

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 8, 2015
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 8, 2015 at 9:00 A.M. and 9:45 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 Commissioners 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. Deputy County Attorney Kari Fisk was present.

REGULAR AGENDA

Moved by Klein and seconded by Reiter to approve the November 24, 2015 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 ratify the following November 27, 2015 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Biehl, Brayton, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL			216,399.93
AMERICAN FAMILY LIFE ASSURANCE	I	PREMIUMS	1,127.10
AMERITAS LIFE INSURANCE CORP	E	EMPE EYE CARE	504.20
RETIREMENT PLANS AMERITAS	R	EMPE RET	36,554.58
BUFFALO COUNTY TREASURER	I	PREMIUMS	84,449.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	359.08
COLONIAL SUPPLEMENTAL INSURANCE	E	EMPE COLONIAL	41.84
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	3,276.83
FIRST NATIONAL BANK	T	FEDERAL TAX	81,574.23
KEARNEY UNITED WAY	E	DONATIONS	112.70
MADISON NATIONAL LIFE	E	PREMIUMS	894.80
MASSMUTUAL FINANCIAL GROUP	I	DEFERRED COMP	804.00
METLIFE GROUP BENEFITS	E	DENTAL	2,327.19
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,005.32
NE CHILD SUPPORT PAYMENT CENT	E	CHILD SUPPORT	484.98
PHELPS CO COURT	E	GARNISH	325.63
STATE OF NE	T	STATE TAX	11,824.06
ROAD FUND			
NET PAYROLL			44,730.09
AMERICAN FAMILY LIFE ASSURANCE	I	PREMIUMS	1,061.34
AMERITAS LIFE INSURANCE CORP	E	EMPE EYE CARE	124.26
RETIREMENT PLANS AMERITAS	R	EMPE RET	7,296.99
BUFFALO COUNTY TREASURER	I	PREMIUMS	1,719.00
LIFE INSURANCE NORTH AMERICA	I	PREMIUMS	11.20
FIRST CONCORD BENEFITS GROUP	E	FLEX FUNDS	526.25
FIRST NATIONAL BANK	T	FEDERAL TAX	15,460.71
MADISON NATIONAL LIFE	E	LT DISABILITY	103.31
METLIFE GROUP BENEFITS	E	DENTAL	502.64
NATIONWIDE RETIREMENT	R	DEFERRED COMP	972.50
NE CHILD SUPPORT PAYMENT CENT	E	CHILD SUPPORT	624.10
STATE OF NE	T	STATE TAX	2,033.66
WEED FUND			
NET PAYROLL			4,057.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	647.26
BUFFALO CO TREASURER	I	PREMIUMS	323.00
FIRST NATIONAL BANK	T	FEDERAL TAX	1,295.89
MADISON NATIONAL LIFE	E	LT DISABILITY	3.27
METLIFE GROUP BENEFITS	E	DENTAL	56.63
STATE OF NE	T	STATE TAX	169.23

Moved by Morrow and seconded by Greder to accept the County Treasurer November 2015 Fund Balance 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.

Moved by Biehl and seconded by Morrow to accept the Clerk of the District Court November 2015 Fee Report. Upon roll call vote, the following Board members voted "Aye": Biehl, Morrow Brayton, Greder, Klein, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen reviewed the following correspondence. Kyle Schneweis Director, Nebraska Department of Roads sent information about the Build Nebraska Act regional meetings. Sequoia Consulting Group sent an invitation to the elected officials in the County to stop by the Sequoia Booth at the Nebraska Association of County Officials Conference. NDOR sent a letter requesting assistance on the Statewide Transportation Aplan and the Long Range Transportation Plan. R. Scott Japp sent information asking for NACO to oppose LB344. Seward County Clerk Sherry Schweitzer sent an e-mail with information about Seward County Board of Commissioner Roger E. Glawatz running for Secretary/Treasurer of NACO. Chairman McMullen called on each Board member present for committee reports and recommendations.

