

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

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, November 12, 2019 at 9:00 A.M. and 9:30 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, Dennis Reiter and William McMullen. Absent: 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. Deputy County Attorney Andrew Hoffmeister was present.

**REGULAR AGENDA**

Moved by Higgins and seconded by Loeffelholz to approve the October 22, 2019 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Klein, Kouba, Reiter and McMullen. Absent: Morrow. Motion declared carried.

Moved by Higgins and seconded by Reiter to ratify the following October 25 and November 8, 2019 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Reiter, Klein, Kouba, Loeffelholz and McMullen. Absent: Morrow. Motion declared carried.

**OCTOBER 25, 2019**

<b>GENERAL FUND</b>			
NET PAYROLL			259,256.80
AMERICAN FAMILY LIFE	I	PREMIUMS	1,111.73
RETIREMENT PLANS AMERITAS	R	EMPE RET	43,293.86
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	50.00
BUFFALO CO TREASURER	I	PREMIUMS	101,363.50
FIRST CONCORD	E	FLEX FUNDS	3,792.40
FIRST NATIONAL BANK	T	FEDERAL TAX	87,985.69
KEARNEY UNITED WAY	E	DONATIONS	96.67
MADISON NATIONAL	I	PREMIUMS	1,253.73
MADISON NATIONAL	I	LT DISABILITY	619.88
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
MIDLAND FUNDING	E	GARNISH	150.51
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	659.12
PRINCIPAL	E	DENTAL	3,016.95
STATE OF NE	T	STATE TAX	14,282.39
VISION SERVICE PLAN	E	EMPE VSP EYE	754.51
<b>ROAD FUND</b>			
NET PAYROLL			50,689.88
AMERICAN FAMILY LIFE	I	PREMIUMS	1,051.76
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,890.70
BUFFALO CO TREASURER	I	PREMIUMS	2,505.50
FIRST CONCORD	E	FLEX FUNDS	484.71
FIRST NATIONAL BANK	T	FEDERAL TAX	15,432.74
KEARNEY UNITED WAY	E	DONATIONS	10.00
MADISON NATIONAL	I	PREMIUMS	144.41
MADISON NATIONAL	I	LT DISABILITY	110.89
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	342.00
PRINCIPAL	E	DENTAL	815.07
STATE OF NE	T	STATE TAX	2,268.76
VISION SERVICE PLAN	E	EMPE VSP EYE	189.05
<b>WEED FUND</b>			
NET PAYROLL			4,742.89
RETIREMENT PLANS AMERITAS	R	EMPE RET	746.30
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,527.20
MADISON NATIONAL	I	LT DISABILITY	3.73
PRINCIPAL	E	DENTAL	30.50
STATE OF NE	T	STATE TAXES	236.79

**NOVEMBER 8, 2019**

<b>GENERAL FUND</b>			
NET PAYROLL			246,776.04
AMERICAN FAMILY LIFE	I	PREMIUMS	1,140.44
RETIREMENT PLANS AMERITAS	R	EMPE RET	41,450.30
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	50.00
BUFFALO CO TREASURER	I	PREMIUMS	102,156.00
FIRST CONCORD	E	FLEX FUNDS	4,132.40
FIRST NATIONAL BANK	T	FEDERAL TAX	82,992.40
KEARNEY UNITED WAY	E	DONATIONS	101.67
MADISON NATIONAL	I	PREMIUMS	1,256.99
MADISON NATIONAL	I	LT DISABILITY	622.69
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
MIDLAND FUNDING	E	GARNISHMENT	341.55
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	450.00
PRINCIPAL	E	DENTAL	3,076.96
STATE OF NE	T	STATE TAX	13,312.68
VISION SERVICE PLAN	E	EMPE VSP EYE	768.11
<b>ROAD FUND</b>			
NET PAYROLL			52,396.44
AMERICAN FAMILY LIFE	I	PREMIUMS	1,023.05
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,182.04
BUFFALO CO TREASURER	I	PREMIUMS	2,505.50
FIRST CONCORD	E	FLEX FUNDS	484.71
FIRST NATIONAL BANK	T	FEDERAL TAX	16,014.62
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL	I	PREMIUMS	144.30
MADISON NATIONAL	I	LT DISABILITY	105.62
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	342.00
PRINCIPAL	E	DENTAL	799.72
STATE OF NE	T	STATE TAX	2,371.02
VISION SERVICE PLAN	E	EMPE VSP EYE	184.84
<b>WEED FUND</b>			
NET PAYROLL			4,742.92
RETIREMENT PLANS AMERITAS	R	EMPE RET	746.30
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,527.20
MADISON NATIONAL	I	LT DISABILITY	3.72
PRINCIPAL	E	DENTAL	30.48
STATE OF NE	T	STATE TAX	236.79

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

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

Moved by Reiter and seconded by Higgins to accept the September 2019 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Reiter, Higgins, Klein, Kouba, Loeffelholz and McMullen. Absent: Morrow. Motion declared carried.

