

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 10, 2018**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, April 10, 2018 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 and Deputy County Attorney Kari Fisk were present.

REGULAR AGENDA

Moved by Brayton and seconded by Loeffelholz to approve the March 27, 2018 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Klein, Morrow and McMullen. Abstain: Reiter. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to ratify the following March 30, 2018 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			245,212.99
RETIREMENT PLANS AMERITAS	R	EMPE RET	38,422.34
CREDIT MANAGEMENT SVCS	E	GARNISHMENT	191.93
FIRST NATIONAL BANK	T	FEDERAL TAX	82,663.24
ROSS SCHROEDER & GEORGE	E	GARNISHMENT	302.47
STATE OF NE	T	STATE TAX	13,197.21
ROAD FUND			
NET PAYROLL			54,135.32
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,969.91
FIRST NATIONAL BANK	T	FEDERAL TAX	16,469.77
STATE OF NE	T	STATE TAX	2,475.72
WEED FUND			
NET PAYROLL			4,553.32
RETIREMENT PLANS AMERITAS	R	EMPE RET	679.23
FIRST NATIONAL BANK	T	FEDERAL TAX	1,455.33
STATE OF NE	T	STATE TAX	219.12

Chairman McMullen read into the record and presented a Resolution of Commendation to Barbara Brayton. Moved by Greder and seconded by Morrow to approve the following Resolution 2018-05. 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 2018-05

WHEREAS, Barbara K. Brayton began her employment with the Treasurer's Office on June 27, 1997 and

WHEREAS, Barbara K. Brayton has now served Buffalo County for 20 years and 9 months

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Barbara K. Brayton be commended with a unanimous vote of appreciation for her dedicated and loyal service to Buffalo County for 20 years and 9 months as a Real Estate Clerk.

BE IT FURTHER RESOLVED that good wishes for health, happiness and prosperity be extended to Barbara K. Brayton from this date forward.

Sheriff Neil Miller introduced Lt Robert Tubbs, Tori Johnston and Becky Sobieszky from the Communications Center. Chairman McMullen read the following proclamation and thanked those who serve Buffalo County. Moved by Loeffelholz and seconded by Reiter to proclaim the week of April 8, 2018 through April 14, 2018 as "National Public Safety Telecommunicators Week" in Buffalo County with the following Resolution 2018-06. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-06

**Naming of the Week April 8, 2018 through April 14, 2018 as "National Public Safety
Telecommunicators Week" in Buffalo County**

WHEREAS, every day, dedicated public safety telecommunicators serve the people of Buffalo County by answering their requests for emergency assistance and dispatching the appropriate police, fire, or emergency medical personnel as quickly as possible; and

WHEREAS, the professional public safety telecommunicator is that vital link between the citizens who call 9-1-1 and the law enforcement, fire and emergency personnel who may save their life or property in an emergency; and

WHEREAS, the safety of Buffalo County's first responders depends on the quality and accuracy of information obtained by professional public safety telecommunicators and delivered by dispatchers via radio, telephone and computers services; and

WHEREAS, the critical functions performed by professional public safety telecommunicators also include those related to highway safety, road maintenance, public utilities and other services that affect the health and safety of our citizens; and

WHEREAS, emergencies can strike at any time, so we rely on the vigilance and preparedness of these individuals 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Buffalo County enjoys the highest standards of public health and safety, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

Moved by Morrow and seconded by Brayton to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	\$2,217.00

Moved by Reiter and seconded by Morrow to accept the Clerk of the District Court March 2018 Fee Report. Upon roll call vote, the following Board members voted "Aye": Reiter, Morrow, Brayton, Greder, Klein, Loeffelholz and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to accept the Buffalo County Treasurer March 2018 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Commissioner Morrow reported that the Budget Committee reviewed the auditing services request for proposals that were submitted on March 27, 2018. Moved by Morrow and seconded by Reiter to move forward with hiring Tonniges & Associates for the fiscal year 2017-2018 with the contract to be approved at the next Board meeting. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Brayton, Greder, Klein, Loeffelholz, and McMullen. None voted "Nay". Motion declared carried.

