

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 14, 2013  
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, May 14, 2013 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. (The Board room is being renovated at this time; therefore this meeting was held in Hearing Room B of the Justice Center.) 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 was present.

**REGULAR AGENDA**

Moved by Klein and seconded by Reiter to approve the April 23, 2013 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to accept the County Treasurer April 2013 Fund Balance Report and the Clerk of District Court April 2013 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

**COURTHOUSE RENOVATIONS**

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project.

Moved by Morrow and seconded by Brayton to approve the following Change Order requests of the Phase 4-7 Project; Request #14 for installing sanitary waste line in the amount of \$181.00, Request #20 for carpet in front of Assessors and Deeds walk up window in the amount of \$1,143.00, Request #22 for not installing hose bibs in restrooms in the credit amount of \$426.00, Request #23 for replacement of exterior sanitary sewer main in the amount of \$9,274.00, Request #24 for vapor barrier change on exterior sheeting in the credit amount of \$986.00, Request #25 to reroute basement restroom vent line in the amount of \$1,594.00 and Request #26 for two exit lights in Corridor B156 in the amount of \$905. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried. Gaasch also presented Contract Change Order #3 for the Chairman's signature. This Contract Change Order is a compilation of previously approved Change Orders; therefore no action was necessary.

**REGULAR AGENDA**

Chairman McMullen reviewed the following correspondence. Information from Nebraska Department of Natural Resources about water rights in Buffalo County reservoirs was received. Nebraska Department of Environmental Quality sent notification on the availability of the 2014 Litter Reduction and Recycling Grant Program application. The Sequoia Consulting Group sent information on the indirect cost allocation plans. The Board received a request from the Nebraska Department of Roads for input on the development of statewide plans and programs. Nebraska Department of Environment Quality sent a copy of the NDPDES General Permit for Sweetwater Cattle Co LLC. US Army Corps of Engineers sent a joint public meeting notice regarding the stream bank erosion protection near Gibbon, Nebraska. An invitation to an Open Meetings Law Workshop was received. The Nebraska Tax Equalization and Review Commission sent notice that the levels of value of real property in Buffalo County for tax year 2013 satisfy the State requirements. Chairman McMullen called on each Board member present for committee reports and recommendations.

Building and Grounds Supervisor Ross Karabel was present to discuss the sale of surplus property. Karabel recommended a June 15, 2013 date for auction to be held at the Extension Building. County Sheriff Neil Miller stated that more time was needed for him to make proper notice for surplus vehicles in the Sheriff's department. Moved by Morrow and seconded by Brayton to set an auction date of June 22, 2013 for the sale of Buffalo County owned surplus property to be held at the Extension Building pending availability of auctioneer. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$14,587,524.00.00 at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$750,000.00 at Firstier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$125,000.00 at Exchange Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$700,000.00 at Cornerstone Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to approve tax refund request submitted by County Treasurer Sidwell for Curtiss W & Carol J Stade in the amount of \$500.98 on parcel number 560402305. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Sheriff Neil Miller was present to discuss the SCALES interlocal agreement and asked for approval of the addition of the City of Cozad to the existing agreement. Moved by Greder and seconded by Brayton to authorize Chairman McMullen to sign the Addendum SCALES Interlocal Agreement for Cooperative Law Enforcement Services by and among the counties of Adams, Buffalo, Dawson and Hall, the Cities of Grand Island, Hastings and Kearney, adding the City of Cozad to the SCALES agreement. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Cedar Hills Vineyard applied for two separate Special Designated Liquor Licenses located at 48970 375<sup>th</sup> Rd, Ravenna NE for the dates of June 14 and June 15, 2013. Cedar Hills Vineyard is a licensed farm winery/catering establishment and a special designated liquor license is required in order to also serve beer at these events. After discussion and review of the County Sheriff's report, it was moved by Brayton and seconded by Klein to approve the Special Designated Liquor License applications filed by Cedar Hills Vineyard for two different events to be held June 14 and June 15, 2013, located at 48970 375<sup>th</sup> Rd, Ravenna NE. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

The Board discussed property management, no action was taken.

