

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 14, 2017
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, February 14, 2017 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: Joseph Brayton, Kent Greder, Ivan Klein, 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. Deputy County Clerk Laura Kring took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Moved by Reiter and seconded by Loeffelholz to approve the January 24, 2017 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Reiter, Loeffelholz, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to ratify the following February 3, 2017 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			222,725.22
AMERICAN FAMILY LIFE	I	PREMIUMS	989.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	38,010.56
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	40.00
BUFFALO CO TREASURER	I	PREMIUMS	99,002.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	374.07
CREDIT MANAGEMENT S	E	GARNISH	187.79
FIRST CONCORD	E	FLEX FUNDS	4,262.85
FIRST NATIONAL BANK	T	FEDERAL TAX	83,881.26
KEARNEY UNITED WAY	E	DONATIONS	100.67
MADISON NATIONAL LIFE	I	PREMIUMS	369.21
MADISON NATIONAL LIFE	I	LT DISABILITY	539.76
MASSMUTUAL FINANCIAL	E	DEFERRED COMP	804.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	545.32
NE CHILD SUPPORT	E	CHILD SUPPORT	396.12
PRINCIPAL FINANCIAL GROUP	E	DENTAL	2,703.25
STATE OF NE	T	STATE TAX	12,087.94
VISION SERVICE PLAN	E	EMPE VSP EYE	565.48
<u>ROAD FUND</u>			
NET PAYROLL			47,125.67
AMERICAN FAMILY LIFE	I	PREMIUMS	901.21
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,928.39
BUFFALO CO TREASURER	I	PREMIUMS	2,905.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	10.40
FIRST CONCORD	E	FLEX FUNDS	480.34
FIRST NATIONAL BANK	T	FEDERAL TAX	16,646.44
MADISON NATIONAL LIFE	I	LT DISABILITY	110.01
NATIONWIDE RETIREMENT	R	DEFERRED COMP	972.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	647.84
STATE OF NE	T	STATE TAX	2,282.82
VISION SERVICE PLAN	E	EMPE VSP EYE	137.65
<u>WEED FUND</u>			
NET PAYROLL			4,171.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	664.82
BUFFALO CO TREASURER	I	PREMIUMS	348.50
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,324.67
MADISON NATIONAL	I	LT DISABILITY	3.46
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	163.14

Moved by Morrow and seconded by Greder to accept the Clerk of the District Court January 2017 Fee Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Brayton to accept the December 2016 Community Action R.Y.D.E. Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Greder to accept the Buffalo County Treasurer January 2017 Fund Balance Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted “Nay”. Motion declared carried.

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

HEALTH INSURANCE FUND		
BCBS HEALTH CLAIM	EXPENSE	127,648.36

Emergency Manager Darrin Lewis presented an Evacuation Plan for Buffalo County. The Board discussed the policy to establish guidelines relating to the safety and security of the employees and citizens that work at or utilize the physical buildings and grounds of government owned facilities. Moved by Reiter and seconded by Greder to accept the Buffalo County Evacuation Plan as presented. Upon roll call vote, the following Board members voted "Aye": Reiter, Greder, Brayton, Klein, Loeffelholz, Morrow and McMullen. None voted “Nay”. Motion declared carried.

Chairman McMullen reviewed the following correspondence. Pleasanton Fire & Rescue sent their 2017 Newsletter and the City of Kearney sent a notice of Proposed Rezoning. Sequoia Consulting Group sent a summary of the indirect Cost Allocation Plan Services. BlueCross BlueShield sent notice of the Annual Meeting and the Nebraska Department of Roads sent information about the State Transportation Improvement Plan. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Chairman McMullen opened the Zoning Hearings at 9:15A.M. Zoning Administrator LeAnn Klein was present.

Chairman McMullen opened the Zoning hearing for an administrative subdivision filed by Trenton Snow on behalf of John and Amy Ourada for property described as the Southwest Quarter of the Northeast Quarter of Section 9, Township 9 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska to be known as North Landing Second. John Ourada and Trenton Snow were present to review the Administrative Subdivision. Chairman McMullen closed the hearing at 9:20 A.M. Moved by Klein and seconded by Reiter to approve the Administrative Subdivision with the following Resolution 2017-07. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Loeffelholz, Morrow and McMullen. None voted “Nay”. Motion declared carried.

RESOLUTION 2017-07

WHEREAS, Trenton Snow, licensed surveyor, on behalf of John C. and Amy A. Ourada, hereinafter referred to as “applicant” have filed for an Administrative Subdivision to be known as “NORTH LANDING SECOND” with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on February 14, 2017, this Board conducted a public hearing and now finds:

1. The proposed “NORTH LANDING SECOND” 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. North Landing Trail 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.
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 “NORTH LANDING SECOND”, an administrative subdivision being described as being part of the Southwest Quarter of the Northeast Quarter located in Section 9, Township 9 North, Range 18 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 recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Trenton Snow was present to request an extension on the filing deadline for the Administrative Subdivision known as Wietjes Acres that was approved on August 23, 2016. According to the Zoning Regulations the deadline to file the plat expires 6 months from the date of Board approval of the Administrative Subdivision. Moved by Greder and seconded by Loeffelholz to amend Resolution 2016-33 in order to extend the Register of Deeds filing deadline for Wietjes Acres. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2016-33 AMENDED

