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 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.

| GENERAL FUND | 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 |

| ROAD FUND | 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 |

| WEED FUND | 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 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.

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, Clift 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 6th 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 6th 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. 90th 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 Muhlback 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.

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.

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.

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 Si...


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.