

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, October 14, 2014 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. 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 Biehl and seconded by Reiter to approve the September 23, 2014 Board meeting minutes. 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 Morrow and seconded by Brayton to accept the Clerk of the District Court September 2014 Report, the County Treasurer September 2014 Fund Balance Report and the Veteran's Service Quarterly Reports ending 3/31/14 and 6/30/14. 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 Reiter to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

ROAD FUND		
STATE OF NEBRASKA	FUEL TAX	\$3,157.00

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. CASA sent a thank you note for the support from Buffalo County. Nebraska Department of Roads sent notification of an agreement regarding surveying services. Extension Educator Brian Bosshamer sent an invitation to the Buffalo County 4-H Recognition Banquet. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Brayton and seconded by Reiter to authorize the petty cash drug enforcement imprest fund for the County Attorney with the following Resolution 2014-60. 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 2014-60

WHEREAS, there is a need to create a special fund for petty cash purposes to be known as the "Petty Cash Drug Enforcement Imprest Fund" for the purposes of handling routine small cash/check transactions involving Buffalo County's Drug Law Enforcement and Education Fund, a fund created by and funded by various Nebraska Statutes and Federal laws, including, but not limited to: Neb. Rev. Stat. §28-431; §28-1439.03; §77-4310.01; and other laws.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that appropriate county officials are hereby authorized and directed to create for Buffalo County budgetary purposes a fund known as Buffalo County's "Petty Cash Drug Enforcement Imprest Fund" a revolving petty cash fund to be placed under the control of the Buffalo County Attorney with the County Attorney acting as custodian of the cash in this fund and keeping record in accordance with the laws of the State of Nebraska and with the practices as established by the Nebraska State Auditor for the operation of such petty cash fund as said laws and procedures now exist or are hereinafter amended, and

BE IT FURTHER RESOLVED THAT this petty cash imprest fund is authorized to have a maximum balance of \$15,000 and that any unexpended funds remaining in this petty cash fund at the end of any budget year shall not be transferred to the general fund or otherwise lapse; rather, the unexpended funds shall be carried forward from year to year until expended for purpose authorized for Buffalo County's Drug Law Enforcement and Education Fund.

Moved by Morrow and seconded by Brayton to approve the ratification of funds transfer indicated below that was made by the County Clerk on October 6, 2014 after contacting Board members via telephone to correct the Nebraska Department of Revenue automatic payment. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

(100) GENERAL	43,519.96
(200) ROAD	9,096.58
(5400) WEED	1,191.73
TOTAL	53,808.27

Emergency Manager Darrin Lewis was present for discussion on the revisions to the Local Emergency Operations Plan (LEOP). Moved by Brayton and seconded by Reiter to approve the revised 2014 Local Emergency Operations Plan with the following Resolution 2014-61. This plan is reviewed annually and rewritten every five years to be submitted to the State of Nebraska. 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 2014-61

WHEREAS, the Board of Supervisors of Buffalo County, Nebraska, pursuant to Nebraska Statute, is vested with the authority of administering the affairs of Buffalo County, Nebraska; and

WHEREAS, it has been determined that a Buffalo County Local Emergency Operations Plan has been developed in order to provide for a coordinated response to a disaster or emergency in Buffalo County, the City of Kearney and other cities and villages in Buffalo County; and

WHEREAS, the Board of Supervisors of Buffalo County, deems it advisable and in the best interest of Buffalo County to approve said Local Emergency Operations Plan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Buffalo County, Nebraska, that the Buffalo County Local Emergency Operations Plan be, and hereby is, approved.

The Board of Supervisors normally meet on the 2nd and 4th Tuesdays of the month. Veterans Day falls on the 2nd Tuesday this year and it was decided that the Board of Supervisors will convene on Monday, November 10th, 2014.

The Board discussed the Courthouse Christmas holiday closing hours. Moved by Brayton and seconded by Reiter to close the Courthouse at 1:00 P.M. on December 24 and to remain closed on December 25 and December 26. There will be no lunch breaks for employees who are working on December 24. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Discussion was held on the serving of alcoholic beverages during the rental of the Extension Building. Supervisor Greder presented a contract between Nightlife Concepts and Buffalo County for the exclusive sale and distribution of alcoholic beverages during events scheduled in the Extension building. Moved by Greder and seconded by Klein to authorize Chairman McMullen to sign the contract with Nightlife Concepts to serve alcoholic beverages during the rental of the Extension Building. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Morrow, and McMullen. Voting "Nay": Biehl and Reiter. Motion declared carried.

Chairman McMullen excused himself and turned the meeting over to Vice Chairman Klein at 9:40 A.M. County Attorney Shawn Eatherton excused himself from the meeting and Deputy County Attorney Kari Fisk arrived at 10:00 A.M.

