BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 14, 2012
9:00 A.M.

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, August 14, 2012 at 9:00 A.M and 9:45 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Joseph Brayton, Horace Dannehl, Kent Greder, Ivan Klein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce 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 and is posted at the back of the Board Room. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. Deputy County Attorney Andrew Hoffmeister arrived at 9:20 A.M.

REGULAR AGENDA

Moved by Dannehl and seconded by McMullen to approve the July 24, 2012 Board meeting minutes. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Dannehl to accept the Clerk of the District Court July 2012 Fund Balance Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Dannehl, Brayton, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Brayton to accept the County Treasurer July 2012 Fund Balance Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Dannehl, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Klein to accept the County Treasurer Distress Warrant Report. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

COURTHOUSE RENOVATIONS

Bill Barritt from Beckenhauer Construction was present for updated reports on the Phase 3 Construction Project. Moved by Klein and seconded by Dannehl to approve Change Order Request #7 of the Phase 3 Project in the amount of $1,741.00 to provide the water system in conference and records rooms. Upon roll call vote, the following Board members voted “Aye”: Klein, Dannehl, Brayton, Greder, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Barritt reported that the Oversight Committee addressed the removal of the current Register of Deeds office back door during the next construction phase. Discussion followed about convenience, safety and fire marshal requirements with the possibility of removing the back door of the office. Moved by Dannehl and seconded by McMullen to remove the door at the back of the Register of Deeds office during the next phase of construction. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Cannon Moss Brygger Architects sent an invitation to their 100 year anniversary event. Nebraska Association of County Officials (NACO) Executive Director Larry Dix sent correspondence regarding the next legislative session and the appointment to the NACO Board of Directors. Economic Development Council of Buffalo County sent an invitation to their Annual Meeting. NACO Central District President Christ Lewis notified the Board that the Executive Board will be seeking a replacement to the NACO Board of Directors. Nebraska Department of Roads sent the fall calendar for the LPA Workforce Development Project Courses and the invitation to the next Nebraska State Highway Commission meeting. Sequoia Consulting Group sent the report of indirect cost payment from the Nebraska Department of Health and Human Services. Chairman Pierce called on each Board member present for committee reports and recommendations.

Discussion followed on the issue of Dissolving the township form of government in Buffalo County. Moved by Dannehl and seconded by Brayton to approve the following Resolution 2012-35 and instructed the County Clerk to deliver a copy of this Resolution to the Election Commissioner. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-35

WHEREAS, the Buffalo County Board of Supervisors is a political subdivision operating under the township organization form
WHEREAS, the Buffalo County Board of Supervisors has determined the township form of government to be antiquated, inefficient, and cost prohibitive, and many times townships struggle to find directors to fill the vacant slots on the township boards; and

WHEREAS, the Buffalo County Board of Supervisors has determined the question should be put to the voters pursuant to LB269 of the 2008 legislative session to determine whether or not the township form of government should be discontinued and that Buffalo County should convert to a commissioner form of government with seven (7) commissioners, with the commissioners’ districts, including the boundaries, district numbers, and territories, to remain the same as with township organization.

WHEREFORE, BE IT RESOLVED by the governing body of the County of Buffalo, Nebraska, that the County Board of Buffalo County hereby directs the County Election Commissioner to submit the question of discontinuance of township organization to the registered voters of Buffalo County. Said question should be submitted in accordance with Section 23-293 at the next general election held not less than seventy (70) days after the filing of this resolution. The County Board further directs that said question be submitted specifying that the county board of commissioners to be formed pursuant to Section 23-151 shall have seven (7) members and the reorganization as a county board of commissioners, with the commissioners’ districts, including the boundaries, district numbers, and territories, to remain the same as with township organization, and will be effective at the expiration of the supervisors’ terms of office in January of the third calendar year following the election to discontinue township organization. The language to be used by the Election Commissioner in the submission of the question on the ballot at the next general election to the registered voters of Buffalo County shall be set forth in accordance with Section 23-294(2).