WHEREAS, on August 23, 2016, this Board in Resolution 2016-33, approved the plat of "WIETJES ACRES", an administrative subdivision being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter located in Section 18, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Thereafter, as provided in Sec. 3.02 (K) of Buffalo County's Subdivision Resolution, the applicants of this subdivision are allowed to file and record this plat in the Office of the Register of Deeds, Buffalo County, Nebraska, and

WHEREAS, the parties seeking to file the plat for this administrative subdivision have encountered unforeseen difficulties in obtaining all necessary signatures to dedicate, transfer, and convey the underlying real estate to this administrative subdivision within the time limitations of Buffalo County's Subdivision Resolution, and

WHEREAS, the Board finds that Subdivision Resolution, Sec 7.03(D) allows this Board to grant a deviation of the Subdivision Resolution for administrative development type subdivisions and this deviation should apply to the situation now before the Board, which deviation does not involve a design standard and/or a minimum improvement requirement, with this Board specifically finding that this request meets the intent of the Subdivision Resolution and the delays in timely filing has not been the fault of not caused by the applicants, and

WHEREAS, the Board believes that it would be proper to extend the six month time limitation in a plat is required to be filed with the Register of Deeds because the requested extension does not cause undue harm to any surrounding property and/or future development of this real estate.

NOW THEREFORE, BE IT RESOLVED BY THIS BOARD that the applicants of Wietjes Acres, an administrative subdivision, shall be allowed an additional six (6) months from and after February 14, 2017 to file the plat of Wietjes Acres with the Register of Deeds.

Transportation Director Charles McGraw from the Community Action Partnership of Mid Nebraska was present to review the funding matches required for the operation of Mid-Nebraska-RYDE Transportation. Moved by Morrow and seconded by Reiter to approve the Local Funding Match with the following Resolution 2017-08 for RYDE Transit Public Transportation. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Greder, Klein Loeffelholz and McMullen. Abstain: Brayton. None voted "Nay". Motion declared carried.

RESOLUTION 2017-08

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

WHEREAS, the Community Action Partnership of Mid Nebraska – RYDE Transit desires to apply for said funds to provide public transportation in (transit system's service area).

NOW THEREFORE, BE IT RESOLVED; the Buffalo County Board of Commissioners hereby instructs the Community Action Partnership of Mid Nebraska – RYDE Transit to apply for said funds.

Said funds are to be used for the Community Action Partnership of Mid Nebraska – RYDE Transit transportation operations in the FY 2017-2018 Application for Public Transportation Assistance. Local Funding Amount Match for 2017-2018: \$ \$63,000.00.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Commissioners at 9:45 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman McMullen called the Board of Equalization to order in open session at 9:45 A.M. Interim County Assessor Nora Borer was present.

Chairman McMullen opened the scheduled Permissive Exemption Hearing for St. George Orthodox Church. Mark Klein, Chairman of the Church was present to answer questions concerning the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:50 A. M. Moved by Greder and seconded by Brayton to approve the Permissive Exemption Application for the St. George Orthodox Church Parsonage located at 710 East 15th Street, Kearney NE 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": Greder, Brayton, Klein, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Loeffelholz to approve Tax List Corrections numbered 4263 through 4361 submitted by Interim County Assessor Borer. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Loeffelholz and seconded by Greder to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:52 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Greder, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen called for Citizen's forum and Lynn Miller was present to address the Board about the National Association of Amateur Radio Club.

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

Moved by Klein and seconded by Brayton to set a bid date of February 28, 2017 at 10:00 A.M. for one new 2017 or 2018 Twin Screw Cab & Chassis to be used with a Dump Body. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Reiter to set a bid date of February 28, 2017 at 10:00 A.M. for one new 2017 or 2018 Twin Screw Cab & Chassis to be used for a Lowboy Tractor. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Greder, Loeffelholz, Morrow and McMullen. None voted "Nay". Motion declared carried.

Road Chairman Klein instructed Deputy County Clerk Kring, to open and read aloud the submitted gravel bids for the period of April 1, 2017 through March 31, 2018. Gravel bids were submitted from the following companies: Broadfoot Sand and Gravel Co. Inc., Carl Whitney Sand & Gravel Inc., Ed Broadfoot & Sons Sand & Gravel Inc., Mid Nebraska Aggregate Inc. and T & F Sand & Gravel Inc. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting on February 28, 2017.

Chairman McMullen opened the public hearing for the 2017 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 else was present to address the Board and Chairman McMullen closed the public hearing at 10:18 A.M. Moved by Klein and seconded by Brayton to approve the One and Six Year Road and Bridge Plan for 2017 with the changes of Project Nos. C10 (136), C10 (137) and C10 (137) being moved from the One Year Road Program to the Six Year Road Program. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen called for Citizen's forum and Michael Unick, Rory Cruise, Cody Riessland, Jay Harnagel, Steve Palmer and Allen Kelley were present to discuss the conditions of county roads.

Chairman McMullen asked if there was anything else to come before the Board at 10:55 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, February 28, 2017.