

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 13, 2019**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 13, 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. Deputy County Attorney Kari Fisk was present.

REGULAR AGENDA

Moved by Klein and seconded by Reiter to approve the July 23, 2019 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

Sheriff Neil Miller was present for the Swearing in of Deputy Jason Naiman and Deputy Douglas Cline.

Moved by Higgins and seconded by Klein to ratify the following August 2, 2019 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

GENERAL FUND			
NET PAYROLL			248,354.48
AMERICAN FAMILY LIFE	I	PREMIUMS	1,169.15
RETIREMENT PLANS AMERITAS	R	EMPE RET	40,864.58
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	50.00
BUFFALO CO TREASURER	I	PREMIUMS	98,478.00
FIRST CONCORD	E	FLEX FUND	4,087.40
FIRST NATIONAL BANK	T	FEDERAL TAX	83,310.75
KEARNEY UNITED WAY	E	DONATIONS	106.67
MADISON NATIONAL	I	PREMIUMS	1,249.14
MADISON NATIONAL	I	LT DISABILITY	627.25
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
MIDLAND FUNDING	E	GARNISHMENT	122.53
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	659.12
PRINCIPAL LIFE	E	DENTAL	3,015.40
STATE OF NE	T	STATE TAX	13,328.33
VISION SERVICE PLAN	E	EMPE VSP EYE	756.57
ROAD FUND			
NET PAYROLL			53,320.34
AMERICAN FAMILY LIFE	I	PREMIUMS	994.34
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,321.02
BUFFALO CO TREASURER	I	PREMIUMS	2,634.00
FIRST CONCORD	E	FLEX FUND	484.71
FIRST NATIONAL BANK	T	FEDERAL TAX	16,395.75
MADISON NATIONAL	I	PREMIUMS	144.30
MADISON NATIONAL	I	LT DISABILITY	96.75
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	342.00
PRINCIPAL LIFE	E	DENTAL	784.48
STATE OF NE	T	STATE TAX	2,476.95
VISION SERVICE PLAN	E	EMPE VSP EYE	189.03
WEED FUND			
NET PAYROLL			4,657.90
RETIREMENT PLANS AMERITAS	R	EMPE RET	732.71
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD	E	FLEX FUND	30.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,494.90
MADISON NATIONAL	I	LT DISABILITY	3.62
PRINCIPAL LIFE	E	DENTAL	30.48
STATE OF NE	T	STATE TAX	229.62

Moved by Morrow and seconded by Higgins to accept the Buffalo County Treasurer July 2019 Fund Balance 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 Klein to accept the Clerk of the District Court July 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 Klein and seconded by Loeffelholz to accept the June 2019 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Reiter to accept the Buffalo County Sheriff's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Higgins, Klein, Kouba, Loeffelholz and McMullen. Motion declared carried.

Sheriff Neil Miller and Lieutenant Rob Tubbs were present to discuss the VoIP Phone System. Moved by Klein and seconded by Reiter to set the bid date of September 10, 2019 at 10:15 A.M. for Requests for Proposal (RFP) for VoIP Phone System. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

Moved by Morrow and seconded by Higgins to approve the release of pledged collateral in the amount of \$5,681,026.00 at the First National Bank for the Buffalo County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Morrow to approve the following tax refund request submitted by County Treasurer Jean Sidwell for Phyllis Broadfoot in the amount of \$140.96 for parcel number 580135000. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Klein, Kouba, Reiter and McMullen. Motion declared carried.

