

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, SEPTEMBER 14, 2010  
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, September 14, 2010 at 9:00 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: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, 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.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meetings were open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and Mike Lange, Dennis Day, Dennis Clabaugh, Nick Powell and Larry Peterson were present to address the Board. All were present to address the Board about issues with neighboring property owned by Platte River Recovery.

**CONSENT AGENDA**

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

**GENERAL COUNTY BUSINESS**

1. Approve August 24, 2010 and September 7, 2010 minutes
2. Accept reports
  - Buffalo County Detention Center July 2010 Report
  - Veterans' Service Quarterly Report
  - Clerk of the District Court August 2010 Fee Report
  - Buffalo County Treasurer August 2010 Fund Balance Report

**JUSTICE CENTER PROJECT**

Buster Beckenhauer and Carl Gibbs from Beckenhauer Construction were present for updated reports on the Justice Center Project. All change order requests were reviewed by Beckenhauer before the following Board action. Moved by Dannehl and seconded by Morrow to approve Phase 2 Change Request 1 in the amount of \$133,957.00, Change Request 7 in the amount of \$733.00, Change Request 8 in the amount of \$3,368.00, Change Request 9 in the amount of \$1,173.00, Change Request 10 in the amount of \$586.00, Change Request 11 in the amount of \$537.00, Change Request 12 in the amount of \$4,077.00, Change Request 13 in the amount of \$16,368.00, Change Request 14 in the amount of \$4,189.00 and Change Request 15 in the amount of \$33,890.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

**REGULAR AGENDA**

Highway Superintendent Ron Sklenar was present for discussion and the following Agenda items. Moved by McMullen and seconded by Dannehl to authorize Chairman Pierce to sign the application for payment number 3 in the amount of \$15,402.26, the Change Order 1 for a decrease of the total contract amount by \$11,669.90 and to further authorize Chairman Pierce to sign the Certificate of Substantial Completion on the 17<sup>th</sup> Avenue Project. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Loewenstein to accept the bid from Nebraska Machinery for one new 2010 140M Motor Grader with the trade in of 1996 John Deere 770BH for a cost of \$199,805.00. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Loewenstein to set a bid date of September 28, 2010 at 10:00 A.M. for steel bids and reinforced concrete box culvert bids. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Chairman Pierce opened the public hearing to approve the 2010-2011 Fiscal Year Budget for Buffalo County at 10:05 A.M. No one from the public was present to address the Board and Chairman Pierce closed the public hearing. After review by the Budget Committee, it was moved by Morrow and seconded by Klein to approve an additional 1% Board approved increase in the prior year's budgeted restricted funds subject to limitation as allowed by law. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Loewenstein to approve the following Resolution 2010-51 to authorize the petty cash accounts for the various offices. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

**RESOLUTION 2010-51**

We, the Buffalo County Board of Supervisors, authorize petty cash funds to be operated by the Sheriff's Office in the amount of \$2,500.00; the County Attorney's Office in the amount of \$1,500.00; the County Treasurer's Office in the amount of \$13,000.00; the Probation Office in the amount of \$50.00; the Public Defenders Office in the amount of \$2,000.00; the Clerk of the District Court in the amount of \$1,000.00; and Extension in the amount of \$2,000.00.

Moved by Morrow and seconded by Klein to approve the Buffalo County Budget 2010- 2011 fiscal year Resolution 2010-52. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

**RESOLUTION OF ADOPTION AND APPROPRIATIONS  
2010-52**

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2010 to June 30, 2011, prepared by the Budget Making Authority, was transmitted to the Buffalo County Board of Supervisors on the 14<sup>th</sup> day of September 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Buffalo County, Nebraska as follows:

SECTION 1. That the budget for the Fiscal Year July 1, 2010 to June 30, 2011 as categorically evidenced by the Budget Document is, and the same hereby is, adopted as the budget for Buffalo County for said Fiscal Year.

SECTION 2. That the offices, departments, activities, and institutions herein named are hereby authorized to expend the amounts herein appropriated to them during the fiscal year beginning July 1, 2010 and ending June 30, 2011.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and tax levy requirements for each fund.

Chairman Pierce opened the public hearing to approve the property tax requests for fiscal year 2010-2011 at 10:09 A.M. No one was present to address the Board and the hearing was closed. Moved by Morrow and seconded by McMullen to approve Resolution 2010-53. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Greder, Klein, Loewenstein, and Pierce. Motion declared carried.

