

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 12, 2017**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 12, 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. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Moved by Klein and seconded by Loeffelholz to approve the November 28, 2017 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Reiter and seconded by Morrow to ratify the following December 8, 2017 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Reiter, Morrow, Brayton, Greder, Klein, Loeffelholz, and McMullen. None voted "Nay". Motion declared carried.

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|------------------------------|---|---------------|------------|
| GENERAL FUND | | | |
| NET PAYROLL | | | 238,875.17 |
| AMERICAN FAMILY LIFE | I | PREMIUMS | 1,059.65 |
| RETIREMENT PLANS AMERITAS | R | EMPE RET | 41,076.53 |
| BUFFALO CO TREAS/WELLNESS | I | PREMIUMS | 100.00 |
| BUFFALO CO TREASURER | I | PREMIUMS | 99,473.50 |
| LIFE INSURANCE NORTH AMERICA | I | PREMIUMS | 381.82 |
| FIRST CONCORD | E | FLEX FUNDS | 4,155.64 |
| FIRST NATIONAL BANK | T | FEDERAL TAX | 90,926.54 |
| KEARNEY UNITED WAY | E | DONATIONS | 100.67 |
| MADISON NATIONAL LIFE | I | PREMIUMS | 372.39 |
| MADISON NATIONAL LIFE | I | LT DISABILITY | 600.36 |
| MASSMUTUAL FINANCIAL | I | DEFERRED COMP | 1,115.00 |
| NATIONWIDE RETIREMENT | R | DEFERRED COMP | 505.00 |
| NE CHILD SUPPORT | E | CHILD SUPPORT | 334.12 |
| PRINCIPAL FINANCIAL | E | DENTAL | 2,804.68 |
| ROSS SCHROEDER & GEORGE | E | GARNISH | 87.42 |
| STATE OF NE | T | STATE TAX | 13,361.95 |
| VISION SERVICE | E | EMPE VSP EYE | 675.30 |
| ROAD FUND | | | |
| NET PAYROLL | | | 47,360.57 |
| AMERICAN FAMILY LIFE | I | PREMIUMS | 886.14 |
| RETIREMENT PLANS AMERITAS | R | EMPE RET | 7,876.34 |
| 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 | E | FLEX FUNDS | 443.33 |
| FIRST NATIONAL BANK | T | FEDERAL TAX | 15,890.19 |
| MADISON NATIONAL LIFE | I | LT DISABILITY | 112.22 |
| 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 | 2,073.03 |
| VISION SERVICE | E | EMPE VSP EYE | 186.12 |
| WEED FUND | | | |
| NET PAYROLL | | | 4,205.71 |
| RETIREMENT PLANS AMERITAS | R | EMPE RET | 679.23 |
| BUFFALO CO TREASURER | I | PREMIUMS | 323.50 |
| FIRST CONCORD | E | FLEX FUNDS | 25.00 |
| FIRST NATIONAL BANK | T | FEDERAL TAX | 1,424.77 |
| MADISON NATIONAL LIFE | I | LT DISABILITY | 3.62 |
| PRINCIPAL FINANCIAL | E | DENTAL | 29.04 |
| STATE OF NE | T | STATE TAX | 187.24 |

Moved by Morrow and seconded by Greder to accept the Buffalo County Treasurer November 2017 Fund Balance 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 Morrow and seconded by Greder to accept the Clerk of the District Court November 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 Morrow to accept the Veteran's Aid Quarterly Reports from July 2017 through September 2017. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Greder, Klein, Loeffelholz, Reiter and McMullen. 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 \$290,000.00 from the Town and Country Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

The Board discussed the Christmas holiday closing hours. Moved by Morrow and seconded by Brayton to close the Buffalo County Offices from December 22, 2017 through December 25, 2017. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Doug Kramer, Juvenile Diversion Administrator reviewed the grants that have been received by Buffalo County for Juvenile Services and asked the Board for authorization to pursue the Community grant. Moved by Greder and seconded by Reiter to authorize Doug Kramer to apply for the Juvenile Justice Community Grant on behalf of Buffalo County. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Brayton, Klein, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen reviewed the following correspondence. The Board received Christmas Greetings from Midway GM, Buffalo County Community Partners and Governor Pete Ricketts. Nebraska Department of Transportation sent a notice of the State Highway Commission Meeting. Nebraska Department of Environmental Quality sent approval to Operate LWCF for T-D Feedlots and the City of Kearney sent notice of the Planning Commission meeting. A letter was received from Xpanxion concerning a traffic issue at the intersection of East 56th St and Antelope. NACO sent the October 2017 Report of the NSBA Indigent Defense Compensation Committee. The Garfield County Clerk sent a notice of the passing of Commissioner Paige Measner. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Zoning Administrator LeAnn Klein was present for the following Zoning agenda items.

Chairman McMullen opened the Zoning Hearing at 9:15 A.M. for a Special Use Permit filed by Dane and Kara Johnson for property described as part of the S ½ of the Northwest Quarter located in Section 13, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska for a dog training business. Dane Johnson was present to review the application and answer questions. No one else addressed the Board and Chairman McMullen closed the hearing at 9:19 A.M. Moved by Brayton and seconded by Loeffelholz to approve the Special Use Permit with the following Resolution 2017-57. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-57

WHEREAS, Dane R. Johnson and Kara Johnson, Applicants, have filed for a Special Use Permit with Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed July 31, 2017 for a dog training establishment to be situated on the following legal description: the South 324.0 feet of the following described tract of land: A tract of land being part of the South Half of the Northwest Quarter (S ½ NW ¼) of Section Thirteen (13), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the South Half of the Northwest Quarter of Section 13 and assuming the North line of the South Half of the Northwest Quarter of Section 13 as bearing N 89° 54' 57" W and all bearings contained herein are relative thereto; thence N 89° 54' 57" W and on the North line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,346.84 feet; thence leaving the North line of the South Half of the Northwest Quarter of said Section 13, S 00° 04' 28" E and parallel with the East line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,292.97 feet; thence S 89° 50' 53" E a distance of 1,346.77 feet to a point on the East line of the South Half of the Northwest Quarter of said Section 13, said point being 17.61 feet Northerly from the Southeast corner of the Northwest Quarter of said Section 13, thence N 00° 04' 28" W and on the East line of the South Half of the Northwest Quarter of said Section 13 a distance of 1,294.56 feet to the place of beginning.

