

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 10, 2013
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, December 10, 2013 at 9:00 A.M. and 10:15 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. 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 Brayton and seconded by Biehl to approve the November 26, 2013 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the County Treasurer November 2013 Fund Balance Report and the Clerk of the District Court November 2013 Fee 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.

GREAT PLATTE RIVER ROAD ARCHWAY

Chairman McMullen opened the discussion on funding contributions to the Great Platte River Road Archway with an audience of approximately 50 people. The following list of people addressed the Board and asked for financial support of the Archway: Great Platte River Road Archway Foundation President Joel Johnson, City of Kearney Mayor Stan Clouse, City of Kearney Manager Mike Morgan, President of Economic Development of Buffalo County Darren Robinson, Director of Kearney Visitors Bureau Roger Jasnoch, Chairman of Younes Hospitality, Paul Younes, Kearney Public Schools Park Elementary Principal Katie Mathews, Chairperson Leadership Board of Directors of Kearney Area Chamber of Commerce Betty Warren, Executive Director of Kearney Area Chamber of Commerce Marion McDermott, Richard Cochran owner of Dickey's Barbecue Pit, Carroll Sheldon, Keith Rodehorst and Fred Blume. The following list of people addressed the Board and opposed any funding from the County to support the Archway: Sandy Greever, Marvion Reichert, Lynn Martin, Mitch Farquhar, Roy Benson, Larry Day and Dave Frese. Jack Poss also addressed the Board. After the public input and Board discussion, it was moved by Greder and seconded by Morrow to enter into an interlocal agreement with the City of Kearney for three years. This agreement states that Buffalo County and the City of Kearney will each provide \$75,000.00 per year in assistance to the Great Platte River Road Archway and the City of Kearney will provide management services to the Archway Foundation. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Klein and McMullen. "Nay": Biehl, Brayton and Reiter. Motion declared carried with a 4-3 Vote.

REGULAR AGENDA

Highway Superintendent Ron Sklenar was present for the following Agenda items. Road Committee Chairman Klein instructed County Clerk Giffin to open and read aloud the sealed bids for a new 2013 or 2014 Excavator. Bids were submitted from the following companies: Murphy Tractor & Equipment Co and NMC. The Road Committee and Highway Superintendent took a short break and reviewed the bids that were submitted. Moved by Klein and seconded by Brayton to accept the bid from NMC for the 2014 Caterpillar 320EL for the amount of \$177, 550.00 with the trade of one 1982 Cat D7G. 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 Brayton to authorize Chairman McMullen to sign the state certification renewal for Buffalo County Highway Superintendent Ron Sklenar. 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 Greder to recess the regular meeting of the Board of Supervisors at 11:15 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 McMullen called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Joe Barber were present.

Moved by Biehl and seconded by Klein to approve Tax List Corrections numbered 3930 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted "Aye": Biehl, Klein, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Reiter to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Evangelical Lutheran Good Samaritan Society Home Health of Central NE on a 2012 Chevrolet Malibu LS. Upon roll call vote, the following Board members voted "Aye": Morrow, Reiter, Biehl, Brayton, Greder, Klein and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to adjourn the Board of Equalization at 11:17 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

ZONING

Chairman McMullen opened the Zoning Agenda list items. Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and Trenton Snow were present.

Brad Vontz was present to request an extension for his Special Use Permit for his property at 5210 Shelton Road by the Shelton I-80 Interchange. According to Resolution 2012-04 "the commencement of this Special Use Permit was extended for a period of 24 months." The Resolution 2012-04 for a gravel pit was dated January 10, 2012 and this permit will be expiring in 2014. Moved by Morrow and seconded by Biehl to approve the Special Use Permit extension request for an additional 5 year period until January 10, 2019. Upon roll call vote, the following Board members voted "Aye": Morrow, Biehl, Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

At 11:22 A.M., Chairman McMullen opened the public hearing for the request submitted by Trenton Snow on behalf of Donald and Debra Schauer, to vacate property described as Lot 10, Block 4, Homestead Subdivision, a subdivision being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska. Trenton Snow, Don Schauer and Walter Frerichs were present and the application was reviewed. Chairman McMullen closed the hearing at 11:24 A.M. Moved by Biehl and seconded by Reiter to approve the vacation of property application with the following Resolution 2013-57. 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 2013-57

