

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 9, 2019**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, July 9, 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 Loeffelholz and seconded by Higgins to approve the June 25, 2019 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Reiter to ratify the following July 5, 2019 bi-weekly payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Higgins, Klein, Kouba, Loeffelholz and McMullen. Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			241,693.06
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,140.44
RETIREMENT PLANS OF AMERITAS	R	EMPE RET	39,834.92
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	50.00
BUFFALO CO TREASURER	I	PREMIUMS	99,461.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	4,068.76
FIRST NATIONAL BANK	T	FEDERAL TAX	80,620.16
KEARNEY UNITED WAY	E	DONATIONS	101.67
MADISON NATIONAL LIFE INS	I	PREMIUMS	1,254.49
MADISON NATIONAL LIFE INS	I	LT DISABILITY	620.41
MASSMUTUAL FINANCIAL GROUP	R	DEFER COMP	1,175.00
MIDLAND FUNDING	E	GARNISHMENT	118.83
NATIONWIDE RETIREMENT	R	DEFER COMP	355.00
NE CHILD SUPPORT CENTER	E	CHILD SUPPORT	659.12
PRINCIPAL FINANCIAL	E	DENTAL	2,971.68
STATE OF NEBRASKA	T	STATE TAX	12,761.03
VISION SERVICE INS	E	EMPE EYE CARE	752.38
<u>ROAD FUND</u>			
NET PAYROLL			54,560.76
AMERICAN FAMILY LIFE ASSURANCE	E	PREMIUMS	1,023.05
RETIREMENT PLANS OF AMERITAS	R	EMPE RET	8,639.46
BUFFALO CO TREASURER	I	PREMIUMS	2,778.50
FIRST CONCORD BENEFITS	E	FLEX FUNDS	484.71
FIRST NATIONAL BANK	T	FEDERAL TAX	16,996.63
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL LIFE INS	I	PREMIUMS	144.30
MADISON NATIONAL LIFE INS	I	LT DISABILITY	106.20
NATIONWIDE RETIREMENT	R	DEFER COMP	272.50
NE CHILD SUPPORT CENTER	E	CHILD SUPPORT	676.00
PRINCIPAL FINANCIAL	E	DENTAL	874.72
STATE OF NEBRASKA	T	STATE TAX	2,588.74
VISION SERVICE INS	E	EMPE EYE CARE	215.35
<u>WEED FUND</u>			
NET PAYROLL			4,657.90
RETIREMENT PLANS OF AMERITAS	R	EMPE RET	732.71
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD BENEFITS	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,494.90
MADISON NATIONAL LIFE INS	I	LT DISABILITY	3.62
PRINCIPAL FINANCIAL	E	DENTAL	30.48
STATE OF NEBRASKA	T	STATE TAX	229.62

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

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	4,572.00

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

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

After discussion and review of the County Sheriff's report, it was moved by Klein and seconded by Higgins to approve the Special Designated Liquor License applications filed by Rowe Sanctuary for events to be held at the Iain Nicolson Audubon Center at Rowe Sanctuary located at 44450 Elm Island Rd, Gibbon, NE. The date of the events will be August 23 and September 21, 2019. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Clay Schutz addressed the Board about the application for an addition to the current liquor license for C & H Adventures, LLC dba Cedar Hills Vineyard and Gardens. This addition to the application is the middle section of the building that was not included in the original application. Moved by Loeffelholz and seconded by Higgins to approve the requested addition as indicated on the application. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, 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 Morrow to approve the Special Designated Liquor License applications filed by C & H Adventures LLC dba Cedar Hills Vineyard and Gardens for events to be held in the Tasting Room located at 48970 375th Rd, Ravenna, Nebraska. The date of the events will be July 27 and August 25, 2019. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Chairman McMullen reviewed the following correspondence. The Kearney American Legion Post #52 sent an invitation to the 4th Annual Veteran's Memorial Golf Tournament and the City of Kearney sent a notice regarding annexation of Arbor View First. Chairman McMullen called on each Board member present for committee reports and recommendations.

Zoning

Zoning Administrator Jason Wozniak was present for the following Zoning agenda items.