BE IT FURTHER RESOLVED that copy of this Resolution shall be filed with the Buffalo County Clerk; and

BE IT FURTHER RESOLVED that the Buffalo County Clerk shall transmit this resolution to the Election Commissioner.

Denise Zwiener Executive Director of Buffalo County Community Partners and Doug Kramer presented the Community Partners annual report and gave a brief overview of the programs that are provided in Buffalo County. Zwiener asked the Board to consider supporting the Community Partners financially and with an appointment to the committee.

Moved by Dannehl and seconded by Morrow to approve Resolution 2012-36 to authorize the transfer of uncollected taxes to inactive status. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Morrow, Brayton, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-36

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Supervisors, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes i

In the interest of public safety and financial viability, the County Board hereby authorizes the transfer of said taxes to an inactive status. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Morrow, Brayton, Greder, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

On July 12, 2012 the Board authorized Lisa Poff to sign for the Election Office in the absence of the current Election Commissioner for 30 days. Moved by McMullen and seconded by Brayton to extend that time period until September 26, 2012 for Lisa Poff to sign necessary documents for the Election Commissioner’s Office. Upon roll call vote, the following Board members voted “Aye”: McMullen, Brayton, Dannehl, Greder, Klein, Morrow, and Pierce. None voted “Nay”. Motion declared carried.

DJJC, LLC /DBA Southside Mini-Mart, Stuart, Nebraska submitted a request for a special designated liquor license. Delma Borg is the President of the corporation and this request is for a wedding reception for her daughter and husband. After review of the Sheriff’s report, it was moved by Greder and seconded by Dannehl to approve the special designated liquor license for the event to be held on October 27, 2012 at the National Guard Armory, 5710 Airport Rd, Kearney, Nebraska. Upon roll call vote, the following Board members voted “Aye”: Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Cornell Hiemke from Little USA convenience store located at 5405 West Highway 30, Kearney, asked the Board to review the recent change in the Nebraska law relating to the Nebraska Liquor Control Act. The Buffalo County Board can adopt a resolution to change the current Sunday operational hours for the liquor license holders within the Board’s jurisdiction. Moved by McMullen and seconded by Klein to set a public hearing date for August 28, 2012 at 10:30 A.M. for public input on the extension of Sunday hours to
sell distilled spirits within the County jurisdiction. Upon roll call vote, the following Board members voted “Aye”: McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. None voted “Nay”. Motion declared carried.

REGULAR AGENDA

Chairman Pierce opened the public hearing regarding the consolidation of the Register of Deeds and County Assessor offices at 10:10 A.M. Register of Deeds Kellie John addressed the Board and provided a prepared handout of her research of the merger of Register of Deeds and County Assessor offices. John expressed her opposition to the merger and her opposition to place the question on the ballot at the next election. Also those speaking in opposition of placing the consolidation of offices on the ballot were the following: Jim Ganz Jr, Marvion Reichert, Matt Meister, Kent Barney, Julie Rowlings Hoppe, Jack Besse, Mitch Humphrey, Patrick Nelson, Jeff Warren, Steve Linden, Ray Hervert and Jean Sidwell. No one spoke in favor of merging the two offices or placing the question on the ballot. Chairman Pierce closed the public hearing at 10:36 A.M. After discussion, motion was made by Greder and seconded by Brayton not to put the consolidation of Register of Deeds and County Assessor offices on the ballot and to drop this issue. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Chairman Pierce opened the public hearing at 10:57 A.M. regarding the CDBG Program Income County Reuse Funds for the Buffalo County Economic Development Council. Darren Robinson, Executive Director of the Economic Development Council was present and gave a brief history of the Reuse Funds. No one else addressed the Board and Chairman Pierce closed the hearing at 11:00 A.M. No action was necessary.

Moved by McMullen and seconded by Klein to recess the regular meeting of the Board of Supervisors at 11:02 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Joe Woodward were present.

