

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 11, 2013
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, June 11, 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. Deputy County Attorney Andrew Hoffmeister was present.

REGULAR AGENDA

Moved by Brayton and seconded by Klein to approve the May 28, 2013 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

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

Darren Robinson, Economic Development Council President and Mike Morgan, City of Kearney Manager were present to discuss support from Buffalo County to secure the Central Nebraska Veterans Home in Buffalo County. Moved by Klein and seconded by Brayton to approve the following Resolution 2013-26. 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 2013-26

WHEREAS, on or about June 11, 2013, the Economic Development Council of Buffalo County has requested support from the Buffalo County Board of Supervisors to assist in the proposal to secure the Central Nebraska Veterans Home in Buffalo County.

WHEREAS, the Central Nebraska Veterans Home site review team will require assurance of completion of certain infrastructure to the site.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the section of roadway on 56th Street from Cherry Avenue to Airport Road is funded and ready for the awarding of bids.

Moved by Morrow and seconded by Reiter to approve the following Resolution 2013-27 for funding assistance in moving the Veterans Home to Buffalo County. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-27

WHEREAS, on or about June 11, 2013, the Economic Development Council of Buffalo County has requested financial support from the Buffalo County Board of Supervisors to assist in the proposal to secure the Central Nebraska Veterans Home in Buffalo County.

WHEREAS, in November of 2011, Buffalo County received a letter written by the Nebraska Veterans Council stating a move of the Veterans home out of Hall County and that Hall County dissolves their Veterans Home Committee and discharges the Hall County Veterans Service Officer.

WHEREAS, Buffalo County leaders and community members were contacted by various Veterans and Veterans groups requesting involvement in the relocation and rebuilding of the home.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the Economic Development Council of Buffalo County shall be authorized to present funding for the project, locally named PROJECT HONOR, with the following commitments on behalf of the County of Buffalo County where Buffalo County will:

1. Provide annual funding to the Economic Development Council of Buffalo County in the amount of \$50,000.00, for a period of 20 years where the funding shall be made available to the Central Nebraska Veterans Home for workforce recruitment, if the home locates in Buffalo County. The Economic Development Council of Buffalo County shall make the full funds available to the Central Nebraska Veterans Home as requested by Central Nebraska Veterans Home Administration.

BE IT FURTHER RESOLVED that the County Chairman be and is hereby designated as the authorized official to direct the funding distribution. This resolution and funding offer shall remain available for the project up to June 12th, 2015. If Buffalo County is

awarded the new Central Nebraska Veterans Home, the funding shall be made available for the term(s) and amount(s) specified above. If another county is selected for the new Central Nebraska Veterans Home, the funding and offer shall be rescinded.

Moved by Brayton and seconded by Greder to approve Resolution 2013-28 for further assistance in securing the move of the Veterans Home to Buffalo County. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-28

WHEREAS, on or about June 11, 2013, the Economic Development Council of Buffalo County has requested from the County Board of Supervisors certain resolutions to assist in the proposal to be presented for the replacement of the Central Nebraska Veterans Home.

WHEREAS, in November of 2011, Buffalo County received a letter written by the Nebraska Veterans Council stating a move of the Veterans home out of Hall County, and that Hall County dissolves their Veterans Home Committee and discharges the Hall County Veterans Service Officer.

WHEREAS, Buffalo County leaders and community members were contacted by various Veterans and Veterans groups requesting involvement in the relocation and rebuilding of the home.

WHEREAS, Buffalo County is centrally located with access to the Holdrege, Nebraska, United States Department of Veterans Affairs Community-Based Outpatient Clinic serving central Nebraska and north-central Kansas, and the Grand Island, Nebraska, United States Department of Veterans Affairs Community Living Center and Community Based Outpatient Clinic.

WHEREAS, Buffalo County is home to Good Samaritan Hospital which offers the only advanced cardiac services and open heart surgery between Lincoln and Denver. Good Samaritan Hospital offers state of the art cancer treatment as one of only a few selected treatment centers in the National Community Cancer Centers Program. And, as designated by the State of Nebraska, is the region's trauma center with a verified Level II trauma center and ground and air transport.

WHEREAS, Buffalo County is home to the University of Nebraska at Kearney, and the University of Nebraska Medical Center with enrollment from all 93 counties and over 700 students enrolled in pre-medical or nursing programs.

WHEREAS, Buffalo County and the Buffalo County – County Veterans Service Office has a history of supporting Veterans, and Veterans programs.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the Economic Development Council of Buffalo County shall be authorized to pursue the project, locally named PROJECT HONOR, with the following commitments on behalf of the County of Buffalo County where Buffalo County will or already does:

Commit that Buffalo County and the Buffalo County – County Veterans Service Officer (CVSO) will not interfere or attempt to dictate any operational control or changes of the facility.