ZONING

Chairman McMullen opened the Zoning hearing at 9:15 A.M. for a zoning map amendment. Zoning Administrator LeAnn Klein was present for the following Zoning issues. Newcomb Diesel LLC submitted a request for an additional amendment of the special use permit previously approved by the County Board on December 13, 2011 with Resolution 2011-65 for property described as Lot 3, H.R. Subdivision, a subdivision being part of the North half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and on December 9, 2014 amended the application to add a structure on the property. Bryan Newcomb and Matt Mullen were present to review the application. Chairman McMullen closed the hearing at 9:20 A.M. Moved by Klein and seconded by Brayton to grant the zoning map amendment with the following Resolution 2011-65B. 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 2011-65B

WHEREAS, Bryan D. Newcomb on behalf of Newcomb Diesel, LLC, Applicant, has filed an amendment to Application for Special Use Permit with Buffalo County Clerk and/or Zoning Administrator requesting a change regarding a previously issued special use permit in AG District for a commercial use for property described as:

Lot Three (3), H. R. Subdivision, a subdivision being part of the North half of the Southwest Quarter (N ½ SW ¼) of Section Ten (10), Township Nine (9) North, Range Fifteen(15) West of the 6th p.m., Buffalo County, Nebraska
Hereinafter referred to as the "subject property", and

WHEREAS, previously this Board had approved a special use permit in Resolution 2011-65 and 2011-65A for an agricultural service facility. This amendment requests that the applicant be allowed to add a 38 foot by 30 foot addition to the existing structure on the premises, and

WHEREAS, on November 20, 2014 and November 19, 2015, following public hearings on amendment to the special use permit application, the Buffalo County Planning and Zoning Commission recommended amendment to the previously issued Special Use Permit, with applicant being allowed to add a 100 foot by 90 foot structure and to add a 38 foot by 30 foot structure to the existing structure on the premises, and

WHEREAS, on December 9, 2014 and December 8, 2015, the Buffalo County Board of Commissioners held public hearings on amending the previously issued Special Use Permit, and

WHEREAS, only a simple majority is required by this Board to approve this special use permit because no protests against issuance of this amendment to previously issued special use permit have been filed, and

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

1. Applicant seeks an amendment to a previously issued special use permit. He wants to add a 38 foot by 30 foot addition to the existing structure on the subject property.
2. The findings and minutes of the Buffalo County Planning and Zoning Commission regarding consideration and information relating to this application are incorporated into these minutes by this reference as if fully set forth herein in their entirety.
3. Applicant, should this amendment be allowed, is still subject to all prior conditions of Resolution #2011-065 and #2011-065A, unless the terms of those Resolutions are specifically altered by this amendment.

WHEREAS, the requested amendment to this previously issued special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, in that if the proposed amendment, with the below stated conditions contained in this Resolution, would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a majority vote of its members, this Board approves applicants' requested amendment to Resolution #2011-065 and #2011-065A as filed with his application incorporated into this Resolution by this reference, subject however to the following:

1. Activities on the subject property shall be limited to agricultural services.
2. Applicants or successors thereto are allowed to add a 38 foot by 30 foot addition to the existing building in the parameters specified in their application.
3. Other than as mentioned in the preceding paragraph, no additional structure or structures, other than the addition discussed in the foregoing paragraph, is allowed on the subject property.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the subject property as described above.

Chairman McMullen opened the Zoning hearing for a Zoning Map Amendment. Mitchell Humphrey on behalf of Randall L. & Debra J. Alexander and Nicholas L. and Amber J. Alexander was present to request a zoning map amendment for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 21, Township 10 North, range 16 West of the Sixth Principal Meridian being inclusive of Fred's Administrative Subdivision also being part of the Northeast Quarter of the Northeast Quarter also located in Section 21, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska from Agricultural to Agricultural-Residential on a 10.49 acre tract. Mitchell Humphrey reviewed the zoning application. Chairman McMullen closed the hearing at 9:29 A.M. Moved by Klein and seconded by Biehl to grant the zoning map amendment with the following Resolution 2015-66. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-66