Election Commissioner Lisa Poff discussed the possibility of contracting different services with Mail Express to provide Buffalo County daily services from June 3, 2013 through November 30, 2013. County Attorney Eatherton recommended that further information be gathered before a decision should be made.

Chairman McMullen opened the public hearing at 9:47 A.M. for new applications for a retail liquor license (Class D License) and a manager's application by Cooperative Producers Inc; DBA Ampride Kearney located at 7810 2<sup>nd</sup> Ave, Kearney NE. Chairman McMullen closed the public hearing at 9:52 A.M. After review of the County Sheriff's office report, it was moved by Klein and seconded by Greder to approve the request for a Class D Liquor License and manager's application upon completion of TIPS Training to be filed with the County Clerk. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Highway Superintendent Ron Sklenar was present for the following agenda items.

Moved by Klein and seconded by Brayton to approve Resolution 2013-18 to accept the Interlocal Agreement between Buffalo County and City of Kearney for the Avenue M Paving Project. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

### **RESOLUTION 2013-18**

WHEREAS the City of Kearney and Buffalo County, Nebraska, desire to engage in road construction on a road commonly described as Avenue M Paving Project, from 11<sup>th</sup> Street & Avenue M, Kearney, Nebraska, south to roughly Avenue M & 1<sup>st</sup> Street, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses financing of the relocation and construction costs, and

NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself and City of Kearney all as set forth in the minutes of this meeting and this Board authorizes its Chairperson to sign such agreement on behalf of Buffalo County and to do all necessary to carry out the provisions of such Interlocal agreement.

FURTHER RESOLVED, that language of such Interlocal Agreement with signature lines blank shall be set forth in the minutes of this meeting.

Moved by Klein and seconded by Reiter to approve Resolution 2013-19 to authorize Chairman McMullen to sign the supplemental agreement with the State of Nebraska for the Federal–Aid Transportation Fund Purchase-Sale Agreement. Upon roll call vote, the following Board members voted “Aye”: Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted “Nay”. Motion declared carried.

## **RESOLUTION 2013-19**

### **SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM SUPPLEMENTAL AGREEMENT NO. 1**

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as “the Original Agreement”) that provided for the State to purchase at a discount LPA’s share of certain Surface Transportation Program Funding (hereinafter referred to as “STP”) and the Highway Bridge Program (hereinafter referred to as “HBP”) federal-aid funds that had been available to Nebraska LPAs; and

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

WHEREAS, Buffalo County and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

Be It Resolved: by the governing body of Buffalo County that: Chairman McMullen is hereby authorized to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between Buffalo County and the NDOR.

Moved by Klein and seconded by Brayton to enter into Executive Session to discuss contract negotiations at 9:59 A.M. In addition to Board members responding to roll call, County Attorney Eatherton was present. At 10:06 A.M. the Board invited Board Administrator Lynn Rauner into the meeting and Building and Grounds Supervisor Ross Karabel entered the meeting at 10:12 A.M. Upon roll call vote, the following Board members voted “Aye”: Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Biehl to move out of Executive Session at 10:30 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted “Aye”: Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Brayton to recess the regular meeting of the Board of Supervisors at 10:40 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

## **BOARD OF EQUALIZATION**

Chairman McMullen called the Board of Equalization to order in open session. County Assessor Joe Barber, Deputy County Assessor Nora Borer and Assessor Staff member Candra Michel were present.

