the streets are dedicated as private streets, language disclosing the same as required by the subdivision resolution will need to be on the final plat.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUFALO COUNTY THAT Buffalo County, on a preliminary basis, approves the proposed Bruner Lakeside Estates, subdivision being part of the Northwest Quarter of the Northwest Quarter, part of Government Lot 1, part of Government Lot 2, and part of accretion lands deriving from and adjacent to Government Lot 1 and government Lot 2, located in Section 24, Township 9 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska., subject to and conditioned upon fulfillment of the foregoing three exceptions.

FURTHER RESOLVED that this is not approval of a Final Plat and a copy of this Resolution is not to be filed against the foregoing real estate.

REGULAR AGENDA

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

At 11:34 A.M. Chairman McMullen asked if there was anything else to come before the board before he declared the meeting adjourned, following the quarterly jail inspection, until the regular meeting on Tuesday January 28, 2014 at 9:00 A.M.