1. Positively promote Veterans Home services, programs, activities and initiatives.

Buffalo County and the Buffalo County CVSO will continue to encourage Veterans and their families to tour the Central Nebraska Veterans Home (CNVH) facilities. Promote involvement of volunteer work and programs at CNVH. Work closely, and as directed by, CNVH administration and activities coordinator(s) to ensure Buffalo County meets the CNVH objectives and to include CNVH in the many Veterans activities already occurring in Buffalo County.

2. Assist with inquiries on service lines and with applications to the State Veterans Home programs.

Buffalo County and the Buffalo County CVSO will continue to support, and as directed by the Nebraska Department of Veterans Affairs, the completion of Veterans home applications and proactively assist the state in the collection of the proper documentation necessary for proof of eligibility. Buffalo County has and will continue to ensure the Buffalo County CVSO and staff, have thorough knowledge of the operation of the Veterans Homes, eligibility requirements, and the Veterans Home Board "Guidelines". The Buffalo County CVSO has and will continue to provide information to applicants and families regarding service lines any applicable fees directed by the state.

3. Recognize that the State Veterans Homes must comply with regulations and standards of care and provide support and understanding to member families regarding compliance with these regulations and standards.

Buffalo County and the Buffalo County CVSO recognize and supports that CNVH must comply with both regulations and standards of care as set by Federal and State law. Buffalo County and the Buffalo County CVSO will assist CNVH administration, as directed by CNVH, with compliance of regulations and standards of care.

The Buffalo County Veterans Service Committee shall cooperate and assist the Department of Veterans Affairs in the performance and discharge of its duties and functions, as directed by the Department of Veterans Affairs.

4. Provide positive and supportive communication between Veterans programs and school and civic events.

Buffalo County and the Buffalo County CVSO encourage youth to be active in Veterans programs and will make every effort to inform the community, schools, and the local media of the achievements of CNVH, including distribution of the CNVH newsletter. Buffalo County and the Buffalo County CVSO, as directed by the CNVH administration and activities coordinator(s), will encourage visits by area schools and encourage community support and participation in civic events.

5. Assist the Veterans Home with grant and donation enterprises to support the Home's long term goals and Veterans service functions.

Buffalo County and the Buffalo County CVSO have worked in conjunction with the Veterans service organizations to support activities which encourage donations and charitable events that promote good spirits and morale of the residents of the Grand Island Veterans Home. Buffalo County and the Buffalo County CVSO will support CNVH administration with seeking donations for the CNVH. Buffalo County and the Buffalo County CVSO will provide letters of support and documentation to CNVH for any grant requests or foundation requests.

6. Provide positive community relationship building programs to serve Veterans, spouses of Veterans and Gold Star parents.

Buffalo County and the Buffalo County CVSO are committed to introduction and support of the CNVH administration and residents to existing Veterans programs and community activities. And, with the support and approval of CNVH Administration, develop new programs that fit the needs of Veterans, spouses of Veterans and Gold Star parents.

7. Promotion in serving member burial needs.

Buffalo County and the Buffalo County CVSO will continue to work with funeral directors to insure each Veteran, spouse, and family member(s) are treated with fairness, respect and dignity as they approach their final journey.

Buffalo County and the Buffalo County CVSO will continue to support Veterans, and their families, with assistance in completing applications, if so required, for final assistance, burial amenity applications, and applications for benefits.

Buffalo County and the Buffalo County CVSO will continue to insure Veterans receive military rites at their service, a bronze grave marker and flag, and that all grave markers remain in place.

Buffalo County and the Buffalo County CVSO will support the CNVH administration, the Nebraska Department of Veterans Affairs, and the United States Department of Veterans with support of existing programs, or the development of new programs.

COURTHOUSE RENOVATIONS

Job Superintendent Joey Thoene and Project Manager Steve Gaasch from Beckenhauer Construction were present to update the Board on the Phases 4-7 Courthouse Renovation Project.

Moved by Klein and seconded by Brayton to approve the following Change Order requests of the Phase 4-7 Project; Request #28 for upgrade to file storage room usage in the amount of \$2,501.00, Request #34 to add flashing to joint between EIFS and Precast at HHS parapet wall in the amount of \$2,744.00, and Request #36 credit for change of wall pack lights and exterior can lights to LED fixtures in the credit amount of \$274.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen noted that the only correspondence received was the Unicameral Update. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral for the Buffalo County Clerk in the amount of \$650,000.00 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 Biehl to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$4,587,524.00 and the addition of pledged collateral in the amount of \$7,000,000.00 at Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Biehl, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Klein to approve the reappointment of Michael (Mick) Ross to a five year term to the Veterans Service Committee. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to set a bid date of July 9, 2013 at 10:00 A.M. for Request for Proposal (RFP) for mail services. 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 Biehl to enter into Executive Session to discuss contract negotiations at 9:30 A.M. Deputy County Attorneys Andrew Hoffmeister and Kari Fisk were present. 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 move out of Executive Session at 9:45 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted “Aye”: Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Assistant Highway Superintendent John Maul was present for the following Agenda items.