County Treasurer Jean Sidwell was present to discuss the accommodation of taxpayers for the 2017 first half tax delinquency date. Moved by Brayton and seconded by Greder to authorize the County Treasurer to remain open on the April 27, 2018 Arbor Day holiday with the Central Avenue door and the center door of the horseshoe parking lot to be open that day. All other courthouse entrances and corridors will be closed on April 27, 2018. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to authorize Chairman McMullen to sign the contract with Tax Valuation Inc. to conduct the 2018 property valuation protest hearings. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Brayton, Greder, Klein, Loeffelholz and McMullen. None voted "Nay". Motion declared carried.

Deputy County Attorney Fisk reviewed the proposed additions and amendment to the Employee handbook. Moved by Greder and seconded by Loeffelholz to add Sections 1.6 and Section 5.21 and to amend Section 5.14 in the Employee Handbook. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

ZONING

Chairman McMullen opened the Zoning Hearings at 9:19 A.M. Zoning Administrator LeAnn Klein and Deputy County Attorney Andrew Hoffmeister were present.

Chairman McMullen opened the Zoning Hearing for Special Use Permit filed by Verizon Wireless described as part of the Southeast Quarter of the Northeast Quarter located in Section 5, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska for a 198 foot cell tower. Jeff Skinner was present to review the application and answer questions. No one else addressed the Board and Chairman McMullen closed the hearing at 9:23 A.M. Moved by Klein and seconded by Loeffelholz to approve the Special Use Permit with the following Resolution 2018-07. 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 2018-07

WHEREAS, on January 29, 2018, Verizon Wireless, hereafter referred to as “applicant” filed Application for Special Use Permit requesting to construct and maintain a 198 foot wireless Sabre monopole tower and radio equipment on:

A piece of leased property, owned by Roger and Linda Dennis, husband and wife, described as a parcel of land located in a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 5 and assuming the West line of said Southeast Quarter of the Northeast Quarter as bearing NORTH and all bearings contained herein are relative thereto; thence N 89° 49’ 30” E and on the South line of the Southeast Quarter of the Northeast Quarter of said section a distance of 100.0 feet to the ACTUAL PLACE OF BEGINNING; thence NORTH parallel with and 100.0 feet easterly from the West line of the Southeast Quarter of the Northeast Quarter of said section a distance of 660.0 feet; thence N° 89’ 49’ 30” E parallel with the South line of said Northeast Quarter a distance of 498.26 feet; thence S 00° 19’ 30” W a distance of 660.0 feet to a point on the South line of the Southeast Quarter of the Northeast Quarter of said section; thence S 89° 49’ 30” W a distance of 494.04 feet to the place of beginning. Containing 7.42, more or less, of which 0.37 acres, more or less, are presently being used for road purposes on the South side.

Commonly known as being located at 5030 Buffalo Creek Road, Elm Creek, NE 68836 all of which is located in the Commercial Zoned District, hereafter referred to as the “subject property” and

WHEREAS, on March 15, 2018, following public hearing on such special use application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit on a 7-0 vote with 1 absent, and

WHEREAS, on April 10, 2018, the Buffalo County Board of Commissioners held a public hearing on such Special Use Permit and no protests to such special use permit were given nor submitted, and

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed by Verizon Wireless. Applicant intends to place on the subject property a 198 foot wireless Sabre monopole tower and radio equipment on the subject property.
2. The application and accompanying paperwork are incorporated herein as a plan of development together with report of the Buffalo County Zoning Administrator.
3. The findings and minutes of the Planning and Zoning Commission and the application for the Special Use Permit together with attachments and exhibits as submitted should be and hereby incorporated herein in their entirety as if set forth herein.
4. That Verizon Wireless has indicated it will receive and properly sign the sites 911 address.
5. That site plans indicate Verizon’s intent to place a back-up generator on site.
6. That Verizon Wireless has submitted a professional civil engineer’s certification showing a collapse radius of 80 feet or less for its proposed 198’ Sabre Monopole.
7. That Verizon Wireless has submitted detailed site plans that include plans for appropriate fencing, access and considerations for maintaining site aesthetics.

WHEREAS, the issuance of this special use permit is found to be in compliance with Section 6.2 of Buffalo County’s Zoning Regulations now in effect, such special use permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use 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 BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that this Board approves the Special Use Permit requested by Verizon Wireless to locate on the above described real estate a 198’ Sabre Monopole Wireless Tower and radio equipment.

RESOLVED further that the Board allows this special use permit, with the following additional requirements, structural items, and/or conditions:

1. Applicant must substantively follow the construction plans submitted with its application.
2. Applicant shall place a generator on the subject property of sufficient size to handle applicant or applicant’s successor’s power need to maintain communications in event of public power outage. Such generator shall be capable of handling public communications at the same historic delivery rate as that provided by public power usage.

