

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 10, 2015
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 10, 2015 at 9:00 A.M. and 9:45 A.M. County Clerk Janice Giffin called the meeting to order in the absence of Chairman McMullen and Vice Chairman Klein and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Francis Biehl, Joseph Brayton, Kent Greder, Dennis Reiter and Sherry Morrow. Absent: Ivan Klein and William McMullen. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners 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. 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 asked for nominations of a Chairperson for this meeting. Moved by Brayton and seconded by Greder to nominate Commissioner Sherry Morrow to preside over this meeting as Chairperson. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

County Clerk Janice Giffin turned the meeting over to Acting Chairperson Morrow.

REGULAR AGENDA

Moved by Biehl and seconded by Reiter to approve the October 27, 2015 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to ratify the following October 30, 2015 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL			223,265.84
RETIREMENT PLANS AMERITAS	R	EMPE RET	35,965.81
BUFFALO CO COURT	E	GARNISHMENT	293.42
FIRST NATIONAL BANK	T	FEDERAL TAX	83,955.62
PHELPS CO COURT	E	GARNISHMENT	325.63
STATE OF NE	T	STATE TAX	12,342.73
ROAD FUND			
NET PAYROLL			47,108.13
RETIREMENT PLANS AMERITAS	R	EMPE RET	6,933.31
FIRST NATIONAL BANK	T	FEDERAL TAX	15,955.36
STATE OF NE	T	STATE TAX	2,188.62
WEED FUND			
NET PAYROLL			4,331.73
RETIREMENT PLANS AMERITAS	T	EMPE RET	647.26
FIRST NATIONAL BANK	T	FEDERAL TAX	1,410.91
STATE OF NE	T	STATE TAX	191.94

Moved by Biehl and seconded by Reiter to accept the Clerk of the District Court October 2015 Report. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to accept the County Treasurer October 2015 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Biehl to accept the Community Action Partnership of Mid-Nebraska's September 2015 RYDE report. Upon roll call vote, the following Board members voted "Aye": Reiter, Biehl, Brayton, Greder and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to renew the MetLife Dental contract with an effective date of January 1, 2016. The County Clerk will notify all employees of the rate increases. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Greder to approve the release of pledged collateral in the amount of \$17,797,802.50 at the First National Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Biehl, Greder, Brayton, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Commissioner Morrow reviewed the following correspondence. The Board received the Fall Newsletter from CASA and a thank you note for the County's support from the Buffalo County Community Partners. The Nebraska Department of Environmental Quality sent information about Waste Reduction and Recycling Programs and Projects. NACO sent information about the election procedures for the 2016 NACO officers. Nebraska Department of Roads sent a notice regarding an upcoming public information open house meeting. Kearney Visitors Bureau provided a copy of their financial report that was prepared by McDermott & Miller. NIRMA sent a Property Value Update that was prepared by HCA Asset Management LLC. The Goodwill Committee of the County Clerk's, Elections Commissioners and Register of Deeds Association and NACO are sponsoring a sock drive to benefit the Veterans Homes and homeless shelters in Nebraska. Commissioner Morrow called on each Board member present for committee reports and recommendations.

ZONING

Commissioner Morrow opened the Zoning hearing at 9:15 A.M. Zoning Administrator LeAnn Klein was present. Trenton Snow on behalf Mildred M. Heusel, Trustee of the Gerald L. Heusel Trust "A" filed a request for an Administrative Subdivision for property described as being part of the Southeast ¼ of the Southeast ¼ of Section Seventeen (17) and part of the Northeast ¼ of the Northeast ¼ of Section 20, All in Township Ten (10) North, Range Thirteen (13) West of the 6th P.M., Buffalo County, Nebraska to be known as Heusel Acres. Trenton Snow was present to review the request. No one else addressed the Board and Commissioner Morrow closed the hearing at 9:19 A.M. Moved by Biehl and seconded by Brayton to approve the Heusel Acres with the following Resolution 2015-63. Upon roll call vote, the following Board members voted "Aye": Biehl, Brayton, Greder, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-63

