

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 10, 2020**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 10, 2020 at 9:00 A.M. and 10:00 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 Reiter to approve the February 25, 2020 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Reiter, Klein, Kouba, Loeffelholz, Morrow and McMullen. Motion declared carried.

Moved by Klein and seconded by Higgins to ratify the following February 28, 2020 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			257,647.92
AMERICAN FAMILY LIFE	I	PREMIUMS	1,076.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	43,357.99
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	50.00
BUFFALO CO TREASURER	I	PREMIUMS	102,803.50
FIRST CONCORD	E	FLEX FUNDS	3,924.90
FIRST NATIONAL BANK	T	FEDERAL TAX	86,850.21
KEARNEY UNITED WAY	E	DONATIONS	102.67
MADISON NATIONAL	I	PREMIUMS	1,275.40
MADISON NATIONAL	I	LT DISABILITY	631.71
MASSMUTUAL FINANCIAL	I	DEFERRED COMP	1,175.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	355.00
NE CHILD SUPPORT	E	CHILD SUPPORT	450.00
PRINCIPAL	E	DENTAL	3,032.98
STATE OF NE	T	STATE TAX	14,159.99
VISION SERVICE PLAN	E	EMPE VSP EYE	768.27
<u>ROAD FUND</u>			
NET PAYROLL			52,059.59
AMERICAN FAMILY LIFE	I	PREMIUMS	1,023.05
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,402.02
BUFFALO CO TREASURER	I	PREMIUMS	2,794.50
FIRST CONCORD	E	FLEX FUNDS	534.71
FIRST NATIONAL BANK	T	FEDERAL TAX	15,980.23
MADISON NATIONAL	I	PREMIUMS	129.54
MADISON NATIONAL	I	LT DISABILITY	110.03
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	242.00
PRINCIPAL	E	DENTAL	918.54
STATE OF NE	T	STATE TAX	2,362.98
VISION SERVICE PLAN	E	EMPE VSP EYE	202.87
<u>WEED DEPARTMENT</u>			
NET PAYROLL			4,393.40
RETIREMENT PLANS AMERITAS	R	EMPE RET	691.92
BUFFALO CO TREASURER	I	PREMIUMS	248.00
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,392.10
MADISON NATIONAL	I	LT DISABILITY	3.73
PRINCIPAL	E	DENTAL	45.75
STATE OF NE	T	STATE TAX	206.37

Moved by Morrow and seconded by Kouba to accept the Clerk of the District Court February 2020 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Klein, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Klein to accept the Buffalo County Treasurer February 2020 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Commissioner Kouba reported on the Activate Buffalo County's Worksite Wellness membership through the Buffalo County Community Partners. Moved by Kouba and seconded by Klein to continue the membership with the Worksite Wellness Program through the Buffalo County Community Partners. Upon roll call vote, the following Board members voted "Aye": Kouba, Klein, Higgins, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Kouba and seconded by Morrow to authorize Bob Charlesworth, Health Insurance Consultant with Charlesworth Consulting LLC to finalize an agreement to conduct health screening for Buffalo County employees. Upon roll call vote, the following Board members voted "Aye": Kouba, Morrow, Higgins, Klein, Loeffelholz, Reiter and McMullen. Motion declared carried.

Moved by Morrow and seconded by Klein to set a bid date of April 14, 2020 at 10:30 A.M. for Site Work and Concrete Construction for the Highway Department Salt Building. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Facilities Director Steve Gaasch was present for the proposal of the Buffalo County Facilities Building Addition located at the Buffalo County Courthouse. Sheriff Neil Miller and County Attorney Shawn Eatherton were present with concerns of the location of the addition to the Facilities Building. No action was taken at this time.

Chairman McMullen reviewed the following correspondence. NACO sent information about the responsibility for counties to maintain roads where they intersect with a state highway. NE Department of Environment and Energy sent a General permit for Operations Confining Cattle for Pritchard Livestock Concentrated Animal Feeding Operation. GoodLife Partners Inc. sent an invitation to attend the Annual meeting. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Zoning Administrator Dennise Daniels and Jason Wozniak were present for the following Zoning agenda item.

Chairman McMullen opened the public hearing at 9:18 A.M. for the proposed zoning map amendment filed by Thomas Baxter, on behalf of Jared Axmann Trucking, Inc. This Zoning Map Amendment is a request for property described as a tract in NE1/4 of the NW1/4 and Government Lot 1 North of Railroad located in Section 30, Township 9 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Asking for property to be rezoned from AG-Agricultural to I-Industrial. Jason Wozniak, Thomas Baxter and Jared Axmann reviewed the application. No one else addressed the Board and Chairman McMullen closed the public hearing at 9:24 A.M. Moved by Loeffelholz and seconded by Klein to approve the Zoning Map Amendment with the following Resolution 2020-09. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

