

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 10, 2010
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, August 10, 2010 at 9:00 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce 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 and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

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

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve July 27, 2010 minutes
2. Accept reports
 - Clerk of the District Court July 2010 Report
 - Community Action Partnership of Mid-Nebraska R.Y.D.E Report for June 2010
 - County Treasurer Distress Warrant Report
3. Miscellaneous County Business
 - Approve public official bond for Craig Nutter, Treasurer of Gibbon Rural Fire District, effective 7/19/10 through 7/19/11

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports on the Justice Center Project. Barritt presented and reviewed Change Order Requests of the Justice Center Project. Moved by Dannehl and seconded by Morrow to approve Change Order Requests 2, 3 and 4 of the Justice Center Phase 2 Project. Change Request 2 is for additional concrete at the Southeast Parking Lot for \$3,305.00, Change Request 3 in the amount of \$3,255.00 pays for the removal and replacement of unsuitable soils along Central Avenue and Change Request 4 in the amount of \$4,135.00 pays for the removal of unsuitable soil at the north side of the added parking lot. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. Notification of the Nebraska State Highway Commission was received from the Department of Roads. The annual NIRMA dividend check was received and deposited with the County Treasurer. Buffalo County Community Partners sent the August newsletter. Roscoe Bridge sent information on rural County Bridge infrastructure projects. Chairman Pierce then called on each Board member present for the various committee reports and recommendations.

Moved by Dannehl and seconded by Loewenstein to approve the following Resolution 2010-48 to authorize the transfer of uncollected taxes to the inactive status. Upon roll call vote, the following Board members voted "Aye": Dannehl, Loewenstein, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2010-48

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Supervisors, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Supervisors hereby authorize the transfer of said taxes to an inactive status. 77-1738

Moved by Greder and seconded by Loewenstein to approve the tax refund request submitted by County Treasurer Jean Sidwell for Neil and Donna Koster in the amount of \$374.48. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:00 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 Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present.

Moved by McMullen and seconded by Dannehl to approve the notice of Real Estate Valuation Change as submitted by the County Assessor for Gary Mike and Shawn Pedro Trustees etal on parcel number 500057000. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve tax list corrections 3685 through 3688 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Morrow and seconded by Loewenstein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Servants of Mary on a 2009 Nissan 4 door. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid Nebraska on the following newly purchased vehicles: 2010 Dodge, 2000 Ford, 2008 Chevy and 2009 Cargo trailer. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, and McMullen. Abstain: Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid Nebraska on the renewal of the following vehicles: 1997 Mercury, 1997 Pontiac, 1998 Plymouth, 1998 Pontiac, two 1998 Fords, 1999 Mercury, 1999 GMC, two 1999 Pontiacs, two 1999 Dodges, three 2000 Chevrolets, 2000 Pontiac, 2001 Dodge, 2001 Chevrolet, 2001 Ford, three 2002 Chevrolets, 2002 Cargomate, 2003 Pontiac, 2004, Ford, 2004 Chevrolet, 2004 Carry On, 2005 TN Trailer, 2006 Ford, 2007 Droyal trailer, 2008 Chrysler, seven 2009 Chevrolets, 2009 Dodge, two 2010 Hyundais, two 1997 Fords, 1999 Chevrolet, 2000 Chevrolet, two 2002 Chevrolets, 2004 Chevrolet, 2006 Ford, three 2008 Chevrolets, two 2009 Chevrolets, two 2010 Dodge, and seven 2010 Fords. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen and Morrow. Abstain: Pierce. Motion declared carried.

Moved by McMullen and seconded by Greder to return to the regular meeting at 10:15 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman Pierce opened the public hearing for the Class C liquor license application submitted by Volentine LLC d/b/a Erv's at 10:30 A.M. Applicant, Ronald Dean Volentine was present for the hearing. No one else was present and Chairman Pierce closed the public hearing. The County Sheriff's office written response to the review request submitted by the County Clerk was presented to the Board. Moved by McMullen and seconded by Loewenstein to approve the application and forward this recommendation to the Nebraska Liquor Control Commission. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

ZONING

Chairman Pierce opened the special use permit public hearing at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Robert Muirhead requests a special use permit for the SE ¼ of Section 35, Township 10 North, Range 18 West of the 6th p.m., Buffalo County, Nebraska for a campground for seasonal workers. Applicant Robert Muirhead was not present. Present in opposition to the issuance of the special use permit and addressing the Board were Jackie Stauffer, Ron Stauffer, Homer Davis, Norman Richardson and Addason Richardson. Chairman Pierce closed the public hearing at 11:12 A.M.