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

Vice Chairman Klein instructed County Clerk Giffin to open and read aloud the sealed bids for the 2015 Asphalt Resurfacing Projects. Asphaltic overlay bids were submitted from Vontz Paving, Inc. and Werner Construction, Inc. The Road Committee and Highway Superintendent will review the bids and come back with a recommendation at the October 28, 2014 Board meeting.

The Board discussed the petition to abandon the Railroad Crossing located in the unincorporated Village of Odessa. A public hearing was held on September 23, 2014 and the decision could not be made on the same day as the hearing. Moved by Greder and seconded by Morrow to approve the following Resolution 2014-62. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-62

WHEREAS, after petition to close and report of the County Highway Superintendent, this Board gave notice published three times for three consecutive weeks stating the time, date, and place of public hearing to be held for the purpose of taking testimony as to whether this Board should close the Union Pacific Railroad Crossing located at the Webb Street crossing of the Union Pacific Railroad in the unincorporated Village of Odessa, Buffalo County, Nebraska, and

WHEREAS, notice of this hearing was given to the petitioner, Union Pacific Railroad Company and adjacent property owners, and

WHEREAS, on September 23, 2014, after notice required by law, this Board conducted a public hearing concerning whether this closing should be closed with no parties speaking for or against the closing, with this Board receiving as evidence, solely the recommendation of the Buffalo County Highway Superintendent that it not be closed, and

WHEREAS, The Buffalo County Board of Supervisors deems it would be in the public's interest not to close this railroad crossing, and

WHEREAS, this crossing is not located within the zoning jurisdiction of any municipality.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT:

Union Pacific Railroad Crossing located at the Webb Street crossing of the Union Pacific Railroad in the unincorporated Village of Odessa, Buffalo County, Nebraska shall remain open.

Moved by Brayton and seconded by Biehl to authorize Vice Chairman Klein to sign the agreement with Wilke Contracting for Structure No C001006505 Bridge Rehabilitation in the amount of \$49,480.00 and Midlands Contracting for 2014 Bridge replacements in the amount of \$265,215.33. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Biehl to set a bid date of November 10, 2014 at 10:00 A.M. for two motorgraders and one loader. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Vice Chairman Klein opened the public hearing at 10:15 A.M. for the 2014-2015 Budget Amendment. Sheriff Miller explained the 911 Wireless Service Fund amendment to the budget. No one else addressed the Board and the public hearing was closed. Moved by Greder and seconded by Reiter to approve the 2014 -2015 Budget Amendment. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Brayton, Biehl, Morrow and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:20 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Greder and seconded by Biehl to approve Tax List Correction numbered 4023 submitted by County Assessor Joseph Barber. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for the Kearney Church of the Nazarene on a 2006 Ford van. Upon roll call vote, the following Board members voted "Aye": Biehl, Brayton, Greder, Morrow, Reiter and Klein. Absent: 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 The Evangelical Lutheran Good Samaritan Society on a 2010 Ford Cutaway Van. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder, Morrow and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the final levies for the various political subdivisions as provided by the Buffalo County Clerk with the following Resolution 2014-63. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

**RESOLUTION 2014-63
PROPERTY TAX RATES 2014-2015**

COUNTY FUNDS		LEVY							
GENERAL		0.314368							
DEBT SERVICE		0.033417							
VETERAN'S AID		0.000745							
TOTAL		0.348530							
BUFFALO COUNTY AGRICULTURAL SOCIETY									
GEN	0.008779	SINK	0.008406						

TOWNSHIP					TOWNSHIP				
ARMADA	0.000000				LOGAN		0.000000		
BEAVER	0.000000				LOUP		0.000000		

CEDAR	0.005323				ODESSA		0.000000		
CENTER	0.000000				PLATTE		0.000000		
CHERRY CREEK	0.000000				RIVERDALE		0.000000		
COLLINS	0.000000				RUSCO		0.000924		
DIVIDE	0.000000				SARTORIA		0.005339		
ELM CREEK	0.012946				SCHNEIDER		0.006939		
GARDNER	0.009039				SCOTT		0.000000		
GARFIELD	0.003231				SHARON		0.008968		
GIBBON	0.000000				SHELTON		0.016748		
GRANT	0.000000				THORNTON		0.000000		
HARRISON	0.000000				VALLEY		0.000000		