**RESOLUTION 2010-53**

WHEREAS, Nebraska Revised Statue 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Buffalo passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the County of Buffalo that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE the Governing Body of the County of Buffalo, by a majority vote, resolves that the 2010-2011 property tax requests be set and as follows:

FUND	2010-2011 Proposed Property Tax Request
General	12,160,056.11
Veteran's Aid	8,185.33
Bond	<u>1,203,147.23</u> (outside limit)
TOTAL	13,371,388.67

Chairman Pierce reviewed the following correspondence with the Board. Nebraska Department of Roads sent notice of an upcoming public information open house meeting. Newsletters were received from Beckenhauer Construction and Buffalo County Community Partners. The Annual Fund Campaign 2010 for Community Partners was noted. Nebraska Historical Society sent correspondence of the nomination of Harmon Park to the National Register of Historic Places. Department of Health and Human Services sent notice of the Child Support Enforcement incentive payments. Two Rivers Public Health Department sent an invitation to their conference. Kearney Literacy Council sent invitation to participate in the Scrabble Tournament. Buffalo County Zoning Administrator sent notice of term expiration dates of three Zoning Commission members. U.S. Census Bureau sent thank you note for partnering in the 2010 Census. Blue Cross Blue Shield sent information on the wellness program.

Moved by Dannehl and seconded by McMullen to approve the 2009- 2010 fiscal year inventory statements filed by all of the County Officials and to file the inventory statements with County Clerk Janice Giffin as a public record. All Board members signed the certification of examination and approval. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral in the amount of \$10,000,000.00 at the Platte Valley Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve the release of pledged collateral in the amount of \$150,000.00 from Firstier for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Loewenstein to approve the addition of pledged collateral in the amount of \$200,000.00 at Firstier for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Moved by McMullen and seconded by Dannehl to recess the regular meeting of the Board of Supervisors at 10:49 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 Assessor Joe Woodward and County Treasurer Jean Sidwell were present.

Moved by Klein and seconded by Greder to approve tax list corrections 3689 through 3692 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Dannehl, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Chairman Pierce opened the Notice of Valuation Change for Jerome Meier on parcel number 500113000 at 10:57 A.M. No one was present to address the Board and the hearing was closed. Moved by Klein and seconded by Greder to approve the valuation change as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Dannehl, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Discussion followed on the exemption application penalty for Family Advocacy Network. Public hearing was held on August 24, 2010 for tax exemption on this application. At that time the Board approved the tax exemption status for the Family Advocacy Network but the question remained on the waiver of tax penalty. Moved by Loewenstein and seconded by Greder to deny request of abatement of tax penalty according to Nebraska Statutes. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Greder to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Christian Congregation of Jehovah's Witnesses on a 2007 Buick. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Klein and seconded by Dannehl to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Countryside Christian Church on a 2000 Ford. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for St Lukes Good Samaritan Village on the following: 2003 Dodge, 2000 Chevrolet and 2006 Buck Dandy trailer. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Loewenstein to approve the renewal application for motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership on a 2009 Middleburg enclosed trailer. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen and Morrow. Abstain: Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Morrow to return to the regular meeting at 11:06 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

## **ZONING**

Chairman Pierce opened the Zoning hearings at 11:08 A.M. Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein were present. NE Colorado Cellular, Inc. d/b/a Viaero Wireless requests a special use permit for part of the SE ¼ of the NE ¼ of Section 18, Township 11 North, Range 18 West of the 6<sup>th</sup> p.m. Buffalo County for a wireless telecommunications tower site. Chris Riha, Site Acquisition Manager was present. No one else was present to address the Board and the hearing was closed at 11:16 A.M. Moved by Loewenstein and seconded by Greder to approve the special use permit with the following Resolution 2010-54. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

### **RESOLUTION 2010-54**

WHEREAS, NE Colorado Cellular Inc. d/b/a Viaero Wireless, filed an Application for Special Use Permit with the Buffalo County Zoning Administrator requesting a special use permit for a Wireless Telecommunications Tower Site to place a 195 foot tower for wireless telecommunications use on land located in the Southeast Quarter (SE ¼) of the Northeast Quarter (NE 1/4) of Section Eighteen (18), Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, all of which is located in AGR Zoned District, and

WHEREAS, on August 19, 2010 following public hearing on such special use application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit, and,