Moved by Klein and seconded by Higgins to appoint John Keeney to fill the vacancy for the Planning and Zoning Commission with the term ending November 22, 2019. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Chairman McMullen reviewed the following correspondence. The Board received a Modified Construction and Operating Permit issued for Pritchard Livestock from NE DEQ. The City of Kearney sent the Planning Commission Agenda. Buffalo County Jail received a report from the Jail Standards Board. Terry L Jessen sent a letter regarding a petition drive by TrueNebraskans to be placed on the 2020 November ballot for the property tax relief measure. 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 9:21 A.M. for a zoning map amendment filed by Craig Bennett on behalf of Mark L.B. and Peggy E. Garrels requesting to rezone property described as Lot 1, Rouse 2nd Administrative Subdivision located in Section 1, Township 8 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska from Agricultural to Commercial. Craig Bennett and Mark Garrels reviewed the application, no one else addressed the Board. Chairman McMullen closed the hearing at 9:29 A.M. Moved by Klein and seconded by Kouba to approve the Zoning Map Amendment with the following Resolution 2019-27. Upon roll call vote, the following Board members voted "Aye": Klein, Kouba, Higgins, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-27

WHEREAS, on June 26, 2019 Miller & Associates, on behalf of Mark L. B. and Peggy E. Garrels, 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:

Rouse Second Administrative Subdivision, Lot 1, an Administrative Subdivision being part of the Northeast Quarter of the Southeast Quarter of Fractional Section 1, Township 8 North, Range 15 West of the Sixth principal meridian, Buffalo County, NE be changed from the Agricultural (AG) District to the Commercial (C) District. Property is in the name of Mark L.B. & Peggy E. Garrels, 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 July 18, 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 5-0 vote with 3 absent, and

WHEREAS, on August 13, 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 Commercial 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 Commercial (C) 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 a Vacation of Plat filed by Trenton Snow on behalf of Niemack Farms, LLC % Michelle Choplin described as Lot 1, Niemack Acres Administrative Subdivision, an administrative subdivision being part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) and part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Fourteen (14), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Trenton Snow reviewed the application and Chairman McMullen closed the hearing at 9:33 A.M. Moved by Loeffelholz and seconded by Morrow to approve the Vacation of Plat with the following Resolution 2019-28. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Klein, Kouba, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-28

WHEREAS, Surveyor Trenton Snow on behalf of Niemack Farms, LLC % Michelle Choplin, owners of:

Lot One (1), Niemack Acres Administrative Subdivision, an administrative subdivision being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter in Section Fourteen (14), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being hereinafter referred to as the "described property".

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

WHEREAS, on August 13, 2019, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agriculture (AG) Zoning District of Buffalo County, Nebraska.
2. The proposed vacation, of the entire administrative subdivision, fulfills Buffalo County's Subdivision Resolution requirements for vacation of administrative subdivisions as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. No public utilities occupy the land sought to be vacated.
4. The proposed vacation of the described property should be approved.

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 public hearing for an Administrative Subdivision filed by Trenton Snow on behalf of Niemack Farms, LLC % Michelle Choplin for property described as A tract of land being part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) and part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section Fourteen (14), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Lot 1 Niemack Acres Second an Administrative Subdivision. Trenton Snow reviewed the application and Chairman McMullen closed the hearing at 9:34 A.M. Moved by Klein and seconded by Reiter to approve the Administrative Subdivision with the following Resolution 2019-29. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

RESOLUTION 2019-29

WHEREAS, Trenton Snow, licensed surveyor, on behalf of Niemack Farms, LLC, % Michelle Choplin hereinafter referred to as “applicant” have filed for an Administrative Subdivision to be known as “NIEMACK 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 August 13, 2019, this Board conducted a public hearing now finds:

1. The proposed “NIEMACK ACRES SECOND, AN ADMINISTRATIVE SUBDIVISION” is in the Agricultural (AG) 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. Willow 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 “NIEMACK ACRES SECOND, AN ADMINISTRATIVE SUBDIVISION”, an administrative subdivision being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 14, Township 9 North, Range 13 West of the 6th P.M., 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.

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

BOARD OF EQUALIZATION

Chairman McMullen called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Ethel Skinner were present.

