

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, JUNE 9, 2015  
9:00 A.M**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, June 9, 2015 at 9:00 A.M. and 10:30 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: Francis Biehl, Joseph Brayton, Kent Greder, Ivan Klein, 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, Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Kari Fisk were present.

**REGULAR AGENDA**

Moved by Morrow and seconded by Reiter to approve the May 26, 2015 Board meeting minutes with an amendment to reflect a correction of the amount of pledged collateral added to First National Bank. The amount presented to the board was \$30,596,001.88 but do to an error in calculations, Supervisor Morrow presented \$30,051,501.88. I would like to correct the record to show \$30,596,001.88 in pledged collateral was added to the First National Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to ratify the following May 29, 2015 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			209,882.34
RETIREMENT PLANS DIV AMERITAS	R	EMPE RET	33,523.04
AR SOLUTIONS INC	E	GARNISHMENT	314.63
CREDIT MANAGEMENT SERVICES,	E	GARNISHMENT	226.20
FIRST NATIONAL BANK	T	FEDERAL TAXES	77,580.43
STATE OF NEBRASKA	T	STATE TAXES	11,153.43
<b>ROAD FUND</b>			
NET PAYROLL			44,131.84
RETIREMENT PLANS DIV AMERITAS	R	EMPE RET	6,380.73
FIRST NATIONAL BANK	T	EMPE FICA	14,890.25
STATE OF NEBRASKA	T	STATE TAXES	1,999.46
<b>WEED FUND</b>			
NET PAYROLL			5,543.48
RETIREMENT PLANS DIV AMERITAS	R	EMPE RET	812.42
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,862.85
STATE OF NEBRASKA	T	STATE TAXES	242.81

Moved by Klein and seconded by Reiter to accept the Clerk of District Court May 2015 Report, the County Treasurer May 2015 Fund Balance Report and Community Action R.Y.D.E. April 2015 Report . Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>GENERAL FUND</b>		
BECKENHAUER CONSTRUCTION INC.	CONSTRUCTION	130,965.56

Project Manager Steve Gaasch from Beckenhauer Construction was present for updated reports on the Garage Maintenance Project. No action was necessary.

Chairman McMullen reviewed the NIRMA billing statement for the next fiscal year that was received. Chairman McMullen called on each Board member present for committee reports and recommendations.

Commissioner Brayton noted that three nominations were received for the appointment to the Veterans Service Committee. Those nominations received were Charles Day, Cliff Tillemans and Thomas Dale McCoy. Moved by Brayton and seconded by Klein to appoint Thomas Dale McCoy to the Veterans Service Committee to replace William Crosier with an effective date of July 1, 2015. Upon roll call

vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

As noted on the agenda, the Board addressed issued concerning acquisition of a communications tower in the Elm Creek area of Buffalo County. Deputy County Attorney Hoffmeister reported to the Board that he had secured signatures of Midland Telecom, Inc., owner of a communications tower and from the Dale Wright family concerning a tower and a site for this tower. Moved by Biehl and seconded by Reiter that Buffalo County proceed to acquire this communication tower and the lease of real estate as outlined in the memorandum given to the Board by Hoffmeister. Also that \$500.00 shall be paid out for purchase of an option to lease the Wright property. Upon roll call vote, the following Board members voted "Aye": Biehl, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

## **ZONING**

Chairman McMullen opened the Zoning hearings at 9:17 A.M. Mitch Humphrey on behalf of William E. & Carol J. Woodward requests a vacation of plat for property described as Lot 4, Block 1, C.E.A. Second Subdivision, a subdivision being part of the Southeast Quarter of Section 7, Township 9 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska. Mitch Humphrey and Deputy County Attorney Andrew Hoffmeister reviewed the application for this vacation of plat and the administrative subdivision application regarding this same property to be addressed following this request. No one else addressed the Board and Chairman McMullen closed the hearing at 9:24 A.M. Moved by Biehl and seconded by Morrow to approve the vacation of plat application with the following Resolution 2015-26. Upon roll call vote, the following Board members voted "Aye": Biehl, Morrow, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

## **RESOLUTION 2015-26**

WHEREAS, Mitchell W. Humphrey, Registered Surveyor, on behalf of William E. and Carol J. Woodward, Husband and Wife, owners of:

Lot Four (4), Block One (1) C.E.A. Second Subdivision, 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 June 9, 2015, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed vacation, as reflected on the survey that accompanies this request, fulfills Buffalo County's Subdivision Resolution requirements for vacation of subdivided land as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. On May 21, 2015, the Buffalo County Planning and Zoning Commission recommended approval of the proposed vacation on the condition that the described property would be replatted and subdivided when this Board approved the vacation.
4. No public utilities occupy the described property.
5. The proposed vacation of the described property should be approved with the condition that the subdivided lands to which the vacation is application will be replatted and subdivided when this vacation becomes effective. In this regard the Board has reviewed the applicant's proposed replat of the described property that also includes other lands. Approval of this new subdivision will be discussed and considered by separate resolution.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that proposed vacation of the described property is approved as submitted and that the Chairperson of this Board and all other Buffalo County zoning officials are authorized to sign and file the proposed vacation against the described property.

