

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 14, 2011
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, June 14, 2011 at 9:00 A.M and 10:30 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.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all Board members; and availability of the agenda was communicated in the advance notice and in the notice 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 meeting was open to the public.

Chairman Pierce called for Citizen's forum and Jim Anderson was present to address the Board. Anderson would like to see the Courthouse basement open as a storm shelter and is volunteering to be a part of that process. This is an Agenda item later in the meeting.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. Moved by McMullen and seconded by Morrow to approve the Consent Agenda as presented. Upon roll call vote, the following Board members voted "Aye" with the disclaimer of recusing themselves on any claim for themselves or for the benefit of any family member: McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay".

GENERAL COUNTY BUSINESS

1. Approve minutes for May 24, 2011
2. Accept reports:
 - Clerk of District Court May 2011 Report
 - County Treasurer May 2011 Fund Balance Report

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project and the Extension Office Parking Lot Replacement. Moved by Dannehl and seconded by Klein to approve the Guaranteed Maximum Price (GMP) amendment for the Buffalo County Extension Office Parking lot replacement with a GMP of \$140,386.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Barritt also presented the Contract Change Order 9 of the Phase 2 Justice Center Project for the Chairman's signature. No action was necessary because this is a compilation of previously approved Change Orders.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. Chairman Pierce read aloud the Flag Day 2011 proclamation sent by Governor Heineman. Goldberg, Sullivan and McCreery sent a thank you note for the tour of the facility. Good Samaritan Hospital sent an invitation to the Annual Community Healthy Community Awards Luncheon. Newsletters were received from Common Ground of Nebraska, Beckenhauer Construction Building Blocks and Central Platte NRDD In Perspective. United States Census Bureau sent information on how to access the Profile of General Population and Housing online. The NIRMA billing statement was received with options to choose higher property deductibles. Elaine Thompson from the Property Tax Division sent correspondence on the new statutory requirement for the County Board of Equalization. Nebraska Department of Roads sent information on the passage of LB 589 which changes the Special Event Permit process for the temporary use of the state highway systems. Elaine Menzel from NACO sent notice of changes to the Open Meetings Act during the 2011 legislative session. Chairman Pierce stated that he has had questions since the last Board meeting on the signage at Jammers Roadhouse near Odessa. Chairman Pierce visited with Deputy County Attorney Hoffmeister prior to this meeting and determined that no laws had been broken and that this Board cannot address the issue to govern the signage. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Moved by McMullen and seconded by Dannehl to authorize Chairman Pierce to sign the Geographic Information Systems Workshop Inc. (GIS) contract in the amount of \$82,500.00 This contract is an enhancement to the contract that the County Sheriff already has in place and will add more County offices to the GIS Workshop website. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by McMullen to appoint Larry L. Meyer to continue serving on the Veterans Service Committee. Upon roll call vote, the following Board members voted "Aye": Brayton, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Greder to approve the following Resolution 2011-30 to authorize the County Attorney to proceed with foreclosure of County owned Tax Sale Certificates. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-30

WHEREAS, The Revised Statutes of Nebraska, 77-1901 through 77-1918 provides upon resolution by the County Board of Supervisors for the foreclosure and sale of Real Estate Properties upon which Tax Sale Certificates have been placed and delinquent for three years, and

WHEREAS, the following Tax Sale Certificates have been placed on Real Estate Properties in Buffalo County, to wit: Numbers 5219, 5220, 5265, 5266, 8318, and 8319.

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors authorize the foreclosure and sale of the above referenced Tax Sale Certificates and request the County Attorney to proceed to such foreclosure and sale, in accordance with the laws of the State of Nebraska.

Discussion followed on reopening the Courthouse Basement as a Storm Shelter. Chairman Pierce asked the Law Enforcement Committee and the Emergency Manager to develop a plan and bring it back to the County Board for approval. Jim Anderson who visited with the Board under Citizen's forum also volunteered to be a part of the plan development committee.

Kent Lilly, Chief Deputy Probation Officer, was present to discuss sharing space with Nebraska State Probation at the Buffalo County owned Midtown location. Letter was received from Ann Hansen, Deputy Adult Parole Administrator, asking permission to use an office in the Midtown office space provided by Buffalo County for the reporting center. Moved by Dannehl and seconded by McMullen to proceed with negotiations on lease of office space at Midtown for the Nebraska parole. 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 Klein to set June 28, 2011 as a date for Request for Proposal (RFP) for the Employee Dental plan. The RFP will be prepared for approval by the June 28th Board 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.

