

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

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, February 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 Higgins and seconded by Loeffelholz to approve the January 22, 2019 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

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

<b>GENERAL FUND</b>			
NET PAYROLL			246,667.48
AMERICAN FAMILY LIFE	I	PREMIUMS	1,085.28
RETIREMENT PLANS AMERITAS	R	EMPE RET	41,321.87
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	60.00
BUFFALO CO TREASURER	I	PREMIUMS	91,495.00
FIRST CONCORD	E	FLEX FUNDS	4,295.91
FIRST NATIONAL BANK	T	FEDERAL TAX	83,717.60
KEARNEY UNITED WAY	E	DONATIONS	97.67
MADISON NATIONAL	I	PREMIUMS	1,234.60
MADISON NATIONAL	I	LT DISABILITY	571.89
MASSMUTUAL FINANCIAL	E	DEFERRED COMP	1,175.00
MIDLAND FUNDING	E	GARNISHMENT	111.89
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	659.12
PRINCIPAL LIFE	E	DENTAL	3,076.16
STATE OF NE	T	STATE TAX	13,385.38
VISION SERVICE PLAN	E	EMPE VSP EYE	766.15
<b>ROAD FUND</b>			
NET PAYROLL			49,999.25
AMERICAN FAMILY LIFE	I	PREMIUMS	816.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,996.02
BUFFALO CO TREASURER	I	PREMIUMS	2,845.50
FIRST CONCORD	E	FLEX FUNDS	487.50
FIRST NATIONAL BANK	T	FEDERAL TAX	15,007.19
KEARNEY UNITED WAY	E	DONATIONS	5.00
MADISON NATIONAL	I	PREMIUMS	129.10
MADISON NATIONAL	I	LT DISABILITY	110.76
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	2,183.31
VISION SERVICE PLAN	E	EMPE VSP EYE	194.48
<b>WEED FUND</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 LIFE	I	LT DISABILITY	3.62
PRINCIPAL LIFE	E	DENTAL	30.48
STATE OF NE	T	STATE TAX	229.23

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

Moved by Klein and seconded by Loeffelholz to accept the Community Action Partnership of Mid-Nebraska December 2018 RYDE report. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Commissioner Kouba discussed the Activate Buffalo County's Worksite Wellness membership through the Buffalo County Community Partners. No action was taken at this time and the Board tabled their decision until February 26, 2019.

After discussion and review of the County Sheriff's report, it was moved by Loeffelholz and seconded by Higgins to approve the Special Designated Liquor License application filed by DJJC, LLC (owners of a C-Store in Stuart, NE) for an event located at the National Guard Armory to be held on May 25, 2019. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Klein and seconded by Morrow to approve the following tax refund request submitted by County Treasurer Jean Sidwell for Sai Baba, LLC for amount of \$57.24 for parcel number 310001903. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Emergency Manager Darrin Lewis reviewed the Nebraska Forest Service proposal to maximize coordination and communication with local communities. Moved by Reiter and seconded by Loeffelholz to appoint Emergency Manager Darrin Lewis to the Community Wildfire Protection Plan Steering Committee. 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 a thank you from the family of Les Stevens. The South Platte United Chambers of Commerce and the U.S. Census sent information about training for the 2020 Census. Nebraska Department of Environmental Quality sent a Construction and Operating Permit for Pritchard Livestock Concentrated Animal Feeding Operation. The City of Kearney sent notification of the Annexation of Spruce Hollow Estates Eighth Addition, the Annual TIR Report and the City of Kearney Planning Commission Agenda. 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 Zoning Hearing at 9:16 A.M. 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 an Administrative Subdivision. Trenton Snow was present to review the application and Chairman McMullen closed the hearing at 9:18 A.M. Moved by Klein and seconded by Higgins to approve the Administrative Subdivision with the following Resolution 2019-02. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

## **RESOLUTION 2019-02**

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, 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 February 12, 2019, this Board conducted a public hearing now finds:

1. The proposed "NIEMACK ACRES, 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, 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 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.