Chairman McMullen opened the public hearing at 9:15 A.M. for an Administrative Subdivision filed by Trenton Snow on behalf of Michael and Mary Skyler for property described as part of the Northwest Quarter of the Northeast Quarter of Section 35, Township 9 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Lot 1, Skyler Acres Administrative Subdivision. Trenton Snow reviewed the application and Chairman McMullen closed the hearing at 9:17 A.M. Moved by Morrow and seconded by Higgins to approve the Administrative Subdivision with the following Resolution 2019-18. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-18

WHEREAS, Trenton Snow, licensed surveyor, on behalf of Michael and Mary Skyler hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "SKYLER ACRES, 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 July 9, 2019, this Board conducted a public hearing now finds:

1. The proposed "SKYLER ACRES, 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. 35th Rd is a county maintained open public road that abuts the proposed subdivision to the south. 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 "SKYLER ACRES, AN ADMINISTRATIVE SUBDIVISION", being part of the Northwest ¼ of the Northeast ¼ of Section 35, Township 9 North, Range 17 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.

Chairman McMullen opened the public hearing to consider recommendation of amendments for Buffalo County Zoning Regulations previously adopted by Buffalo County. Items to be changed are the language for Section 5.17 and Section 5.28 for Minimum Yard Requirements. Zoning Administrator Wozniak reviewed the changes and no one else addressed the Board. Chairman McMullen closed the hearing at 9:20 A.M. Moved by Kouba and seconded by Klein to approve the amendments to the Zoning Regulations with the following Resolution 2019-19. Upon roll call vote, the following Board members voted "Aye": Kouba, Klein, Higgins, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-19

WHEREAS, on June 20, 2019, the Buffalo County Planning and Zoning Commission held a public hearing concerning amendments to Buffalo County's Zoning Regulations concerning Minimum Yard Requirements in the Agricultural, Rural Conservation, zoning districts, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, on July 9, 2019 this Board conducted a public hearing concerning four proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendments,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted with amending language as generally shown as underlined wording: Add the Zoning Regulation section below to read as follows for amending Section 5.17, and add to Section 5.28:

1. Yard requirements are as follows:

- | | |
|-------------|--|
| Front Yard: | There shall be a minimum front yard of not less than a depth of fifty (50) feet measured from the right-of-way line. |
| Rear Yard: | There shall be a minimum rear yard of fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty (50) feet. |
| Side Yard: | There shall be a minimum side yard of ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum wide yard shall be fifty (50) feet |

Chairman McMullen opened the public hearing for a zoning map amendment filed by Mitch Humphrey on behalf of Andrew and Nancy Carlson request for property described as part of the Southwest Quarter of the Northwest Quarter located in Section 10, Township 10 North, Range 15 West of the Sixth Principal Meridian., Buffalo County, Nebraska. Mitch Humphrey reviewed the application and Chairman McMullen closed the hearing at 9:22 A.M. Moved by Morrow and seconded by Higgins to approve the Zoning Map Amendment with the following Resolution 2019-20. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-20

WHEREAS, on May 25, 2019, Mitchell Humphrey on behalf of Andrew and Nancy Carlson, has 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 being part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section Ten (10), Township Ten (10) North, Range Fifteen(15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Comer of the Northwest Quarter of said Section 10 and assuming the West line of said Northwest Quarter as bearing N 00°22' E and all bearings contained herein are relative thereto; thence N 00°22' E on the West line of the Northwest Quarter of said Section 10 a distance of 762.0 feet; thence leaving the West line of the Northwest Quarter, N 89°59'45" E a distance of 33.0 feet to a point, said point being on the East right-of-way line of a public road (Sweetwater Road); thence S 44°49'07" E a distance of 1074.14 feet to a point that intersects on the South line of the Southwest Quarter of the Northwest Quarter of said Section 10; thence S 89°59'45" W on the aforesaid South line of the Southwest Quarter of the Northwest Quarter a distance of 795.0 feet to the place of beginning. Containing 7.242 acres, more or less, of which 0.577 acres, more or less, are presently being used for road purposes on the West side

be changed from the Agricultural (AG) District to the Agricultural Residential (AGR) District. Property is in the name of Andrew and Nancy Carlson, husband and wife as joint tenants and not as tenants in common.

