

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 13, 2010
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, April 13, 2010 at 9:00 A.M. and 10:15 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 at this time.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. Supervisor McMullen asked that the Veterans February 2010 Report be pulled from the Agenda for further discussion. The Veteran's Service Officer will be invited to the meeting and the Board will come back to that report. Chairman Pierce then declared the following General County Business listed below without further hearing.

GENERAL COUNTY BUSINESS

1. Approve March 23, 2010 minutes
2. Accept reports
 - Buffalo County Treasurer March 2010 Fund Balance Report
3. Miscellaneous County Business
 - Approve early claims submitted by County Clerk

ROAD FUND			
STATE OF NEBRASKA	E	FUEL TAX	3,103.00
FEDERAL GRANT FUND			
CITY OF KEARNEY	E	ARRA GRANT	15,075.00

JUSTICE CENTER PROJECT

Buster Beckenhauer from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project. No decisions were made at this time and the Justice Center Project will be discussed later in the meeting.

Sue Janssen from the Veteran's Service Office was present to review the report that was pulled from the Consent Agenda. Supervisor McMullen stated that he understands the anonymity to protect the identity of those receiving aid but he would like someone to sign off on the report so that double custody would be in place. Janssen stated that the Veteran's Service Committee receives a recap sheet on each veteran that applies for financial assistance. After discussion it was moved by McMullen and seconded by Dannehl to approve the County Veteran's Service Committee Report for February 2010. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. The City of Kearney sent notice of the paving assessment policy for 18th Street from 8th Avenue to 9th Avenue. Clay County sent a report of the Nebraska Environmental Trust meeting. The Buffalo-Sherman County Farms Service Agency, Diggers Hotline and the NIRMA newsletters were received. Department of Environmental Quality sent copy of the Irrigation Distribution Plan Amendment for the Nebraska ILS Feeders, Inc. Goldberg, Sullivan & McCrery sent notice of the Business Development Coordinator. Community Action Partnership of Mid Nebraska will be having a Job Fair. Submittal Exchange sent follow up correspondence of the Buffalo County Phase 2 project. Thank you notes were received from the Buffalo County Youth Advisory Board and the Andrew McMullen family. The Hazard Mitigation Plan for Central Platte Natural Resources District was received. NIRMA sent the quarterly loss reports. Chairman Pierce called on each Board member present for the various committee reports and recommendations.

Moved by McMullen and seconded by Greder to approve the following Resolution 2010-18 to instruct the County Treasurer to issue Tax Sale Certificates. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2010-18

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Supervisors, for the County Treasurer to issue Tax Sale Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2002, 2003, 2004, 2005, 2006, 2007, 2008 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 2002, 2003, 2004, 2005, 2006, 2007, 2008 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Dannehl and seconded by Morrow to approve Resolution 2010-19 to authorize the County Attorney to proceed with foreclosure of County owned Tax Sale Certificates. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

RESOLUTION 2010-19

WHEREAS, The Revised Statutes of Nebraska, 77-1901 through 77-1918 provides upon resolution by the County Board of Supervisors for the foreclosure and sale of Real Estate Properties upon which Tax Sale Certificates have been placed and delinquent for three years, and

WHEREAS, the following Tax Sale Certificate has been placed on Real Estate Properties in Buffalo County, to wit: Number 7253.

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors authorize the foreclosure and sale of the above referenced Tax Sale Certificates and request the County Attorney to proceed to such foreclosure and sale, in accordance with the laws of the State of Nebraska.

Moved by Loewenstein and seconded by Morrow to authorize the County Treasurer to remain open on the April 30, 2010 Arbor Day holiday to accommodate taxpayers on the last day before the 2009 first half tax delinquency date. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Charles McGraw, RYDE Transportation Director of Community Action Partnership of Nebraska was present to discuss the proposed budget for the next fiscal year. No action was necessary.

Sheriff Miller was present to discuss the disposal of some of the surplus property of the old jail. Some of the locks would be valuable to other jails and need to be removed before the demolition process of the Phase 2 Project. Moved by Loewenstein and seconded by Dannehl to authorize the Sheriff to utilize the best lawful method of disposal of surplus property from the old jail as indicated by the Sheriff's office. Supervisor Morrow excused herself at 9: 45 A.M. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve cell phone reimbursement rate for standard cell phones at \$25.00 and \$35.00 for smart cell phones based upon approval of compatibility by the IT Department. This will correct the disparity of cell phone reimbursements in the County. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister was present to discuss the payment of back taxes from Coleman Powermate who has filed bankruptcy. Hoffmeister received no response from the Court and contacted three Board members prior to this meeting to hire an attorney from Wilmington, Delaware near the bankruptcy court to pursue the tax reimbursement. Moved by McMullen and seconded by Greder to ratify the decision to hire Mark T Hurford of the Campbell & Levin law firm to pursue recovery of taxes. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Discussion followed on the Interlocal Agreement with the City of Gibbon to develop and pave a road in the southeast part of Gibbon. Deadline for Recovery Zone Bonds was before the first letter from the City of Gibbon was received and contact was made with Tom Chapman to see if we could amend our decision. No action could be taken at this time.