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

<b>GENERA FUND</b>		
GD CONCRETE CONSTRUCTION	PAVING	\$41,198.00
TITAN ENERGY SYSTEMS, INC	MAINTENANCE	\$2,525.43

County Sheriff Neil Miller was present to discuss the purchase of new Sheriff Department vehicles per the State of Nebraska contract. Moved by Klein and seconded by Reiter to approve the purchase of two 2020 Dodge Charger Police AWD in the total amount of \$55,034.00. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz and McMullen. Absent: Morrow. Motion declared carried.

Chairman McMullen reviewed the following correspondence. The County Board received thank you notes from CASA, Buffalo County Historical Society/Trails & Rails Museum and the Buffalo County Economic Development for their continued support. An anonymous letter was received concerning the Highway Department Road Fund paying for snow removal at the Courthouse and County properties. NACO sent a letter from Attorney General Doug Peterson regarding the status of the ongoing national litigation against opioid manufacturers and distributors. The City of Kearney sent the Planning Commission Agenda for November 15, 2019. The USDA sent a news release regarding disaster funding. The Nebraska Forest Service sent the final 2019 Central Platte Community Wildfire Protection Plan (CWPP) for Buffalo, Northeast Dawson, Hall, Hamilton, Howard, Merrick, Nance, Polk, Sherman and York Counties. 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.

Adam Goertzen with JEO Consulting Group Inc. was present to review the Federal Emergency Management Association Building Restriction Agreement for Widup Administrative Subdivision. Moved by Loeffelholz and seconded by Higgins, that the following Resolution 2019-46 be adopted to authorize Chairman McMullen to sign the Building Restriction Agreement for a Letter of Map Revision for property sought to be removed from the Special Flood Hazards Area, as defined in Buffalo County's Flood Plain Regulations. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Reiter and McMullen. Absent: Morrow. Motion declared carried.

### **RESOLUTION 2019-46**

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 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 1, Widup Administrative Subdivision, an Administrative Subdivision being a part of the Southeast Quarter of the Northeast Quarter of Section 1, Township 8 North, Range 13 West of the 6<sup>th</sup> 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.

Chairman McMullen opened the public hearing at 9:20 A.M. for an Administrative Subdivision filed by Mitchell Humphrey, licensed surveyor, on behalf of Bryan and Tisha Stauffer Land & Cattle, LLC for property described as part of the Southwest Quarter of the Southeast Quarter and part of the Southwest Quarter in Section 29, Township 10 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Stauffer Administrative Subdivision, an Administrative Subdivision. Mitchell Humphrey was present to review the application and answer questions. No one else addressed the Board and Chairman McMullen closed the hearing at 9:24 A.M. Moved by Reiter and seconded by Higgins to approve the Administrative Subdivision with the following Resolution 2019-47. Upon roll call vote, the following Board members voted "Aye": Reiter, Higgins, Klein, Kouba, Loeffelholz and McMullen. Absent: Morrow. Motion declared carried.

### **RESOLUTION 2019-47**

WHEREAS, Mitchell Humphrey, licensed surveyor, on behalf of Bryan and Tisha Stauffer Land & Cattle, LLC hereinafter referred to as “applicant” have filed for an Administrative Subdivision to be known as “STAUFFER 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 November 12, 2019, this Board conducted a public hearing now finds:

1. The proposed “STAUFFER 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. Turkey Creek Rd 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 “STAUFFER ADMINISTRATIVE SUBDIVISION”, an administrative subdivision being part of the Southwest Quarter of the Southeast Quarter and part of the Southwest Quarter of Section 29, Township 10 North, Range 18 West of the 6<sup>th</sup> 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.