WHEREAS, on September 14, 2010 the Buffalo County Board of Supervisors held a public hearing on such Special Use Permit Application, and

WHEREAS, only a simple majority is required by this Board to approve this special use permit because no protests against issuance of this special permit have been filed, and

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed by NE Colorado Cellular Inc. d/b/a/ Viaero Wireless. The applicant intends to construct a 195 foot telecommunications self-supporting lattice tower on the property to be used for wireless communications. There will be one nine by seventeen foot building used to house electronic equipment and a backup power source. There will be a generator and fuel source on site to supply back up power. The site will be enclosed by a padlocked chain link fence.
2. The findings and minutes of Planning and Zoning Commission and the Application for Special Use Permit together with attachments and exhibits as submitted should be and hereby are incorporated herein in their entirety as if set forth herein. Also photographs taken by the Buffalo County Zoning Administrator of the subject property and surrounding area(s) were given to the Board as part of her report for review of this Board, and

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, by a majority vote of its members, that this Board approves the Special Use Permit requested by NE Colorado Cellular Inc. d/b/a Viaero Wireless to locate on the above described real estate a tower up to a maximum height of 195 feet with 100% set backs from power lines, Arrow Road and the adjacent neighbor to the south, so long as the telecommunication services are attached to the tower, and

RESOLVED further that this Special Use Permit is conditioned on the following additional requirements:

1. Applicant is allowed to place one nine foot by seventeen foot maintenance or storage structure and a 1,000 gallon propane tank on the property for the purpose of housing communications equipment and power supply needs for devices used on the tower, and
2. Applicant shall place at the public entrance to the premises a conspicuous road sign not to exceed 32 square feet stating the 911 approved street / road address of the property and telephone number of parties to contact in event of an emergency, and
3. Applicant shall place a generator on the property of sufficient size to handle applicant or applicant's successor's power needs to maintain communications in event of public power outage. Such generator shall be capable of handling public communications at the same historic delivery rate as that provided by public power usage.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Board, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit.

RESOLVED FURTHER that copy of this Resolution shall be filed against the legal description stated.

Chairman Pierce opened the hearing for a livestock washout facility special use permit at 11:22 A.M. Applicant J.C. Ourada and Vaden Hellerich with Professional Environment Solutions were present to address the Board. No one else was present to address the Board and the hearing was closed at 11:42 A.M. Moved by Morrow and seconded by McMullen to approve the following Resolution 2010-55. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Greder, Klein, Loewenstein and Pierce. Motion declared carried.

### **RESOLUTION 2010-55**

WHEREAS, J.C. Ourada. filed an Application for Special Use Permit with the Buffalo County Zoning Administrator requesting a special use permit for a livestock washout facility on a 10 acre portion in the northwest corner of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section Nine (9), Township Nine (9) North, Range Eighteen (18) West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska all of which is located in an AG Zoned District, and

WHEREAS, on August 19, 2010 following public hearing on such special use permit application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit, and

WHEREAS, on September 14, 2010 the Buffalo County Board of Supervisors held a public hearing on such Special Use Permit Application, and

WHEREAS, only a simple majority is required by this Board to approve this special use permit because no protests against issuance of this special permit have been filed, and

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed by JC Ourada. The applicant intends to use the property as a private noncommercial livestock washout facility. He will construct one building not to exceed 100 by 155 feet to be used to house two wash out bays, a separator unit, an office, and possibly a third bay.
2. The findings and minutes of Planning and Zoning Commission and the Application for Special Use Permit together with attachments and exhibits as submitted should be and hereby are incorporated herein in their entirety as if set forth herein. Also photographs taken by the Buffalo County Zoning Administrator of the subject property and surrounding area(s) were given to the Board as part of her report for review of this Board.
3. Applicant will install and use a rotary separator unit that will filter ninety percent (90%) of the manure parts out of the wash water. Removed material will be stock piled and spread on fields. Discharge water will be retained in a holding pit which must comply with all EPA and DEQ regulations. Discharge water will be used for irrigation of adjoining land.
4. A sign should be constructed at the entryway of the premises with such sign having a street address for public safety reasons such as 911 emergency addressing and for public information.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and

5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a majority vote of its members, this Board approves applicants' Special Use Permit as filed with such application incorporated into this Resolution by this reference, subject however to the following conditions:

1. One structure shall be erected on the subject property, not to exceed 100 feet by 155 feet. This structure shall be utilized to house two truck washout bays, a separator unit, an office building, and possibly a third bay.
2. The structure depicted in the attachment to the Application for Special Use Permit shall be substantially completed within two years after construction commences in accordance with Buffalo County Zoning Regulation 6.2. Provided however, the possible third bay consisting of a dry bay 30 feet by 90 feet does not have to be completed until five (5) years after construction commences.
3. Activities on the subject property shall be limited to a private noncommercial livestock washout facility.
4. Applicants or successors thereto shall place at the public entryway of the premises along the county road a conspicuous road sign not to exceed 32 square foot as signage space giving the full name of the facility with a 911 system approved street/road address placed upon such sign and/or on such signs mounting post(s) or pole(s).