Zoning Administrator Wozniak reviewed the 2018 Annual Zoning Report. Moved by Loeffelholz and seconded by Klein to accept the 2018 Annual Zoning and Floodplain Administrator Report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

An Amendment drafted by the County Attorney's Office regarding Board consideration of increasing minimum lot size for residences in AG, AGR and RC Districts was deferred for further consideration and research by the Board, when and if placed on Agenda by a Board Member, it will have to have consent of all members present.

Moved by Klein and seconded by Loeffelholz that the Board refer to Buffalo County Zoning and Planning Commission proposed amendment to end or restrict continued county maintenance of public roads dedicated within subdivisions as drafted by the County Attorney's Office and presented to the Board February 12, 2019. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, 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 9:44 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 Morrow and seconded by Higgins to approve Tax List Corrections numbered 4560 through 4586 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.

Chairman McMullen opened the public hearings for the Permissive Exemption applications that were heard on January 22, 2019 before February 1, 2019 set on in the Nebraska State Statutes. Michael Evans was present for the review of the Faith United Church application. Moved by Klein and seconded by Higgins to approve the Permissive Exemption Application for Faith United Church on parcel number 640292000. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Jerry Bumgardner was present for the review of the Crossroads Center DBA Just for Ladies application. Moved by Loeffelholz and seconded by Klein to approve the Permissive Exemption Application for Crossroads Center DBA Just for Ladies on parcel number 602486877 as 50% Exempt and 50% Non-Exempt, as determined by the County Board to meet the statutory rules as required for exemption status. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Travis Kirchner was present for the review of the Children's Physicians application. Moved by Loeffelholz and seconded by Reiter to approve the Permissive Exemption Application for Children's Physicians personal property. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Higgins, Klein, Kouba, Morrow and McMullen. Motion declared carried.

Moved by Klein and seconded by Loeffelholz that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R0058 in appeal concerning Luke M. Aten, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #602130000 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$215,505. 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 Loeffelholz that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R0059 in appeal concerning Luke M. Aten, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #602129000 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$2,975. 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 Loeffelholz that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-R060 in appeal concerning Luke M. Aten, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #600041000 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$2,015. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Loeffelholz and seconded by Klein that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #18-C0144 in appeal concerning Hy-Vee Hurd, Appellant, and Buffalo County, Appellee, for property identified as tax parcel #605247836 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2018 this property had an assessed valuation of \$8,250,000. This offer to confess shall expire, if not accepted by Appellant, at 5:00 o'clock, p.m., Wednesday, February 13, 2019. If not accepted the Buffalo County Attorney's Office is directed and authorized to retain, on behalf of Buffalo County, the services of professional fee appraisal services to assist in taxation valuations for the property in question for tax years 2018 and 2019. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

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

### **REGULAR AGENDA**

Facility Director Steve Gaasch was present to introduce Sean Beckman as the new Assistant Facility Director.

Chairman McMullen opened the public hearing for the 2019 One and Six Year Road and Bridge Plan at 10:12 A.M. Highway Superintendent John Maul was present for discussion and review. No one from the public addressed the Board and the public hearing was closed at 10:12 A.M. Moved by Klein and seconded by Higgins to adopt the One and Six Year Road and Bridge Plan for 2019 as presented. 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 set a bid date of February 26, 2019 at 10:00 A.M. for the 2019 Gravel Bids for the period from April 1, 2019 through March 31, 2020. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Klein and seconded by Reiter to change the weekly work schedule at the Highway Department from five (5) eight (8) hour days to four (4) ten (10) hour days beginning March 11, 2019 to October 13, 2019, returning to five (5) eight (8) hour days on Monday, October 14, 2019. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Higgins, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

Roxanne Denny-Mickey, Clinical Services Coordinator with Two Rivers Public Health was present to share information about the LifeSmiles Dental Health Services. LifeSmiles is currently providing services in Elm Creek, Kearney and Gibbon utilizing a team consisting of a Public Health Dental Hygienist, a Dental Assistant and a Community Health Worker.

Chairman McMullen called for Citizen's forum and no one was present.

At 10:40 A.M., Chairman McMullen asked if there was anything else to come before the Board before he declared the meeting adjourned until the regular meeting on Tuesday, February 26, 2019 at 9:00 A.M.

ATTEST:

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William McMullen, Chairman  
Buffalo County Board of Commissioners

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Janice I. Giffin  
Buffalo County Clerk

(SEAL)