RESOLUTION 2020-09

WHEREAS, on February 3, 2020, Thomas H. Baxter, on behalf of Jared Axmann Trucking, Inc., 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 Northeast Quarter of the Northwest Quarter (NE1/4 NW ¼) and part of Government Lot One (1), located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30, and assuming the West Line of Government Lot 1 as bearing S 00°09'34" W and all bearings contained herein are relative thereto; thence S 00°09'34" W and on the West line of said Government Lot 1, a distance of 372.85 feet; thence S 89°29'20" E and parallel with the North line of said Government Lot 1 a distance of 1,102.02 feet to the actual place of beginning; thence continuing S 89°29'20" E and parallel with the North Line of said Government Lot 1, a distance of 150.18 feet, thence N 00°09'34" E and parallel with the West line of said Government Lot 1, a distance of 96.91 feet; thence S 89°29'20" E and parallel with the North line of said Government Lot 1, a distance of 373.17 feet; then S 04°30' E a distance of 11.73 feet to a point being N 04°30' W a distance of 313.5 feet from the North line of the Union Pacific Railroad Company's Right-of-Way, thence S 89°05'44" E a distance of 323.0 feet to a point being N 04°30' W a distance of 214.5 feet from the North line of the Union Pacific Railroad Company's Right-of-Way; thence N 04°30' W a distance of 290.95 feet to a point on the North line of the Northwest Quarter of said Section 30, said point also being westerly a distance of 670.23 feet from the Northeast Corner of the Northwest Quarter of said Section 30; thence N 89°29'20" W and on the North line of said Northwest Quarter a

distance of 653.67 feet to the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 30, said point also being the Northeast corner of Government Lot 1 in said Section 30; thence N 89°29'20" W and on the North line of said Government Lot 1 a distance of 171.08 feet; thence S 00°09'34" W and parallel with the West line of said Government Lot 1, a distance of 372.84 feet to the place of beginning.

be changed from the Agricultural (AG) District to the Industrial (I) District. Property is in the name Jared E. Axmann.

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 February 20, 2020, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote with none absent and

WHEREAS, on March 10, 2020, 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. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- b. That the intended use of the Industrial District is consistent with property use in the surrounding area.
- c. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- d. 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 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.

REGULAR AGENDA

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

Highway Superintendent John Maul reviewed the final tabulations for the gravel bids submitted on February 25, 2020. Moved by Klein and seconded by Higgins to award the following gravel bids for April 1, 2020 through March 31, 2021: Broadfoot Sand & Gravel for Zones 10, 11, 12, 13, 14, 15, 16 and 17; Ed Broadfoot & Sons Sand & Gravel for Zone 9; Mid-NE Aggregates for Zones 18, 19, 20, 21, 22, 23, 24, 25 and 26; and T&F Sand & Gravel for Zones 1, 2, 3, 4, 5, 6, 7 and 8. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Kouba, Loeffelholz, Morrow, Reiter and McMullen. Motion declared carried.

Moved by Klein and seconded by Morrow to recess the regular meeting of the Board of Commissioners at 9:28 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Higgins, Kouba, Loeffelholz, 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.

Chairman McMullen opened the Permissive Exemption hearing for Kearney Jubilee Center. No one addressed the Board and Chairman McMullen closed the hearing at 9:30 A.M. Moved by Klein and seconded by Morrow to approve the Permissive Exemption for Kearney Jubilee Center on parcel number 600629000. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Higgins, Kouba, Loeffelholz, Reiter and McMullen. Motion declared carried.

Chairman McMullen turned the Permissive Exemption hearing for American Legion Post 52 over to Vice Chairman Klein.

Vice Chairman Klein opened the Permissive Exemption hearing for American Legion Post 52. No one addressed the Board and Vice Chairman Klein closed the hearing at 9:32 A.M. Moved by Morrow and seconded by Higgins to approve the Permissive Exemption for American Legion Post 52 on parcel number 605160000. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Reiter and Klein. Abstain: McMullen. Motion declared carried.

Vice Chairman Klein turned meeting over to Chairman McMullen.

Moved by Loeffelholz and seconded by Reiter to approve Tax List Corrections numbered 4667 through 4676 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Higgins, Klein, Kouba, Morrow 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 9:33 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Morrow, Reiter and McMullen. Motion declared carried. (The Board took a short break and returned at 9:45 A.M.)

REGULAR AGENDA

Chairman McMullen continued the public hearing from the February 25, 2020 Board meeting for a new Class C Liquor License application filed by The Greens at Prairie Hills LLC, located at 21595 Hwy 10, Pleasanton, Nebraska. Nick Cruise and Justin Cruise were present to answer questions. Chairman McMullen closed the public hearing at 9:48 A.M. After discussion and review of the County Sheriff's report, it was moved by Loeffelholz and seconded by Klein to approve the Class C Liquor License application filed by The Greens at Prairie Hills LLC. 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 Klein to approve the Manager application of Justin Cruise in connection with the new liquor license applicant for The Greens at Prairie Hills LLC, located at 21595 Hwy 10, Pleasanton, Nebraska. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Morrow, Reiter and McMullen. Motion declared carried.

Chairman McMullen called for Citizen's forum and Sheriff Neil Miller updated the Board on the precautions and preparations should there be Coronavirus cases in the jail.

Chairman McMullen asked if there was anything else to come before the Board at 9:54 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, March 24, 2020.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)