

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 11, 2015
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 11, 2015 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. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners 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 July 28, 2015 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 Klein to ratify the following August 7, 2015 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted “Aye”: Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted “Nay”. Motion declared carried.

GENERAL FUND			
NET PAYROLL			207,876.47
AMERICAN FAMILY LIFE	I	PREMIUMS	1,150.52
AMERITAS LIFE INSURANCE	E	EMPE EYE CARE	504.20
RETIREMENT PLANS AMERITAS	R	EMPE RET	34,665.44
BUFFALO CO TREASURER	I	PREMIUMS	83,573.00
LIFE INSURANCE NO AMERICA	I	PREMIUMS	360.43
COLONIAL SUPPLEMENTAL INS	I	EMPE COLONIAL	41.83
FIRST CONCORD BENEFITS	E	FLEX FUNDS	3,328.07
FIRST NATIONAL BANK	T	FEDERAL TAXES	76,715.73
KEARNEY UNITED WAY	E	DONATIONS	34.60
MADISON NATIONAL LIFE	I	PREMIUMS	872.25
MASSMUTUAL FINANCIAL	I	DEFER COMP	804.00
METLIFE GROUP BENEFITS	E	DENTAL	2,341.25
NATIONWIDE RETIREMENT	I	DEFER COMP	1,017.32
NE CHILD SUPPORT	E	CHILD SUPPORT	716.48
STATE OF NEBRASKA	T	STATE TAXES	10,913.31
ROAD FUND			
NET PAYROLL			42,983.35
AMERICAN FAMILY LIFE	I	PREMIUMS	1,051.98
AMERITAS LIFE INSURANCE	E	EMPE EYE CARE	119.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	6,830.28
BUFFALO CO TREASURER	I	PREMIUMS	1,261.00
LIFE INSURANCE NO AMERICA	I	PREMIUMS	10.40
FIRST CONCORD BENEFITS	E	FLEX FUNDS	451.25
FIRST NATIONAL BANK	T	EMPE FICA	14,736.73
MADISON NATIONAL LIFE	E	LT DISABILITY	101.40
METLIFE GROUP BENEFITS	E	DENTAL	488.58
NATIONWIDE RETIREMENT	E	DEFER COMP	1,122.50
NE CHILD SUPPORT	E	CHILD SUPPORT	624.10
STATE OF NEBRASKA	T	STATE TAXES	1,911.44
WEED FUND			
NET PAYROLL			3,812.27
RETIREMENT PLANS AMERITAS	R	EMPE RET	504.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,354.48
METLIFE GROUP BENEFITS	E	DENTAL	56.63
STATE OF NEBRASKA	T	STATE TAXES	184.10

Moved by Morrow and seconded by Klein to accept the County Treasurer July 2015 Fund Balance 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 Biehl to accept the Clerk of the District Court July 2015 Report. 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 Reiter and seconded by Biehl to accept Community Action Partnership of Mid-Nebraska June 2015 RYDE report. 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 Klein and seconded by Biehl to accept the Buffalo County Sheriff's Distress Warrant report. 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 accept the Buffalo County Treasurer's Distress Warrant 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.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. The Nebraska State Historical Society sent a notice and an invitation to attend the State Historic Preservation Board meeting in which the Gibbon Baptist Church is being considered for nomination to the National Register of Historic Places. Mail Express sent a notice that they are selling their business to Brian Cochran, owner of Midwest Connect in Kearney effective September 1, 2015. 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 \$125,000.00 at Nebraskaland National Bank for the Buffalo County Treasurer. 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 Klein and seconded by Brayton to accept the road petition to vacate a portion of public road known as 325th Road between Ravenna Road and Buckeye Road and to forward a copy to the Highway Superintendent for review. 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 Biehl to approve the following Resolution 2015-36 to authorize the transfer of uncollected taxes to inactive status. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-36

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Commissioners, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Commissioners hereby authorize the transfer of said taxes to an inactive status. 77-1738