Chairman McMullen opened the hearing for Community Action Partnership of Mid-Nebraska tax exemption at 10:40 A.M. Chief Executive Officer Karen Lueck, Business Manager Ed Butler and Transportation Director Charles McGraw were present from Community Action Partnership to request the tax exemption. Chairman McMullen closed the hearing at 10:42 A.M. Moved by Reiter and seconded by Klein to approve Tax Exemption submitted by County Assessor Barber for Community Action Partnership of Mid-Nebraska for property located in the South 15 feet of Lots 2 and 23, all of Lots 3 through 22 inclusive, all in Block 2, South Park Addition to the City of Kearney, NE. Upon roll call vote, the following Board members voted “Aye”: Reiter, Klein, Biehl, Greder, Morrow and McMullen. Abstain: Brayton. None voted “Nay”. Motion declared carried.

County Assessor Joe Barber reported Bethel United Methodist Church tax exemption application was withdrawn by Bill Martin after the hearing notice was sent and therefore no action was necessary.

Moved by Greder and seconded by Klein to approve Tax List Corrections numbered 3957 through 3975 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

County Attorney Shawn Eatherton excused himself from the meeting at 10:50 A.M.

Moved by Greder and seconded by Brayton to approve the Valuation Changes submitted by County Assessor Barber for the following list of properties and assigned parcel numbers that were read into the record and occurred after the abstract was sent to the State of Nebraska. Upon roll call vote, the following Board members voted “Aye”: Greder, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

| <u>Name</u>                       | <u>Parcel</u> | <u>Name</u>                           | <u>Parcel</u> |
|-----------------------------------|---------------|---------------------------------------|---------------|
| Starostka Group Unlimited Inc.    | 620344000     | ELN, LLC                              | 850001008     |
| Garold R & Donna J Runge          | 603396020     | Jane Ann Bish                         | 460155000     |
| DT Development Inc.               | 560336201     | Jane Ann Bish                         | 460084103     |
| DT Development Inc.               | 560336213     | Jane Ann Bish                         | 460156000     |
| DT Development Inc.               | 560336220     | Jane Ann Bish                         | 200058000     |
| DT Development Inc.               | 560402265     | Janeen Vokoun & Lynda C Jones etal    | 620086105     |
| Terrance and Trisha K Abels       | 560402267     | Bissell Farms LLC                     | 560401100     |
| Troy A and Tammy R Kluthe         | 560402269     | Shirley C Larson                      | 560003000     |
| Shawn E and Amanda L King         | 560402283     | Russell G II & Kimberly Hilliard      | 580700216     |
| DT Development Inc.               | 560402291     | Lonny L Leach, Trustee                | 720122103     |
| DT Development Inc.               | 560402295     | Lonny L Leach, Trustee                | 720125101     |
| DT Development Inc.               | 560402296     | Ray W & Susan H Winchester, Co-Tr     | 700265200     |
| Chris A and Mary C Miller         | 560402297     | Ray W & Susan H Winchester, Co-Tr     | 700265150     |
| David A and Maria Belen Benavides | 580718031     | Todd M & Jill M Stover                | 560402161     |
| David A and Maria Belen Benavides | 580718030     | William D Keesler & wf                | 560617600     |
| David A and Maria Belen Benavides | 580718000     | John R & Phyllis Finkner              | 720160000     |
| Azariah Kirubakaran               | 580718100     | JERGIB Farms LLC                      | 700316000     |
| Lawrence A and wf Miigerl         | 300096000     | Gregory A & Janice L Daake            | 560385212     |
| Myron M and Gladys K Miigerl      | 300096010     | Gary T & Mary J McGee                 | 560000035     |
| Lois B Kirschner Trustee          | 100194000     | Kenneth E & Elaine E Richter, CO-TR   | 560146100     |
| Chief Industries Inc.             | 620304112     | Kenneth W & Colleen K Case            | 700320000     |
| Ladene Blevins                    | 440173000     | Kelly J Rapp & Laureen D Striker-Rapp | 580078000     |
| Kevin P and Julia A Klingelhofer  | 440173010     | Kelly J Rapp & Laureen D Striker-Rapp | 580077000     |
| Timothy Kirschner                 | 100194500     | Patricia J Standage, Trustee          | 520172000     |
| Kristina Reed                     | 560617605     | Dexter Group LLC etal                 | 720132000     |
| Love in Action                    | 850000939     | Wesley J & Diane Kay Cornelius        | 720016500     |
| ELN, LLC                          | 850000928     | Robert E Irvine                       | 700166500     |
| ELN, LLC                          | 850000969     | Roy G Benson, Trustee                 | 620271000     |
| ELN, LLC                          | 850000931     | Robert W & Judith A Dyer              | 520161100     |
| ELN, LLC                          | 850000998     | Anthony A & Teresa Ann Hempleman      | 700210000     |
| ELN, LLC                          | 850000886     | Jason J & John E Kriger               | 560385205     |
| ELN, LLC                          | 850000889     | Isabelle Runge                        | 580049000     |
| Love in Action                    | 850000939     | Douglas E Jesch & Deb Runge-Jesch     | 520083100     |
| ELN, LLC                          | 850000999     | Stephen K Schroeder                   | 700118000     |
| ELN, LLC                          | 850001038     | Lawrence J JR & Lisa D Marshall       | 580170602     |