Moved by Greder and seconded by Morrow to approve July tax list corrections numbered 3863 through 3879 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted “Aye”: Greder, Morrow, Brayton, Dannehl, Klein, McMullen, and Pierce. 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 Good Samaritan Society-Ravenna on a 2008 Dodge van, 2010 Dodge van and a 2008 Buck Dandy trailer. Upon roll call vote, the following Board members voted “Aye”: Klein, Greder, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Dannehl and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society-St Johns on a 2003 GMC Pickup and a 2002 Ford van. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Corpus Christi Carmelite on a 2000 Volkswagen. Upon roll call vote, the following Board members voted “Aye”: McMullen, Brayton, Dannehl, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Dannehl and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for St Lukes Good Samaritan Village on a 2000 Chevrolet van, 2010 Ford van, 2003 Dodge van and 2006 Buck Dandy trailer. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by McMullen to recess the Board of Equalization and to return to the regular meeting of the Board of Supervisors at 11:07 A.M. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

ZONING

Chairman Pierce opened the Zoning Hearing at 11:05 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Trenton Snow on behalf of Gary & Joan King filed a request for an Administrative Subdivision for property described as part of the East Half of the Northwest Quarter (E ½ NW ¼ ) of Section Thirty-Two (32), Township Ten (10) North, Range Fifteen (15) West of
the Sixth Principal Meridian, Buffalo County, Nebraska to be known as Richter Hills. The application was reviewed by County Surveyor Trenton Snow. Chairman Pierce closed this public hearing at 11:10 A.M.

Moved by Greder and seconded by Morrow to approve the Administrative Subdivision application with the following Resolution 2012-37. Upon roll call vote, the following Board members voted “Aye”: Greder, Morrow, Brayton, Dannehl, Klein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-37

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Gary and Joan King, owners hereinafter referred to as “applicant” has filed for an administrative Subdivision to be known as “RICHTER HILLS” with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on August 14, 2012, this Board conducted a public hearing and finds:

1. The proposed RICHTER HILLS, an administrative subdivision, is located in part of the East Half of the Northwest Quarter (E1/2NW1/4) of Section Thirty-Two (32), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and is in the Agricultural Residential (AGR) 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. 130th Road is a section line road that abuts the proposed subdivision. The width of these roads after dedication complies with 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 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 SUPERVISORS in regular session with a quorum present, that the plat of “RICHTER HILLS”, an administrative subdivision being in part of the East Half of the Northwest Quarter (E1/2NW1/4) of Section Thirty-Two (32), Township Ten (10) North, Range Fifteen (15) 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.

Chairman Pierce opened the Zoning Hearing at 11:10 A.M. Mitchell Humphrey on behalf of Theador A. Asay, Trustee is requesting an Administrative Subdivision for property described as the North 370.00 feet of the East Half of the Northeast Quarter of the Northeast (E ½ NW ¼ NE ¼) of Section Twenty-five (25), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska to be known as Campbell Administrative Subdivision. The application was reviewed by Mitchell Humphrey. Sandra Campbell addressed the Board with questions about existing fences and tax valuations. No one else addressed the Board and Chairman Pierce closed this public hearing at 11:14 A.M.

Moved by Dannehl and seconded by McMullen to approve the Administrative Subdivision application with the following Resolution 2012-38. Upon roll call vote, the following Board members voted “Aye”: Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-38

WHEREAS, Mitchell W. Humphrey, Licensed Surveyor, on behalf of Theador A. Asay, owner hereinafter referred to as “applicant” has filed for an administrative Subdivision to be known as “Campbell 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 August 14, 2012, this Board conducted a public hearing and finds:

1. The proposed Campbell Administrative Subdivision is the North 370.0 feet of the East half of the Northwest Quarter of the Northeast Quarter (E1/2NW1/4NE1/4) of Section Twenty-Five (25), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and is in the Agricultural (AG) 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. 145th Road is a section line road that abuts the proposed subdivision. The width of these roads after dedication complies with 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 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 SUPERVISORS in regular session with a quorum present, that the plat of “CAMPBELL ADMINISTRATIVE SUBDIVISION”, an administrative subdivision being the North 370.0 feet of the East half of the Northwest Quarter of the Northeast Quarter (E1/2NW1/4NE1/4) of Section Twenty-Five (25), Township Ten (10) 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.