Moved by Klein and seconded by Brayton to accept the bid of NMC for One New Trail King Hydraulic Gooseneck Trailer with the trade of a 1996 Trail King TK80HDG Trailer for the amount of \$60,580.00. 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 Morrow to accept the bid and authorize Chairman McMullen to sign on behalf of Buffalo County the Notice of Award to Blessing Construction Company for the 56th Street and Avenue M Paving Project for the total bid price of \$918,321.25. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Biehl, Brayton, Greder, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Brayton and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:30 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Brayton, Morrow, Biehl, Greder, Klein, 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 County Treasurer Jean Sidwell were present.

Kearney Band Parents Association withdrew their motor vehicle tax exemption request before this meeting.

Chairman McMullen opened the public hearing for the real property tax exemption request from the Prince of Peace Catholic Church. No one was present to address the Board and Chairman McMullen closed the hearing at 10:31 A.M. Moved by Morrow and seconded by Brayton to approve tax exemption submitted by County Assessor Barber for the Prince of Peace Catholic Church. This request is for property known as Lot 15, Block 6, Imperial Addition, City of Kearney, Nebraska. 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 Greder and seconded by Brayton to approve the Valuation Changes submitted by County Assessor Barber for the following: 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>
Hickory Point Bank & Trust, FSB Trustee	620275000	Hickory Point Bank & Trust, FSB Trustee	620507000
Hickory Point Bank & Trust, FSB Trustee	620277000	DT Development Inc	560402301
Hickory Point Bank & Trust, FSB Trustee	620278000	Richard D Rhoads, Trustee	560402302
Hickory Point Bank & Trust, FSB Trustee	620279000	Matthew C & Jennifer R Myers	560402303
Hickory Point Bank & Trust, FSB Trustee	620280000	Curtiss W & Carol J Stade	560402305
Hickory Point Bank & Trust, FSB Trustee	620495000	Justin W & Amber A Debie	720122005
Hickory Point Bank & Trust, FSB Trustee	620496000	Forrest & Tanya Holoubeck	560385211

Moved by Morrow and seconded by Greder to approve Tax List Corrections numbered 3890 through 3895 submitted by County Assessor Barber. 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 Greder and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Center on a 2000 Ford F150 Pickup. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Biehl, Brayton, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Greder to recess the Board of Equalization at 10:37 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, Greder, Biehl, Brayton, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

REGULAR AGENDA

Terry Krohn, Two Rivers Public Health Executive Director presented the annual report and gave a brief overview of the program. Copies of the information presented and reviewed by Krohn is on file with the County Clerk. No action was necessary.

ZONING

Chairman McMullen opened the Zoning hearings at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Neil Koster submitted a change of zoning from Agricultural-Special Use to Industrial located for property described as part of Government Lot 1 and part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska. Deputy County Attorney Hoffmeister and Neil Koster reviewed the proposed amendment change. Chairman McMullen closed this public hearing at 11:08 A.M. Moved by Morrow and seconded by Reiter to approve the zoning map amendment request with the following Resolution 2013-29. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein, and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-29

