

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, February 14, 2012 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. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and Roy Long was present to address the Board about the letter dated January 27, 2012 that he received from the Board regarding the action taken to not waive his Zoning Permit fee and process required after his home was destroyed by a tornado.

**REGULAR AGENDA**

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

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

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

Moved by Dannehl and seconded by Brayton to approve Geneva State Bank application for County Depository. Geneva State Bank will be added to the list of Depositories approved on January 10, 2012. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

**COURTHOUSE RENOVATIONS**

Bill Barritt and Joey Thoene from Beckenhauer Construction were present for updated reports from the bid opening for Phase 3 of the Courthouse Renovations Project. Barritt reviewed the bid tabulation sheet and made his recommendations to the Board for awarding of the bids to the following vendors: Bid Package 2, O'Neill Transportation & Equipment; Bid Package 4, Masonry Unlimited; Bid Package 5, Arrowhead; Bid Package 5A, Central Nebraska Steel; Bid Package 6, Custom Woodworks; Bid Package 6A, Total Interiors; Bid Package 6B, Beckenhauer Construction Inc; Bid Package 7, Ziemba Roofing; Bid Package 8, Midwest Door & Hardware; Bid Package 8A, Raynor Door; Bid Package 8B, Tri County Glass; Bid Package 9, Essink Brothers Drywall; Bid Package 9A, T-C Ceilings; Bid Package 9B, Floors Inc.; Bid Package 9C, Don Wasson; Bid Package 9D, Kucera Painting; Bid Package 10, EPCO; Bid Package 15, Bamford Inc.; Bid Package 15A, K-T Heating & Air; Bid Package 16, Anderson Bros.

Moved by Klein and seconded by Morrow to approve the vendor list submitted by Beckenhauer Construction with a base bid total of \$1,607,333.00 for the Phase 3 Construction Project. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Brayton, Dannehl, Greder, McMullen, and Pierce. None voted "Nay". Motion declared carried.

**REGULAR AGENDA**

Chairman Pierce reviewed the following correspondence. The Board received a thank you from the Kearney Hub for designation of the Hub as the legal newspaper. Sequoia Consulting Group sent explanation of the elimination of the Clerk of the District Court administrative expense from the indirect cost allocation plan. Nebraska Jail Standards sent notice of the NCAMA Training Conference in Kearney. Kelly Electric and Weathercraft sent vendor notifications and solicitations. State of Nebraska sent notice of annual inspection of the Buffalo County Jail. Logan Township requested a change of designation from Township Road to County Road. Shelton Township is requesting that all grading maintenance of township roads in Shelton Township be maintained by Buffalo County. Nebraska Association of Emergency Management sent request of awards nominations to be presented at the 2012 NAEM Conference.

Supervisor McMullen reported that he hadn't found a replacement for Karin Covalt who served on the Planning and Zoning Commission. Covalt served on the Planning and Zoning Commission from November 2003 through January 2012.

The Buffalo County Affirmative Action Plan is reviewed annually by the County Attorney's office. Draft copy was sent out in the Board packet with minor changes to the Affirmative Action Plan. Moved by Greder and seconded by McMullen to accept and adopt the Buffalo County Affirmative Action Plan as amended. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to approve the Memorandum of Understanding (MOU) between the State of Nebraska Department of Veterans Affairs and Buffalo County on behalf of the Buffalo County Veterans Service Center. VETRASPEC has been created as the secure web based information system to share information between levels of government. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Dannehl, Klein, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to enter into Executive Session to discuss personnel issues for the protection of public interest at 9:42 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to move out of Executive Session at 10:00 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Dannehl to enter into Executive Session to discuss contract negotiations at 10:03 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton and Attorney Mike Tye were present. Building and Grounds Supervisor Ross Karabel went into the Board room when Attorney Mike Tye left the Executive Session. 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 Greder to move out of Executive Session at 10:28 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the Public Hearing for 2012 One and Six Year Road & Bridge Plan at 10:33 A.M. Highway Superintendent Ron Sklenar was present for discussion and review. Lynne Heiden and Craig Bennett were present to address the Board about the construction of 39<sup>th</sup> street going west. Handouts referring to this project were presented and reviewed by Bennett. Chairman Pierce closed this public hearing at 10:55 A.M. Moved by Brayton and seconded by McMullen to ask the County Attorney to write an agreement between Buffalo County and Lynne Heiden for a road to be built by Lynne Heiden at her expense east of 47<sup>th</sup> Ave on Section line known as 39<sup>th</sup> Street for approximately 1500 feet using state regulations and dedicated to the public. Work to start by September 2013. 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 McMullen and seconded by Dannehl to approve the 2012 One and Six Year Road & Bridge Plan as presented with the exception of adding the C10 (836) from the Six Year Road Plan to the One Year Road Plan. This project is on the east side of Gibbon. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Road Chairman McMullen directed the County Clerk to open and read aloud the bids submitted for the Asphalt Overlay Projects. Bids were submitted by Werner Construction, Vontz Paving and Gary Smith Construction Co. Inc. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting.