Moved by Loewenstein and seconded by McMullen to concur with the recommendation of the Planning and Zoning Commission and to deny the request for a campground for seasonal workers with the following Resolution 2010-49. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2010-49

WHEREAS, Robert Muirhead filed an Application for Special Use Permit with Buffalo County Clerk requesting a special permit in AG District to operate a campground for property that is more particularly described in following language and herein referred to as “subject property”, and

WHEREAS, on July 15, 2010, following public hearing on this special use permit application, the Buffalo County Planning and Zoning Commission recommended denial of this special use permit by a 6 to 0 vote, and

WHEREAS, on August 10, 2010, the Buffalo County Board of Supervisors held public hearing concerning this Special Use Permit, and

WHEREAS, no protests have been filed with the Clerk that would require a two-thirds majority of this Board to approve the special permit, and

WHEREAS, the subject property is described as the Southeast Quarter (SE1/4) of Section Thirty-Five (35), Township Ten (10) North, Range Eighteen (18) West of the 6th P.M., Buffalo County, Nebraska, and

WHEREAS, at the August 10, 2010, public hearing this Board took notice of Buffalo County’s Comprehensive Plan, Zoning Map, and Zoning Regulations; the minutes of the Buffalo County Planning and Zoning Commission for meeting held July 15, 2010, together with the following exhibits identified as:

1. Application of Mr. Muirhead’s with attachments.
2. The Buffalo County Zoning Administrator’s letter to this Board with attachments consisting of pictures of the premises and surrounding areas taken by LeAnn Klein, Buffalo County Zoning Administrator and other attached documents.

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

1. Applicant proposes to use part of the subject property for placement of a campground. There already exist two mobile homes on this parcel.
2. The subject property is located about five miles north of Elm Creek and two and one-half to three miles to the east. The subject property is about two and one-half to three miles east of a hard surfaced road, U.S. Highway #281.
3. The surrounding property is used primarily, if not exclusively, for agricultural purposes.
4. No one in attendance at the August 10, 2010, public hearing spoke in favor of the special use permit. All public input was unfavorable to this special use permit.
5. The future use of lands around the subject property is for rural non-residential, agricultural development.

WHEREAS, the Board finds that the use of the subject property for a campground as allowed by special permit in the Agricultural (AG) District should be denied because the proposed use would:

1. Not be compatible with and similar to the use permitted in the district,
2. Be a matter which should require re-zoning of the property.
3. Be detrimental to adjacent property,
4. Tend to depreciate the value of the surrounding structures or property,
5. Not be compatible with the stated intended use of the district,
6. Change the character of the district,
7. Not be in accordance with the Comprehensive Plan.
8. Is not consistent with the present and future intended use of the neighborhood, and
9. Could result in a combination of two uses, a mobile home park that now exists on the subject property as a nonconforming use, and a campground, the expansion of either of which is inconsistent with the present and future intended uses of the neighborhood.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that this Board denies applicant’s Special Use Permit as submitted in application and attached paperwork.

At 11:15 A.M. the Board of Supervisors recessed until 1:00 P.M.

WORK SESSION

At 1:00 P.M. Chairman Pierce called the work session to order. Board members returning from lunch were Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Also present were County Attorney Shawn Eatherton, County Clerk Janice Giffin, Highway Superintendent Ron Sklenar, Central Platte Natural Resources District Assistant Manager Milt Moravek, Lower Loup Natural Resources District General Manager Butch Koehlmoos and District Engineer Robert Mohler. Purpose of the work session was to have general discussion of NRD projects in Buffalo County. LeAnn Hervert was also present to ask questions related to drainage issues on her property.

Chairman Pierce asked if there was anything else to come before the Board at 2:00 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, August 24, 2010 at 9:00 A.M.