

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 10, 2016
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, May 10, 2016 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 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. Deputy County Attorney Kari Fisk was present.

REGULAR AGENDA

Moved by Reiter and seconded by Biehl to approve the April 26, 2016 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 ratify the following April 29, 2016 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.

<u>GENERAL FUND</u>			
NET PAYROLL			230,666.56
RETIREMENT PLANS AMERITAS	R	EMPE RET	37,068.38
FIRST NATIONAL BANK	T	FEDERAL TAX	86,503.08
STATE OF NE	T	STATE TAX	12,654.35
<u>ROAD FUND</u>			
NET PAYROLL			49,579.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,496.72
FIRST NATIONAL BANK	T	EMPE FICA	17,306.56
STATE OF NE	T	STATE TAX	2,449.75
<u>WEED FUND</u>			
NET PAYROLL			4,350.84
RETIREMENT PLANS AMERITAS	R	EMPE RET	647.26
FIRST NATIONAL BANK	T	FEDERAL TAX	1,402.70
STATE OF NE	T	STATE TAX	181.04

Chairman McMullen presented and read the Resolution of Commendation to Beth Barton and asked for approval by the Board of Commissioners. Moved by Morrow and seconded by Greder to approve the following Resolution 2016-21. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-21

**RESOLUTION
OF
COMMENDATION**

WHEREAS, Elizabeth A. Barton began her employment as a Registered Nurse with the Buffalo County Sheriff's Office on July 8, 1997 and

WHEREAS, Elizabeth A. Barton has now served Buffalo County for Nineteen years

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Elizabeth A. Barton be commended with a unanimous vote of appreciation for her dedicated and loyal service to Buffalo County for Nineteen years as a Registered Nurse.

BE IT FURTHER RESOLVED that good wishes for health, happiness and prosperity be extended to Elizabeth A. Barton from this date forward.

Moved by Morrow and seconded by Greder to accept the County Treasurer April 2016 Fund Balance Report. 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 Morrow and seconded by Klein to accept the Clerk of the District Court April 2016 Fee 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.

Sheriff Neil Miller was present for the discussion of the modification of the Advanced Correctional Health Care contract. Moved by Reiter and seconded by Brayton to approve the First Amendment to the Agreement of the Provision of Inmate Health Services, Section 1.21.3 and Section 3.1. Upon roll call vote, the following Board members voted "Aye": Reiter, Brayton, Biehl, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to approve to authorize Chairman McMullen to sign on behalf of Buffalo County the First Concord Benefits Group renewal agreement. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Commissioner Greder asked that the discussion and renewal of the Konica Minolta contract be tabled until May 24, 2016.

Building and Grounds Facilities Director Steve Gaasch was present for the following agenda item. Moved by Klein and seconded by Brayton to renew the lease agreement with NMC for the Building and Grounds skidsteer at the rate of \$3,000.00 per 150 hours. 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 Morrow to accept the petition that was filed with the County Clerk for the public road vacation request referred to as Webb Street and the railroad tracks located in Odessa, Nebraska and to forward this petition to the Highway Superintendent for his review. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

County Sheriff Miller gave an updated report on the value of the cooperation between the surrounding Counties and Villages known as CNRI (Central Nebraska Regions for Interoperability Group). Moved by Klein and seconded by Reiter to renew the CNRI Interlocal Agreement with the following Resolution 2016-22. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-22

WHEREAS, ADAMS, BUFFALO, CHASE, CLAY, DAWSON, DUNDY, FRANKLIN, FRONTIER, FURNAS, GOSPER, HALL, HAMILTON, HARLAN, HAYES, HITCHCOCK, KEARNEY, LINCOLN, NUCKOLLS, PHELPS, PERKINS, RED WILLOW AND WEBSTER COUNTIES, AND THE CITIES AND VILLAGES WITHIN SAID COUNTIES desire to enter into and continue an Interlocal Agreement for Cooperative Public Safety Services originally entered in 2010 with language changes as suggested by the Buffalo County Attorney's Office, and

WHEREAS, an Interlocal Government Agreement has been drafted with changes noted above, and

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, that Buffalo County accepts and enters into the proposed extension of the 2010 Interlocal Agreement between itself and the foregoing named counties and municipalities and this Board authorizes its Chairperson to sign this agreement on behalf of Buffalo County and to do all necessary to carry out the provisions of this Interlocal agreement.