RESOLVED FURTHER, that a copy of this Resolution, the vacation application and its attached survey, as presented to this Board at public meeting on June 9, 2015, when it is filed with the Buffalo County Register of Deeds against the above described property shall cause vacation of previously described property to occur.

Chairman McMullen opened the administrative subdivision hearing that was requested by Mitch Humphrey on behalf of William E. & Carol J. Woodward for property described as part of the N ½ of the NW ¼ of the SE ¼ and part of the N ½ of the NE ¼ of the SE ¼ of Section 7, Township 9 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska to be known as C.E.A. Acres Administrative Subdivision. All testimony was heard with the previous vacation of plat application and Chairman McMullen closed the hearing at 9:25 A.M. Moved by Brayton and seconded by Klein to approve the C.E.A. Acres Administrative Subdivision with the following Resolution 2015-27. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

## **RESOLUTION 2015-27**

WHEREAS, Mitchell W. Humphrey, Registered Surveyor, on behalf of William E. and Carol J. Woodward, Husband and Wife, as joint owners hereinafter referred to as “applicant” have filed for an administrative Subdivision to be known as “C.E.A. ACRES 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 June 9, 2015, this Board conducted a public hearing and now finds:

1. The proposed C.E.A. ACRES ADMINISTRATIVE SUBDIVISION” is in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska, and the size of the lot after subdividing complies with the minimum lot size requirements of that Zoning District for Buffalo County, Nebraska.
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. 90<sup>th</sup> Street Place is a county maintained open public road that abuts the proposed subdivision. The width of this road prior to submission of this subdivision complied with minimum width standards as required by the Buffalo County Subdivision Resolution and no additional dedication of road right of way is necessary.
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. Utility easements as drawn on the proposed subdivision are approved, with the Board waiving easement reservations are not noted on the proposed subdivision.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of “C.E.A. ACRES ADMINISTRATIVE SUBDIVISION”, an administrative subdivision being described as part of the North Half of the Northwest Quarter of the Southeast Quarter and part of the North Half of the Northeast Quarter of the Southeast Quarter of Section Seven (7), Township Nine (9) North, Range Sixteen (16), West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

### **REGULAR AGENDA**

Moved by Greder and seconded by Biehl to extend the Homestead Exemption filing date to July 20, 2015 as recommended by County Assessor Joe Barber. Upon roll call vote, the following Board members voted “Aye”: Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Reiter and seconded by Brayton to accept the resignation of the Weed Superintendent Mitch Huxoll and appoint Carrie Feusner as the interim Weed Superintendent. Upon roll call vote, the following Board members voted “Aye”: Reiter, Brayton, Biehl, Greder, Klein, Morrow and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Brayton to accept for consideration the Road Closing Petition as presented by Attorney Mossman and refer the same to the Buffalo County Highway Superintendent for his inspection and report. In accepting this petition, this road, for publication purposes is better described as a road locally known as “Buggy Road”, also generally described as “A 3 rod road located in Section Twenty-six (26), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska as described in Buffalo County Commissioner Record Book 7, Page 560, with said description being as follows: Commencing at a point on the half section line (running north and south) immediately south of the right of way of the Union Pacific Railroad in Section 26-12-15, and extending thence in a southeasterly direction adjacent to and on the south side of said railroad right of way, and terminating with its intersection with the main traveled road running north and south through the Southeast quarter of said Section 26-12-15”. Upon roll call vote, the following Board members voted “Aye”: Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. Highway Superintendent Ron Sklenar was present to discuss the following Agenda items.

Moved by Klein and seconded by Greder to authorize Chairman McMullen to sign the following Resolution 2015-28 authorizing the 2015 Fracture Critical Bridge Inspections interlocal agreement with the Nebraska Department of Roads (NDOR). Upon roll call vote, the following Board members voted “Aye”: Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

### **RESOLUTION 2015-28**

#### **SIGNING OF A PROGRAM AGREEMENT FOR 2015 FRACTURE CRITICAL BRIDGE INSPECTIONS**

Whereas: the Nebraska Department of Roads (NDOR) is developing a transportation project, on the behalf of the county, for which it intends to obtain Federal funds;

Whereas: Buffalo County as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: Buffalo County and the NDOR wish to enter into a Program Agreement to provide for fracture critical bridge inspection and load re-rating (if necessary) services for the Federal-aid project.

Be It Resolved: by the Board of Commissioners of Buffalo County, Nebraska that:

William McMullen, Chair of the Buffalo County Board of Commissioners is hereby authorized to sign the attached Program Agreement between the Buffalo County and the NDOR.