WHEREAS, on August 17, 2017 the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and this was tabled until November 16, 2017 and on an 8-0 vote with 1 absent voted to recommend with no conditions and to forward this application to the County Commissioners with approval, and

WHEREAS, on December 12, 2017, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, one exhibit is attached to the application

1. 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 application shall be approved with no conditions for a domesticated animal training facility for dogs.

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.

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.

Chairman McMullen opened the Zoning Hearing for a special use permit filed by Daniel McKeon and Violet Sheen for property described as Lot 1, Campbell Acres located in Section 32, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska for an agricultural business. Daniel McKeon was present to review the application and answer questions. No one else addressed the Board and Chairman McMullen closed the hearing at 9:25 A.M. Moved by Klein and seconded by Loeffelholz to approve the Special Use Permit with the following Resolution 2017-58. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-58

WHEREAS, Violet A. Sheen, Owner and Daniel D. McKeon, Prospective Buyer, have filed for a Special Use Permit with Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed September 26, 2017 for an agricultural business to be situated on the following legal description: Lot 1, Campbell Acres, an administrative subdivision being part of the North ½ of the Southeast ¼ of Section 32, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska.

WHEREAS, on October 19, 2017 the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and tabled the hearing until the November 16, 2017 meeting and on a 8-0 vote, with 1 absent voted to forward this application to the County Commissioners, and

WHEREAS, on December 12, 2017, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, four exhibits are attached to the application

1. The application of the Special Use Permit.
2. The drawing of the proposed buildings and tower pivot within the next one to five years.
3. The minutes of the October 19, 2017 and November 16, 2017 Planning & Zoning Commission meetings.

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. Applicant seeks to add structures and bins as shown on the attached exhibit in the next one year through five years. He wants to add a 50' x 50' shop area east of the existing residence and add a 100' x 50' warehouse with 4 bins (1,000-2,000 bushel) to the east of the warehouse and possibly add another 50' x 100' warehouse along with a 1 tower pivot on the north side for plot work.

2. 911 street address of facility shall be placed on a sign along with phone number of party to contact in event of emergency to be located along the entrance of the property.
3. Activities shall be limited to agricultural services.
4. The proposed special use permit allowed under zoning resolution #5.34 (1) is located in the Agricultural Residential Zoning District (AGR).
5. Commencement must begin within 1 year of approval of this resolution and construction shall be completed within five years of this resolution.

WHEREAS, the special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, 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. Applicant seeks to add structures and bins as shown on the attached exhibit and as listed above in the next one year through five years for his agricultural business.
2. 911 street address of facility shall be placed on a sign along with phone number of party to contact in event of emergency to be located along the entrance of the property.
3. Activities shall be limited to agricultural services.
4. Parking and loading will be south and southwest of existing home which will be the office. Parking and loading shall have crushed rock or higher grade of construction material.
5. Commencement must begin within 1 year of approval of this resolution and construction shall be completed within five years of this resolution. The 120 days starting time shall be waived and the expiration date of two years shall be extended to five years.

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.

Chairman McMullen opened the discussion on moving the elected Public Defender position from part time to full time. Deputy County Attorney Aaron Bishop addressed the Board with his concerns if the Board decides to make the change. Moved by Greder and seconded by Morrow to approve to change the elected Public Defender position from part time to full time with an effective date of January 1, 2019. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

A Petition for Road Maintenance of Auburn Oaks was received from James Nickman prior to this meeting. This road is located in a tract of land being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and is a cul de sac about 500' long off of 56th Street on 44th Avenue Place. Highway Superintendent John Maul was present for questions and submitted his written report on his onsite inspection. Deputy County Attorney Andrew Hoffmeister and Jim Nickman reviewed the request and the current policies for road top maintenance. Moved by Klein and seconded by Brayton to approve the road top maintenance of Auburn Oaks, the cul de sac off of 56th Street on 44th Avenue Place. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to recess the regular meeting of the Board of Commissioners at 9:53 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, 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 County Treasurer Jean Sidwell were present.

Moved by Greder and seconded by Loeffelholz to approve Tax List Corrections numbered 4393 through 4401 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Reiter to approve a Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for South Central Behavioral Services, on a 2007 Toyota Camry, 2009 Toyota Camry and a 2011 Toyota Rav. 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 Brayton to approve a Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Nebraska Youth Camp on a 2016 Titan Utility Trailer. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Klein, Loeffelholz, Morrow, Reiter and McMullen. 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 9:56 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Moved by Morrow and seconded by Greder to approve a 3% increase to the Elected Officials salaries for years 2019 through 2022. A resolution with the final salaries will be presented at the next Board meeting. 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 Greder and seconded by Loeffelholz to enter into Executive Session at 10:01 A.M. to discuss property disposition or acquisition. In addition to the Board members responding to roll call, Highway Superintendent John Maul, County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister were present. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to move out of Executive Session at 10:08 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Loeffelholz, 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 10:10 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, December 26, 2017.