

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, MARCH 12, 2019**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 12, 2019 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: Timothy Higgins, Ivan Klein, Myron Kouba, 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 Reiter and seconded by Kouba to approve the February 26, 2019 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Reiter, Kouba, Higgins, Klein, Loeffelholz, Morrow and McMullen. Motion declared carried.

Moved by Morrow and seconded by Higgins to ratify the following March 1, 2019 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

<b><u>GENERAL FUND</u></b>			
NET PAYROLL			247,303.91
AMERICAN FAMILY LIFE	I	PREMIUMS	1,085.28
RETIREMENT PLANS AMERITAS	R	EMPE RET	41,469.72
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	60.00
BUFFALO CO TREASURER	I	PREMIUMS	91,525.00
FIRST CONCORD	E	FLEX FUNDS	4,295.91
FIRST NATIONAL BANK	T	FEDERAL TAX	84,153.62
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL	I	PREMIUMS	1,261.31
MADISON NATIONAL	I	LT DISABILITY	621.06
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
MIDLAND FUNDING	E	GARNISHMENT	115.20
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	659.12
PRINCIPAL LIFE	E	DENTAL	3,091.40
STATE OF NE	T	STATE TAX	13,509.77
VISION SERVICE	E	EMPE VSP EYE	760.70
<b><u>ROAD FUND</u></b>			
NET PAYROLL			56,335.42
AMERICAN FAMILY LIFE	I	PREMIUMS	816.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	9,122.47
AR SOLUTIONS	E	GARNISHMENT	430.06
BUFFALO CO TREASURER	I	PREMIUMS	2,845.50
FIRST CONCORD	E	FLEX FUNDS	487.50
FIRST NATIONAL BANK	T	FEDERAL TAX	17,965.69
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL	I	PREMIUMS	129.10
MADISON NATIONAL	I	LT DISABILITY	111.06
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL LIFE	E	DENTAL	784.48
STATE OF NE	T	STATE TAX	2,787.84
VISION SERVICE	E	EMPE VSP EYE	194.48
<b><u>WEED FUND</u></b>			
NET PAYROLL			4,654.00
RETIREMENT PLANS AMERITAS	R	EMPE RET	731.90
BUFFALO CO TREASURER	I	PREMIUMS	251.50
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,493.37
MADISON NATIONAL	I	LT DISABILITY	3.62
PRINCIPAL LIFE	E	DENTAL	30.48
STATE OF NE	T	STATE TAX	229.23

Moved by Loeffelholz and seconded by Klein to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

<b>GENERAL FUND</b>		
ROBIN L HENDRICKSEN	SERVICE	5,000.00

Moved by Morrow and seconded by Higgins to accept the Clerk of the District Court February 2019 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Reiter to accept the Buffalo County Treasurer February 2019 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Higgins, Klein, Kouba, Loeffelholz, and McMullen. Motion declared carried.

Moved by Higgins and seconded by Kouba to retain Woods & Aitken for matters outside of the NIRMA hotline and authorize Chairman McMullen to sign the contract as presented. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Klein and seconded by Loeffelholz to approve the Special Designated Liquor License applications filed by Mac's Creek Vineyards & Winery for wine and beer sampling/off sale events to be held at the Iain Nicolson Audubon Center at Rowe Sanctuary located at 44450 Elm Island Rd, Gibbon, NE. The events will be on April 6 and April 13, 2019. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

At the Board meeting on February 12, 2019, Commissioner Kouba reported on the Activate Buffalo County's Worksite Wellness membership through the Buffalo County Community Partners and the decision was tabled at that time. Moved by Kouba and seconded by Klein to approve the membership to the Worksite Wellness Program through the Buffalo County Community Partners. Upon roll call vote, the following Board members voted "Aye": Kouba, Klein, Higgins, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Kouba and seconded by Morrow to authorize Bob Charlesworth, Health Insurance Consultant with Charlesworth Consulting LLC to finalize an agreement with Hy-Vee to conduct health screening for Buffalo County employees. Upon roll call vote, the following Board members voted "Aye": Kouba, Morrow, Higgins, Klein, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Higgins to approve Commissioners Klein and McMullen as new signors on the Board of Commissioner petty cash account. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Sheriff Neil Miller was present for the discussion of the food service for the jail. Moved by Klein and seconded by Reiter to authorize Chairman McMullen to sign the addendum to the Foodservice Agreement with Consolidated Correctional Food Service. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

Chairman McMullen reviewed the following correspondence. The City of Kearney sent the Agenda for the March 15, 2019 Planning and Zoning Commission meeting. Buffalo County Community Partners, Activate Buffalo County sent information about the 29<sup>th</sup> annual Walk Out On Your Job event. Woods & Aitken sent a letter requesting assistance in a wage and benefits survey. NIRMA sent information for Employment Practices Seminars and the NIRMA 2018 Annual Report. Chairman McMullen called on each Board member present for committee reports and recommendations.

## **ZONING**

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

Chairman McMullen opened the Zoning Hearing at 9:15 A.M. for an Administrative Subdivision filed by Mitchell Humphrey on behalf of Steven J. and Tana K. McNitt for property described as part of the West Half of the Southwest Quarter (W1/2 SW1/4) of Section Three (3), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as J. Liljehorn Administrative Subdivision. Mitchell Humphrey reviewed the application and Chairman McMullen closed the hearing at 9:19 A.M. Moved by Loeffelholz and seconded by Reiter to approve the Administrative Subdivision with the following Resolution 2019-04. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Higgins, Klein, Kouba, Morrow and McMullen. Motion declared carried.