Chairman Pierce turned the following Agenda items over to the Road Committee Chairman McMullen. Committee Chairman McMullen instructed County Clerk Giffin to open and read aloud the submitted bids for the C10 (902) 11th Street, C10 (853) 17th Street and C10 (900) Imperial Avenue Projects. Bids were submitted from the following companies: C10 (902) 11th Street project, Blessing

Construction; C10 (853) 17th Street project, Blessing Construction, Paulsen Construction, Vontz Paving and Werner Construction; and C10(900) Imperial Avenue project, Blessing Construction. The Highway Superintendent and Miller and Associates will review the bids and come back with a recommendation later in this meeting.

Moved by McMullen and seconded by Klein to set a bid date for precast concrete deck slabs of May 11, 2010 at 10:00 A.M. for Projects C10 (593) Riverdale Rehabilitation, C10 (598) Kea West structure number 03305P. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Moved by McMullen and seconded by Klein to set bid date of May 11, 2010 at 10:00 A.M. for Bridge Rehabilitation Project C10 (584) Shelton North and Rehabilitation Project C10 (593) Riverdale. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Moved by McMullen and seconded by Loewenstein to move Project Number C10 (854) from the Six Year Program to the One Year Program. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein and Pierce. Absent: Morrow. Motion declared carried.

Weed District Superintendent Dick Kincaid was present to discuss chemical and labor costs for the 2010 season. Moved by Klein and seconded by Greder to approve the chemical and labor costs as presented by Weed Superintendent. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Dannehl, Loewenstein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

Chairman Pierce opened the request of changing the name of a portion of Imperial Road to Thunder Road public hearing at 10:48 A.M. Joe Brayton, a former County employee, stated that probably 200 signs would be needed if Thunder Road became the new name of the road. No one else was present to object or support this request and Chairman Pierce closed the hearing. Moved by McMullen and seconded by Loewenstein to approve the following Resolution 2010-20. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein and Pierce. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-20

WHEREAS, a request has been made to this Board to consider changing the name of a north to south county road from "Imperial" to "Thunder" Road" at a point from its intersection with U.S. Highway #30 then north for approximately one-half mile to 4860 Imperial Road, which is the 911 address for Kearney Raceway, and

WHEREAS, the requested road name change is located outside of the zoning jurisdiction of the City of Kearney, and

WHEREAS, this Board is authorized to consider and adopt this name change after review of 911 addressing issues and multi-governmental zoning issues concerning this street name change, and

WHEREAS, the Board finds that such name change is advisable when done on a "dual" 911 naming/addressing basis in the location of the road where the name change is requested.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that Imperial Road effective immediately shall have a 911 dual name/addressing classification of "Imperial" or "Thunder" Road from its intersection with U.S. Highway #30 extended northward for approximately one-half mile to the address of 4860 Imperial or Thunder Road, Kearney, Buffalo County, Nebraska.

Moved by Loewenstein and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:57 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 Treasurer Jean Sidwell and County Assessor Joe Woodward were present. Moved by Dannehl and seconded by McMullen to approve tax list corrections 3656 through 3664 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Greder, Klein, Loewenstein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Discussion was held to set two of the Property Valuation Protest Hearings date for June 22, 2010 and July 13, 2010.

Moved by Greder and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for South Central Behavioral Services Inc. on a 2000 Toyota Camry. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for University of Nebraska Foundation on a 2007 Buick sedan. Upon roll call vote, the following Board

members voted "Aye": Loewenstein, Klein, Dannehl, Greder, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Midwest District of the EFCA on the following vehicles: 2006 Chrysler van, 2004 Buick sedan and 2002 enclosed trailer. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Loewenstein and seconded by Klein to return to the regular meeting at 11:05 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Clay Shutz and Sue Gugel were present for updated reports and discussion of the Reporting Center.

