

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 8, 2017
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 8, 2017 at 9:00 A.M. and 9:45 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: Joseph Brayton, Kent Greder, Ivan Klein, Ronald Loeffelholz, 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 Brayton and seconded by Reiter to approve the July 25, 2017 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Greder, Klein, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to ratify the following August 4, 2017 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL			219,044.63
AMERICAN FAMILY LIFE	E	PREMIUMS	1,040.20
RETIREMENT PLANS OF AMERITAS	R	EMPE RET	37,025.00
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	110.00
BUFFALO CO TREASURER	I	PREMIUMS	96,894.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	373.17
FIRST CONCORD BENEFITS	E	FLEX FUNDS	4,118.48
FIRST NATIONAL BANK	T	FEDERAL TAX	81,471.01
KEARNEY UNITED WAY	E	DONATIONS	100.67
MADISON NATIONAL LIFE INS	I	PREMIUMS	369.38
MADISON NATIONAL LIFE INS	I	LT DISABILITY	556.27
MASSMUTUAL FINANCIAL	R	DEFER COMP	1,115.00
NATIONWIDE RETIREMENT	R	DEFER COMP	545.32
NE CHILD SUPPORT CENTER	E	CHILD SUPPORT	411.62
PRINCIPAL FINANCIAL	E	DENTAL	2,775.64
STATE OF NEBRASKA	T	STATE TAX	11,618.96
VISION SERVICE INS	E	EMPE EYE CARE	657.32
ROAD FUND			
NET PAYROLL			46,438.31
AMERICAN FAMILY LIFE	E	PREMIUMS	886.10
RETIREMENT PLANS OF AMERITAS	R	EMPE RET	7,359.09
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	10.00
BUFFALO CO TREASURER	I	PREMIUMS	3,120.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	9.60
FIRST CONCORD BENEFITS	E	FLEX FUNDS	418.33
FIRST NATIONAL BANK	T	FEDERAL TAX	15,288.69
MADISON NATIONAL LIFE INS	I	LT DISABILITY	105.81
NATIONWIDE RETIREMENT	R	DEFER COMP	972.50
NE CHILD SUPPORT CENTER	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	720.23
STATE OF NEBRASKA	T	STATE TAX	1,973.09
VISION SERVICE INS	E	EMPE EYE CARE	172.33
WEED FUND			
NET PAYROLL			4,118.72
RETIREMENT PLANS OF AMERITAS	R	EMPE RET	664.82
BUFFALO CO TREASURER	I	PREMIUMS	323.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,386.81
MADISON NATIONAL LIFE INS	I	LT DISABILITY	3.46
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NEBRASKA	T	STATE TAX	180.21

Moved by Greder and seconded by Morrow to accept the Buffalo County Treasurer July 2017 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to accept the Clerk of the District Court July 2017 Fee Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Reiter to accept the June 2017 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Brayton, Reiter, Greder, Klein, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to accept the Buffalo County Sheriff's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

County Sheriff Neil Miller was present for discussion regarding the appointment of an elected official to be on the Sheriff Merit Commission. Moved by Brayton and seconded by Klein to reappoint Buffalo County Public Defender Jeff Wirth. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

County Sheriff Miller was present to review the Nebraska Adult Parole contract for Jail Bed Space. Moved by Klein and seconded by Greder to authorize Sheriff Miller to sign the contract on behalf of Buffalo County. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to accept the gift of a Buffalo statute from Frontier Communications. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to close the courthouse to the public on Monday, August 21, 2017 from 12:30 p.m. to 1:30 p.m. to allow the county employees to view the total eclipse of the sun. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Deputy County Attorney Andrew Hoffmeister was present to review the current Solid Waste Interlocal Agreement with the City of Kearney. The renewal of this Agreement will be discussed with the City of Kearney before the current expiration date in January 2018.

ZONING

Zoning Administrator LeAnn Klein and Deputy County Attorney Andy Hoffmeister were present for the following Zoning agenda item.

Chairman McMullen opened the Zoning Hearing at 9:20 A.M. Nicole and Thom Shulde were present for review of the Special Use Permit application submitted by Nicholas Moffett and Nicole and Thom Shulde for property described as part of the West Half of the Southeast Quarter located in Section 17, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska for a campground and vendor market for the 2017 eclipse. No one else addressed the Board and Chairman McMullen closed the hearing at 9:25 A.M. Moved by Greder and seconded by Morrow to approve the Special Use Permit application with the following Resolution 2017-37. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-37