County Treasurer Jean Sidwell arrived at 11:00 A.M.

Moved by Morrow and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Sinsinawa Dominicans Inc on a 2011 Honda Civic. Upon roll call vote, the following Board members voted “Aye”: Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Morrow to recess the Board of Equalization at 11:01 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, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Wayne Homan, Animal Control Specialist was present for discussion on the contract renewal with Wildlife Services. Homan discussed the changes before the contract will be prepared and this contract approval with Wildlife Services will be placed on the May 28, 2013 Agenda.

## **ZONING**

Chairman McMullen opened the Zoning hearings at 11:06 A.M. Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and Trenton Snow were present.

Chairman McMullen opened the public hearing for a zoning map amendment, submitted by Trenton Snow on behalf of Patriot Technologies, Inc for a change of zoning from Agricultural to Industrial located in SW ¼ of Section 26, Township 9 North, Range 15 West of the Sixth p.m., Buffalo County, Nebraska. Deputy County Attorney Andrew Hoffmeister and Surveyor Trenton Snow reviewed

the proposed amendment change. Chairman McMullen closed this public hearing at 11:10 A.M. Moved by Biehl and seconded by Reiter that the following Resolution 2013-20 be adopted concerning proposed zoning resolution. Upon roll call vote, the following Board members voted “Aye Upon roll call vote, the following Board members voted “Aye””: Biehl, Reiter, Brayton, Greder, Klein, Morrow, and McMullen. None voted “Nay”. Motion declared carried.

### **RESOLUTION 2013-20**

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Patriot Technologies, Inc., 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 Southwest Quarter (SW ¼) of Section Twenty-six (26), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 26 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid West line a distance of 1656.62 feet to a point on the northerly right-of-way line of the Union Pacific Railroad; thence N 73° 13’ 15” E on the aforesaid right-of-way line a distance of 1804.84 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 73° 13’ 15” E on the aforesaid course a distance of 963.83 feet to a point on the East line of said Southwest Quarter; thence N 00° 02’ 48” W on the aforesaid East line a distance of 334.03 feet; thence WEST a distance of 923.24 feet; thence SOUTH parallel with the aforesaid West line a distance of 611.77 feet to the place of beginning. Containing 10.02 acres, more or less, SUBJECT TO HOWEVER the West 33.0 feet of the North 205.8 feet of the above described tract of land to be used for ingress and egress easement purposes.” hereinafter referred to as the “subject property” be changed from the Agricultural “AG” District to the Industrial “I” 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 April 18, 2013, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote with no conditions placed on the proposed map amendment or anyone speaking in opposition to the amendment, and

