

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

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 14, 2017 at 9:00 A.M. and 9:45 A.M. Vice Chairman Klein 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, Ronald Loeffelholz, Sherry Morrow, Dennis Reiter and Ivan Klein. Absent: William McMullen. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Vice Chairman Klein 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 Loeffelholz and seconded by Brayton to approve the February 28, 2017 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Brayton, Greder, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

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

<u>GENERAL FUND</u>			
NET PAYROLL			227,164.74
AMERICAN FAMILY LIFE	E	PREMIUMS	989.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	38,746.57
BUFFALO CO TREAS/WELLNESS	I	PREMIUMS	40.00
BUFFALO CO TREASURER	I	PREMIUMS	99,643.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	373.32
CREDIT MANAGEMENT SVCS	E	GARNISH	187.79
FIRST CONCORD	E	FLEX FUNDS	4,115.35
FIRST NATIONAL BANK	T	FEDERAL TAX	85,309.01
KEARNEY UNITED WAY	E	DONATIONS	100.67
MADISON NATIONAL LIFE	I	PREMIUMS	367.50
MADISON NATIONAL LIFE	I	LT DISABILITY	544.27
MASSMUTUAL FINANCIAL	R	DEFER COMP	804.00
NATIONWIDE RETIREMENT	R	DEFER COMP	545.32
NE CHILD SUPPORT	E	CHILD SUPPORT	396.12
PRINCIPAL FINANCIAL	E	DENTAL	2,676.14
STATE OF NE	T	STATE TAX	12,300.83
VISION SERVICE	E	EMPE VSP EYE	551.69
<u>ROAD FUND</u>			
NET PAYROLL			46,849.76
AMERICAN FAMILY LIFE	E	PREMIUMS	867.34
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,861.55
BUFFALO CO TREASURER	I	PREMIUMS	2,905.50
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	9.60
FIRST CONCORD	E	FLEX FUNDS	472.00
FIRST NATIONAL BANK	I	FEDERAL TAX	16,386.88
MADISON NATIONAL LIFE	I	LT DISABILITY	111.17
NATIONWIDE RETIREMENT	R	DEFER COMP	972.50
NE CHILD SUPPORT	E	CHILD SUPPORT	100.00
PRINCIPAL FINANCIAL	E	DENTAL	647.84
STATE OF NE	T	STATE TAX	2,249.93
VISION SERVICE	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 LIFE	I	LT DISABILITY	3.46
PRINCIPAL FINANCIAL	E	DENTAL	29.04
STATE OF NE	T	STATE TAX	163.13

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

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

Moved by Brayton and seconded by Loeffelholz to accept the Veterans Service Quarterly Reports for Quarters ending 6/30/2016, 9/30/2016 and 12/31/2016. Upon roll call vote, the following Board members voted “Aye”: Brayton, Loeffelholz, Greder, Morrow, Reiter and Klein. Absent: McMullen. None voted “Nay”. Motion declared carried.

Moved by Loeffelholz 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”: Loeffelholz, Morrow, Brayton, Greder, Reiter and Klein. Absent: McMullen. None voted “Nay”. Motion declared carried.

GENERAL FUND		
NE PUBLIC POWER DISTRICT	UTILITIES	797.78

Sheriff Neil Miller was present to discuss the wireless 911 location integrity testing as part of a Statewide Wireless Integrity Study. Moved by Loeffelholz and seconded by Reiter to authorize Sheriff Miller to partner with the consultant retained by the Nebraska Public Service Commission, Mission Critical Partners (MCP) to provide information geared to assist public safety communications in and around the City of Kearney/Buffalo County. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Morrow and Klein. Absent: McMullen. None voted “Nay”. Motion declared carried.

Vice Chairman Klein reviewed the correspondence from the City of Kearney regarding two proposed Rezoning hearings and the State of Nebraska Commission on Law Enforcement and Criminal Justice about the final determination of the 2017 Community based Juvenile Services Aid Program. Vice Chairman Klein called on each Board member present for committee reports and recommendations.

Sheriff Neil Miller administered the oath of office to Deputy Sheriff Scott Earhart and Deputy Sheriff Zachary Schwarz.

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

Moved by Brayton and seconded by Reiter to accept the low bid from Wick’s Sterling Trucks for one new 2018 Twin Screw Cab and Chassis Dump Truck for the bid price of \$73,507.00 after the trade in of the 2003 Sterling LT 8500. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Greder, Loeffelholz, Morrow and Klein. Absent: McMullen. None voted “Nay”. Motion declared carried.

Moved by Brayton and seconded by Reiter to accept the bid from Nebraska Truck Center for one new 2018 Twin Screw Cab and Chassis Lowboy Tractor for the bid price of \$97,700.00 which included all of the bid specifications. Upon roll call vote, the following Board members voted “Aye”: Brayton, Reiter, Greder, Loeffelholz, Morrow and Klein. Absent: McMullen. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Brayton to accept the following Resolution 2017-09 and Resolution 2017-10 requesting Highway Superintendent John Maul to investigate, conduct studies and make written reports within 30 days on the possible vacation or abandonment of two public roads. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Loeffelholz, Morrow, Reiter and Klein. Absent: McMullen. None voted “Nay”. Motion declared carried.