WHEREAS, Nicole and Thom Shulde on behalf of Nicholas D. Moffett, Applicant, has filed for a Special Use Permit with Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed July 3, 2017 for a campground and vendor market for the August 21, 2017 eclipse to be situated on the following legal description: the West Half of the Southeast Quarter of Section 17, Township 12 North, Range 13 West of the 6th P.M., Buffalo County, Nebraska except a strip of land lying over and across the southern part of the Southeast Quarter of Section 17, Township 12 North, Range 13 West of the 6th P.M., Buffalo County, Nebraska described as follows: Beginning at the Southeast corner of said Section 17, thence westerly on the South line of the Southeast Quarter of said Section 17 a distance of 2665.6 feet to the Southwest corner of said Southeast Quarter, thence northerly on the West line of said Southeast Quarter a distance of 40.2 feet to a point; thence easterly a distance of 2665.6 feet to a point on the East line of said Southeast Quarter; thence southerly on said East line a distance of 39.0 feet to the point of beginning, containing 2.423 acres, more or less, which includes 2.024 acres, more or less, previously occupied as a public highway, the remaining 0.399 acres, more or less being the additional acreage secured in this transaction, AND EXCEPT a tract of land located in the West half of the Southeast Quarter of said Section 17, described as follows: Beginning at the Southwest corner of the Southeast Quarter of Section 17; thence North along the West line of the Southeast Quarter of Section 17 a distance of 74.96 feet, thence easterly deflecting 90° 21' 53" right for a distance of 872.24 feet; thence easterly deflecting 01°14' 44" right for a distance of 460.10 feet to the East line of said West half of the Southeast Quarter; thence southerly deflecting 88° 23' 30" right for a distance of 64.43 feet along said East line to the Southeast corner of said West half; thence westerly deflecting 90° 20' 24" right for a distance of 1332.16 feet along the South line of said West half to the point of beginning containing 2.23 acres, more or less, which includes 1.16 acres, more or less, previously occupied as public highway.

WHEREAS, on July 20, 2017 the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 7-0 vote with 2 absent voted to forward this application to the County Commissioners with approval, and

WHEREAS, on August 8, 2017, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, two exhibits are attached to the application

1. A copy of the rules and regulations as found on their web page.
2. The application of the Special Use Permit.

WHEREAS, only a simple majority is required by this Board to approve this Special Use Permit because no protests against issuance of this permit have been filed, and

WHEREAS, the Board after public hearing and review of the Special Use application finds:

1. This campground and vendor market shall be approved.
2. The ending date of this permit shall be August 31, 2017 because this is not a long term use and primarily focuses on an upcoming eclipse of the sun event.

WHEREAS, the requested special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, in that if the proposed amendment, with the below stated conditions contained in this Resolution, would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a majority vote of its members, this Board approves applicants' requested Special Use Permit, subject however to the following:

1. The ending date of this permit shall be August 31, 2017.
2. 911 street address of facility is already in place on an existing sign on the front of the property that is located along Highway 2.
3. This is for a campground and vendor market for the 2017 eclipse.
4. The stated uses and areas of use as stated within the application together with the rules and regulations as set out in the application and website, as it is printed and attached to the application, are incorporated herein.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the subject property as described above.

The Special Use Permit that was filed by Jason Martin and Amy Schoonoveron was formally withdrawn on August 4, 2017. The public hearing had been set for this meeting.

Chairman McMullen reviewed the correspondence from Faith Christian School regarding their Fall Celebration Banquet fund raiser. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Commissioners at 9:32 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, 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 Ethel Skinner and Deputy County Assessor Nora Borer were present.

Moved by Klein and seconded by Greder to approve the Property Valuation Protest Hearing Minutes dated July 18, July 21, and July 24, 2017. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Loeffelholz and seconded by Klein to accept the 2017 Cemetery Report submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Loeffelholz and seconded by Morrow to accept the 3 Year Plan of Assessment for Buffalo County for the Years 2017, 2018 and 2019 as presented by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to approve Tax List Corrections numbered 4379 and 4380 submitted by County Assessor Skinner. Commissioner Morrow excused herself at 9:39 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Reiter and McMullen. Absent: Morrow. None voted "Nay". Motion declared carried.

Chairman McMullen opened the Property Valuation Protest hearings of the property owners who received notices of valuation changes after the June 1, 2017 valuation notices were sent out by the County Assessor. The property owners who received late changes were allowed to protest the valuation change within 30 days of the second notice. Valuation changes that were made by the Board of Equalization are indicated on the property valuation protest forms.

<u>Name</u>	<u>Parcel</u>	<u>Present</u>
Bret & Libbi Harsh	560385156	Bret Harsh
Donald G & Kay E Wolfe	603573000	Donald Wolfe
LeRoy E Bals	580719120	No One Present
Susan Slater	605082505	Susan Slater
Tammy & Russ Crowell	040298000	Russ Crowell
Tammy & Russ Crowell	040300000	Russ Crowell
William C & Lynda M Ogle	560618603	William Charles Ogle
Gregory Weides	603966000	Tom Weides

Commissioner Morrow returned to the meeting at 10:10 A.M.

Moved by Greder and seconded by Loeffelholz to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for The Evangelical Lutheran Good Samaritan Village (St. Lukes) on a 2010 Ford Van, 2014 Dodge Caravan and 2006 Ford F150 Pickup. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Reiter and McMullen. Abstain: Morrow. None voted "Nay". Motion declared carried.

Moved by Loeffelholz and seconded by Greder to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Society-Ravenna on a 2008 Dodge Caravan, 2010 Dodge Caravan, 2008 Buck Dandy Car Hauler and 2011 Ford Van. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Greder, Brayton, Klein, Reiter and McMullen. Abstain: Morrow. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Reiter to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Goodwill Industries of Greater Nebraska, Inc. on a 2017 Dodge Grand Caravan. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:38 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

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

At 10:39 A.M. Chairman McMullen asked if there was anything else to come before the Board before he declared the meeting adjourned until the regular meeting on Tuesday, August 22, 2017.