Moved by Greder and seconded by Reiter to approve the following Resolution 2015-37 to issue a Proclamation of Service for Frank Dineen former Buffalo County Sheriff. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Biehl, Brayton, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-37

A PROCLAMATION of the BUFFALO COUNTY COMMISSIONERS

RECOGNIZING AND HONORING

MR. FRANK M.DINEEN ON HIS 90TH BIRTHDAY

WHEREAS The Buffalo County Board of Commissioners, mindful of the importance of positive citizenship, believes in the significance of recognizing those individuals who positively affect the communities in which they work and live; and

WHEREAS MR. FRANK DINEEN, was born in Omaha, NE on August 15, 1925 and entered into military service with the U.S. Navy in WWII in the Pacific Theatre of operation during which service he earned a Purple Heart for injuries sustained in action: and

WHEREAS MR. FRANK DINEEN joined the Nebraska State Patrol as a Trooper in 1949, he served the citizens of the State of Nebraska for 30 years from 1949 to 1979 retiring with the rank of corporal: and

WHEREAS MR. FRANK DINEEN served as Sheriff of Buffalo County from 1979 to 1990, and thereafter continued his service as a reserve deputy sheriff; and

WHEREAS MR. FRANK DINEEN achieved a span of over 50 years of dedicated law enforcement service to the citizens of Nebraska; and

WHEREAS MR. FRANK DINEEN has lived a long and honorable life as a good citizen, loving husband, father, grandfather and great-grandfather, member of the St. James Catholic Church and continues to serve as a role model, mentor, and productive citizen of our community.

NOW, THEREFORE, BE IT PROCLAIMED, that the Buffalo County Board of Commissioners, appreciative of FRANK M. DINEEN's, positive influence in the Kearney, Buffalo County, Nebraska, community wishes to HONOR, RECOGNIZE, and does HEREBY CONGRATULATE him on his 90th birthday and wishes to recognize him for his leadership, commitment, and dedicated service to the Buffalo County, NE communities; and

BE IT FURTHER PROCLAIMED, that a copy of this proclamation be made a permanent part of the minutes of the Buffalo County Board of Commissioners.

The Weed District Committee met on August 4, 2015 and it was moved by Brayton and seconded by Klein to approve the August 4, 2015 Weed District Committee minutes. Upon roll call vote, the following Weed District Committee members voted "Aye": Brayton, Klein and Reiter. None voted "Nay". Motion declared carried.

ZONING

Chairman McMullen opened the Zoning hearing at 9:16 A.M. for zoning map amendments. Zoning Administrator LeAnn Klein and Robert Metz were present for the request submitted by Robert and Robin Metz for a change of zoning from Agricultural-Residential to Commercial for property described as Lot 1, Hunter Acres, an administrative subdivision being part of the Southeast Quarter of the Southeast Quarter in Section 2, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. No one else addressed the Board and Chairman McMullen closed the hearing at 9:18 A.M. Moved by Brayton and seconded by Biehl to approve the following Resolution 2015-38 to grant the zoning map amendment. 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 2015-38

WHEREAS, Robert and Robin Metz, husband and wife, have filed an application with the Buffalo County Clerk and/or Zoning Administrator for Zoning Map amendment. Such application requests an amendment of Buffalo County's Zoning District Map from the Agricultural Residential (AGR) district to the Commercial (C) zoning district for the real estate hereinafter described as "subject property", and

WHEREAS, on July 16, 2015, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed Zoning Map amendment by a 7-0 vote all as evidenced by the minutes of that meeting, which this Board has reviewed, and

WHEREAS, no protest(s) against such zoning map amendment have been filed with the Buffalo County Clerk within 7 days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, and

WHEREAS, on August 11, 2015, this Board conducted a public hearing considering this request to amend zoning map and finds:

1. The subject property's east property line abuts State Highway #10, a state maintained hard surfaced highway.
2. That the subject property's south, north, and west boundaries abut land predominately used for agricultural purposes.
3. There is some increased density use for rural housing and commercial usage occurring along State Highway #10 in the vicinity of the subject property.
4. The requested zoning map amendment and the uses that would follow would have minimal adverse effect on surrounding properties.
5. The request for zoning map amendment for the subject property is consistent with the overall comprehensive plan adopted by Buffalo County, Nebraska.

