

**BUFFALO COUNTY BOARD OF SUPERVISORS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 8, 2014  
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, April 8, 2014 at 9:00 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. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. 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 March 25, 2014 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 Klein and seconded by Reiter to accept the County Treasurer March 2014 Fund Balance Report and the Clerk of the District Court March 2014 Report. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Brayton, Biehl, Greder, Morrow and McMullen. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Biehl to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

<b>ROAD FUND</b>		
STATE OF NE-MOTOR FUELS	FUEL TAX	1,807.00

**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 Renovation Project: #61 in the amount of \$836.00 to install a door release push button in HHS and #62 in the amount of \$1,020.00 for an additional 90 min HM door and HM frame in basement as requested. Board members voted "Aye": Morrow, Brayton, Biehl, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

**REGULAR AGENDA**

Chairman McMullen reviewed the following correspondence. The Board received notification from the Nebraska Department of Roads that the State Transportation Improvement Plan Book is available online. Sequoia Consulting Group sent an updated report on the indirect cost allocation plan. Chairman McMullen called on each Board member present for committee reports and recommendations.

Moved by Greder and seconded by Morrow to acknowledge the name change from Platte Valley State Bank to First National Bank. Platte Valley State Bank was previously approved as a County Depository and the Depository list will be updated to note the name change. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$30,095,112.27 at the Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, 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 \$13,000,000.00 at the First National 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 Clerk in the amount of \$1,650,000.00 at the 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 Klein to approve the addition of pledged collateral for the Buffalo County Clerk in the amount of \$1,000,000.00 at the First National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Biehl, Brayton, Greder, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Biehl and seconded by Greder to approve tax refund request submitted by County Treasurer Sidwell for The City of Ravenna in the amount of \$282.02 on parcel number 60031010. Upon roll call vote, the following Board members voted "Aye": Biehl, Greder, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Jacqueline D. Girard-Smith was present for the discussion on the liquor license manager application for the Pilot Travel Center. After reviewing the County Sheriff report, Jacqueline Girard-Smith was asked to clarify the failure to disclose the three prior criminal convictions on the liquor license manager application form. Moved by Brayton and seconded by Morrow to approve the manager liquor license application for Pilot Travel Center, 5085 Buffalo Creek Rd, Elm Creek. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow and McMullen. Board members voting "Nay": Biehl, Greder, Klein and Reiter. Motion failed.

Moved by Klein and seconded by Biehl to approve the Addendum to the Central Nebraska Drug Court Interlocal Agreement. The Nebraska Counties of Adams, Buffalo, Hall and Phelps entered into an agreement dated November 4, 2003 and this addendum will add Kearney County to the "CNDC" agreement. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Highway superintendent Ron Sklenar was present for the following Agenda items.

Moved by Brayton and seconded by Klein to deny the request to vacate a portion of 115<sup>th</sup> road with the following Resolution 2014-18. The public hearing was conducted on March 25, 2014. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Greder, Morrow, Reiter and McMullen. Voting "Nay": Biehl. Motion declared carried.

### **RESOLUTION 2014-18**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of that portion of 115<sup>th</sup> Road that is lying between the North Half of the North half of Section One (1), Township Nine (9), North, Range Fifteen (15), West of the 6<sup>th</sup> P.M. and the South half of the South half of Section Thirty-Six (36), Township Ten (10), Range Fifteen (15) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

WHEREAS, pursuant to Resolution #2013- 062 adopted December 24, 2013, this Board held a public hearing concerning this request on February 11, 2014 at 10:00 o'clock a.m. with the Board to take up the matter of closing this road at the next regular meeting of the Board scheduled for February 25, 2014, and

WHEREAS, at the February 25, 2014 meeting the Board determined that additional notices were needed and that the issue of closing this road should be set down for further public hearing after additional notice was sent out to all interested parties as defined by statute, and

WHEREAS, after additional public notice and notifications, public hearing was held on March 25, 2014 at 10:00 o'clock, a.m. with the Board receiving extensive testimony regarding this road, and

WHEREAS, this is the first regularly scheduled meeting of the Board following the public hearing and a decision should be made regarding the request to vacate this road.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors that the Petition to Vacate that above described public road shall be denied.

Moved by Klein and seconded by Reiter to approve the following Resolution 2014-19 to set May 13, 2014 at 10:00 o'clock a.m. as the date and time of public hearing regarding vacation or abandonment of a public road. 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 2014-19**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of that portion of a previously used public road once known as "Odessa Road" and located within the East Half of Sections Nine (9), Sixteen (16), Twenty-One (21), and Twenty-Eight (28), Township Nine (9) Range Seventeen (17), West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, EXCEPTING, "Odessa Road" as it is presently used and laid out along the eastern section line of the previously described tracts of land.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down May 13, 2014, at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Moved by Greder and seconded by Morrow to recess the regular meeting of the Board of Supervisors at 10:10 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Biehl, Brayton, 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 Deputy County Treasurer Brenda Rohrich were present.

Moved by Morrow and seconded by Reiter to approve Tax List Corrections numbered 3949 through 3961 submitted by County Assessor Barber. 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 Biehl and seconded by Brayton to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Mid Nebraska Individual Services on a 2009 Chrysler Town & Country Van. Upon roll call vote, the following Board members voted "Aye": Biehl, Brayton, Greder, Morrow, Reiter and McMullen. Abstain: Klein. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for New Life Assembly on a 2014 Sharp Enclosed Trailer. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, and McMullen. Abstain: Reiter. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to approve the Motor Vehicle Tax Exemption as indicated on the application by Deputy County Treasurer Rohrich for Midwest District EFCA on a 2002 Doolittle Utility Trailer. 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 Greder and seconded by Biehl to adjourn the Board of Equalization at 10:15 A.M. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Chairman McMullen opened the Public Hearing for the Economic Development Council on CDBG Program Income County Reuse Funds at 10:33 A.M. Addressing the Board at this hearing were Eric Hellriegel with Miller & Associates and Darren Robinson, Executive Director of the Buffalo County Economic Development Council. Chairman McMullen closed the hearing at 10:39A.M. No action was taken at this time.