WHEREAS, on October 21, 2015, Surveyor Mitchell Humphrey on behalf of Randall L. Alexander and Debra K. Alexander, husband and wife, and Nicholas L. Alexander and Amber J. Alexander, husband and wife have applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following real estate property, hereinafter referred to as the "subject property", to wit:

A tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being inclusive of Lot 1, Fred's Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Beginning at the Northeast Corner of the Northeast Quarter of Section 21, said point also being the Northeast Corner of Lot 1, Fred's Administrative Subdivision, and assuming the North line of the Northeast Quarter as bearing S 88°26'00" W and all bearings contained herein are relative thereto; thence on the North line of the Northeast Quarter of Section 21 and on the North line of said Lot 1, Fred's Administrative Subdivision, S 88°26'00" W a distance of 405.00 feet to the Northwest Corner of said Lot 1, Fred's Administrative Subdivision; thence continuing on the North line of said Northeast Quarter of Section 21, S 88°26'00" W a distance of 611.00 feet; thence leaving the North line of the Northeast Quarter of said Section 21, S 00°42'41" E a distance of 310.00 feet; thence N 88°26'00" E a distance of 486.00 feet; thence S 00°42'41" E a distance of 235.00 feet; thence N 88°26'00" E a distance of 260.00 feet; thence S 00°42'41" E a distance of 65.00 feet; thence N 88°26'00" E a distance of 270.00 feet to a point on the East line of the Northeast Quarter of said Section 21; thence on the East line of the Northeast Quarter of said Section 21, N 00° 42'41" W a distance of 210.00 feet to the Southeast Corner of said Lot 1, Fred's Administrative Subdivision; thence continuing on

the East line of the Northeast Quarter and on the East line of said Lot 1, Fred's Administrative Subdivision N 00°42'41" W a distance of 400.00 feet to the place of beginning. Containing 10.49 acres, more or less

be changed from the Agricultural (AG) District to the Agricultural-Residential (AGR) District,

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 November 19, 2015, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on an 8-0 vote with no conditions placed on the proposed map amendment, and

WHEREAS, on December 8, 2015, 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 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 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 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 Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS 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 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 Zoning hearing for the vacation of plat for Lot 1, Fred's Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of Northeast Quarter located in Section 21, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitchell Humphrey reviewed the application on behalf of Nicholas and Amber Alexander. Chairman McMullen closed the hearing at 9:41 A.M. Moved by Greder and seconded by Biehl to approve the vacation of plat with the following Resolution 2015-67. Upon roll call vote, the following Board members voted "Aye": Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-67

WHEREAS, Surveyor Mitchell Humphrey on behalf of Nicholas L. Alexander and Amber J. Alexander, husband and wife, owners of:

Lot One (1), Fred's Administrative Subdivision, an administrative subdivision being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-one (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being hereinafter referred to as the "described property",

Have filed to vacate this lot with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on December 8, 2015, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agricultural-Residential (AGR) Zoning District or Buffalo County, Nebraska.
2. The proposed vacation of the entire administrative subdivision 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 the described property should be approved with the condition that the subdivided lands to which the vacation is applicable will be replatted and subdivided when this vacation becomes effective. In this regard the Board has reviewed the applicant's proposed replat of the described property that also includes other lands. Approval of this new subdivision will be discussed and considered by separate resolution.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the proposed vacation of this administrative subdivision is approved.

RESOLVED FURTHER, that a copy of this Resolution, when it is filed with the Buffalo County Register of Deeds against the above named legal description, shall cause the vacation of previously subdivided land.