RESOLUTION 2017-09

WHEREAS, this Board considers it in the public interest to consider vacation or abandonment of the following described public road:

All of that portion of Cherry Avenue, a public road originally laid out as a 66’ wide county public road centered on a north to south section line, situated outside of the municipal limits of the City of Kearney that lies north of U.S. Highway #30 and South of 39th Street situated on and between the North Half Section Thirty-Two (32) and the North Half of Section Thirty-Three (33), Township Nine (9), North, Range Fifteen (15), West of the 6th P.M., Buffalo County, Nebraska, more particularly described as: commencing at the northeast corner of the south 330 feet of the North Half of the South Half of the Northeast Quarter of Section Thirty-Two, thence running north along the east section line of Section Thirty-Two to the northeast corner of Section Thirty-Two, but excepting therefrom any east to west public road situated on the north section line of Sections Thirty-Two (32) and Thirty-Three (33), and excepting therefrom a reasonable ingress and egress easement in and across the vacated public road in favor of G.T.E. Addition, a Subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15, West of the 6th P.M., Buffalo County, Nebraska, now annexed into the City of Kearney.

WHEREAS, to consider potential vacation of the above described road it is necessary to direct that the Buffalo County Highway Superintendent investigate and make a report to this Board as to whether the public interest would be benefited by the abandonment or vacation of the above described road, and

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Commissioners directs that the Buffalo County Highway Superintendent conduct a study of the above described road and within thirty (30) days of this Resolution made written report and recommendation as to whether this road should be abandoned or vacated.

RESOLUTION 2017-10

WHEREAS, this Board considers it in the public interest to consider vacation or abandonment of the following described public road as concerns any portion thereof that lies outside the corporate limits of the City of Kearney:

A strip of roadway lying over and across Tax Lot 10 and land accreted thereto in Section 12, Township 8 North, Range 16, West of the 6th P.M., Buffalo County, Nebraska, relinquished to Buffalo County from the State of Nebraska in Relinquishment Instrument filed in Roll 75, Page 5201, in the records of the Buffalo County Register of Deeds described as follows:

Referring to the Northwest Corner of said Section 13; thence southerly along the West line of said Section 13 a distance of 1,558.9 feet; thence easterly 89 degrees 47 minutes left a distance of 54.0 feet to point of beginning; thence southeasterly along a 1,198.24 foot radius curve to the left, the initial tangent of which bears 89 degrees 47 minutes right of the last described course a distance of 897.5 feet; thence southeasterly tangent, a distance of 753.65 feet; thence southerly 50 degrees 24 minutes right a distance of 1,103.4 feet; thence westerly 90 degrees 00 minutes right a distance of 66.00 feet; thence northerly 90 degrees 00 minutes right a distance of 505.1 feet; (which said point is 32.5 feet north of the southeastern most portion of Freeze Addition, An addition to the City of Kearney, Buffalo County, Nebraska and the present municipal limits of Kearney) thence northwesterly 27 degrees 57 minutes left a distance of 89.6 feet; thence north-westerly along a 879.9 foot radius curve to the left, the initial tangent of which bears 27 degrees 57 minutes right to the last described course a distance of 774.0 feet; thence northwesterly, tangent a distance of 390.0 feet; thence westerly 53 degrees 24 minutes left a distance of 166.2 feet; thence northerly 96 degrees, 08 minutes right a distance of 887.4 feet to point of beginning. Said parts to be vacated being solely the portions of the above description that are situated outside the corporate limits of the City of Kearney.

WHEREAS, prior to the potential vacation of the above described road it is necessary to direct that the Buffalo County Highway Superintendent investigate and make a report to this Board as to whether the public interest would be benefited by the abandonment or vacation of the above described road, and

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Commissioners directs that the Buffalo County Highway Superintendent conduct a study of the above described road and within thirty (30) days of this Resolution made written report and recommendation as to whether this road should be abandoned or vacated.

Vice Chairman Klein called for Citizen's forum and Buss Biehl addressed the Board.

Moved by Greder and seconded by Morrow to recess the regular meeting of the Board of Commissioners at 9:42 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Loeffelholz, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Vice Chairman Klein called the Board of Equalization to order in open session at 9:42 A.M. County Assessor Ethel Skinner, Nora Borer and County Treasurer Jean Sidwell were present.

Moved by Greder and seconded by Morrow to approve a New Purchase Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Catholic High School of Kearney aka Kearney Catholic on a 2016 Chevrolet Suburban. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Loeffelholz, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried

Moved by Greder and seconded by Loeffelholz to approve Motor Vehicle Tax Renewal Exemption as indicated on the application by County Treasurer Sidwell for Great Plains Annual Conference of the Methodist Church on a 2011 Honda CRV-SE. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to approve Tax List Corrections numbered 4291 and 4362 through 4364 submitted by Interim County Assessor Borer. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Loeffelholz, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:47 A.M. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Moved by Greder and seconded by Loeffelholz to enter into Executive Session at 9:47 A.M to discuss contract negotiations. In addition to Board members responding to roll call, County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to move out of Executive Session at 9:58 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Morrow, Reiter, and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to enter into an agreement with Woods & Aitken LLP for outside legal representation. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Loeffelholz, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

ZONING

Zoning Administrator LeAnn Klein was present to discuss changes in subdivision fees and provisions relating to Administrative Subdivisions.

Moved by Brayton and seconded by Loeffelholz to refer potential amendments to the Zoning Committee after reviewing the Subdivision fees. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Loeffelholz to refer proposed amendment to subdivision regulations to the Planning and Zoning Commission. Upon roll call vote, the following Board members voted "Aye": Greder, Loeffelholz, Brayton, Morrow, Reiter and Klein. Absent: McMullen. None voted "Nay". Motion declared carried.

Ethel Skinner was invited back to the Board meeting to be formally introduced and welcomed as the new County Assessor.

Vice Chairman Klein asked if there was anything else to come before the Board at 10:08 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, March 28, 2017.