Chairman McMullen opened the public hearing for an Administrative Subdivision filed by Mitchell Humphrey, licensed surveyor, on behalf of Jerold D. and Linda K. Woitaszewski for property described as part of the Northeast Quarter of the Northeast Quarter in Section 35, Township 12 North, Range 13 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Lot 1, Woitaszewski Administrative Subdivision, an Administrative Subdivision. Mitchell Humphrey was present to review the application and answer questions. John Reidy and Dawn Johnson asked questions about the application. Chairman McMullen closed the hearing at 9:31 A.M. Moved by Reiter and seconded by Klein to approve the Administrative Subdivision with the following Resolution 2019-48. Upon roll call vote, the following Board members voted "Aye": Reiter, Klein, Higgins, Kouba, Loeffelholz and McMullen. Absent: Morrow. Motion declared carried.

#### **RESOLUTION 2019-48**

WHEREAS, Mitchell Humphrey, licensed surveyor, on behalf of Jerold D. and Linda K. Woitaszewski hereinafter referred to as “applicant” have filed for an Administrative Subdivision to be known as “WOITASZEWSKI 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 November 12, 2019, this Board conducted a public hearing now finds:

1. The proposed “WOITASZEWSKI 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. Shelton Rd is a county maintained open public road that abuts the proposed subdivision to the East. The width of this road after dedication complies with the minimum width standards required by the Buffalo County Subdivision Resolution.
4. 310th 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.
5. 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.
6. 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 “WOITASZEWSKI ADMINISTRATIVE SUBDIVISION”, an administrative subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 35, Township 12 North, Range 13 West of the 6<sup>th</sup> 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.

On October 8, 2019 the Board of Commissioners tabled the consideration of Zoning amendments related to Solar Energy until this meeting. Deputy County Attorney Hoffmeister updated the Board on the meeting that he attended with Joe Johnson, William McMullen, Tricia Kretz and Bobby Johnson from Dawson Public Power on October 31, 2019 to further discuss possible regulations. The Board tabled further discussion and possible decisions until December 23, 2019.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:40 A.M. and reconvene as a Board of Equalization Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Reiter and McMullen. Absent: Morrow. 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 Klein and seconded by Higgins to approve Tax List Corrections numbered 4632 through 4635 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Absent: Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Nebraska Youth Camp for a 2016 Titan Flatbed Trailer. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Reiter and McMullen. Absent: Morrow. 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 Sidwell for Crane River Theater Company Inc. for (2) 2015 Sharp Enclosed Trailers and a 1998 Ford Extend Cab. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Reiter and McMullen. Absent: Morrow. 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 9:47 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Reiter and McMullen. Absent: Morrow. Motion declared carried.

### **REGULAR AGENDA**

Highway Superintendent John Maul was present for the following agenda items.

Moved by Higgins and seconded by Klein to accept Source Well pricing from Green Line Equipment of Ravenna, NE for One New John Deere 1575 Commercial Mower after trade in price for \$34,134.03. Building and Grounds Department will pay \$3,896.97 for the John Deere Rotary Broom and the Highway Department will pay \$30,237.06. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Loeffelholz, Reiter and McMullen. Absent: Morrow. Motion declared carried.

Moved by Klein and seconded by Loeffelholz to set the bid date for Asphalt Overlay Project on the Ravenna Road starting at Highway 30 going north to the Wood River Bridge for December 10, 2019 at 10:00 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Reiter and McMullen. Absent: Morrow. Motion declared carried.

Highway Superintendent John Maul reported on the State Right of Way Certificates that he signed for the three Federal Aid Secondary Roads that were damaged in the Flooding.

Moved by Klein and seconded by Reiter to authorize Chairman McMullen to sign on behalf of the County Board the Year-End Certification of County Highway Superintendent form with the following Resolution-2019-49. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz and McMullen. Absent: Morrow. Motion declared carried.

### **RESOLUTION 2019-49**

#### **SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT FORM 2019**

WHEREAS: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31<sup>st</sup> of each year) the appointment of the County Highway Superintendent to the NDOT using the Year-End Certification of County Highway Superintendent form;

WHEREAS: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), the type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

WHEREAS: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

BE IT RESOLVED that the County Board Chairperson of Buffalo County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form.

Chairman McMullen called for Citizen's forum and Sheriff Neil Miller reported that he is working with the City of Kearney on several projects. Sheriff Miller will return to this Board with draft Interlocal Agreements with the City of Kearney at a later date.

Chairman McMullen asked if there was anything else to come before the Board at 9:57 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, November 26, 2019.