Moved by Loeffelholz and seconded by Higgins to approve the Property Valuation Protest Hearing Minutes dated July 18, July 19, July 22 and July 23, 2019. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Reiter to approve the Report of Destroyed Real Property (Form 425) Hearing Minutes dated July 24, 2019. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Higgins, Klein, Kouba, Morrow and McMullen. Motion declared carried.

Moved by Morrow and seconded by Higgins to accept the 2019 Cemetery Report 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 Loeffelholz to approve Tax List Corrections numbered 4624 through 4626 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

At 9:49 A.M. Chairman McMullen opened the hearing for the Property Valuation Protest filed by Shaun Padgett due to a valuation change submitted by the County Assessor and approved by this Board on June 25, 2019. Shaun Padgett addressed the Board. After review and discussion, Chairman McMullen closed the hearing at 9:56 A.M. Moved by Klein and seconded by Higgins to reduce the value as recommended by the County Assessor on parcel 601392000. 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 Morrow to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer for Kearney Restore Ministries for the following 1989 Kaly Trailer and a 2004 Freightliner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Klein, Kouba, Reiter and McMullen. Motion declared carried.

Moved by Higgins and seconded by Kouba to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer for Grace Fellowship Inc. for the following 2009 Chevrolet Van. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

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

<u>Name</u>	<u>Parcel</u>
JONES, KRISTOPHER & BRIDGET	480092018
VESKERNA, JOSHUA & JAMI	480092012
JOHNSON, BERNARD & PATRICIA TR	603741133

On July 9, 2019 members of the public addressed the Board of Commissioners about the current assessment review processes conducted by the County Assessor. At that time, the Board of Commissioners agreed to develop a plan with the County Assessor to address the property valuation assessment processes. Chairman McMullen reported that after meeting with the County Assessor and members of the public, a seven-point plan of property valuation processes was developed. A copy of that plan is on file with the County Clerk.

Moved by Loeffelholz and seconded by Klein to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:05 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

REGULAR AGENDA

Tony Krause, Engineer from the United States Army Corps of Engineers, Omaha Office, discussed with the Board various services, programs, and studies that the Corps could provide for flood mitigation. He invited members of the Board and the general public to attend informational session to be held by the Corps at the Wood River Fire Hall on August 22, 2019, at 10:00 o'clock, a.m.

Deputy County Attorney Hoffmeister reviewed the Easement Agreement that was before the Board of Commissioners. Moved by Loeffelholz and seconded by Higgins to approve the Easement Agreement with Douglas and Heather Brummels located in the SW1/4 NE1/4 Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Buffalo County Facilities Director Steve Gaasch was present for the following agenda items.

Moved by Klein and seconded by Morrow to set a bid opening date of September 10, 2019 at 10:30 A.M. for the Roof Top Unit Project at the Extension Building. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Klein and seconded by Loeffelholz to set a bid opening date of September 10, 2019 at 10:30 A.M. for a new Salt Storage Building at the Highway Department. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

The Board took a short break at 10:39 A.M. and reconvened at 11:04 A.M.

County Public Defender Jeff Wirth requested temporary wage increases for the Deputy Public Defenders due to the resignation in April 2019 of one of the Deputy Public Defenders. In response to that request, the Board of Commissioners requested that Woods & Aitken conduct an investigation to assess the current workload of the Public Defender's office and to recommend whether an excessive workload would warrant an increase in pay or bonus. Pam Bourne and Ashley Dugan with Woods & Aitken Law Firm were present to report on their findings. Public Defender Jeff Wirth was also present to respond to the report. No action was taken.

Moved by Klein and seconded by Higgins to enter into Executive Session at 11:48 for contract negotiations. In addition to the Board members responding to roll call, Deputy County Attorney Kari Fisk was present. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Higgins to move out of Executive Session at 11:59 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Chairman McMullen called for Citizen's forum and no one was present to address the Board.

Chairman McMullen asked if there was anything else to come before the Board at 12:00 P.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, August 27, 2019.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)