Deputy County Attorney Hoffmeister reviewed the Access Road petition that was approved on May 24, 2011 with Resolution 2011-26. This resolution directed the petitioner to post \$500.00 security to cover estimated costs of survey of the existing road. Moved by Dannehl and seconded by McMullen to retain Trenton Snow as the licensed land Surveyor to proceed with that survey. 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 Morrow to accept the joint bid of Wilke Contracting and Midlands Contracting for the amount of \$424,386.00 for Project Nos. C10 (589), C10 (1409), C10 (1408), C10 (1405), C10 (1406), C10 (1410) and C10 (1411). Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Greder to approve the following Resolution 2011-31 designating the responsible person for Project Number BRO 7010(19) Riverdale Northwest.

RESOLUTION 2011-31

Whereas: Buffalo County has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a "Responsible Charge" (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and:

Whereas: the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project from planning

through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken from the project have adequate supporting documentation filed in an organized fashion.

For the purposes of this resolution, the following definitions will apply:

Fully qualified means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RC's.

Full-time public employee means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee's non-public employment is a field unrelated to any aspect of the project for which federal aid is sought.

Public employee means a person who is employed solely by a county, a municipality, a political subdivision; a Native American Tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

Responsible charge means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA's point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; It means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decision, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

Be It Resolved: by the Buffalo County Board of Supervisors of Buffalo County that:

Ronald G. Sklenar, Highway Superintendent is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project.

NDOR Project Number: BRO 7010 (19)

NDOR Control Number: 42085

Riverdale Northwest

Buffalo County assures and agrees that:

1) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.

2) The RC is a full-time public employee.

3) The RC is fully qualified and has successfully completed required training to serve as a RC.

4) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.

5) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.

6) It will provide necessary office space, materials and administrative support for the RC.

7) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.

8) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to requirements of 23 CFR 635.105.

9) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.

10) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.

11) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**

12) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This including meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

Buffalo County understands that the following are the duties of the RC:

- a) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- b) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- c) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- d) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- e) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. §81-3445);
- f) Competently manage and coordinate the day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- g) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- h) Monitor the process and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- i) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- j) Ensure that proper construction management processes have been developed and implemented for the project;
- k) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- l) Attend all required training including the annual workshop; and
- m) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

Moved by McMullen and seconded by Dannehl to set the bid date of June 28, 2011 for One 2010 or 2011 minimum 165 HP Motor Grader. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Brayton, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to set the date of June 28, 2011 for One 2010 or 2011 85-90 HP 4 Wheel Drive Front Wheel Assist Tractor. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Morrow to set the date of June 28, 2011 for One 2010, 2011 or 2012 ½ Ton Heavy Duty 4 x 4 Extended Cab Pickup. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:37 A.M. and reconvene as a Board of Equalization. Deputy County Attorney Hoffmeister left the meeting at 10:25 A.M. 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. Deputy County Assessor Joe Barber and County Treasurer Jean Sidwell were present. Chairman Pierce opened the tax exemption application hearing for Kearney RHF Housing Inc. Deputy County Attorney Melodie Bellamy arrived at 10:55 A.M. Present were Dee Hammer, Regional Manager at Retirement Housing Foundation (RHF), Koley Ellingson, Manager of RHF and David Levy from the Baird Holm LLP law firm. Chairman Pierce closed the public hearing at 10:59 A.M. Moved by Greder and seconded by McMullen to table the decision on this exemption application until the June 28th Board meeting and requested that financial statements be sent from Retirement Housing Foundation prior to the Board meeting. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the following tax exemption hearings for Girl Scouts Spirit of Nebraska, Platte River Whooping Crane Maintenance Trust Inc., Grace Lutheran Church of Pleasanton, Goodwill Industries of Greater Nebraska and Good Samaritan Hospital. Brenda Dunkel, Finance Manager of Good Samaritan Hospital was the only one present and all hearings were closed at 11:04 A.M. Platte River Whooping Crane Maintenance Trust Inc. withdrew their application prior to this meeting. Moved by Morrow and seconded by McMullen to approve the following exemption application name and parcel numbers; Girl Scouts Spirit of Nebraska, parcel number 603763102; Grace Lutheran Church of Pleasanton, parcel number 100222000; Goodwill Industries of Greater Nebraska Inc., personal property; Good Samaritan Hospital parcel numbers 604044000, 602479008, 601894000, 601886000, 602479007, 601890000, 601892001, 601995000, 602479000, 602502000, 605043245, 605741000 and 605783000. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the discussion and decision on Property Valuation Protests that the County Assessor agreed with the changes indicated on the protest forms. Discussion was held prior to this meeting about accepting the recommendation of the County Assessor. Moved by Greder and seconded by Dannehl to approve the Property Valuation Protests as indicated on the protest forms for the following: Patricia Lux, parcel number 650308790; RDR Ranch, parcel number 240121000; Sartoria Farm Inc., parcel number 140124000; George Day, parcel number 160141082; Robert & Gail Axtell, parcel number 606349000; James and Lisa Kennedy, parcel number 560014410; Lawrence Kessler, parcel number 080225000; Otto and Irene Price, parcel number 680430000; Zero Herefords South Inc, parcel numbers 160145000 and 160146000; and TWL LLC, parcel number 560436080. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Morrow to approve tax list corrections 3754-3766 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to extend the Homestead Exemption filing date to July 20, 2011 as recommended by Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Epona Horse Rescue on a 2000 Chevrolet pickup and a 2009 Ford pickup. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. Motion declared carried.