3. Applicant must provide signage on the property with a proper 911 address.
4. Applicant shall place at the entry from public road a sign stating address of the property and telephone number of parties to contact in event of an emergency.
5. Applicant may not substitute another model of wireless tower without providing certification by a professional civil engineer that the replacement model has a collapse radius of 80' or less.
6. Without need of further permitting or amendment, applicant is allowed to place on the property a service building, not to exceed 400 square feet in area, to accommodate and house equipment associated with this tower.

Mitchell Humphrey was present for the application filing on behalf of NML Land, L.L.C. requesting a Preliminary Plat for 85th Street Deer Country Estates for property described as part of the East Half of the West Half of the Northeast Quarter & part of the West Half of the West Half of the Northeast Quarter of Section 18, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitchell Humphrey and Deputy County Attorney Hoffmeister reviewed the application. Doug Deterding addressed the Board with concerns of traffic safety. Chairman McMullen closed the hearing at 9:45 A.M. and the Board postponed the decision until April 24, 2018.

Moved by Loeffelholz and seconded by Morrow to recess the regular meeting of the Board of Commissioners at 9:49 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Brayton, Greder, 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 and County Assessor Ethel Skinner and County Treasurer Jean Sidwell were present.

Moved by Morrow and seconded by Klein to approve Tax List Corrections numbered 4451 through 4457 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the Valuation Changes submitted by County Assessor Skinner for the following list of properties and assigned parcel numbers. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

<u>Name</u>	<u>Parcel</u>	<u>Name</u>	<u>Parcel</u>
KIRSCHNER, DAVID C & JUDITH I TR	100194000	JOHNSON, RICHARD G & PATRICIA L	380265000
CHOP, FRED I & SHARON K TRUSTEES	280041000	FRAUEN, SCOTT G & KAREN FAUSTA	560385142
SKALA, JAMES L & WILMA J TRUSTEES	340062000	HUNSBERGER, BRIAN K., TRUSTEE	300071000
HILLIARD, RUSSELL ET AL	600645000	TONNIGES, L.L.C.	605397000
MASON, ISAAC R. & SANDRA M.	600656000	TONNIGES, L.L.C.	605396000
MASON, ISAAC R. & SANDRA M.	600657000	SICKLER, TERRY S & JUDITH M	602066775
BIENHOFF, RANDALL S. & BRENDA L.	602404000	HUSAK, GLENN & HUSAK, SHELBY	680273000
KLONE, DAVID L	604257000	HUERTA, TIMOTHY R	605247561
WAGS VENTURES, L.L.C.	606085000	SORENSEN, BRANDY R.	605638000
WAGS VENTURES, L.L.C.	606087000	S & J RENTALS, INC	605676000
WAGS VENTURES, L.L.C.	606088000	WIESTER, KRISTA K.	601571000
RAMOS-PENA, SAUL	680011000	HAWKINS, JORDAN P. & ABRIEL D.	603861000
JOHNSON, MICHAEL R & DAWN M	020041005		

Moved by Brayton and seconded by Greder to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for New Life Assembly on a 2017 Ford Transit. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Loeffelholz, Morrow and McMullen. Abstain: Reiter. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for The Evangelical Lutheran Good Samaritan St Lukes Society on a 2003 Dodge Caravan. 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 Loeffelholz and seconded by Reiter to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:52 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.

Sheriff Miller demonstrated the Police to Citizen Website provided by the Buffalo County Sheriff and the Kearney Police Department.

Chairman McMullen reviewed the following correspondence. Nebraska Department of Environmental Quality sent a notice of transfer of construction and operating permit to Staab Cattle Co. Animal Feeding Operation from T-D Feedlots. KOLN/KGIN TV, MeTV and 10/11 sent information about a special "OUR TOWN" project. The State of Nebraska sent a report on the annual evaluation

for the Buffalo County Jail. The Kearney Area Chamber of Commerce sent a thank you and the annual community profile. Chairman McMullen called on each board member present for committee reports and recommendations.

Chairman McMullen called for Citizen's forum and no one was present.

At 10:15 A.M. Chairman McMullen asked if there was anything else to come before the Board before he declared the meeting adjourned following the quarterly jail inspection until the regular meeting on Tuesday, April 24, 2018.