Road Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted gravel bids. Gravel bids were submitted from the following companies: Mid Nebraska Aggregate Inc., Carl Whitney Sand & Gravel Inc., T & F Sand & Gravel Inc., Broadfoot Sand and Gravel Co. Inc. and Ed Broadfoot & Sons Sand & Gravel Inc. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting.

Moved by McMullen and seconded by Greder to set a bid date of March 13, 2012 at 10:00 A.M. for the C10 (400) Riverdale Northwest and C10 (501) Shelton West projects. 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 set a bid date of March 13, 2012 at 10:00 A.M. for precast concrete deck slabs. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Brayton, Greder, Morrow, and Pierce. None voted "Nay". Motion declared carried.

## ZONING

Chairman Pierce opened the Zoning Hearing at 11:13 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Shinn's Turkey Track Ranch Inc. filed a Special Use Permit Application for storage units for property located in part of Government Lot 2, part of Government Lot 3 & accretion of Section 1, Township 8 North, Range 14 West of the 6<sup>th</sup> p.m. and part of Government Lot 3 & § in Section 6, Township 8 North, Range 13 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska. No one was present to address the Board. Chairman Pierce closed the hearing at 11:17 A.M.

Moved by Dannehl and seconded by Brayton to approve the following Resolution 2012- 05 for Shinn's Turkey Track Ranch Inc. request for a Special Use Permit. 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 2012-05

WHEREAS, Mike Shinn DBA Shinn's Turkey Track Ranch, Inc. hereinafter referred to as "applicant" filed an Application for Special Use Permit with Buffalo County Clerk requesting special permit in AG District for storage uses on property that is more particularly described in following language and herein referred to as "subject property", and

WHEREAS, on January 19, 2012, following public hearing on applicant's special use permit application, with no opposition present, the Buffalo County Planning and Zoning Commission recommended approval of applicant for a special use permit as submitted subject to the conditions that :

1. No additional structures for storage purposes would be added to the now existing ten (10) structures.
2. An office would be allowed on the premises in one of the existing structures
3. Any existing structure, or any part thereof, could be used with and co-exist with Agricultural uses.
4. Fencing would be needed between the buildings for outdoor storage areas, if outdoor storage is used.
5. Crushed rock would be used in areas to approach storage buildings.
6. Downward facing lighting would be used for outdoor lighting purposes.

, and

WHEREAS, on February 14, 2012, the Buffalo County Board of Supervisors held public hearing on this Special Use Permit, and

WHEREAS, no protests have been filed with the Clerk that would require a two-thirds majority of this Board to approve the special permit, and

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

1. Minutes of Planning and Zoning meeting and application together with attachments as submitted should be and hereby are incorporated herein in their entirety as if set forth herein
2. The subject property is situated in the AG Agricultural Zoning District. Sec. 5.14(14) of Buffalo County's Zoning Regulations, allows commercial and industrial District uses by special permit in the AG District. "Mini Storage" is allowed in Buffalo County's Commercial District pursuant to Sec. 5.52 (10). "Storage" is allowed in Buffalo County's Industrial District pursuant to Sec. 5.62(36), "Mini-Warehouse" in also allowed in the Industrial District.
3. Applicant proposes to use part of and/or all of, one or more of the existing ten (10) buildings on the subject property for storage of personal property similar to compartmentalized storage bins for individualized storage areas together with larger areas for common storage of larger items of personal property, including but not limited to: boats, motor vehicles, trailers, and recreational vehicles.
4. When zoning was adopted by Buffalo County, the subject property and its structures were used for raising and finishing turkeys. Today, the structures are not entirely being used for this purpose and additional uses are being sought by the applicant. The Board agrees with the Zoning Commission that the proposed storage use of the premises can co-exist with the agricultural uses.
5. The subject property abuts and will be accessed by 24th Road on its north side. The proposed point of entry is no more than one-half mile east of an all-weather road.
6. Lighting needs and other utility requirements of the property were discussed.
7. Applicant proposes to erect and build fence between the structures, should outdoor storage be used in the storage facility.
8. The closest rural residence to the subject property is about one-eighth of a mile away from the closest structure proposed to be used for potential storage.

