

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 11, 2018**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 11, 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, Ronald Loeffelholz, Dennis Reiter and William McMullen. Absent: Ivan Klein and Sherry Morrow. 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 Reiter and seconded by Loeffelholz to approve the November 27, 2018 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Reiter, Loeffelholz, Brayton, Greder and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to approve the December 3, 2018 Emergency Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Loeffelholz, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

Move by Greder and seconded Loeffelholz to ratify the following December 7, 2018 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL			257,808.25
AMERICAN FAMILY LIFE	I	PREMIUMS	1,162.57
RETIREMENT PLANS AMERITAS	R	EMPE RET	43,367.87
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	70.00
BUFFALO CO TREASURER	I	PREMIUMS	91,730.00
FIRST CONCORD	E	FLEX FUNDS	4,195.91
FIRST NATIONAL BANK	T	FEDERAL TAX	89,270.90
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL LIFE	I	PREMIUMS	1,077.64
MADISON NATIONAL LIFE	I	LT DISABILITY	571.11
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	E	DENTAL	2,801.77
STATE OF NE	T	STATE TAX	14,464.95
VISION SERVICE	E	EMPE VSP EYE	727.32
ROAD FUND			
NET PAYROLL			54,440.60
AMERICAN FAMILY LIFE	I	PREMIUMS	816.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,586.49
BUFFALO CO TREASURER	I	PREMIUMS	2,930.00
FIRST CONCORD	E	FLEX FUNDS	487.50
FIRST NATIONAL BANK	T	FEDERAL TAX	16,529.78
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL LIFE	I	PREMIUMS	98.15
MADISON NATIONAL LIFE	I	LT DISABILITY	110.76
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	2,435.65
VISION SERVICE	E	EMPE VSP EYE	204.08
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 LIFE	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	224.22

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

GENERAL FUND		
TRENTON SNOW	REIMBURSE	\$440.36
TRENTON SNOW LLC	RENT	\$1,000.00

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

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

The Board discussed the Christmas holiday closing hours. Moved by Brayton and seconded by Greder to open the Buffalo County Offices on December 24, 2018 from 8:00 A.M. and close at 1:00 P.M. After discussion with elected officials, Brayton amended the motion and Greder seconded the amendment to close the Buffalo County Offices on December 24, 2018 through December 25, 2018. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Loeffelholz, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

Juvenile Diversion Administrator Doug Kramer and County Attorney Shawn Eatherton reviewed the 2019 Community-based Juvenile Services Aid Request application and asked the Board for authorization to pursue the Community grant. Moved by Loeffelholz and seconded by Greder 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": Loeffelholz, Greder, Brayton, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

Roger Jasnoch, Executive Director of the Kearney Visitors Bureau was present for the following agenda item. Moved by Loeffelholz and seconded by Reiter to reappoint Jackie Purdy, Paul Younes and Ben Holl to the Visitors Bureau Board of Directors for a four-year term. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

Chairman McMullen noted there was no correspondence. Chairman McMullen called on each board member present for committee reports and recommendations.

Sheriff Neil Miller was present to discuss the purchase of 911 Center radio console equipment through the state contract pricing. Moved by Greder and seconded by Reiter to accept the state contract pricing for the 911 Center radio console equipment including the trade in allowance for the total amount of \$379,505.18 through Motorola Solutions. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Brayton, Loeffelholz and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

ZONING

Zoning Administrator Jason Wozniak and Deputy County Attorney Andrew Hoffmeister were present for the following Zoning agenda items.

Chairman McMullen opened the Zoning Hearing at 9:29 A.M. for a Vacation of Plat filed by Trenton Snow on behalf of Jerrold & Virginia Pawley located in Lot 1, Pawley Acres, an administrative subdivision being part of the Government Lot 1, in Section 5, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Trenton Snow reviewed the application and no one else addressed the Board. Chairman McMullen closed the hearing at 9:38 A.M. Moved by Greder and seconded by Brayton to approve the Vacation of Plat with the following Resolution 2018-54. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Loeffelholz, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

RESOLUTION 2018-54

WHEREAS, Surveyor, Trenton Snow, on behalf of Jerrold & Virginia Pawley, husband and wife, owners of:
Lot One (1), Pawley Acres, an administrative subdivision being part of Government Lot 1 in Section 5, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska

Have filed to vacate part of this subdivision with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on December 11, 2018, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Ag-Residential (AGR) Zoning District of Buffalo County, Nebraska.
2. The proposed vacation, as reflected on the survey that accompanies this request, fulfills Buffalo County's Subdivision Resolution requirements for vacation of subdivided land as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. The proposed vacation of the described property should be approved to the extent reflected on the survey given to this Board.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the proposed vacation of this subdivision is approved.

RESOLVED FURTHER, that a copy of this Resolution, when it is filed with the Buffalo County Register of Deeds against the above named legal description, shall cause the vacation of previously subdivided land.

