

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 13, 2018**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 13, 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 was present.

REGULAR AGENDA

Moved by Klein and seconded by Reiter to approve the October 23, 2018 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Move by Morrow and seconded Greder to ratify the following October 26 and November 9, 2018 payroll claims 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.

October 26, 2018 Payroll Claims

GENERAL FUND			
NET PAYROLL			243,730.95
AMERICAN FAMILY LIFE	I	PREMIUMS	1,162.57
RETIREMENT PLANS AMERITAS	R	EMPE RET	40,683.77
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	70.00
BUFFALO CO TREASURER	I	PREMIUMS	90,846.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	379.87
FIRST CONCORD	E	FLEX FUNDS	3,840.91
FIRST NATIONAL BANK	T	FEDERAL TAX	83,386.70
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL LIFE	I	PREMIUMS	371.28
MADISON NATIONAL LIFE	I	LT DISABILITY	567.18
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	652.12
PRINCIPAL FINANCIAL	E	DENTAL	2,803.96
STATE OF NE	T	STATE TAX	13,279.38
VISION SERVICE PLAN	E	EMPE VSP EYE	737.08
ROAD FUND			
NET PAYROLL			51,340.98
AMERICAN FAMILY LIFE	I	PREMIUMS	829.00
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,009.40
AR SOLUTIONS	E	GARNISHMENT	307.69
BUFFALO CO TREASURER	I	PREMIUMS	3,181.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	10.40
FIRST CONCORD	E	FLEX FUNDS	487.50
FIRST NATIONAL BANK	T	FEDERAL TAX	15,282.34
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL LIFE	I	LT DISABILITY	110.79
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	748.24
STATE OF NE	T	STATE TAX	2,176.42
VISION SERVICE PLAN	E	EMPE VSP EYE	204.12
WEED FUND			
NET PAYROLL			4,594.90
RETIREMENT PLANS AMERITAS	R	EMPE RET	722.79
BUFFALO CO TREASURER	I	PREMIUMS	251.50
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,475.53
MADISON NATIONAL LIFE	I	LT DISABILITY	3.62
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	224.22

November 9, 2018 Payroll Claims

GENERAL FUND			
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NET PAYROLL			237,818.31
AMERICAN FAMILY LIFE	I	PREMIUMS	1,162.57
RETIREMENT PLANS AMERITAS	R	EMPE RET	39,859.24
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	70.00
BUFFALO CO TREASURER	I	PREMIUMS	92,064.50
FIRST CONCORD	E	FLEX FUNDS	4,170.91
FIRST NATIONAL BANK	T	FEDERAL TAX	80,942.75
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL	I	PREMIUMS	2,507.21
MADISON NATIONAL	I	LT DISABILITY	579.17
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	659.12
PRINCIPAL LIFE INSURANCE	E	DENTAL	2,859.64
STATE OF NE	T	STATE TAX	12,744.82
VISION SERVICE	E	EMPE VSP EYE	747.20
ROAD FUND			
NET PAYROLL			51,068.16
AMERICAN FAMILY LIFE	I	PREMIUMS	816.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,943.58
BUFFALO CO TREASURER	I	PREMIUMS	2,930.00
FIRST CONCORD	E	FLEX FUNDS	487.50
FIRST NATIONAL BANK	T	FEDERAL TAX	15,161.69
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL	I	PREMIUMS	226.28
MADISON NATIONAL	I	LT DISABILITY	110.64
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL LIFE	E	DENTAL	748.09
STATE OF NE	T	STATE TAX	2,153.93
VISION SERVICE	E	EMPE VSP EYE	204.08
WEED FUND			
NET PAYROLL			4,594.90
RETIREMENT PLANS AMERITAS	I	EMPE RET	722.79
BUFFALO CO TREASURER	I	PREMIUMS	251.50
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,475.53
MADISON NATIONAL	I	LT DISABILITY	3.62
PRINCIPAL LIFE	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	224.22