Chairman McMullen reviewed the following correspondence. Kearney/Buffalo County CASA sent the Spring Newsletter. A notice from The Tax Equalization and Review Commission, as part of its equalization proceedings, finds that the levels of value of real property in Buffalo County for tax year 2016 satisfy the requirements of the laws of the State of Nebraska. The City of Gibbon sent notice of public hearing for consideration of approving an amendment to a redevelopment plan. The State of Nebraska sent a letter of notification of the closure of Disaster 1924, declared on July 15, 2010 for severe storms, flooding and tornadoes with an incident period of June 1, 2010 thru August 29, 2010. Central Community College is celebrating its 50th anniversary by donating two trees to each of the 25 Counties in their service area. United States Department of Commerce sent the 2016 Government Units Survey. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Chairman McMullen opened the Zoning Hearing at 9:28 A.M. Zoning Administrator LeAnn Klein was present. Greg Davis on behalf of BKJM Enterprises, L.L.C. filed a request for a zoning map amendment for property described as The Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW ¼ NE ¼ SW ¼), the East 40.0 feet of the West Half of the Southwest Quarter of the Southwest Quarter (W ½ SW ¼ SW ¼) and the South 60.0 feet of the East 698.34 feet of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) all in Section Twelve (12), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska be changed from Agricultural to Agricultural-Residential. Trenton Snow and Greg Davis were present to review the Change of Zoning. Mel Sayer addressed the Board about the map amendment. Chairman McMullen closed the hearing at 9:41 A.M. Moved by Biehl and seconded by Klein to approve the Zoning Map Amendment application with the following Resolution

2016-23. Upon roll call vote, the following Board members voted “Aye”: Biehl, Klein, Brayton, Greder, Morrow, Reiter, and McMullen. None voted “Nay”. Motion declared carried.

RESOLUTION 2016-23

WHEREAS, on March 25, 2016, Greg Davis on behalf of BKJM Enterprises, L.L.C., has applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following real estate property, hereinafter referred to as the “subject property”, to wit:

The Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW ¼ NE ¼ SW ¼), the East 40.0 feet of the West Half of the Southwest Quarter of the Southwest Quarter (W ½ SW ¼ SW ¼) and the South 60.0 feet of the East 698.34 feet of the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) all in Section Twelve (12), Township Ten (10) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska be changed from the Agricultural (AG) District to the Agricultural-Residential (AGR) District,

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on April 21, 2016, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 5-4 vote with one exception that the drive-way be included in the legal description as rezoning to Agricultural-Residential, and

WHEREAS, on May 10, 2016, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

- a. There was opposition voiced against the amendment.
- b. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- c. That the intended uses of the Agricultural-Residential District is consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as sufficient utilities so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

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

WHEREAS, the votes in favor of adoption of this resolution need only be by 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 to change the subject property from the Agricultural (AG) District to the Agricultural-Residential (AGR) District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed’s office against subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

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

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for Road Project C10 (1419) Gibbon West. Bids were submitted from Diamond Engineering Co, JJK Construction LLC, KEA Construction LLC, Simon Contractors and Wilke Contracting Corp. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting on May 24, 2016.

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for Bridge Replacement C10 (466) Ravenna Northeast. Bids were submitted from A.M. Cohron & Son Inc., KEA Contractors LLC and Simon Contractors. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting on May 24, 2016.

Moved by Greder and seconded by Morrow to recess the regular meeting of the Board of Commissioners at 10:13 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Greder, Morrow, Biehl, Brayton, Klein, 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 and Deputy County Treasurer Brenda Rohrich were present.

County Clerk Giffin discussed the scheduling of the Property Valuation Protest hearings. The Protest hearings will be advertised and scheduled for public hearings to be conducted from June 15, 2016 through July 25, 2016. The protest filing deadline is June 30, 2016 and Clerk Giffin will update the Board with more specific dates and times of the hearings after the filings are received.

Moved by Greder and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Make A Wish Nebraska on a 2014 Chevrolet Equinox. 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 Brayton and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Royal Family Kids Inc. on a 2013 Dodge Caravan. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, 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 South Central Behavioral Services Inc. on a 2016 Toyota SUV Wagon and a 2016 Honda Odyssey SUV Wagon. 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 Klein and seconded by Morrow to approve Tax List Corrections numbered 4219 through 4227 submitted by County Assessor Joe Barber. 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 Greder to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:18 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter, and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Bob Charlesworth from Charlesworth Benefits, L.C. was present to update the Board on the Group Health Benefit Plan. Charlesworth presented his recommendation for setting the health insurance rates for the County funding and the employee share for additional coverages. Charlesworth also discussed the Blue Cross Blue Shield health insurance contract through NACO Benefit Services. Moved by Greder and seconded by Biehl to accept Charlesworth recommendation for setting the health insurance premium rates and to authorize the Chairman to sign the Blue Cross Blue Shield health insurance contract for the fiscal year 2016-2017. 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 Greder to enter into Executive Session to discuss personnel issues at 10:37 A.M. The personnel issue involves the hiring of a current Buffalo County Sheriff employee by the County Assessor. In addition to Board members responding to roll call, Deputy County Attorney Kari Fisk, Sheriff Neil Miller and County Assessor Joe Barber were present. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter, and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to move out of Executive Session at 10:43 A.M. and resume the open meeting. 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 10:45 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday May 24, 2016 at 9:00 A.M.