WHEREAS, Trenton Snow, Registered Surveyor, on behalf of Donald M. Schauer and Debra L. Schauer, Husband and Wife, as owners, have filed with the Buffalo County Clerk and/or Zoning Administrator a petition to vacate land previously subdivided as more particularly described as stated below, and

WHEREAS, on December 10, 2013, this Board conducted a public hearing considering this request and finds:

1. The proposed vacation request is for a portion of land that was previously subdivided. It is for property that is situated in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed vacation fulfills Buffalo County's Subdivision Resolution requirements for vacation of administrative subdivisions as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. No public utilities occupy the land sought to be vacated.
4. The proposed vacation of subdivided land should be approved to the extent reflected on the survey given to this Board.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that proposed vacation of the following described lands as now subdivided is approved and the Chairperson of this Board and all other Buffalo County zoning officials are authorized to sign, process, and file the proposed vacation.

RESOLVED FURTHER, that a copy of this Resolution, shall be filed with the Register of Deeds against the following described real estate, and when so filed, it shall vacate Lot Ten (10), Block Four (4), Homestead Addition, located in part of the East Half of the Northwest Quarter (E1/2NW1/4) of Section Twenty (20), Township Nine (9) North, Range Sixteen (16), Buffalo County, Nebraska.

Trenton Snow on behalf of Donald and Debra Schauer, has requested an administrative subdivision for property described as part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska to be known as Homestead Acres. Trenton Snow, Don Schauer and Walter Frerichs were present and the application was reviewed. Chairman McMullen closed this public hearing at 11:26 A.M. Moved by Morrow and seconded by Brayton to approve the Administrative Subdivision application with the following Resolution 2013-58. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2013-58

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Walter R. Frerichs and Ruth A. Frerichs, Husband and Wife, and Donald M. Schauer and Debra L. Schauer, Husband and Wife, owners hereinafter referred to as “applicant” has filed for an administrative Subdivision to be known as “HOMESTEAD ACRES” with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on December 10, 2013, this Board conducted a public hearing and now finds:

1. The proposed HOMESTEAD ACRES is in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska and the size of the lots after subdividing complies with the minimum lot size requirements of that Zoning District Agricultural (AGR) Zoning District for Buffalo County, Nebraska.
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. 67th Street and 56th Road are two public streets that abut HOMESTEAD ACRES. The width of these roads 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 “HOMESTEAD ACRES”, an administrative subdivision being in part of the East Half of the Northwest Quarter (E1/2NW1/4) of Section Twenty (20), Township Nine (9) 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.

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 on adding additional street dedications when there is a minor subdivision change and the other amendment sought to harmonize working of requirement minimum street dedications with language used in Buffalo County’s Comprehensive Plan.

The Minor Subdivision additional street dedication amendment came on first for public hearing. The amendments were reviewed by Deputy County Attorney Hoffmeister. Moved by Biehl and seconded by Greder that the following Resolution 2013-59 be adopted for this proposed 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 2013-59

WHEREAS, ON November 21, 2013, the Buffalo County Planning and Zoning Commission held a public hearing concerning amendment to Buffalo County’s Zoning Regulations concerning the required public street dedications for minor subdivision changes 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 3.20(A)(2) of Buffalo County Subdivision Resolution be amended to read as follows:

A. 2. **No Changes in Dedications to Public:** There can be ~~new~~ no dedication and/or change of public rights-of-way, excepting dedication of additional street right of way that are needed to make the street width complaint with minimum design standards. Any easement occupied by a utility cannot be changed.

Thereafter, the Board held public hearing concerning the Commission’s other suggested amendment for provisions relating to harmonization of wording of the subdivision resolution and Buffalo County’s Comprehensive Plan. Moved by Biehl and seconded by Brayton that the following Resolution 2013-60 be approved. Upon roll call vote, the following Board members voted “Aye”: Biehl, Brayton, Greder, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

RESOLUTION 2013-60

WHEREAS, on November 21, 2013, the Buffalo County Planning and Zoning Commission held a public hearing concerning the language to harmonize wording regarding road classification minimum right-of-way requirements and wording used in Buffalo County’s Comprehensive Plan 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 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~~ local.