Chairman McMullen opened the Zoning Hearing for an Administrative Subdivision filed by Trenton Snow on behalf of Jerrold & Virginia Pawley for property described as part of Government Lot 1 in Section 5, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Lot 1, Pawley Acres Second, an Administrative Subdivision. Trenton Snow reviewed the application and no one else addressed the Board. Chairman McMullen closed the hearing at 9:39 A.M. Moved by Greder and seconded by Brayton to approve the Administrative Subdivision with the following Resolution 2018-55. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Loeffelholz, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

RESOLUTION 2018-55

WHEREAS, Trenton Snow, licensed surveyor, on behalf of Jerrold and Virginia Pawley, hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "PAWLEY ACRES 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 December 11, 2018, this Board conducted a public hearing now finds:

1. The proposed "PAWLEY ACRES SECOND, AN ADMINISTRATIVE SUBDIVISION" is in the Agricultural Residential (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. 115th Rd is a county maintained open public road that abuts the proposed subdivision to the north. 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 "PAWLEY ACRES SECOND, AN ADMINISTRATIVE SUBDIVISION", an administrative subdivision being described as a tract of land being part of Government Lot 1 in Section 5, 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

Chad Dixon from Miller & Associates and Deputy County Attorney Hoffmeister reviewed the Building Restriction Agreement for LOMR-F. Moved by Brayton and seconded by Loeffelholz to approve the following Resolution 2018-56 to authorize the Chairman to sign the Building Restriction Agreement for LOMR-F for property described as Lot 6, Hidden Hills Estates located in Section 18, Township 9, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

RESOLUTION 2018-56

WHEREAS, in 1986 Buffalo County, Nebraska adopted and enacted floodplain regulations and has amended the regulations at various times in the past, and

WHEREAS, there has been a request submitted to the Buffalo County Floodplain Administrator for a Letter of Map Revision on the basis of fill (LOMR-F) for property sought to be removed from the Special Flood Hazards Area, as defined in Buffalo County's Floodplain Regulations Resolution, hereinafter referred to as the "subject property", and

WHEREAS, the request and engineer certifications that accompany the LOMR-F application that were submitted to the Floodplain Administrator fulfill the necessary local standards and findings concerning structures and fill placed on the subject property as required by the Federal Emergency Management Administration (FEMA) for the applicant seeking LOMR-F from FEMA, and

WHEREAS, this Board deems it prudent to enter into a Development Restriction Agreement concerning future development in and upon the subject property and the Buffalo County Attorney's Office has reviewed and approved a proposed agreement to be executed on behalf of Buffalo County and the party seeking the LOMR-F.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BUFFALO COUNTY THAT the structure and development now existing on the subject property as certified by professional engineer fulfill the required local government standards and findings for structures and fill placed on the subject property and the Chairperson of this Board is authorized to execute on behalf of Buffalo County the proposed Development Restriction Agreement, and

IT IS RESOLVED the subject property is legally described as:

Lot 6, Hidden Hills Estates, a subdivision being part of Government Lot 4 and Government Lot 9 located in Section 18, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

IT IS FURTHER RESOLVED that a copy of this Resolution shall be filed with the Development Restriction Agreement against the subject property.

Moved by Greder and seconded by Loeffelholz 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": Greder, Loeffelholz, Brayton, Reiter and McMullen. Absent: Klein and Morrow. 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 the Tax List Corrections numbered 4524-4530 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Reiter and McMullen. Absent: Klein and Morrow. 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 Goodwill Industries of Greater Nebraska Inc. on a 2013 Dodge Caravan, 2010 Dodge Grand Caravan, 2013 Hyundai Accent, 2013 Chevrolet Impala and a 2017 Dodge Caravan. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

Moved by Loeffelholz and seconded by Greder to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:49 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Greder, Brayton, Reiter and McMullen. Absent: Klein and Morrow. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen opened the public hearing at 10:00 A.M. for the road vacation referred to as portion of 340th Road that is lying between the South half of the South half of Section Eighteen (18), and the North Half of the North half of Section Nineteen (19), Township Twelve (12), North, Range Fourteen (14), West of the 6th P.M. Buffalo County, Nebraska. Deputy County Attorney Hoffmeister and William DeLaet reviewed the request of both hearings on the Agenda. No one else addressed the Board and Chairman McMullen closed the hearing at 10:08 A.M. According to States Statutes a decision cannot be made until the December 27, 2018 County Board meeting.

Chairman McMullen opened the public hearing for the road vacation referred to as portion of 340th Road that is lying between the South half of the Southwest Quarter of Section Seventeen (17), and the North Half of the Northwest Quarter of Section Twenty (20), Township Twelve (12), North, Range Fourteen (14), West of the 6th P.M., Buffalo County, Nebraska. No one else addressed the Board and Chairman McMullen closed the hearing at 10:10 A.M. According to States Statutes a decision cannot be made until the December 27, 2018 County Board meeting.

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

Chairman McMullen asked if there was anything else to come before the Board at 10:11 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Thursday, December 27, 2018.