

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 14, 2017
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 14, 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, Ronald Loeffelholz, Sherry Morrow, Dennis Reiter and William McMullen. Absent: Ivan Klein. 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.

REGULAR AGENDA

Moved by Brayton and seconded by Loeffelholz to approve the October 24, 2017 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Morrow, Reiter and McMullen. Absent: Klein. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Greder to ratify the following October 27, 2017 and November 9, 2017 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Brayton, Loeffelholz, Morrow and McMullen. Absent: Klein. None voted "Nay". Motion declared carried.

October 27, 2017 Payroll claims

<u>GENERAL FUND</u>			
NET PAYROLL			231,423.28
AMERICAN FAMILY LIFE	I	PREMIUMS	1,067.13
RETIREMENT PLANS AMERITAS	R	EMPE RET	39,825.29
AR SOLUTIONS	E	GARNISH	206.72
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	100.00
BUFFALO CO TREASURER	I	PREMIUMS	97,875.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	379.47
CREDIT MANAGEMENT	E	GARNISH	360.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	3,833.48
FIRST NATIONAL BANK	T	FEDERAL TAX	87,292.66
KEARNEY UNITED WAY	E	DONATIONS	100.67
MADISON NATIONAL LIFE	I	PREMIUMS	373.99
MADISON NATIONAL LIFE	I	LT DISABILITY	573.91
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,115.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	530.00
NEBRASKA CHILD SUPPORT	E	CHILD SUPPORT	334.12
PRINCIPAL FINANCIAL	E	DENTAL	2,879.04
ROSS SCHROEDER & GEORGE	E	GARNISH	86.56
STATE OF NE	T	STATE TAX	12,662.28
VISION SERVICE PLAN	E	EMPE VSP EYE	685.06
<u>ROAD FUND</u>			
NET PAYROLL			49,524.78
AMERICAN FAMILY LIFE	I	PREMIUMS	886.14
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,892.44
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	16,440.70
MADISON NATIONAL LIFE	I	LT DISABILITY	108.01
NATIONWIDE RETIREMENT	R	DEFERRED COMP	972.50
NEBRASKA CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	720.36
STATE OF NE	T	STATE TAX	2,141.62
VISION SERVICE PLAN	E	EMPE VSP EYE	172.37
<u>WEED FUND</u>			
NET PAYROLL			4,205.81
RETIREMENT PLANS AMERITAS	R	EMPE RET	679.23
BUFFALO CO TREASURER	I	PREMIUMS	323.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,424.77
MADISON NATIONAL LIFE	I	LT DISABILITY	3.52
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	187.24

November 9, 2017 Payroll claims

GENERAL FUND			
NET PAYROLL			225,414.47
AMERICAN FAMILY LIFE	I	PREMIUMS	1,059.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	38,811.78
AR SOLUTIONS	E	GARNISH	114.04
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	100.00
BUFFALO CO TREASURER	I	PREMIUMS	101,505.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	386.47
CREDIT MANAGEMENT	E	GARNISH	179.72
FIRST CONCORD BENEFITS	E	FLEX FUNDS	4,253.48
FIRST NATIONAL BANK	T	FEDERAL TAX	84,595.65
KEARNEY UNITED WAY	E	DONATIONS	100.67
MADISON NATIONAL LIFE	I	PREMIUMS	378.15
MADISON NATIONAL LIFE	I	LT DISABILITY	586.30
MASSMUTUAL FINANCIAL	E	DEFERRED COMP	1,115.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	505.00
NE CHILD SUPPORT	E	CHILD SUPPORT	334.12
PRINCIPAL FINANCIAL	E	DENTAL	2,891.38
ROSS SCHROEDER & GEORGE	E	GARNISH	86.36
STATE OF NE	T	STATE TAX	12,153.98
VISION SERVICE PLAN	E	EMPE VSP EYE	693.26
ROAD FUND			
NET PAYROLL			49,327.69
AMERICAN FAMILY LIFE	I	PREMIUMS	886.14
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,959.51
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	10.00
BUFFALO CO TREASURER	I	PREMIUMS	3,308.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	10.40
FIRST CONCORD BENEFITS	E	FLEX FUNDS	443.33
FIRST NATIONAL BANK	T	FEDERAL TAX	16,458.52
MADISON NATIONAL LIFE	I	LT DISABILITY	108.15
NATIONWIDE RETIREMENT	R	DEFERRED COMP	972.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	763.58
STATE OF NE	T	STATE TAX	2,154.60
VISION SERVICE PLAN	E	EMPE VSP EYE	186.12
WEED FUND			
NET PAYROLL			4,205.82
RETIREMENT PLANS AMERITAS	R	EMPE RET	679.23
BUFFALO CO TREASURER	I	PREMIUMS	323.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,424.77
MADISON NATIONAL LIFE	I	LT DISABILITY	3.51
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	187.24