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

Type	Right-of-Way Width
State and Federal Highways <u>Expressways</u>	80 feet (6-11-13)
Rural Principal Major and Other Arterials	80 feet (6-11-13)
Rural Minor Arterials	80 feet
(Paved and potential paved streets and roads shown on future Street and Road Network Maps in the Comprehensive Plan.)	
Rural major collectors	80 feet
Rural minor Collectors	80 feet
<u>Rural local</u>	<u>80 feet</u>
Minimum Maintenance	80 feet
Interior streets of land	
Sought to be subdivided	66 feet
Cul-de-Sacs	66 foot radius
Alleys	20 feet

(with remaining language not being amended)

REGULAR AGENDA

County Sheriff Neil Miller was present to discuss the purchase of new vehicles on the state contract for the Sheriff's Department. Moved by Reiter and seconded by Biehl to approve the purchase of one new 2013 Chevrolet Silverado Crew Cab 4X4 Pickup and three 2014 Dodge Chargers per the state contract. Upon roll call vote, the following Board members voted "Aye": Reiter, Biehl, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Sheriff Miller also discussed the possibility of sharing a security access database with the City of Kearney so that the use of shared spaces could be controlled by the same system and it wouldn't be necessary to carry two access devices for those who enter both Buffalo County and City of Kearney buildings. Moved by Brayton and seconded by Biehl to authorize the sharing of a security access database with the City of Kearney. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to ratify the December 8, 2013 sale of real property located at 1500 East 34th Street, Kearney NE with the following Resolution 2013-61. 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 2013-61

WHEREAS, Buffalo County owns real estate more particular described below, known as the "described property" located at 1500 East 34th Street, Kearney, Nebraska, and,

WHEREAS, on November 12, 2013, this Board conducted a public hearing to consider whether the described property constituted excess property and determined that it was excess public property and should be offered for public sale by auction to be conducted by professional auctioneer with sale held December 8, 2013 at 2:00 o'clock, p.m., with sale to be conducted on the premises, and

WHEREAS, this Board has reviewed the results of this public sale and finds that Bramer Auction and Realty on the mentioned date, time, and place did sell the above described property to the Buffalo County Agricultural Association, a Nebraska Political Subdivision, for the price of \$73,750.00, and

WHEREAS, this Board believes that the sale price is fair and reasonable and further offerings of sale would not produce a higher price and this sale should be confirmed in all respects by this Board.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT the sale of the described property shall be confirmed in all respects and the Chairperson of this Board and the Clerk shall be authorized to issue deed to the purchaser of the described property and do all acts necessary to culminate and facilitate this sale.

RESOLVED FURTHER that a copy of this Resolution shall be filed with the described property, legally described as: Lots Five (5) and Six (6), Block Two (2), East Lawn, an Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated East half of Avenue "P" abutting said Lot 6 on the West and together with the vacated North 7 feet of 34th Street abutting said lots and said vacated portion of Avenue "P" (above mentioned) on the South.

Moved by Klein and seconded by Brayton to reappoint Larry Fox and Richard Weiss to the Board of Adjustment for a three year term. 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 Reiter and seconded by Biehl to reappoint Willie Keep, Marlin Heiden and Paul Steinbrink Sr to the Planning and Zoning Commission for a three year term. Upon roll call vote, the following Board members voted "Aye": Reiter, Biehl, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Biehl to enter into Executive Session to discuss personnel issues at 11:55 A.M. In addition to Board members responding to roll call County Attorney Shawn Eatherton and Board Administrator Lynn Rauner were present. 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 Klein and seconded by Biehl to move out of Executive Session at 12:27 P.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.

COURTHOUSE RENOVATIONS

Project Manager Steve Gaasch from Beckenhauer Construction was present to update the Board on the Phases 4-7 Courthouse Renovation Project. Gaasch presented and reviewed Change Order requests #46 and #48.

Moved by Klein and seconded by Reiter to approve the following Change Order requests of the Phase 4-7 Project; Request #46 to make modifications to the North Ramp area in the amount of \$1,584.00 and Request #48 to make modifications for Conference Room B174 in the amount of \$1,561.00. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Biehl, Brayton, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen reviewed the following correspondence. Christmas greetings were received from U.S. Senator Mike Johanns, Pauly Jail Building Company and Simplifile. A thank you note was received from the Buffalo County Economic Development for being a 2014 Financial Supporter. Central Platte NRD sent the In Perspective newsletter and Two Rivers Public Health sent their 2013 Annual Report Highlights. Chairman McMullen called on each Board member present for committee reports and recommendations.

Chairman McMullen called for Citizen's forum and no one was present to address the Board.

Chairman McMullen asked if there was anything else to come before the Board at 12:36 P.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, December 24, 2013.