WHEREAS, Neil Koster, owner of the following described real estate, 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 Government Lot 1 located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of Government Lot 1 in Section 30 and assuming the West line of said Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 438.85 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 550.63 feet to a point being the most Northerly corner of a tract of land deeded to the State of Nebraska Department of Roads as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforescribed tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's right-of-way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way, a distance of 762.05 feet; thence leaving the North line of the Union Pacific Railroad Company's right-of-way, N 00° 15' 30" W and parallel with the East line of said Government Lot 1, a distance of 402.78 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 857.42 feet to the place of beginning. Containing 10.36 acres more or less, of which 0.42 acres, more or less, are presently being used for road purposes on the West side AND a tract of land being part of the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼) and part of Government Lot One (1) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30 and assuming the West line of Government Lot 1 as bearing S 00° 09' 34" W and all bearings contained herein are relative thereto; thence S 00° 09' 34" W and on the West line of said Government Lot 1, a distance of 989.72 feet to a point being on the most Northerly Corner of a tract of land Deeded to the State of Nebraska Department of Roads, as described on Microfilm Roll 94, Pages 18992 thru 18993 and filed in the Buffalo County Register of Deeds Office on December 30, 1994; thence S 59° 38' E and on the Northerly line of the aforesaid tract of land deeded to the State of Nebraska Department of Roads, a distance of 150.66 feet to the Southeasterly Corner of said tract of land, said point also being on the North line of the Union Pacific Railroad Company's right-of-way; thence N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way, a distance of 762.05 feet to the ACUAL PLACE OF BEGINNING; thence continuing N 73° 30' E and on the North line of the Union Pacific Railroad Company's right-of-way; a distance of 443.07 feet; thence N 16° 29' 55" W a distance of 285.62 feet; thence N 89° 29' 20" W and parallel with the North line of said Government Lot 1, a distance of 345.54 feet; thence S 00° 15' 30" E and parallel with the East line of said Government Lot 1, a distance of 402.78 feet to the place of beginning. Containing 3.05 acres, more or less.." hereinafter referred to as the "subject property" be changed from the Agricultural "AG" District to the Industrial "I" District, and

WHEREAS, on May 16, 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 6-0 vote with no conditions placed on the proposed map amendment or anyone speaking in opposition to the amendment, and

WHEREAS, on June 11, 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 the intended uses of the Industrial District are 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, which would mean that to adopt this map amendment there only need to be a majority vote, and

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 that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Thereafter an amendment regarding required minimum width of streets provision in the Buffalo County Subdivision Regulations as recommended for adoption by the Buffalo County Planning and Zoning Commission came on for consideration by this Board and for public hearing. Following public hearing on such amendment with no public comment, it was moved by Greder and seconded by Brayton that the following Resolution 2013-30 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, Brayton, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-30

WHEREAS, ON May 16, 2013, the Buffalo County Planning and Zoning Commission held a public hearing concerning an amendment to Buffalo County's Zoning Regulations concerning the required minimum dedications for streets when land is subdivided, 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 amendment,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that Section 4.03 of Buffalo County Subdivision Resolution be amended to read as follows:

"Sec. 4.03 STREET, ROAD AND OTHER RIGHT-OF-WAY The location of highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan. Unless designated a higher use in the Comprehensive Plan, all proposed or existing roads, whether previously vacated or unopened, located upon section lines shall minimally be considered rural minor collectors.

The minimum right-of-way widths shall be as follows:

Type Right-of-Way Width

State and Federal Highways ~~180~~ 80 feet

Rural Principal Arterials ~~80-100~~ 80 feet

(with remainder of this section not amended)

Moved by Brayton and seconded by Greder to ratify the Zoning fee schedule decision from the May 14, 2013 Board Meeting. The change in fees was actually approved at the May 14th meeting but was inadvertently omitted from the Board minutes and not corrected before the minutes were approved on May 28, 2013. The fee for vacation of an administrative subdivision will change from \$250.00 to \$125.00 with an effective date of May 14, 2013. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Thereafter the Board considered a correction in the metes and bounds survey for Lot One (1), Rost Acres, an administrative subdivision, previously approved by this Board in Resolution 2013-24 and filed with the Buffalo County Register of Deeds on or about May 28, 2013 on Inst 2013-4175. Byron Maxson, Registered Surveyor with Trenton Snow LLC was present to discuss this situation and presented to the Board a Consent and Ratification of the Plat document for review and approval. The correct metes and bound description for this administrative subdivision is:

The North 370.0 feet of the East 398.00 feet in the West half of the Northwest Quarter of the Northeast Quarter of Section Twenty-Five (25), Township Ten (10) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska.

Moved by Morrow and seconded by Greder that the Chairperson of this Board and any other county official be authorized to execute a "Consent and Ratification of the Plat" as presented to this Board reflecting this correction and file the same with the Buffalo County Register of Deeds and do all acts necessary to accomplish this correction. Upon roll call vote, the following Board members voted "Aye 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 Biehl and seconded by Greder to amend Zoning Resolution 2013-21 with Resolution 2013-21A to change the legal description in the Zoning Map Amendment. 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 2013-21A

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, hereinafter referred to the "subject property", to-wit:

Lot One (1), Rost Acres, an administrative subdivision being part 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 RESOLUTION 2013- 21A

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, hereinafter referred to the "subject property", to-wit:

Lot One (1), Rost Acres, an administrative subdivision being part 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.

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 that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Chairman McMullen called for Citizen's forum and Roy Benson was present to discuss the Poor Man's Cemetery.

Chairman McMullen asked if there was anything else to come before the Board at 11:53 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, June 25, 2013 at 9:00 A.M.