FIRE DIST	GEN	SINK			BOND				
SUBURBAN 1	0.025669	0.007334			0.006577				
GIBBON #2	0.011542								
SHELTON #3	Set By	Hall Co							
P'TOWN 4	0.040928	0.039072							
RAVENNA #5	0.003707				0.003054				
MILLER #6	0.013874								
ELM CREEK #7	0.011471				0.018402				
AMHERST #8	0.018205				0.040178				
SID #3 GEN	0.282339								
CITY/VILL	GEN	BOND			PARK		STREET		CRA
AMHERST	0.120282						0.206097		
ELM CREEK	0.330613	0.084532							
GIBBON	0.353108	0.156892							
KEARNEY	0.132620	0.016252			0.122841				0.007477
MILLER	0.468633								
PLEASANTON	0.384103	0.125833							
RAVENNA	0.430001								
RIVERDALE	0.077752								
SHELTON	0.494741	0.183665							

SCHOOL DISTRICTS									
DISTRICT	NO.	GEN	BOND	K-8 BOND	9-12 BOND	2009 BOND	2013 BOND	CAPITAL	SP BLDG
GIBBON	2	0.950000	0.188420						0.020202
KEARNEY	7	1.040000				0.107393	0.132784		0.010000
ELM CREEK	9	0.950000	0.195238						
SHELTON	19	0.988052	0.071889						0.042799
RAVENNA	69	0.949722	0.032557					0.019302	0.019302
PLEASANTON	R105	0.727930	0.223554					0.003472	0.017362
AMHERST	119	0.800589		0.078997	0.081523				0.049907

Moved by Greder and seconded by Brayton to adjourn the Board of Equalization at 11:00 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

ZONING

Vice Chairman Klein opened the Zoning Hearing at 11:00 A.M. Zoning Administrator LeAnn Klein was present. Trenton Snow on behalf of Allen Sheen, Janene Feikert and Elena Schmidt filed a request for an administrative subdivision for property described as part of Government Lots 18 and 19 of Section 31, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska to be known as Sheen Acres. Trenton Snow reviewed the application and no one else was present to address the Board. Vice Chairman Klein closed the hearing at 11:04 A.M. Moved by Biehl and seconded by Reiter to approve the Administrative Subdivision application with the following Resolution 2014-64. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder, Morrow and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2014-64

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of owners Allen Sheen, Janene Feikert and Elena Schmidt, filed for an administrative subdivision with the Buffalo County Clerk and/or Zoning Administrator, to be known as "Sheen Acres" encompassing property owned by Allen Sheen, Janene Feikert and Elena Schmidt, all married persons, herein referred to as "applicants."

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

WHEREAS, on October 14, 2014, this Board conducted a public hearing and finds:

1. The proposed Sheen Acres Administrative Subdivision is located as part of Government Lots Eighteen (18) and Nineteen (19) in Section Thirty-One, Township Nine (9), Range Sixteen (16) west of the sixth principal meridian, Buffalo County, Nebraska.
2. The property encompassed in this subdivision is zoned Agricultural Residential.
3. The property encompassed in this subdivision is presently owned by the applicants.
4. 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.
5. This proposed subdivision abuts Evergreen Road, a section line road, and includes sufficient road dedications to meet the requirements of the Buffalo County Subdivision Resolution.
6. That proposed Lot 1 contains a residence whose well is currently on private property but will, after subdivision and road dedication, be located in the County ride-of-way.
7. That no one was present to speak in opposition to this application.
8. That this proposed administrative subdivision should be approved subject to proper road dedication and conditions as they pertain to the existing well outlined below.
9. That should the well servicing the house on Lot 1 need replaced, the well shall be removed from the County ride-of-way and relocated or replaced at a proper location in Lot 1.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "SHEEN ACRES ADMINISTRATIVE SUBDIVISION located as part of Government Lots Eighteen (18) and Nineteen (19) in Section Thirty-One, Township Nine (9), Range Sixteen (16) 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 recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

The Building and Grounds Committee reported that they conducted a quarterly inspection of the Buffalo County Jail on October 6, 2014.

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

The County Board recessed at 11:09 A.M. for the employee appreciation luncheon located at 1223 Central Avenue.

WORKING SESSION

The County Board of Supervisors reconvened at 2:30 P.M. for a working session on the development of the first section to update the Employee Handbook. Board members present were Biehl, Brayton, Klein, Reiter and McMullen. Absent: Morrow and Greder. Register of Deeds Kellie John and Board Administrator Lynn Rauner were present for the discussion. Greder arrived at 2:50 P.M. Deputy County Attorney Kari Fisk presented and reviewed the draft portion of the handbook that the Personnel Committee has been working on over a period of time. The following topics were discussed, but no votes or final decisions were made at this time: Intent & Purpose; Employment at-will; Definitions; General code of ethics & conduct for Employees; EEO, FMLA and ADA compliance; Complaint procedure for current employees; Conflicts of Interest; Outside Employment and Political Activity.

Chairman McMullen asked if there was anything else to come before the Board at 4:49 P.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, October 28, 2014.