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Board, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit.

RESOLVED FURTHER that copy of this Resolution shall be filed against legal description stated.

Chairman Pierce opened the public hearing for a Zoning Map Amendment at 11:44 A.M. Applicant Gene Freeze and Lucas Gerdes were present to address the Board. This request for a Zoning Map Amendment is a request from Agricultural-Residential to Commercial for property described as Lots 74 through 82, Village of Odessa, Buffalo County. The hearing was closed at 11:54 A.M. Moved by Klein and seconded by McMullen to approve the Zoning Map Amendment with the following Resolution 2010-56. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

### **RESOLUTION 2010-56**

WHEREAS, Gene Freeze applied for change of zoning by filing an Application For A Change of Zoning with the Buffalo County Zoning Administrator requesting that real property described as Lots 74 through 82, both inclusive, Village of Odessa, Buffalo County, Nebraska, be changed from AGR to Commercial, and

WHEREAS, this is solely a rezoning request and the subject property would have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on August 19, 2010, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 6-2 vote, and

WHEREAS, on September 14, 2010, this Board conducted a public hearing considering this rezoning request and finds that such change in zoning designation would have minimal adverse affect on surrounding properties, is consistent with property use in the immediately surrounding area, and is consistent with overall comprehensive plan adopted by Buffalo County, Nebraska, and

WHEREAS, no protest(s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Supervisors.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning map amendment to change the subject property from the AGR District to the Commercial District is approved and shall occur, for the subject property described as:

Lots 74 through 82, both inclusive, Village of Odessa, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed's office against the subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Chairman Pierce opened the hearing for the revised Flood Insurance Rate Map (FIRM) and the Flood Insurance Study (FIS). Darren Robinson Executive Director of the Buffalo County Economic Development was present to address the Board. Public hearing was closed at 11:54 A.M. Moved by Greder and seconded by Dannehl to approve the following Resolution 2010-57. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

### **RESOLUTION 2010 -57**

WHEREAS, in 1986 Buffalo County, Nebraska, adopted and enacted floodplain regulations and has amended the regulations at various times in the past, and

WHEREAS, the adopted floodplain regulations refer to the current Flood Insurance Rate Map (FIRM), and amendments, effective March 1, 1990, as the official map to be used in determining areas that are prone to flooding in Buffalo County, Nebraska, and

WHEREAS, the Floodplain regulations as they now exist and how they are now implemented meet or exceed minimum federal requirements for local floodplain management, and

WHEREAS, the Federal Emergency Management Agency of the United States Department of Homeland Security has recently completed revision of Buffalo County's FIRM which will become effective November 26, 2010, with or without Buffalo County's action, and

WHEREAS, it would be prudent for Buffalo County to adopt the proposed FIRM and amend Buffalo County's Floodplain Resolution to cause the November 26, 2010 FIRM to become the applicable map for determination of areas in Buffalo County that are prone to flood.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUFALO COUNTY THAT Section 3 of Buffalo County's Floodplain Regulation is amended to read as follows:

**SECTION 3** – The Governing Body of the County of Buffalo hereby designates the current Flood Insurance Rate Map, and amendments, effective March 1, 1990, together with amendments effective November 26, 2010, as the official map to be used in determining those areas of special flood hazard. When the areas denoted as special flood hazard, differ as delineated in the FIRMs, the map to become effective November 26, 2010 shall control.

The Zoning Committee met prior to this meeting to review the subdivision fees. After report from the committee and discussion, it was moved by Dannehl and seconded by Loewenstein to amend the subdivision fees. The only change in the fee schedule will be to eliminate the advertising costs. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, McMullen, Morrow and Pierce. Voting "Nay": Greder and Klein. Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 12:12 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, September 28, 2010 at 9:00 A.M.