Moved by Brayton 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”: Brayton, Morrow, Greder, Loeffelholz, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

GENERAL FUND		
GIS WORKSHOP, INC	SERVICE	79,270.00

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

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

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

Moved by Morrow and seconded by Greder to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$48,654,614.00 from the First National Bank. Upon roll call vote, the following Board members voted “Aye”: Morrow, Greder, Brayton, Loeffelholz, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

County Sheriff Neil Miller was present to discuss the purchase of new Sheriff Department vehicles per the State of Nebraska contract. Moved by Reiter and seconded by Greder to approve the purchase of a 2018 Dodge Charger Police AWD in the amount of \$27,538.00 award number 14606 OC, two 2018 Chevrolet Silverado ½ ton crew cab pickups in the amount of 28,582.00 each award number 14855 OC and one 2018 Dodge Caravan in the amount of \$21,565.00 award number 14866 OC. Upon roll call vote, the following Board members voted “Aye”: Reiter, Greder, Brayton, Loeffelholz, Morrow and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

Weed Superintendent Bret Stubbs was present to discuss the purchase of a new 2018 Chevrolet Silverado ½ ton crew cab pickup per the State of Nebraska contract. Moved by Brayton and seconded by Reiter to approve the purchase of a new Weed Department vehicle in the amount of \$28,566.00 as per State of Nebraska contract award number 14855 OC. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Greder, Loeffelholz, Morrow and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

At the Board meeting on October 24, 2017, Doug Kramer and Kendra Hansen gave a presentation on the Buffalo County Community Health Partners Worksite Wellness program. At that meeting the decision to approve the Buffalo County membership was tabled and Doug Kramer was present to answer any additional questions at this meeting. Moved by Morrow and seconded by Loeffelholz to approve the membership to the Worksite Wellness Program through the Buffalo County Community Partners. Upon roll call vote, the following Board members voted “Aye”: Morrow, Loeffelholz, Brayton, Greder, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Loeffelholz to approve the renewal of the Voluntary Employee Dental Insurance plan with Principal Financial Group. This plan will be renewed with no increase to the coverage rates. Upon roll call vote, the following Board members voted “Aye”: Greder, Loeffelholz, Brayton, Morrow, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

Chairman McMullen reviewed the following correspondence. Central Nebraska Drug Court sent an invitation for the Drug Court Graduation Ceremony and the Kearney Volunteer Fire Department sent an invitation for their annual fund raiser event. The Board received a thank you note from the Buffalo Co Economic Development for the financial support. Nebraska Department of Health & Human Services denied payment for office space used for administration of public assistance programs. Nebraska Department of Roads sent an update on the resurfacing Project STP-L10C (103) Gibbon Link. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

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

Chairman McMullen opened the Zoning Hearing at 9:16 A.M. for a Zoning Map Amendment filed by Clint and Melissa Florell for property described as a 10-15 acre parcel in part of the Southwest Quarter of Section 4, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska for a change of zoning from Agricultural to Agricultural-Residential. Clint and Melissa Florell were present to review and answer questions. Brent Cline, Bruce Grupe and Bill Storrz were present to address the Board with concerns of the Change of Zoning. Chairman McMullen closed the hearing at 9:34 A.M. and the decision was tabled until November 28, 2017.

Moved by Greder and seconded by Loeffelholz to recess the regular meeting of the Board of Commissioners at 9:50 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Greder, Loeffelholz, Brayton, Morrow, Reiter and McMullen. Absent: Klein. 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, Deputy County Treasurer Brenda Rohrich and Deputy County Attorney Andrew Hoffmeister were present.

Moved by Greder and seconded by Loeffelholz to approve a Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Church of Nazarene on a 2006 Ford Van. Upon roll call vote, the following Board members voted “Aye”: Greder, Loeffelholz, Brayton, Morrow, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

Moved by Loeffelholz and seconded by Brayton to approve a Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Christian Student Fellowship on a 2005 Chevrolet Venture and a 1998 Ford Club Wagon. Upon roll call vote, the following Board members voted “Aye”: Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Loeffelholz to approve a Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Christian Heritage Children’s Homes on a 2010 Mazda Sedan, 2005 Chrysler Van, two 2013 Honda Sedans and a 2017 Honda Sedan. Upon roll call vote, the following Board members voted “Aye”: Greder, Loeffelholz, Brayton, Morrow, Reiter and McMullen. Absent: Klein. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to approve Tax List Corrections numbered 4390 through 4392 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Brayton, Greder, Reiter and McMullen. Absent: Klein. None voted "Nay". Motion declared carried.