## **RESOLUTION 2019-04**

WHEREAS, Mitchell Humphrey, licensed surveyor, on behalf of Steven J. and Tana K. McNitt hereinafter referred to as “applicant” have filed for an Administrative Subdivision to be known as “J. LILJEHORN 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 March 12, 2019, this Board conducted a public hearing now finds:

1. The proposed “J. LILJEHORN 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. 30<sup>th</sup> Avenue is a county maintained open public road that abuts the proposed subdivision to the west. 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, “J. LILJEHORN ADMINISTRATIVE SUBDIVISION,” described as a tract of land being part of the West Half of the Southwest Quarter of Section 3, 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.

#### **REGULAR AGENDA**

Assistant Highway Superintendent Pat Govier reviewed the final tabulations for the gravel bids submitted on February 26, 2019. Moved by Klein and seconded by Higgins to award the following gravel bids for April 1, 2019 through March 31, 2020: Broadfoot Sand & Gravel for Zones 10, 11, 12, 13, 14, 15, 16 and 17; Ed Broadfoot & Sons Sand & Gravel for Zone 9; Mid-NE Aggregates for Zones 18, 19, 20, 21, 22, 23, 24, 25 and 26; and T&F Sand & Gravel for Zones 1, 2, 3, 4, 5, 6, 7 and 8. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins 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, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

#### **BOARD OF EQUALIZATION**

Chairman McMullen called the Board of Equalization to order in open session. County Assessor Ethel Skinner was present.

Moved by Klein and seconded by Reiter to approve Tax List Corrections numbered 4587 through 4590 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:46 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

#### **REGULAR AGENDA**

Deputy County Attorney Andrew Hoffmeister was present for discussion on abandoned and neglected cemetery. Moved by Loeffelholz and seconded by Reiter to approve care and maintenance of this abandoned or neglected cemetery with the following Resolution 2019-05. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Higgins, Klein, Kouba, Morrow and McMullen. Motion declared carried.

#### **RESOLUTION 2019-05**

WHEREAS, Dove Hill Cemetery was created by deed dated February 14, 1889, and filed in Buffalo County Register of Deeds in Book 89, Page 611 on March 20, 1909, for a tract of land being part of Government Lot 2 which is located in part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 16 West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, and is described in this deed as being located in Lot Two (2), Section Thirty (30) in Township Nine (9) North, Range Sixteen (16) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as commencing at the south west corner of said Lot Two, Section Thirty, and running thence East on South line of said Lot 242 feet, thence north on line parallel with the west line of said Lot Two 209 feet, thence West on line parallel with said south line of said Lot Two 242 feet, thence south on West line of said Lot Two 209 feet to point of beginning containing 1.16 acres, more or less, less roads, and

WHEREAS, this Board finds that Dove Hill Cemetery has been generally abandoned or neglected for at least the past five consecutive years. That it was established before 1900. That it has no existing association members or board of directors. That it has filed no reports with the Buffalo County Clerk concerning perpetual care funds or other funds as required by Sec. 12-512.04 and Sec. 12-531, Neb.Rev.Stat. Further that this cemetery contains graves of homesteaders or sodbusters who settled this land. As such, it is an abandoned or neglected cemetery classified in Sec. 12-805 Neb.Rev.Stat. and,

WHEREAS, persons have approached this Board and other county officials, desiring to make improvements to this abandoned or neglected cemetery. These persons are unsure as to the legal status of the cemetery regard who can approve or manage these improvements because it is abandoned. There is a public need to take care of this abandoned or neglected cemetery and implement volunteered improvements and maintenance when and if offered. There is also a public need to see that proper care is being maintained on this abandoned or neglected cemetery as allowed by law.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the County of Buffalo, State of Nebraska, shall expend money from the general fund of the county, not to exceed one thousand dollars per calendar year, commencing with the next county fiscal year, for the care and maintenance of this abandoned or neglected cemetery under the oversight and direction of the Building and Grounds Committee of this Board all as provided by law. Also by law, the Board's committee by oversight or other county action shall see that this cemetery is mowed once year within a period of two weeks prior to Memorial Day. Any additional mowing done at county expense shall be at the discretion of this Board and may require further public hearings as provided in Sec. 12-810 Neb.Rev.Stat. Care and maintenance of this cemetery with use of public funds may include the repair or building of fences and annual spraying for the control of weeds and brush all as seen fit by this Board.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the foregoing legal description.

Jerad Reimers representing Congressman Adrian Smith presented updated reports from the Congressman's office.

Chairman McMullen called for Citizen's forum. Pam Baer and Tim Sorensen were present to address the Board about the road conditions on 30<sup>th</sup> Avenue near where they live.

Chairman McMullen asked if there was anything else to come before the Board at 10:46 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, March 26, 2019.

ATTEST:

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William McMullen, Chairman  
Buffalo County Board of Commissioners

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Janice I. Giffin  
Buffalo County Clerk

(SEAL)