WHEREAS, the issuance of this special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special use 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 vote of majority of its members, that this Board approves applicants' Special Use Permit to use the existing structures on the subject property for commercial storage purposes, subject however to the following conditions:

1. The property shall have placed upon it a sign of a dimension of 4 feet by 8 feet. Such sign shall state name of business, 911 street address of facility, and a phone number of party to contact in event of emergency.
2. Access or accesses to the property shall be from 24<sup>th</sup> Road on the north portion of the subject property.
3. No additional structures used for storage purposes are allowed on the subject property without an amendment to this permit and a review process.
4. There shall be allowed on the subject premises compartmentalized, individualized storage together with group storage of movable personal property. This storage is allowed within and part of any or all of the ten (10) structures now existing on the premises. Additionally, outdoor storage of movable personal property is allowed between the existing structures if fenced.
5. The Applicant is allowed to place an office on the subject property for oversight and management of the storage uses.
6. Lighting shall be placed on the premises by applicant. Such lighting devices shall be single mercury pole light typically provided a farmstead by rural electrical district; directional lighting pointed downward; and/or lighting attached to structures.
7. Applicants shall surface all entryway driveways and entryways to structure(s) and entryway to outdoor storage areas with crushed rock or higher grade of construction material.
8. No hazardous materials shall be stored on the premises.

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 all as provided in Buffalo County Zoning Regulations.

RESOLVED FURTHER that copy of this Resolution shall be filed against the subject property, to-wit:

A tract of land being part of Government Lot 2, part of Government Lot 3 and a portion of accretions abutting on the northerly side of Government Lot 2 in Section One (1), Township Eight (8) North, Range Fourteen (14) West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, and part of Government Lot 3, part of Government Lot 4, located in Section Six (6), Township Eight (8) North, Range Thirteen (13) West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Northwest Corner of Government Lot 4 in Section 6, Township 8 North, Range 13 West (said place of beginning also being the Northeast Corner of Government Lot 2 in Section 1, Township 8 North, Range 14 West), and assuming the North line of Government Lot 4 as bearing S 89° 55' E and all bearings contained herein are relative thereto; thence S 89° 55' E and on the North line of Government Lots 4 and 3 a distance of 873.74 feet; thence S 00° 07' W a distance of 617.66 feet; thence S 83° 47' 15" W a distance of 166.25 feet; thence S 69° 18' 09" W a distance of 341.65 feet; thence S 59° 51' 40" W a distance of 1127.52 feet; thence S 80° 59' 36" W a distance of 791.0 feet, more or less, to a point that would intersect on the West line of Government Lot 2 in Section 1, Township 8 North, Range 14 West; thence northerly on the aforesaid West line of Government Lot 2 a distance of 570.0 feet; thence N 89° 52' 42" W a distance of 324.0 feet; thence N 00° 07' 18" E a distance of 429.94 feet; thence N 88° 33' E a distance of 511.16 feet; thence N 61° 20" E a distance of 50.5 feet; thence S 89° 16' E a distance of 20.0 feet; thence N 61° 19' E a distance of 23.7 feet; thence N 37° 08' E a distance of 21.5 feet; thence N 25° 37' E a distance of 40.0 feet; thence N 01° 46' 38" E a distance of 341.0 feet to a point of intersection with the North line of said Section 1 (if extended); thence S 89° 55' E a distance of 1011.84 feet to the place of beginning.

Moved by Brayton and seconded by Klein to recess the regular meeting of the Board of Supervisors at 11:22 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 McMullen and seconded by Dannehl to approve Tax List Corrections numbered 3807 through 3819 submitted by County Assessor Joe Woodward. 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 Dannehl and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Faith United Methodist Church on a 1998 GMC van and a 2006 enclosed trailer. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Abstain: Greder. Motion declared carried.

Moved by Morrow and seconded by McMullen to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Kearney Catholic High School on a 2009 Chevrolet Suburban. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein, and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society on a 2003 GMC Pickup. 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 Morrow and seconded by McMullen to recess the Board of Equalization at 11:27 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

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

Moved by McMullen and seconded by Klein to move out of Executive Session at 11:42 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 11:43 A.M. before he declared the meeting adjourned the regular meeting on Tuesday, February 28, 2012 at 9:00 A.M.