Moved by Greder and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Catholic High School on a 1999 Chevrolet Suburban and 1998 Chevrolet Suburban. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. 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 New Life Assembly on a 2001 Ford, 2006 Enclosed Trailer, 2003 Chevrolet Bus, 2000 Ford, and 2003 International. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Klein and seconded by Dannehl to recess the Board of Equalization at 10:55 A.M. and to return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Brayton, Greder, McMullen, Morrow and Pierce. Motion declared carried.

REGULAR AGENDA

Wayne Homan, Animal Control Specialist with Wildlife Services presented the annual contract renewal. Moved by Klein and seconded by Dannehl to authorize Chairman Pierce to sign the contract for the fiscal year 2011-2012. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Brayton, Greder, McMullen, Morrow and Pierce. Motion declared carried.

ZONING

Chairman Pierce opened the Zoning Agenda items at 11:18 A.M. Present were Deputy County Attorney Melodie Bellamy and Interim Zoning Administrator Janice Taubenheim.

Trenton Snow and Randall Stones were present to request a zoning map amendment filed by Randall A. Stones on behalf of Jerome Brandt and Diane Brandt to rezone property from Agricultural to Commercial for property located in part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska. No one else was present to address the Board and Chairman Pierce closed the public hearing at 11:23 A.M.

Moved by Brayton and seconded by Klein to approve the following Resolution 2011-32 to grant the zoning map amendment. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-32

WHEREAS, Randal Stones has applied for zoning map amendment with the Buffalo County Zoning Administrator requesting that the following described real property, to-wit:

"A tract of land being part of the Northwest Quarter of the Northwest Quarter (NW¹/₄NW¹/₄) of Section Twenty-five (25), Township Ten (10) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Northwest ¹/₄ of said Section 25; thence easterly on the North line of said Northwest ¹/₄ a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East right-of-way line of Nebraska State Highway No. 10; thence continuing easterly on the North line of said Northwest ¹/₄ a distance of 665.39 feet; thence southerly a distance of 916.66 feet to a point, said point being 407.0 feet north of the South line of the Northwest ¹/₄ of the Northwest ¹/₄ of said section; thence westerly parallel with and 407.0 feet northerly of the South line of the Northwest ¹/₄ of the Northwest ¹/₄ a distance of 666.72 feet to a point that intersects on the East right-of-way line of Nebraska State Highway No. 10; thence northerly a distance of 916.8 feet to the place of beginning; EXCEPT a tract of land being part of the Northwest ¹/₄ of the Northwest ¹/₄ of said Section 25, more particularly described as follows: Referring to the Northwest corner of the Northwest ¹/₄ of said Section 25 and assuming the North line of said Northwest ¹/₄ as bearing S 88°59'27" E and all bearings contained herein are relative thereto; thence S 88°59'27" E and on the North line of the Northwest ¹/₄ a distance of 40.0 feet to a point that intersects on the East right-of-way line of Nebraska State Highway No. 10; thence SOUTH on the aforesaid East right-of-way line a distance of 655.76 feet to the ACTUAL PLACE OF BEGINNING; thence continuing SOUTH on the afore described course a distance of 261.31 feet; thence S 89°00'17" E a distance of 666.72 feet; thence N 00°02'07" E a distance of 261.31 feet; thence N 89°00'17" W a distance of 666.97 feet to the place of beginning ;AND ALSO EXCEPTING that portion of the Northwest ¹/₄ of the Northwest ¹/₄ of Section 25, Township 10 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, deeded to the State of Nebraska Department of Roads by Inst. 2003-715 and filed in the Buffalo County Register of Deeds office, hereinafter referred to as the "subject property" be changed from the Agricultural "AG" District to the Commercial "C" District, and