WHEREAS, this Board has reviewed Applicant's application for zoning map amendment and incorporates such application into this resolution as if fully set forth herein as the same is filed with the County Clerk and/or Zoning Administrator, and

WHEREAS, the votes need for adoption of this resolution need only be by a simple majority of members to this Board of Commissioners,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment change zoning district from the Agricultural Residential (AGR) District to the Commercial (C) District as requested by the applicant for the following described real estate known as the "subject property" is approved, and

BE IT FURTHER RESOLVED that the Buffalo County Zoning Map originally adopted on or about September 10, 2002 shall be amended to reflect adoption of this resolution and copy of this resolution shall be filed against the subject property, and

BE IT FURTHER RESOLVED that the “subject property” is and shall be described as:

Lot One (1), Hunter Acres, an administrative subdivision being part of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Two (2), Township Eleven (11) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska.

Chairman McMullen opened the hearing for a change of zoning from Agricultural to Agricultural-Residential for property described as Lot 1 and Lot 2 in Triplett Administrative Subdivision located in Section 10, Township 8 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska. Mitch Humphrey and Rosemary Triplett were present. No one else addressed the Board and Chairman McMullen closed the hearing at 9:21 A.M. Moved by Klein and seconded by Biehl that the following Resolution 2015-39 be approved to grant the zoning map amendment. Upon roll call vote, the following Board members voted “Aye”: Klein, Biehl, Brayton, Greder, Morrow, Reiter, and McMullen. None voted “Nay”. Motion declared carried.

RESOLUTION 2015-39

WHEREAS, Mitch Humphrey on behalf of Triple Five, L.L.C., has filed an application with the Buffalo County Clerk and/or Zoning Administrator for Zoning Map amendment. This application requests an amendment of Buffalo County’s Zoning District Map from the Agricultural (AG) district to the Agricultural Residential (AGR) zoning district for the real estate hereinafter described as the “subject property”, and

WHEREAS, on July 16, 2015, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of this proposed Zoning Map amendment by a 7-0 vote all as evidenced by the minutes of that meeting, which this Board has reviewed, and

WHEREAS, no protest(s) against this zoning map amendment have been filed with the Buffalo County Clerk within 7 days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, and

WHEREAS, on August 11, 2015, this Board conducted a public hearing considering this request to amend zoning map and finds:

6. The subject property’s south property line abuts a county maintained non-hard surfaced road.
7. That the subject property’s west boundary abuts land comprised of what appears to be a lot of less than 3-acres. The predominate use of that abutting lot is for agricultural residential purposes.
8. The subject property is comprised of two residences situated on two lots that were previously subdivided.
9. The requested zoning map amendment and the uses that would follow would have minimal adverse effect on surrounding properties.
10. The request for zoning map amendment for the subject property is consistent with the overall comprehensive plan adopted by Buffalo County, Nebraska.

WHEREAS, this Board has reviewed Applicant’s application for zoning map amendment and incorporates such application into this resolution as if fully set forth herein as the same is filed with the County Clerk and/or Zoning Administrator, and

WHEREAS, the votes need for adoption of this resolution need only be by a simple majority of members to this Board of Commissioners,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment change zoning district from the Agricultural Zoning District to the Agricultural Residential (AGR) District as requested by the applicant for the following described real estate known as the “subject property” is approved, and

BE IT FURTHER RESOLVED that the Buffalo County Zoning Map originally adopted on or about September 10, 2002 shall be amended to reflect adoption of this resolution and copy of this resolution shall be filed against the subject property, and

BE IT FURTHER RESOLVED that the “subject property” is and shall be described as:

Lot One and Lot Two, Triplett Administrative Subdivision, an administrative subdivision being part of Government Lot Seven (7) located in Fractional Section Ten (10), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

REGULAR AGENDA

Buffalo County Sheriff Neil Miller was present for discussion on the purchase of a communications tower building. Sheriff Miller presented the competitive pricing quotes with the claim presented. Moved by Greder and seconded by Klein to approve the purchase of the building from Cellsite Solutions LLC and to authorize Road Department employees to transport the building. Upon roll

call vote, the following Board members voted “Aye”: Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Biehl to enter into Executive Session to discuss contract negotiations and personnel issues at 9:27 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton was present. 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 Brayton to move out of Executive Session at 9:57 A.M. and resume the open meeting. 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 an early claim for \$2,000.00 to Coldwell Banker for the negotiation to purchase property. 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 approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted “Nay”. Motion declared carried.

GENERAL FUND		
BECKENHAUER CONSTRUCTION	BUILDING	48,781.12

Moved by Morrow and seconded by Brayton to approve the early claim submitted by the Buffalo County Sheriff 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.

GENERAL FUND		
CELLSITE SOLUTIONS LLC	METAL BUILDING	8,800.00

Moved by Klein and seconded by Greder to recess the regular meeting of the Board of Commissioners at 10:34 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Klein, Greder, Brayton, Biehl, 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.

County Clerk Giffin reported that the Property Valuation Protest minutes were sent to the Buffalo County Website and the Kearney Hub on August 3, 2015 and that because of the volume of minutes, they had not been published in the paper by this meeting date. Chairman McMullen tabled the approval of the Property Valuation Protest Hearing minutes until August 25, 2015.

Moved by Klein and seconded by Morrow to approve the valuation change as submitted by the County Assessor for Delores E. Wietjes Trustee on Parcel 380199000 for the 2015 tax year. 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 Biehl to approve the prior year valuation changes submitted by County Assessor for the following list of properties and assigned parcel numbers that will require tax refunds to be approved by the Board of Commissioners. (Commissioner Brayton excused himself and was not present for the roll call vote.) Upon roll call vote, the following Board members voted “Aye”: Klein, Biehl, Greder, Morrow, Reiter and McMullen. Absent: Brayton. None voted “Nay”. Motion declared carried.

<u>Name</u>	<u>Parcel</u>	<u>Name</u>	<u>Parcel</u>
Leon and Deanna Stall	640313000	Steven R & Kari Jo Schultz	580217702
James J Simmon ETAL	220054000	Terry L Carpenter Jr ETAL	720092100
Darrin D and Andrea M Trampe	220151500		

Moved by Greder and seconded by Reiter to approve motor vehicle tax renewal exemption as indicated on the application by County Treasurer Sidwell for the University of Nebraska Foundation on a 2014 Chevrolet LLT. Upon roll call vote, the following Board members voted “Aye”: Greder, Reiter, Biehl, Brayton, Klein, Morrow and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Reiter to approve motor vehicle tax renewal exemptions as indicated on the application by County Treasurer Sidwell for Kearney Restore Ministries on a 2007 International Truck and a 2014 Quality Steel 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 Morrow and seconded by Brayton to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:41 A.M. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Moved by Klein and seconded by Brayton to approve the following tax refund requests submitted by County Treasurer Sidwell for Leon E. and Deanna M. Stall in the amount of \$277.57 on parcel number 640313000, for Steven R. and Kari Jo Schultz in the amount of \$2,027.95 on parcel number 580217702, for James J. Simmon etal in the amount of \$501.89 on parcel number 220054000, for Terry L. Carpenter Jr. etal in the amount of \$1,991.84 on parcel number 720092100 and for Darrin D. and Andrea M. Trampe in the amount of \$4,071.40 on parcel number 220151500. 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 to address the Board.

Chairman McMullen asked if there was anything else to come before the Board at 10:43 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, August 25, 2015 at 9:00 A.M.