

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 10, 2019**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 10, 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, 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 Andrew Hoffmeister was present.

REGULAR AGENDA

Moved by Loeffelholz and seconded by Higgins to approve the November 26, 2019 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow and McMullen. Abstain: Reiter. Motion declared carried.

Moved by Morrow and seconded by Reiter to ratify the following December 6, 2019 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.

GENERAL FUND			
NET PAYROLL			276,856.39
AMERICAN FAMILY LIFE	I	PREMIUMS	1,103.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	46,822.91
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	50.00
BUFFALO CO TREASURER	I	PREMIUMS	103,587.50
FIRST CONCORD	E	FLEX FUNDS	4,254.90
FIRST NATIONAL BANK	T	FEDERAL TAX	96,804.38
KEARNEY UNITED WAY	E	DONATIONS	101.67
MADISON NATIONAL	I	PREMIUMS	1,274.99
MADISON NATIONAL	I	LT DISABILITY	627.22
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
MIDLAND FUNDING	E	GARNISHMENT	341.57
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	450.00
PRINCIPAL	E	DENTAL	3,108.24
STATE OF NE	T	STATE TAX	16,057.51
VISION SERVICE PLAN	E	EMPE VSP EYE	790.24
ROAD FUND			
NET PAYROLL			54,918.24
AMERICAN FAMILY LIFE	I	PREMIUMS	1,023.05
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,723.88
BUFFALO CO TREASURER	I	PREMIUMS	2,650.00
FIRST CONCORD	E	FLEX FUNDS	534.71
FIRST NATIONAL BANK	T	FEDERAL TAX	17,067.96
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL	I	PREMIUMS	144.30
MADISON NATIONAL	I	LT DISABILITY	110.14
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	342.00
PRINCIPAL	E	DENTAL	829.20
STATE OF NE	T	STATE TAX	2,575.99
VISION SERVICE PLAN	E	EMPE VSP EYE	193.20
WEED FUND			
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 Morrow and seconded by Kouba to accept the Clerk of the District Court November 2019 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Klein, Loeffelholz, Reiter and McMullen. Motion declared carried.

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

Chairman McMullen reviewed the following correspondence. The Board received Christmas Greetings from the Kearney Police Department and the City of Kearney Planning Commission Agenda for December 20, 2019. 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 Updating the Comprehensive Plan's, Future Land Use Map from AGR-Agricultural Residential to I-Industrial for an area described as All that part of Government Lots 2, 3 and 4 located in Section 3, Township 8 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, Excepting however that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95. Deputy County Attorney Hoffmeister reviewed the proposed update. No one else addressed the Board and Chairman McMullen closed the hearing at 9:20 A.M. Moved by Morrow and seconded by Loeffelholz to approve the update of the Comprehensive Plan's, Future Land Use Map with the following Resolution 2019-52. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Klein, Kouba, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-52

WHEREAS, on November 21, 2019, the Buffalo County Planning and Zoning Commission held a public hearing concerning the Future Land Use Map as part of the Comprehensive Plan concerning rezoning area to Industrial and

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

WHEREAS, on December 10, 2019 this Board conducted a public hearing concerning updating the Future Land Use Map as part of the Comprehensive Plan on the below described area from (AGR) Agricultural Residential to (I) Industrial and no parties appeared to oppose such zoning change,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following change is adopted to change the zoning on the following legal description:

All that part of Government Lots Two (2), Three (3) and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

Chairman McMullen opened the public hearing for a zoning map amendment filed by Trenton Snow, licensed surveyor, on behalf of Carmody Farms LLC c/o Brent Carmody requesting a zoning map amendment for property described as All that part of Government Lots 2, 3 and 4 located in Section 3, Township 8 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, Excepting however that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95. Asking for property to be rezoned from AGR-Agricultural Residential to I-Industrial. Trenton Snow and Adam Marshall addressed the Board. Chairman McMullen closed the hearing at 9:25 A.M. Moved by Reiter and seconded by Higgins to approve the zoning map amendment with the following Resolution 2019-53. Upon roll call vote, the following Board members voted "Aye": Reiter, Higgins, Klein, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

RESOLUTION 2019-53

WHEREAS, on June 26, 2019 Trenton Snow, licensed surveyor on behalf of Carmody Farms, LLC % Brent Carmody, 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:

All that part of Government Lots Two (2), Three (3) and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

be changed from the Agricultural Residential (AGR) District to the Industrial (I) District. Property is in the name of Carmody Farms, LLC.

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 November 21, 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, 1 abstain and

WHEREAS, on December 10, 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 Industrial 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 Residential (AGR) District to Industrial (I) 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 Mitchell Humphrey, licensed surveyor, on behalf on behalf of Richard & Donna Wilson for property described as part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Lot 1, R.D. Wilson Administrative Subdivision, an Administrative Subdivision. Mitchell Humphrey was present to review the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:32 A.M. Moved by Loeffelholz and seconded by Higgins to approve the Administrative Subdivision with the following Resolution 2019-54. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

RESOLUTION 2019-54

WHEREAS, Mitchell Humphrey, licensed surveyor, on behalf of Richard D. and Donna M. Wilson Administrative trust hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "R.D. WILSON 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 December 10, 2019, this Board conducted a public hearing now finds:

1. The proposed "R.D. WILSON 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. 92nd Street 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 "R.D. WILSON ADMINISTRATIVE SUBDIVISION", an administrative subdivision being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 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.

Deputy County Attorney Hoffmeister reviewed the proposed amendments and asked for the Board of Commissioners thoughts and changes. Moved by Klein and seconded by Higgins to set a public hearing date of January 28, 2020 at 10:00 A.M. for proposed and changed Subdivision Regulation Amendments. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister reviewed the proposed solar amendments to the current Zoning Regulations. Moved by Loeffelholz and seconded by Klein to send the proposed Solar Energy amendments back to the Planning & Zoning Committee for their review and recommendations. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, 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 9:59 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 Treasurer Jean Sidwell and Deputy County Assessor Nora Borer were present.

Chairman McMullen continued the Public Hearing from the November 26, 2019 County Board meeting for the Homestead Exemption protest for Betty Willard. The Homestead exemption application protest was resolved by the County Assessor's office and the Homestead Application was forwarded to the Nebraska Department of Revenue.

Moved by Klein and seconded by Loeffelholz to approve Tax List Corrections numbered 4636 through 4639 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.

Moved by Klein and seconded by Morrow to approve the Motor Vehicle Tax Exemption as indicated on the application by Deputy County Treasurer Brenda Rohrich for Christian Student Fellowship for a 1998 United Enclosed Trailer, 2005 Chevrolet Venture LS and a 1998 Ford E350 Wagon. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Higgins, Kouba, Loeffelholz, 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 10:02 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

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

Road Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for the Asphalt Overlay Project on the Ravenna Road starting at Highway 30 going north to the Wood River Bridge. Bids submitted were from Vontz Paving, Inc and Werner Construction, Inc. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting on December 23, 2019 at 10:00 A.M.

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 10:06 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Monday, December 23, 2019.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)