WHEREAS, on May 14, 2013, 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 effect on surrounding properties.
- c. That then intended uses of the Industrial 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 Industrial “I” 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 McMullen opened the hearing at 11:13 A.M. for a zoning map amendment requests for property described as being of the NW ¼ of the NE ¼ of Section 25, Township 10 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County Nebraska from Agricultural to Agricultural-Residential. Application was filed by Trenton Snow on behalf of Michael & Tara Rost. Deputy County Attorney Andrew Hoffmeister and Surveyor Trenton Snow reviewed the proposed amendment change. Chairman McMullen closed this public hearing at 11:17 A.M. Moved by Biehl and seconded by Klein to approve the application with the following Resolution 2013-21. Upon roll call vote, the following Board members voted “Aye Upon roll call vote, the following Board members voted “Aye””: Biehl, Klein, Brayton, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

### **RESOLUTION 2013-21**

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Michael A. Rost and Tara D. Rost, husband and wife, 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 the North 330.0 feet of the East 398.0 feet of the West Half of the Northwest Quarter of the Northeast Quarter (W ½ NW ¼ NE ¼ ) of Section Twenty-five (25) Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, hereinafter referred to as the “subject property” be changed from the Agricultural “AG” District to the Agricultural Residential “AGR” 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 April 18, 2013, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote with no conditions placed on the proposed map amendment or anyone speaking in opposition to the amendment, and

WHEREAS, on May 14, 2013, 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:

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Michael A. Rost and Tara D. Rost, husband and wife, 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 the North 330.0 feet of the East 398.0 feet of the West Half of the Northwest Quarter of the Northeast Quarter (W ½ NW ¼ NE ¼ ) of Section Twenty-five (25) Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, hereinafter referred to as the “subject property” be changed from the Agricultural “AG” District to the Agricultural Residential “AGR” 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 April 18, 2013, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote with no conditions placed on the proposed map amendment or anyone speaking in opposition to the amendment, and

WHEREAS, on May 14, 2013, 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 effect on surrounding properties.
- c. That then intended uses of the Agricultural Residential 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.

WHEREAS, on the same date and time this Board for the subject property approved an administrative subdivision named “Rost Acres” and “Rost Acres” may be used interchangeably with the above stated metes and bounds description of the subject property.

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 Agricultural Residential “AGR” 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/or “Rost Acres” 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.

Thereafter amendments to Buffalo County Subdivision Regulations as recommended for adoption by the Buffalo County Planning and Zoning Commission came on for consideration by this Board. Two amendments were reported out by the Commission. One consisted of simplifying the process for vacating administrative subdivisions and adding language to require lot size reporting for minor subdivision changes.

The Minor Subdivision amendment came on first for public hearing at 11:25 A.M. Following public hearing on such amendment with no public comment, it was moved by Greder, seconded by Reiter, that the following Resolution 2013-22 be adopted for this proposed amendment. Upon roll call vote, the following Board members voted "Aye Upon roll call vote, the following Board members voted "Aye": Greder, Reiter, Biehl, Brayton, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

#### **RESOLUTION 2013-22**

WHEREAS, ON April 18, 2013, the Buffalo County Planning and Zoning Commission held a public hearing concerning two amendments to Buffalo County's Zoning Regulations concerning the procedures for vacation of administrative subdivisions, and recommended by unanimous vote that this Board approve the proposed amendments, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that Section 3.20(B)(1) of Buffalo County Subdivision Resolution be amended to read as follows:

**B. Minimum Requirements and Procedures for Minor Subdivision Change(s).** At a minimum the application shall contain the following:

1. **Legal Description with Survey.** Legal description of the property to be subdivided prior to and after minor change(s). A survey shall be attached to the application showing:
  - i. Existing subdivided land upon which the change is sought, and
  - ii. Proposed lots and abutting lots; and all existing structures, fences, and building setbacks on lots that are desired to be in effect after the minor change(s).
  - iii. The lot area in square feet and acres for each and any lot(s) created or modified.