WHEREAS, Trenton Snow, licensed surveyor, on behalf of Joy Lynn Livingston, Sherry Gail Krell and Wendy May Meyer, successor cotrustees of the Mildred M. Heusel Revocable Trust and Joy Lynn Livingston, Sherry Gail Krell and Wendy May Meyer, successor cotrustees of the Gerald L. Heusel Revocable Trust, hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "HEUSEL 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 10, 2015, this Board conducted a public hearing and now finds:

1. The proposed "HEUSEL ACRES" is in the Agricultural (AG) Zoning District for Buffalo County, Nebraska and the size of the parcels of real estate owned by the subdividing entity after subdividing complies with the minimum lot size of this zoning district.
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. Sodtown Road is a county maintained open public road that abuts the proposed subdivision to the east. The width of these roads after dedication complies with the 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 as concerns Buffalo County's interests 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 COMMISSIONERS in regular session with a quorum present, that the plat of "HEUSEL ACRES", an administrative subdivision being described as being part of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Seventeen (17) and part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty (20), all in Township Ten (10) North, Range Thirteen (13) West of the 6th 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

REGULAR AGENDA

County Sheriff Neil Miller reviewed the Buffalo County Mutual Aid interlocal agreement. Sheriff Miller indicated that he would be signing the agreement and asked that the Board of Commissioners sign the agreement on behalf of the Emergency Management. Moved by Reiter and seconded by Greder to authorize the Chairman to sign the interlocal agreement with Buffalo County Mutual Aid. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Biehl, Brayton and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

County Sheriff Neil Miller was present to discuss replacing the vehicle that was in an accident with the purchase of a new vehicle per the State of Nebraska contract. Sheriff Miller indicated that he was waiting for NIRMA to determine if the vehicle would be totaled.

Moved by Brayton and seconded by Reiter to authorize Sheriff Miller to proceed if necessary to purchase a 2015 Dodge caravan in the amount of \$19,940.00. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Greder and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

County Sheriff Neil Miller presented the RFP (Request for Proposal) for inmate health services. Moved by Greder and seconded by Biehl to set a bid date of December 8, 2015 at 10:00 A.M. for Request for Proposal (RFP) for inmate health services. The County Clerk will have the RFP available for the public. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Clay Schutz was present for the discussion of the addition to the application for Liquor License #YK 108547 Farm Winery, submitted by C & H Adventures LLC (Cedar Hills Vineyard and Gardens) located at 489701 375th Road, Ravenna NE. The addition to the license will include the expansion of a deck. Moved by Brayton and seconded by Greder to approve the application request for an addition to the current Liquor License. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

The Personnel Committee met with some of the Elected Officials prior to this meeting to review an area of the previously approved Employee Handbook. Moved by Greder and seconded by Biehl to approve the revisions to the Employee Handbook with the following Resolution 2015-64. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Biehl, Brayton and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-64

WHEREAS, Buffalo County has adopted an Employee Handbook, and

WHEREAS, periodic updates to said handbook are necessary to maintain legal compliance, to adjust policies, to add or remove policies, and/or to correct errors,

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

The last paragraph of Section 5.7.2 be stricken and replaced with:

"Employees will accrue vacation at an hourly rate for any hours they work, or are using vacation or compensatory leave up to, but not to exceed, 80 hours per pay period."

BE IT FURTHER RESOLVED THAT:

Section 5.7.3 will be amended to add:

"Employees will accrue vacation at an hourly rate for any hours they work, or are using vacation or compensatory leave up to, but not to exceed, 80 hours per pay period."

BE IT FURTHER RESOLVED THAT:

Section 5.8, paragraph 13, will be amended to add:

"Employees will not accrue sick leave for any hours they work, or are using vacation or compensatory leave, in excess of 80 hours per pay period."