Moved by Klein and seconded by Brayton to delete the Accounts Receivable of Jerry Muhlbach in the amount of \$100.01. This amount has been due since July 2014. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen opened the Public Hearing at 9:49 A.M. for Justin & Lonny Kosmicki DBA Prairie Hills Golf Class C liquor license application. Lonny Kosmicki was present. The County Sheriff report indicated that information related to criminal convictions and traffic violations by the applicants that is required to be listed on the application had been omitted. Chairman McMullen closed the hearing at 9:53 A.M. Moved by Klein and seconded by Brayton to approve the Class C liquor license application pending the County Sheriff's further review of the disclosure of information necessary to complete the application. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

The Building and Grounds Committee of the Board of Commissioners met in open session on May 13, 2015. There was an error in the names listed on a motion made in the May 13, 2015 minutes. All seven Board members were listed and only the three Building and Grounds Committee members were present for the entire meeting. The Building and Grounds Committee members are Brayton, Morrow and McMullen. Moved by Brayton and seconded by Morrow to approve the May 13, 2015 Committee minutes with the correction noted. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton and McMullen. None voted "Nay". Motion declared carried.

Wayne Homan, Animal Control Specialist presented the Wildlife Services Contract with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (APHIS-WS). Moved by Reiter and seconded by Klein to authorize Chairman McMullen to sign the 2015-2016 fiscal year contract renewal with APHIS-WS. Upon roll call vote, the following Board members voted "Aye": Reiter, Klein, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Morrow to recess the regular meeting of the Board of Commissioners at 10:31 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Biehl, Morrow, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

### **BOARD OF EQUALIZATION**

Chairman McMullen called the Board of Equalization to order in open session. County Assessor Joe Barber, Deputy County Assessor Nora Borer and County Treasurer Jean Sidwell were present.

Chairman McMullen opened the hearing for Tax Exemption on Real and Personal Property application for the Mission Response Team. Marius and Este Van Der Merwe were present to answer questions on the application. County Assessor Barber explained that in order to be exempt the property needs to be owned by an educational, religious, charitable or cemetery organization. This property is owned by M.C. and Este Van Der Merwe. Chairman McMullen closed the hearing at 10:35 A.M. Moved by Greder and seconded by Klein to deny the exemption application request on parcel number 520168025. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to approve the Valuation Changes submitted by County Assessor Barber for the following list of properties and assigned parcel numbers that occurred after the abstract was sent to the State of Nebraska. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

<u>Name</u>	<u>Parcel</u>	<u>Name</u>	<u>Parcel</u>
David Sklenar & Angie Andrews	040047000	John & Rebecca Lillyman	606225000
Simmon, James J et al	220054000	Glenn Dorn & Lana Feltman	601834111
Dawn Marie Simon	606187000	Brenda Marshall	601834164
Daniel Kelley	606217000	Dean Miller & Deloris Miller	601834313
Martin Bros LLC	606218000	David & Julia Agard	602052105
Glenda Neben	606291000	Denise Rodgers	603741510

Moved by Klein and seconded by Reiter to approve Tax List Corrections numbered 4128 through 4139 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Brayton to approve Motor Vehicle Tax Exemptions as indicated on the application by County Treasurer Sidwell for New Life Assembly on the following: 2013 Ford, 2003 International, 2003 Chevrolet, 2010 Ford and 2006 Royal. Upon roll call vote, the following Board members voted "Aye": Biehl, Brayton, Greder, Klein, Morrow and McMullen. "Abstain": Reiter. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Community Action Partnership of Mid Nebraska on the following list of vehicles: 2006 International, 2010 International, two 2011 Doolittle, 2011 Look, 2004 Carry On, 2007 Royal, 2009 Middlebury, 2014 Sharp, two 2010 Hyundai, 2011 Hyundai, 2015 Hyundai, 2013 Mazda, 2010 GMC, 2008 Chrysler, 2009 Chrysler, 2003 Ford, 2004 Ford, 2010 Ford, two 2011 Ford, 2013 Ford, 2010 Dodge, 2014 Dodge, two 2002 Chevrolet, 2004 Chevrolet, eight 2009 Chevrolet, 2010 Chevrolet, two 2011 Chevrolet and two 2015 Chevrolet. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Morrow, Reiter and McMullen. "Abstain": Brayton. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to approve Motor Vehicle Tax Exemptions as indicated on the application by County Treasurer Sidwell for RYDE Transit-Community Action Partnership of Mid-Nebraska of the following: three 2010 Dodge, two 2014 Dodge, 2006 Chevrolet, four 2008 Chevrolet, two 2009 Chevrolet, 2012 Chevrolet, 2014 Chevrolet, 2004 Ford, nine 2010 Ford and four 2014 Ford. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Biehl, Morrow, Reiter and McMullen. "Abstain": Brayton. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to adjourn the Board of Equalization at 10:50 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared.

Chairman McMullen called for Citizen's forum and Marvion Reichert addressed the Board.

Chairman McMullen asked if there was anything else to come before the Board at 10:51 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, June 23, 2015.