Chairman McMullen opened the Zoning for an administrative subdivision request that was filed by Mitchell Humphrey on behalf of Randall and Debra Alexander and Nicholas and Amber Alexander for property described as part of the Northeast Quarter of the Northeast Quarter located in Section 21, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska to be known as Fred's Second Administrative Subdivision. Mitchell Humphrey reviewed the application. Chairman McMullen closed the hearing at 9:52 A.M. Moved by Biehl and seconded by Greder to approve Fred's Second Administrative Subdivision with the following Resolution 2015-68. 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 2015-68

WHEREAS, Mitchell W. Humphrey, licensed surveyor, on behalf of Randall L. and Debra K. Alexander and Nicholas L. and Amber J. Alexander, hereinafter referred to as "applicant" have filed for an Administrative Subdivision to be known as "FRED'S SECOND ADMINISTRATIVE SUBDIVISION" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on December 8, 2015, this Board conducted a public hearing and now finds:

1. The proposed "FRED'S SECOND ADMINISTRATIVE SUBDIVISION" is in the Agricultural-Residential (AGR) Zoning District for Buffalo County, Nebraska and the size of the parcels of real estate owned by the subdividing entity after subdividing complies with the minimum lot size of this zoning district.
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. 160th Road & YDC Road are a county maintained open public road that abuts the proposed subdivision to the north and east. The width of these roads after dedication complies with the 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 as concerns Buffalo County's interests based upon the title search documents delivered to that office by applicant.
5. This proposed administrative subdivision should be approved. Utility easements, other than those that abut 160th Road and YDC Road, are waived.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of "FRED'S SECOND ADMINISTRATIVE SUBDIVISION", an administrative subdivision being described as being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) located in Section Twenty-One (21), Township Ten (10) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska

Chairman McMullen opened the Zoning hearing for an administrative subdivision request that was filed by Mitchell Humphrey on behalf of Randall and Debra Alexander for property described as part of the Northeast Quarter of the Northeast Quarter located in Section 21, Township 10 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska to be known as Fred's Third Administrative Subdivision. Mitchell Humphrey reviewed the application. Chairman McMullen closed the hearing at 9:56 A.M. After discussion with the Board, Mitchell Humphrey withdrew the Administrative Subdivision application.

Chairman McMullen opened the Zoning hearing at 9:59 A.M. for a zoning map amendment request filed by Mitchell Humphrey on behalf of Marlyn and Lorna Bauer for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 11, Township 11 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska for the north part from Agricultural to Agricultural-Residential and for the south part from Agricultural to Commercial. Mitchell Humphrey was present to review the application. Chairman McMullen closed the hearing at 10:03 A.M. Moved by Klein and seconded by Brayton to approve the zoning map amendment with the following Resolution 2015-69. 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 2015-69

WHEREAS, on October 29, 2015, Surveyor Mitchell Humphrey on behalf of Marlyn Bauer and Lorna Bauer, husband and wife have applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following real estate property, hereinafter referred to as the "subject property", to wit:

A tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10; thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 608.04 feet; thence N 85°37'30" E a distance of 205.54 feet to a point, said point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23'07" E and on the aforesaid West right-of-way line a distance of 623.9 feet to the place of beginning, EXCEPT THEREFROM; a tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follow: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10, thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 216.65 feet; thence EAST a distance of 68.72 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 94.63 feet; thence EAST a distance of 143.76 feet to a point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23'07" E and on the aforesaid West right-of-way line a distance of 311.63 feet to the place of beginning. Containing 1.61 acres (70,000 Sq. Ft), more or less
be changed from the Agricultural (AG) District to the Agricultural-Residential (AGR) District,

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 November 19, 2015, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on an 8-0 vote with no conditions placed on the proposed map amendment, and

WHEREAS, on December 8, 2015, 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 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 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 Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS 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 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.

