

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

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, February 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: Ivan Klein, Ronald Loeffelholz, Sherry Morrow, Dennis Reiter and William McMullen. Absent: Joseph Brayton and Kent Greder. 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 Loeffelholz and seconded by Reiter to approve the January 23, 2018 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Klein, Morrow and McMullen. Absent: Brayton and Greder. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to ratify the following February 2, 2018 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Loeffelholz, Reiter and McMullen. Absent: Brayton and Greder. None voted "Nay". Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			237,113.96
AMERICAN FAMILY LIFE	I	PREMIUMS	1,059.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	39,606.64
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	100.00
BUFFALO CO TREASURER	I	PREMIUMS	98,170.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	374.61
FIRST CONCORD	E	FLEX FUNDS	4,003.14
FIRST NATIONAL BANK	T	FEDERAL TAX	80,704.82
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL LIFE	I	PREMIUMS	364.39
MADISON NATIONAL LIFE	I	LT DISABILITY	559.84
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,115.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	705.00
NE CHILD SUPPORT	E	CHILD SUPPORT	334.12
PRINCIPAL FINANCIAL	E	DENTAL	2,775.64
ROSS SCHROEDER & GEORGE	E	GARNISH	97.40
STATE OF NE	T	STATE TAX	12,816.54
VISION SERVICE	E	EMPE VSP EYE	653.17
<b>ROAD FUND</b>			
NET PAYROLL			49,996.63
AMERICAN FAMILY LIFE	I	PREMIUMS	850.94
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,070.93
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	15,305.08
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL LIFE	I	LT DISABILITY	102.96
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	749.06
STATE OF NE	T	STATE TAX	2,245.80
VISION SERVICE	E	EMPE VSP EYE	186.12
<b>WEED FUND</b>			
NET PAYROLL			4,317.04
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	1,313.95
MADISON NATIONAL LIFE	I	LT DISABILITY	3.51
PRINCIPAL FINANCIAL	E	DENTAL	29.04

STATE OF NE	T	STATE TAX	186.85
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Moved by Morrow and seconded by Loeffelholz to accept the Clerk of the District Court January 2018 Fee Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Klein, Reiter and McMullen. Absent: Brayton and Greder. None voted "Nay". Motion declared carried.

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

Moved by Morrow and seconded by Reiter to approve the Amendments to the Child Support Enforcement Grant. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Klein, Loeffelholz and McMullen. Absent: Brayton and Greder. None voted "Nay". Motion declared carried.

After discussion of the process for the 2018 Property Valuation Protests, a committee of Commissioners Klein, Morrow and McMullen will pursue the hiring of referees again this year to review the protests.

Chairman McMullen reviewed the following correspondence. The Board received a thank you from Marcile Woodward and the family of Josiah Woodward. The City of Kearney sent an update of Amendments to the City Code. The Nebraska Crime Commission sent notice of the annual inspection of the Buffalo County Detention Center for the Nebraska Jail Standards Board. Chairman McMullen called on each Board member present for committee reports and recommendations. Commissioner Kent Greder arrived at 9:15 A.M.

### **ZONING**

Chairman McMullen opened the Zoning Hearing at 9:15A.M. Zoning Administrator LeAnn Klein was present.

Chairman McMullen opened the Zoning Hearing for a zoning map amendment filed by Mitchell Humphrey on behalf of Horace and Marilyn Dannehl for property described as part of Government Lot 15 located in Section 30, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska to rezone this property from Agricultural to Agricultural-Residential. Mitchell Humphrey was present to review the zoning map amendment. No one else addressed the Board and Chairman McMullen closed the hearing at 9:21 A.M. Moved by Loeffelholz and seconded by Reiter to approve the Zoning Map Amendment with the following Resolution 2018-01. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Greder, Klein, Morrow and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

### **RESOLUTION 2018-01**

WHEREAS, on December 29, 2017, Horace L. Dannehl and Marilyn V. Dannehl have applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following real estate property, hereinafter referred to as the "subject property", to wit:

A tract of land located in Government Lot 15 in Section 30, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: The place of beginning being the Southeast corner of said Government Lot 15 and assuming the East line of said Lot as bearing NORTH and all bearings contained herein are relative thereto; thence S 89°54' W on the South line of said Lot 15 a distance of 611.50 feet; thence N 0°27' E a distance of 464.85 feet; thence S 89°55' E a distance of 75.50 feet; thence N 0°48' E a distance of 285.00 feet; thence N 89°52' E a distance of 528.37 feet to a point on the East line of said Lot 15; thence South on the east line of Lot 15 a distance of 749.85 feet to the place of beginning. Containing 10.0 acres, more or less, of which 0.88 acres, more or less are presently used for public road purposes. be changed from the Agricultural (AG) District to the Agricultural-Residential (AGR) District.