BE IT FURTHER RESOLVED THAT:

That the accrual chart for "Accrual per hour (Non-Exempt)" following paragraph 13 of Section 5.8, will be amended as follows:

".045 hours" will be stricken and replaced with ".04615 hours"

Moved by Greder and seconded by Brayton to recess the regular meeting of the Board of Commissioners at 9:47 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Commissioner Morrow called the Board of Equalization to order in open session. Deputy County Assessor Nora Borer and County Treasurer Jean Sidwell were present.

Moved by Reiter and seconded by Greder to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for First United Methodist Church on a 2015 Ford Shuttle. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Brayton and Morrow. Abstain: Biehl. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to approve Tax List Corrections on parcels 318514076, 310000708, 310001566, 680272101, 601834485 and 318504820 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Reiter to approve the valuation changes as submitted by the County Assessor for Mark A. Robinson on Parcel 520041300 and Kirk D. Robinson, Angela J. Robinson and Patricia A. Freeland on Parcel 520041500 for the 2015

tax year. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Biehl, Brayton and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Biehl to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:53 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton Reiter and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Highway Superintendent Ron Sklenar and Deputy County Andrew Hoffmeister were present for the following Agenda items. County Attorney Eatherton excused himself from the meeting.

Commissioner Morrow opened the public hearing at 10:00 A.M. for the petition to vacate a portion of a public road known as 325th Road between Ravenna Road and Buckeye Road located between Section 29, Township 12 North, Range 14 West and Section 20, Township 12 North, Range 14 West thence located between Section 29, Township 12 North, Range 14 West and Section 30, Township 12 North, Range 14 West. Highway Superintendent Ron Sklenar and Sandy McAuliff were present to answer questions about the road vacation petition. No one else addressed the Board and Commissioner Morrow closed the hearing at 10:15 A.M. A decision cannot be made at this meeting according to the State Statutes and this request will be placed on the November 24, 2015 Agenda.

The next matter on the agenda was a discussion and possible decision concerning a grant of permission to use county road right of way. Ken Unick together with Mitchell Humphrey, Register Surveyor, appeared requesting the use of county right of way on a minimum maintenance road located in, on, and between the section line road located between Sections Sixteen (16) and Seventeen (17), Township Eleven (11) North, Range Fifteen (15), West of the 6th P.M., Buffalo County, Nebraska. The request was for purposes of doing dirt work along the east side of the road right of way to remove dirt so as to widen ravines that have been created over time by erosion that now exist through various hills in the county road right of way on this minimum maintenance road. The desired result is to remove enough dirt at these places from county right of way and Unick's land so that wider equipment could travel through the hill cuts and cave ins of overhanging dirt at these hill cuts could be avoided. Deputy County Andrew Hoffmeister informed the Board that this Board has, in its past, allowed other parties access upon county right of way for purposes of doing work on that particular party's land that abutted county right of way. Usually this was done by granting the requesting party a license to enter the right of way. This work was allowed so long as the work was done at that party's own risk; they used reliable contractors who are known to carry liability insurance to perform the work; no equipment would remain on county right of way overnight; no public access through the construction area would be hampered or frustrated; no dirt would be added or removed from the traveled portion of the road; there would be no changes in grade or elevation of the traveled portion of the road and shoulders, if any; that Buffalo County had no contractual relationship with the parties requesting and/or performing the dirt work; and some defined time period for completion of the work was stated, all subject to overview by the County Highway Superintendent. With those conditions stated, Mr. Unick, informed the Board that he did not have any objection to these conditions. He did indicate that he would not be able to perform the necessary dirt work and it might take him a couple of years to complete the work. Moved by Brayton and seconded by Reiter that Ken Unick and Lammers Land Leveling, as his contractor to do dirt work, be allowed and granted a license for access upon the above stated section line road for the foregoing purposes. This license for access is granted for a period of three years from today's meeting. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Biehl, Greder and Morrow. Absent: Klein and McMullen. None voted "Nay". Motion declared carried.

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

Commissioner Morrow asked if there was anything else to come before the Board at 10:24 A.M. before she declared the meeting adjourned until the regular meeting on Tuesday, November 24, 2015 at 9:00 A.M.