### **ZONING**

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

Steve B Coram on behalf of Corliss Sullwold and Christa Britton submitted a request for a change of zoning from Agricultural to Agricultural-Residential. Trenton Snow, Corliss Sullwold and Christa Britton were present to request this change of zoning and Kyle Vohland, owner of adjacent property was present in opposition of rezoning the property. Deputy County Attorneys Andrew Hoffmeister and Kari Fisk reviewed the application. Chairman McMullen closed the hearing at 11:35 A.M. Moved by Brayton and seconded by Biehl that the following Resolution 2014-20 be approved to grant the zoning map amendment. Upon roll call vote, the following Board members voted "Aye": Brayton, Biehl, Greder, Klein, Morrow, Reiter, and McMullen. None voted "Nay". Motion declared carried.

### **RESOLUTION 2014-20**

WHEREAS, Trenton Snow, Licensed Surveyor, on behalf of Corliss Sullwold and Christa Britton have 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 Ten (10) and accretions thereto in Section Eight (8), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska more particularly described as follows: Referring to the Northeast Corner of Government Lot 10 in said Section 8 and assuming the east line of said government lot as bearing S 00° 26' 17" E and all bearings contained herein are relative thereto; thence S 00° 26' 17" E on the aforesaid east line a distance of 1799.5 feet; thence S 89° 33' 43" W a distance of 45.92 feet to the ACTUAL PLACE OF BEGINNING said point being on the west right-of-way line of Nebraska Highway Link 10-B; thence S 00° 15' 06" E on the aforesaid west right-of-way line a distance of 119.08 feet; thence continuing on the aforesaid west right-of-way line N 89° 33' 43" E a distance of 7.0 feet; thence S 01° 31' 13" W a distance of 55.43 feet; thence leaving the aforesaid west right-of-way line N 69° 54' 17" W a distance of 324.6 feet; thence N 76° 17' 36" W a distance of 500.0 feet; thence NORTH a distance of 948.9 feet to a point on the south right-of-way line of US Interstate 80, said point being on a non-tangent curve; thence on the aforesaid south right-of-way line on a non-tangent 718.51 feet radius curve to the right, concave southwesterly, forming a central angle of 15° 55' 44" an arc distance of 199.76 feet to the point of tangency; thence on the aforesaid south right-of-way line tangent S 47° 46' 34" E a distance of 426.37 feet; thence S 00° 24' 51" E a distance of 558.0 2 feet; thence S 80° 56' 38" E a distance of 304.0 feet to the place of

beginning. Containing 10.09 acres, more or less.” hereinafter referred to as the “subject property” be changed from the Agricultural “AG” District to the Agricultural Residential “AGR” District on Buffalo County’s Official Zoning District Map, 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 March 20, 2014, the Buffalo County Planning and Zoning Commission following public hearing with notice as required, recommended approval of such proposed change in zoning on a 4-1 vote with t that any lots created on the subject parcel when subdivided contain a minimum of 3 acres the condition that any subdivided lots in the subject property contain a minimum of 3 acres, and

WHEREAS, on April 8, 2014, 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. The subject property is located in the southwest quadrant of the Interstate 80 Odessa Interchange. It partially abuts Commercially zoned property on its north property line. It accesses Odessa Road, an all-weather road on its’ east side. To the south are situated two residences of recent construction built on property zoned for Agricultural District use. To the west of it is Agricultural District use property.
- b. An adjacent landowner, who presently owns real estate that is zoned “C” Commercial, is the sole party who has spoken in opposition against the amendment.
- c. That change in zoning designation would have minimal adverse effect on surrounding properties.
- d. That the intended uses of the Agricultural Residential District are consistent with property use in the surrounding area. There has been no expansion of commercial use for properties situated in the southwest corridor of the Odessa Interchange. The most recent construction has been for residences situated immediately south of the subject property.
- e. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan as adopted and implemented by Buffalo County, Nebraska, and
- f. The 3-acre minimum lot size condition is reasonable and appropriate in this situation. The subject property is situated within a flood plain area and this lot size will give any residences on the subject property sufficient land to have any necessary fill or grading work. Additionally, this lot size will cause the subject property, once residences are built upon it, to look like a rural residential housing development and not appear as a more urbanized, higher density, residential area.
- g. 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 the Buffalo County Planning and Zoning 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 with the condition that any lots created on the subject property when subdivided contain a minimum of 3 acres, 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 called for Citizen’s forum and no one was present to address the Board.

The Board accompanied Sheriff Neil Miller to conduct the quarterly inspection of the Buffalo County Jail at 11:35 A.M. The Board of Supervisors recessed the meeting at 1:00 P.M. until the appreciation dinner at the Alley Rose, 2013 Central Avenue, Kearney, Nebraska.

The Board of Supervisors reconvened at 6:30 P.M. at the Alley Rose for an appreciation dinner in honor of Beckenhauer Construction. Board members in attendance were William McMullen, Ivan Klein, Joseph Brayton, Kent Greder and Sherry Morrow. Beckenhauer guests were Joey Thoene, Bill Barritt, Steve Gaasch and Karl Gibbs. County Clerk Janice Giffin, County Sheriff Neil Miller, Board Administrator Lynn Rauner, Craig Martin, Denise Miller, Richard Pierce, Janna Pierce and Paula Gaasch were also present. At 9:00 P.M. Chairman McMullen declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, April 22, 2014.