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on January 18, 2018, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 6-0 vote with 3 absent, and

WHEREAS, on February 13, 2018, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

- a. No one voiced opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- c. That the intended uses of the Agricultural-Residential District is consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as sufficient utilities so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

WHEREAS, no protest (s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agricultural (AG) District to the Agricultural-Residential (AGR) District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed's office against subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Transportation Director Charles McGraw from the Community Action Partnership of Mid Nebraska was present to review the funding matches required for the operation of Mid-Nebraska-RYDE Transportation. Moved by Klein and seconded by Greder to approve the Local Funding Match with the following Resolution 2018-02 for RYDE Transit Public Transportation. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Loeffelholz Morrow, Reiter and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

### **RESOLUTION 2018-02**

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

WHEREAS, the Community Action Partnership of Mid Nebraska – RYDE Transit desires to apply for said funds to provide public transportation in (transit system's service area).

NOW, THEREFORE, BE IT RESOLVED; the Buffalo County Board of Commissioners hereby instructs the Community Action Partnership of Mid Nebraska – RYDE Transit to apply for said funds.

Said funds are to be used for the Community Action Partnership of Mid Nebraska – RYDE Transit transportation operations in the FY 2018-2019 Application for Public Transportation Assistance. Local Funding Amount Match for 2018-2019: \$63,800.00.

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

### **BOARD OF EQUALIZATION**

Chairman McMullen called the Board of Equalization to order in open session at 9:45 A.M. County Assessor Ethel Skinner and County Treasurer Sidwell were present.

Moved by Greder and seconded by Morrow to approve Tax List Corrections numbered 4432 through 4442 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Klein, Loeffelholz, Reiter and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to approve Valuation Changes submitted by County Assessor Skinner for Scott Wallace on parcels 605683000 and 605683100. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Loeffelholz, Morrow, Reiter and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for CHI Health/Good Samaritan Hospital on a 2015 Chevrolet Ambulance, 2008 Ford Ambulance, 1999 Ford Cutaway Van, (2)-2002 Ford Cutaway Vans, 2003 Ford Ambulance, 2003 Pontiac Montana, 2003 Ford Bus, 1995 Ford Bus, 2007 Ford Explorer, 2005 Dodge Caravan, 2010 Chevrolet Ambulance, 2000 Chevrolet ½ ton Pickup, 2005 Chevrolet ¾ Ton Pickup, 2012 McCoy Miller Ambulance, 2001 Dodge Ram Pickup, 2008 Buick Lacrosse, 2011 Chevrolet Van, 1995 Ford Econoline Van, 1994 Chevrolet ½ ton Pickup, 1994 Ford Caravan, 2002 Ford Cutaway Van, 2003 Ford Cutaway Van, 2013 Chevrolet Ambulance, 2006 Ford Cutaway Van, 2014 GMC Caravan, 2005 Dodge Caravan SE, 2003 48-F123 Ford Van-Ambulance and a 2010 48-J396 Chevrolet Ambulance. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Klein, Loeffelholz, Reiter and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:51 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Greder, Morrow, Reiter and McMullen. Absent: Brayton. 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 the bid for two Bridge Structures to Norfolk Contracting for Project C10 (1422), Structure C001004605 in the amount of \$68,452.00 and Project C10 (1440), Structure C001005115 in the amount of \$175,931.00. Total Cost \$244,383.00. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Greder, Loeffelholz, Morrow and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Loeffelholz to authorize Chairman McMullen to sign the agreement with the State of Nebraska Department of Transportation to designate a County Road (Keystone Road from Interstate 80 to US Highway 30) as a detour while doing the improvements to State Spur Route L10C. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Greder, Morrow, Reiter and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Reiter to set a bid date of February 27, 2018 at 10:00 A.M. for two Bottom Dump Trailers. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Greder, Loeffelholz, Morrow and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Chairman McMullen opened the public hearing for the 2018 One and Six Year Road and Bridge Plan at 10:08 A.M. Highway Superintendent John Maul was present for discussion and review. No one from the public addressed the Board and the public hearing was closed at 10:18 A.M. Moved by Klein and seconded by Reiter to adopt the One and Six Year Road and Bridge Plan for 2018 as presented. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Greder, Loeffelholz, Morrow and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Jim Korth and Brock Pohlmeier from the RKS Law Office were present to inform the Board of the Opioid Epidemic and the potential joinder to a possible lawsuit. No action was taken.

MIPS Operations Manager Joe Power and Matt Thieman were present to demonstrate the Surface Pros that can be used in the field for the County Assessor's office to review and assess properties. Moved by Greder and seconded by Reiter to approve the purchase of six Surface Pros for the County Assessor. Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Klein, Loeffelholz, Morrow and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to approve the following tax refund request submitted by County Treasurer Sidwell for Scott Wallace in the amount of \$1724.66 on parcel numbers 605583000 and 605683100. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Klein, Morrow, Reiter and McMullen. Absent: Brayton. None voted "Nay". Motion declared carried.

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 11:39 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, February 27, 2018.

ATTEST:

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William McMullen, Chairman  
Buffalo County Board of Commissioners

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Janice I. Giffin  
Buffalo County Clerk

(SEAL)