Moved by Brayton and seconded by Klein to approve the zoning map amendment for Marlyn and Lorna Bauer for property described as a tract of land being part of the East Half of the Northeast Quarter of Section 11, Township 11 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska for the south part from Agricultural to Commercial with the following Resolution 2015-70. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2015-70

WHEREAS, on October 29, 2015, Surveyor Mitchell Humphrey on behalf of Marlyn Bauer and Lorna Bauer, husband and wife have applied for a zoning map amendment with the Buffalo County Zoning Administrator requesting that the following real estate property, hereinafter referred to as the “subject property”, to wit:

A tract of land being part of the East Half of the Northeast Quarter (E ½ NE ¼) of Section Eleven (11), Township Eleven (11) North, Range Sixteen (16) of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follow: Referring to the Northeast Corner of said Section 11 and assuming the East line of the Northeast Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid East line a distance of 985.65 feet; thence WEST a distance of 41.86 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the West right-of-way line of Nebraska State Highway No. 10, thence continuing WEST a distance of 220.14 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 216.65 feet; thence EAST a distance of 68.72 feet; thence NORTH parallel with the East line of said Northeast Quarter a distance of 94.63 feet; thence EAST a distance of 143.76 feet to a point being on the West right-of-way line of Nebraska State Highway No. 10; thence S 01°23’07” E and on the aforesaid West right-of-way line a distance of 311.63 feet to the place of beginning. Containing 1.39 acres, (60,843 Sq Ft) more or less

be changed from the Agricultural (AG) District to the Commercial (C) District,

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 November 19, 2015, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on an 8-0 vote with no conditions placed on the proposed map amendment, and

WHEREAS, on December 8, 2015, 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 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. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- d. 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 Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agricultural (AG) District to the Commercial (C) 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 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.

Moved by Klein and seconded by Reiter to recess the regular meeting of the Board of Commissioners at 10:05 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Klein, Reiter, Biehl, Brayton, Greder, Morrow 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.

Moved by Greder and seconded by Biehl to approve Tax List Corrections on parcel numbers 651104143, 651115299 and 605170000 submitted by County Assessor Barber. Upon roll call vote, the following Board members voted “Aye”: Greder, Biehl, Brayton, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Reiter to approve Motor Vehicle Tax Renewal Exemption as indicated on the application By County Treasurer Sidwell for Christian Heritage Children’s Homes on a 2005 Chrysler Van, 2006 Ford Sedan and a 2013 Honda Sedan. Upon roll call vote, the following Board members voted “Aye”: Greder, Reiter, Biehl, Brayton, Klein, Morrow and McMullen. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Biehl to approve Motor Vehicle Tax Renewal Exemption as indicated on the application By County Treasurer Sidwell for RYDE Transit-Community Action Partnership of Mid-Nebraska on a 2014 Dodge Caravan, 2014 Chevrolet G2500, four 2014 Ford Cutaways, 2008 Chevrolet Uplanders, two 2009 Chevrolet Cutaways, 2004 Ford Cutaway, seven 2010 Ford Cutaways, two 2010 Ford Expeditions, two 2010 Dodge Caravans, 2012 Chevy Crew Cab, 2006 Chevrolet Cutaway, 2010 Dodge Caravan, two 2008 Chevrolet Cutaways, 2014 Dodge Caravan and a 2008 Chevrolet Uplander. Upon roll call vote, the following Board members voted "Aye": Klein, Biehl, Greder, Morrow, Reiter and McMullen. Abstain: Brayton. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Greder to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:12 A.M. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Biehl, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Sheriff Neil Miller was present for the following Agenda items. Chairman McMullen instructed County Clerk to open and read aloud the submitted bids for Inmate Health Care Services. Bids were submitted from Southern Health Partners and Advanced Correctional Healthcare. Sheriff Neil Miller will review the bids and come back with recommendations at the next meeting on December 22, 2015.

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

After discussion on the Twin Screw Cab & Chassis bids, it was moved by Klein and seconded by Reiter to accept the bid of Nebraska Truck Center of Grand Island, NE for one 2017 Freightliner 1145D with the trade allowance of a 2005 International Dump Truck in the amount of \$73,600.00. 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 Brayton to accept the bid of Murphy Tractor for two 2016 770G Motor Graders with the trade allowance of one 1993 Caterpillar Motor Grader in the amount of \$415,210.00. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Biehl, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

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 10:22 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday, December 22, 2015 at 9:00 A.M.