Thereafter, the Board held public hearing concerning the Commission's other suggested amendment for provisions relating to vacation of administrative subdivisions Section 3.21 Vacation of Plat. Thereafter, Brayton moved and Morrow seconded that the following Resolution 2013-23 be adopted. Upon roll call vote, the following Board members voted "Aye Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

#### **RESOLUTION 2013-23**

WHEREAS, ON April 18, 2013, the Buffalo County Planning and Zoning Commission held a public hearing concerning the procedures for vacation of administrative subdivisions and recommended by unanimous vote that this Board approve the proposed amendment, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that Section 3.21(C)(2) of Buffalo County Subdivision Resolution be amended to read as follows:

#### **Sec. 3.21. VACATION OF PLAT (VOIDING).**

##### **C. How adopted, effect thereof, and notices required:**

1. **Notice:** The vacation resolution shall not be adopted until after notice has been given as prescribed in Sec. 3.26.
2. **Adoption and effect thereof.** Any person may appear at said meeting for the purpose of objecting to the adoption of the resolution. If the vacation concerns vacation or any plat, other than an administrative type plat allowed in Sec. 3.02 ~~The~~ proceedings shall commence before the Planning and Zoning Commission ~~shall be solely~~ for that Commission's suggestion to the Board to recommend or not recommend vacation together with any conditions thought necessary. Thereafter the Commission shall forward the same to the County Board for final action. The County Board is not bound by recommendation(s) of the Commission and may proceed to act on the question of vacation in its sole discretion. If the vacation concerns solely vacation of an administrative type plat as authorized in Sec. 3.02 or similar type plat creation where no public highway, road or street was needed to be constructed to access the property or was accepted in plat dedication, within the area of the vacated lot(s) the proposed vacation shall proceed directly to the Board. The Board after public meeting may then set forth conditions it deems appropriate and approve or disapprove the vacation and/or any portion thereof. Such conditions may include, but are not necessary limited to a statement declaring whether any public highways, streets, alleys, or other public grounds are to be retained by the County. Absent specific language to not retain public highways, streets, alleys, and other public grounds such items shall continue to be retained by the County. Any public utility company that has occupied or made use of easement(s) prior to vacation shall be unaffected by any vacation action of the Board.

Trenton Snow on behalf of Michael A Rost & Tara D Rost filed a request for an Administrative Subdivision for property described as part of the NW ¼ of the NE ¼ of Section 25, Township 10 North, Range 16 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska to be known as Rost Acres. The application was reviewed by Trenton Snow and Deputy County Attorney Hoffmeister.

Chairman McMullen closed this public hearing at 11:27 A.M. Moved by Biehl and seconded by Greder to approve the Administrative Subdivision application with the following Resolution 2013-24. Upon roll call vote, the following Board members voted "Aye": Biehl, Greder, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

#### **RESOLUTION 2013-24**

WHEREAS, Trenton D. Snow, Licensed Surveyor, on behalf of Michael A. Rost and Tara D. Rost, husband and wife, as joint tenants and not as tenants in common, owners, hereinafter referred to as "applicant" have filed for an administrative Subdivision to be known as "ROST ACRES" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on May 14, 2013, this Board conducted a public hearing and finds:

1. The proposed Rost Acres is in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska due to recent amendment of the Buffalo County Zoning Map.
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. 145<sup>th</sup> Road is a section line road that abuts the proposed subdivision. The width of this road after dedication complies with minimum width standards required by the Buffalo County Subdivision Resolution. .
4. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicant.
5. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "ROST ACRES", an administrative subdivision being part of West Half of the Northwest Quarter of the Northeast Quarter (W1/2NW1/4NE1/4) of Section Twenty-Five (25), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman McMullen called for Citizen's forum and Dan Stephens voiced his concerns with the use of jake brakes and the speed limit at the south end of Ravenna Road. The Road Committee will come back with a recommendation at the May 28, 2013 Board meeting. Building and Grounds Supervisor Ross Karabel returned to the meeting to discuss parking issues around the Courthouse. Chairman McMullen asked if there was anything else to come before the Board at 11:40 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday May 28, 2013 at 9:00 A.M.