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

WHEREAS, on May 19, 2011, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 7-0 vote with no conditions placed on the proposed map amendment, and

WHEREAS, on June 14, 2011, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County's Zoning Regulations, and Comprehensive Plan, and finds:

- a. No one voiced opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse affect on surrounding properties.
- c. That then intended uses of the Commercial District is consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as paved roads and sufficient utilities so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

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 Agricultural "AG" District to the Commercial "C" District is approved, and

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 public hearing for a special use permit filed by Brad Campbell for a wash-out facility for part of the North Half of the Southwest Quarter and part of the South Half of the Northwest Quarter of Section 9, Township 12 North, Range 13

West of the 6th p.m., Buffalo County, Nebraska. No one was present to address the Board and Chairman Pierce closed the public hearing at 11:25 A.M. Moved by Dannehl and seconded by Greder to approve the following Resolution 2011-33 to deny the special use permit. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-33

WHEREAS, Brad Campbell. 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 portion of land in the North Half of the Southwest Quarter (N1/2SW1/4) and the South Half of the Northwest Quarter (S1/2NW1/4) of Section Nine (9), Township Twelve (12) North, Range Thirteen (13), West of the 6th P.M., Buffalo County, Nebraska, except railroad right of way and except a 3.44 acre tract of land more particularly described as follows: Commencing at the Southeast corner of the intersection of the county road running north and south on the West edge of said Northwest Quarter (NW1/4) and the county road running east and west on the South side of the Burlington Northern Railroad right-of-way as the place of beginning; thence South 300.00 feet/ thence East parallel with the South line of said east and west county road 500.00 feet; thence North 300.0 feet to the South line of said east and west county road; thence West on and along the south line of said east and west county road 500.0 feet to the place of beginning; all of which is located in an AG Zoned District, and

WHEREAS, on May 19, 2011 following public hearing on such special use permit application, the Buffalo County Planning and Zoning Commission recommended to deny such special use permit, and

WHEREAS, on June 14, 2011 the Buffalo County Board of Supervisors held a public hearing on such Special Use Permit Application, nobody appeared to either speak for or against said application, and

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

1. 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.
2. That Brad Campbell has been using the property as a truck wash out facility without the necessary zoning or DEQ permits.
3. That Brad Campbell intends to construct a truck washout facility for both personal and commercial use.

WHEREAS, the issuance of this special permit is found not to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be denied, because the proposed use would:

1. Be a matter which should require re-zoning of the property, and
2. Be detrimental to adjacent property, and
3. Tend to depreciate the value of the surrounding structures or property, and
4. Change the character of the district, and
5. Not 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 denies applicants' Special Use Permit as filed with such application incorporated into this Resolution by this reference.

REGULAR AGENDA

Moved by Dannehl and seconded by Greder to enter into Executive Session to protect the public interest and to discuss personnel matters at 11:28 A.M. In addition to Board members responding to roll call, Deputy County Attorney Melodie Bellamy was present. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Morrow to move out of Executive at 11:40 A.M. and resume the open meeting. Chairman Pierce stated that the discussion involved personnel matters. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen and Pierce. Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 11:45 A.M. before he declared the meeting adjourned upon the completion of the tour of the Phase 2 Construction Project until the regular meeting on Tuesday, June 28, 2011 at 9:00 A.M. Board members Dannehl, Klein, McMullen, Morrow and Pierce, County Clerk Giffin and Board Administrator Lynn Rauner toured the project at 1:00 P.M.

ATTEST: _____

(SEAL)

Richard Pierce Chairman
Buffalo County Board of Supervisors

Janice I. Giffin
Buffalo County Clerk