Chairman Pierce opened the Zoning Hearing at 11:16 A.M. Mitchell Humphrey on behalf of Teddy J. Sup, Trustee and Kathryn J. Sup, Trustee is requesting an Administrative Subdivision for property described as a tract of land being part of Government Lot Two (2) located in Section Four (4), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to be known as Northwoods Administrative Subdivision. The application was reviewed by Mitchell Humphrey and no one else addressed the Board. Chairman Pierce closed this public hearing at 11:19 A.M.

Moved by Brayton and seconded by Morrow to approve the Administrative Subdivision application with the following Resolution 2012-39. Upon roll call vote, the following Board members voted “Aye”: Brayton, Morrow, Dannehl, Greder, Klein, McMullen, and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-39

WHEREAS, Mitchell W. Humphrey, Licensed Surveyor, on behalf of Teddy J. Sup, Trustee, and Kathryn J. Sup, Trustee, owners hereinafter referred to as “applicant” has filed for an administrative Subdivision to be known as “Northwoods 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 August 14, 2012, this Board conducted a public hearing and finds:

1. The proposed Northwoods Administrative Subdivision being part of Government Lot Two (2) located in Section Four (4), Township Nine (9), North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and is in the Agricultural Residential (AGR) 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. No section line road that abuts the proposed subdivision. Access to the proposed subdivision is provided by private easement.

4. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title 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 SUPERVISORS in regular session with a quorum present, that the plat of “NORTHWOODS ADMINISTRATIVE SUBDIVISION”, an administrative subdivision being part of Government Lot Two (2) located in Section Four (4), 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.

Moved by Dannehl and seconded by Klein to approve to amend Resolution 2010-55 to determine the exact location of the livestock washout facility for the Special Use Permit issued to J.C. Ourada on September 14, 2010. Upon roll call vote, the following Board members voted “Aye”: Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2010-55 AMENDMENT

WHEREAS, on September 14, 2010, in Resolution 2010-55 this Board approved a Special Use Permit filed by J.C. Ourada, for a livestock washout facility on a 10-acre portion of the Northwest corner of the Northeast Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Nine (9), Township Nine (9) North Range Eighteen (18) West of the 6th P.M., Buffalo County, Nebraska, and
WHEREAS, a more complete legal description for this approximately 10-acre portion has been provided to the Buffalo County Zoning Administrator, and
WHEREAS, the Special Use Permit allowed in Resolution 2010-055 should be amended and made applicable to this more particularly described 10-acre portion.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that Resolution #2010-055 is amended to state that the special use allowed in Resolution #2010-055 shall only apply to the following described real estate:

The North 340.0 feet of the West 1285.0 feet of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Nine (9, Township Nine (9) North, Range Eighteen (18), West of the Sixth Principal Meridian, Buffalo County, Nebraska, containing 10.02 acres more or less, together with the rights of ingress and egress over and across the West 30.0 feet of the Southeast Quarter, excepting however the North 340.0 feet thereof.

BE IT RESOLVED, that a copy of this Resolution shall be filed against the described real estate together with original Resolution 2010-055 as originally adopted by this Board.

Chairman Pierce called for Citizen’s forum and Sheriff Neil Miller presented a new flag with the Buffalo County Seal for the Board room. Marvion Reichert addressed the Board about the placement of culverts near the Elm Creek cemetery.

Moved by McMullen and seconded by Greder to enter into Executive Session to discuss personnel issues at 11:30 A.M. Upon roll call vote, the following Board members voted “Aye”: McMullen, Greder, Brayton, Dannehl, Klein, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Moved by McMullen and seconded by Klein to move out of Executive Session at 11:44 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted “Aye”: McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. None voted “Nay”. Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 11:46 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, August 28, 2012 at 9:00 A.M.