Deputy County Attorney Andrew Hoffmeister reviewed documents relating to the confessions of judgment to be considered by the Board. Moved by Brayton and seconded by Greder that the Buffalo County Board of Equalization Confess Judgment in Tax Equalization & Review Commission Case #16R171 in appeal concerning Joseph D. Barber, Buffalo County Assessor, vs. Buffalo County and Bruners' Sand and Gravel, Inc. for property identified as tax parcel #700147510, and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of the Board, that for tax year 2016 this property had an assessed valuation of \$152,250.00. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Loeffelholz, Morrow, Reiter and McMullen. Absent: Klein. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder that the Buffalo County Board of Equalization Confess Judgment in Tax Equalization & Review Commission Case #16R168 in appeal concerning Joseph D. Barber, Buffalo County Assessor, vs. Buffalo County and Metz, for property identified as tax parcel #21002130314, and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of the Board, that for tax year 2016 this property had an assessed valuation of \$55,000.00. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Loeffelholz, Reiter and McMullen. Absent: Klein. None voted "Nay". Motion declared carried.

Moved by Loeffelholz and seconded by Reiter to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:59 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Morrow and McMullen. Absent: Klein. None voted "Nay". Motion declared carried. Deputy County Attorney Andrew Hoffmeister excused himself from the meeting.

REGULAR AGENDA

Highway Superintendent John Maul was present for the following agenda items. Commissioner Ivan Klein arrived at 10:08 A.M.

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for the Concrete Box Culvert Projects. Bids were submitted by: Diamond Engineering, Midlands Contracting, Myers Construction, Saul Ramos Construction and Wilke Contracting. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting November 28, 2017.

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for the Concrete Rehabilitation Projects. Bids were submitted by: Diamond Engineering, Nielson Contracting, Van Kirk Bros Contracting and Wilke Contracting. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting November 28, 2017.

Moved by Klein and seconded by Reiter to accept the bid from Werner Construction for the 2018 Asphalt Projects in the amount of \$1,174,813.15. 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 Morrow and seconded by Greder that the Board of Commissioners authorize contract negotiations with Nebraska Department of Transportation regarding the Union Pacific Railroad Crossings No. DOT 813928D, RRMP 286.11 on Sodontown Road, Crossing No. DOT 817006B, RRMP 200.22 on Daykin Road, Crossing No. DOT 817011X, RRMP 203.26 on Birch Road, and Crossing No. DOT 817019C, RRMP 207.35 on Apache Road for installing active automated lights and gates. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Building and Grounds Facility Director, Steve Gaasch was present for review and discussion of bids for the following agenda items.

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for the Generator Replacement Project. Bids were submitted by Kidwell Inc., Middleton Electric Inc. and Progressive Electric. After reviewing the submitted bids for the generator replacement project located at 9730 Antelope Avenue, Facilities Director Steve Gaasch gave his recommendation to the Board. Moved by Brayton and seconded by Morrow to accept the bid from Middleton Electric Inc. in the amount of \$86,860.00 for the Buffalo County Maintenance Building Generator Replacement Project. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for the Extension Building roof retrofit system. Bids were submitted by Mid-West Roofing, R W Sorensen Construction and Ziemba Roofing Co. After reviewing the submitted bids for the Extension Building Roof Retrofit System, Facilities Director Steve Gaasch gave his recommendation to the Board. Moved by Morrow and seconded by Reiter to accept the bid from Ziemba Roofing Co. in the amount of \$36,898.00 for the Extension Building Roof Retrofit System. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Brayton, Greder, Klein, Loeffelholz and McMullen. None voted "Nay". Motion declared carried.

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

A public hearing was held on May 9, 2017 for road vacation referred to as a portion Cherry Avenue, located between the N1/2 Section 32 and the N1/2 Section 33, Township 9 North, Range 15 West of the 6th P.M. Deputy County Attorney Andrew Hoffmeister was present to review the portion of Old Cherry Avenue road vacation. Public members who addressed the Board were Eaton Corporation Plant Manager Scott Bailey, Engineer Manager Kent Jones, Frontier General Manager Shayne Zwiener and Dennis Clapper. Moved by Brayton and seconded by Morrow that Buffalo County retain services of Mitchell Humphrey, Registered Surveyor, to provide mapping services, and an engineer, to provide studies and recommendation as to condition and potentially needed repairs of existing improved street for Old Cherry Avenue. Both professionals should consult with the Buffalo County Highway Superintendent and Buffalo County Attorney's Office regarding the details of this work. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Greder, Klein, Loeffelholz Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen asked if there was anything else to come before the Board at 11:18 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, November 28, 2017.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)