Moved by Morrow and seconded by Greder to accept the Clerk of the District Court October 2018 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 Morrow and seconded by Greder to accept the Buffalo County Treasurer October 2018 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 Brayton and seconded by Reiter to accept the September 2018 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 Brayton to approve the following tax refund request submitted by the County Treasurer Jean Sidwell for Scorr Investments, LLC in the amount of \$492.06 for parcel number 610051000. 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 Klein and seconded by Loeffelholz that the decision for the Nationwide Retirement Minimum Fixed Interest Rate change to the current contract should be left to the employees who participate in the 457 B Deferred Compensation program. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Brittany Francis was present for the discussion on the liquor license manager application for Pilot Travel Center, Elm Creek, Nebraska. After reviewing the County Sheriff report for the Pilot Travel Center application, it was moved by Brayton and seconded by Klein to approve the application with Brittany Francis as the manager. The recommendation will be forwarded to the Nebraska Liquor Control Commission. 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 Neil Miller was present to discuss the purchase of new Sheriff Department vehicles per the State of Nebraska contract. Moved by Klein and seconded by Brayton to approve the purchase of two 2018 Dodge Charger Police cars in the total amount of \$56,334.00 and one 2019 Chevrolet Silverado crew cab 4x4 pickup for \$30,161.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen reviewed the following correspondence. The Board received an invitation to the Central Nebraska Drug Court Ceremony and an invitation to the Kearney Volunteer Annual Holiday Dance and Fund Raiser. The Chamber of Commerce submitted the 2019 Community Connections dates. Buffalo County Community Partners sent a request for donations to Give Where You Live on December 6th. The City of Kearney sent the Agenda for the Kearney Planning Commission. The annual audit reports for the Kearney Visitors Bureau and the Nebraska Association of County Officials were received. Chairman McMullen called on each board member present for committee reports and recommendations.

ZONING

Chairman McMullen opened the Zoning Hearing at 9:17 A.M. for an Administrative Subdivision filed by Trenton Snow on behalf of Matthew and Brandi Zimbelman. Zoning Administrator Jason Wozniak and Trenton Snow were present to review the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:19 A.M. Moved by Brayton and seconded by Greder to approve the Administrative Subdivision with the following Resolution 2018-49. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Klein, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2018-49

WHEREAS, Trenton Snow, licensed surveyor, on behalf of Matthew and Brandi Zimbelman, hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "ZIMBELMAN SECOND, AN ADMINISTRATIVE SUBDIVISION" with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on November 13, 2018, this Board conducted a public hearing now finds:

1. The proposed "ZIMBELMAN SECOND, AN ADMINISTRATIVE SUBDIVISION" is in the Agricultural (AGR) Zoning District for Buffalo County, Nebraska and the size of the parcels of real estate owned by the subdividing entity after subdividing complies with the minimum lot size of this zoning district.
2. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. 30th Avenue is a county maintained open public road that abuts the proposed subdivision to the east. The width of this road after dedication complies with the minimum width standards required by the Buffalo County Subdivision Resolution.
4. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title as concerns Buffalo County's interests based upon the title search documents delivered to that office by applicant.
5. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of "ZIMBELMAN SECOND, AN ADMINISTRATIVE SUBDIVISION", an administrative subdivision being described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 4, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

At 9:19 A.M. there was a break in the meeting and County Attorney Shawn Eatherton excused himself.

Moved by Loeffelholz and seconded by Greder to recess the regular meeting of the Board of Commissioners at 9:45 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Greder, 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, County Treasurer Jean Sidwell and Deputy County Attorney Andrew Hoffmeister were present.

Moved by Klein and seconded by Loeffelholz to approve the Tax List Corrections numbered 4500 through 4523 submitted by County Assessor Skinner. 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 Klein and seconded by Brayton that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R0021 in appeal concerning Emily S. State Trust, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #601472025 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$375,000. 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 Klein and seconded by Loeffelholz that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R0072 in appeal concerning Gerald R. Jorgensen, Appellant, and Buffalo County,

Appellee, for property identified as tax parcel #601472035 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$364,000. 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 Klein and seconded by Brayton that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R027 in appeal concerning Paul St. John, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #602918658 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$303,000. 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 Reiter and seconded by Loeffelholz to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for First United Methodist Church on a 2008 Chevrolet Cargo Van. Upon roll call vote, the following Board members voted "Aye": Reiter, Loeffelholz, Brayton, Greder, Klein, Morrow, and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Kearney Church of The Nazarene on a 2006 Ford Econoline Van. 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 Loeffelholz and seconded by Reiter to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Christian Heritage Children's Homes on two 2013 Honda Civic Sedans and one 2017 Honda Civic Sedan. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:55 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Highway Superintendent John Maul was present for the following agenda items.

Moved by Klein and seconded by Reiter to award 2018-2019 Asphalt Bids for Asphalt Overlay of 5 ½ miles on the Ravenna Road and 1 mile on 100th Road off the Shelton Road to Werner Construction for \$1,396,911.62. 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 Klein and seconded by Brayton to accept the bid for two new 2018 Caterpillar 12M3 Motor Graders from NMC of Lincoln for \$427,350.00. 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 Klein and seconded by Brayton to accept the bid for one John Deere 724K Pay loader from Murphy Tractor of Grand Island for \$224,900.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for Concrete Structure Replacements. The following companies submitted bids: Midlands Contracting Inc., Saul Ramos Construction Inc. and Simon Contractors. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the Board meeting on November 27, 2018.

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

REGULAR AGENDA

Chairman McMullen asked if there was anything else to come before the Board at 10:07 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, November 27, 2018.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)