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 June 20, 2019, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 7-0 vote with 1 absent, and

WHEREAS, on July 9, 2019, 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 are 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.

Chairman McMullen opened the public hearing for an Administrative Subdivision filed by Mitch Humphrey on behalf of Andrew and Nancy Carlson for property described as part of the Southwest Quarter of the Northwest Quarter located in Section 10, Township 10 North, Range 15 West of the Sixth Principal Meridian., Buffalo County, Nebraska to be known as Lots 1 and 2, Carlson Estates Administrative Subdivision. Mitch Humphrey reviewed the application and Chairman McMullen closed the hearing at 9:25 A.M. Moved by Loeffelholz and seconded by Klein to approve the Administrative Subdivision with the following Resolution 2019-21. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-21 RESOLUTION 2019-21

WHEREAS, Mitchell Humphrey, licensed surveyor, on behalf of Andrew and Nancy Carlson hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "CARLSON ESTATES, 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 July 9, 2019, this Board conducted a public hearing now finds:

1. The proposed "CARLSON ESTATES, 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. Sweetwater 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 "CARLSON ESTATES, AN ADMINISTRATIVE SUBDIVISION", being part of the Southwest ¼ of the Northwest ¼ of Section 10, Township 10 North, Range 15 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

Weed Superintendent Bret Stubbs along with the Nebraska Department of Agriculture Inspection Specialist Paul Moyer were present to report on Agriculture’s Noxious Weed Program.

Moved by Loeffelholz and seconded by Klein to recess the regular meeting of the Board of Commissioners at 9:36 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, 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 Morrow and seconded by Higgins to approve Tax List Corrections numbered 4622 and 4623 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Klein and seconded by Higgins to approve the Assessor Valuation Changes as presented to the County Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

<u>Name</u>	<u>Parcel</u>
MIIGERL, MIKE & CANDLYNN	040246000
LOCKHORN, BRENDON & ELIZABETH TR	060004000
MYER, ROBERT L & DOROTHY M	080026000
EPLEY, PATRICK A. & HEIDE	080222010
HARNAGEL,JAY DEE	160120320
LAMBERT, KENNETH E	200034050
ALBRECHT, MARVIN A & ERMINE (LE)	440046010
LEFEBER, NATHAN J. & JULIE A.	540068000
OLTMANS, CRAIG L. & LANA J.	560036103
JONES, RON D & MARY K	580170730
DELAET, WAUNITA R.	600566100
DELAET, WAUNITA R.	600566200
TARRELL, JOHN [M.A.]	601123100
MISENER, PATRICIA A.	603106000
ROBERTS, FRANCIS D & JUDITH A	603299000
THOME, BRIAN & AMY	620046300
THOME, BRIAN & AMY	620046305
GETZ, SHAD B	620321011
BRADEN, TYLON W. & MEGAN M.	620321024
SCHAUB,MICHAEL L DONNA L	660031000
KEGLEY VINEYARDS,L.L.C.	700283100

Chairman McMullen opened the public hearing for Movimento Pena Tax Exemption application at 9:50 A.M. No one addressed the Board and the hearing was closed. After reviewing the application, it was moved by Klein and seconded by Higgins to approve tax exemption on parcel number 680073000 for Movimento Pena. 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 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": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Regular Agenda

Buffalo County Emergency Manager Darrin Lewis addressed the Board about the current flooding situations within Buffalo County. Areas of Buffalo County have roads that have been closed and many homes will be evacuated as the flood waters continue to rise.

Chairman McMullen called for Citizen’s forum and Bill Luke addressed the Board about the Shield 616 project and invited them to the presentation ceremony of more protective equipment for Buffalo County, City of Kearney and University of Nebraska Kearney law enforcement officers.

Addressing the Board about the Assessment Review process from the public were Robert Fitzgerald, Betty Warren, Matt Meister, Stan Wilson, Fred Blume, Amir Ruzik, Steve Coram, Gary Reynolds and Orin Clinger. County Assessor Ethel Skinner and the Referee Coordinator Joe Wilson from Tax Valuation Inc. also responded to the current situation with property valuations.

Chairman McMullen asked if there was anything else to come before the Board at 10:54 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, July 23, 2019.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)