Chairman Pierce opened the public hearing concerning loan of re-use monies generated by Community Development Block Grant Funds at 11:42 A.M. At the public hearing Darren Robinson, Executive Director, and Nikki Masek, Business Development Specialist, Buffalo County Economic Development Council, and Deputy County Attorney Hoffmeister spoke to the Board regarding this process. Chairman Pierce closed the public hearing at 11:45 A.M. Moved by Klein and seconded by Greder that the Board adopt the following Resolution 2010-21. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Dannehl, Loewenstein, McMullen and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

RESOLUTION 2010-21

WHEREAS, on or about May 11, 1999, for an economic development loan identified as CDBG 98-ED-004 Buffalo County adopted a plan to re-use monies initially generated by payment of this and other economic development loans, and

WHEREAS, on or about May 9, 2006, this Board passed a motion approving an Interlocal Agreement with the City of Kearney and the Economic Development Council of Buffalo County. This motion and interlocal agreement authorized the Economic Development Council of Buffalo County to proceed with use of such re-use monies to stimulate economic development, and

WHEREAS, at public hearing held April 13, 2010, the Economic Development Council of Buffalo County presented a plan to proceed to loan initially generated re-use money to Gibbon Meat Packing Facility, LLC d/b/a Midwest Meat Packing Facility, LLC a business entity proposing to develop business and economic development in Buffalo County, Nebraska,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that the Economic Development Council of Buffalo County shall be authorized and empowered to loan Gibbon Meat Packing Facility, LLC d/b/a Midwest Meat Packing Facility, LLC \$100,000 of re-use monies, at low interest rate under such terms as thought best by the Development Council in its sole discretion, and do all acts necessary to fulfill such task.

ZONING

Chairman Pierce opened the public hearing for a zoning map amendment at 11:50 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Trenton Snow and Robert Hunter were present to request the zoning map amendment. No one else was present to address the Board and Chairman Pierce closed the public hearing. Moved by McMullen and seconded by Greder to approve the following Resolution 2010-22. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-22

WHEREAS, Robert K. Hunter has filed an application with the Buffalo County Clerk and/or Zoning Administrator requesting Zoning Map amendment. Such application requests a change from Agricultural (AG) to Agricultural Residential (AGR) district for real estate hereinafter described as "subject property", and

WHEREAS, on March 18, 2010, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed Zoning Map amendment by unanimous vote, and

WHEREAS, no protest(s) against the proposed zoning map amendment have been filed with the Buffalo County Clerk within 7 days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, and

WHEREAS, on April 13, 2010, this Board conducted a public hearing considering this request to amend zoning map and finds:

The subject property is approximately 5-acres in size. The subject property's east property line abuts Nebraska State Highway #10, hard surfaced all weather road. It is surrounded by the Agriculture (AG) District. It is located south of Pleasanton.

That the subject property is located in the Agricultural (AG) Zoning District.

That the land use adjacent to the subject property consists of agricultural use.

Applicant testified in the public hearing that after change of zoning that he intends to erect on the subject property one single family dwelling.

The Buffalo County Planning and Zoning Commission required as a condition to amend zoning map as it has been requested, that the subject property be limited in density such that it is allowed to have only one single family dwelling on the property.

The Board finds that the application's request, with the condition required by the Planning and Zoning Commission, is compatible with Buffalo County's Comprehensive Plan of Development and it should be approved.

WHEREAS, this Board has reviewed Applicant's application for zoning map amendment and incorporates such application into this resolution as if fully set forth herein as the same is filed with the County Clerk and/or Zoning Administrator, and

WHEREAS, the votes need for adoption of this resolution need only be by a simple 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 change zoning district from Agricultural (AG) to Agricultural Residential (AGR) District as requested by applicant Robert K. Hunter for the following described real estate known as the "subject property" is approved with the condition that solely one (1) single family dwelling occupation is allowed on the subject property,

BE IT FURTHER RESOLVED that the Buffalo County Zoning Map originally adopted on or about September 10, 2002 shall be amended to reflect adoption of this resolution and copy of this resolution shall be filed against the subject property, and

BE IT FURTHER RESOLVED that the "subject property" is and shall be described as:

A tract of land being part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section Two (2), Township Eleven (11) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Southeast Quarter of said Section 2 and assuming the South line of said Southeast Quarter as bearing WEST and all bearings contained herein are relative thereto; thence WEST on the aforesaid South line a distance of 33.7 feet to a point on the West right-of-way line of Nebraska State Highway No. 10; thence N 00°52'47" W on the aforesaid West right-of-way line a distance of 324.7 feet; thence N 00°31'33" W on said West right-of-way line a distance of 368.33 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 00°31'33" W on said West right-of-way line a distance of 37.77 feet; thence N 00°53'53" E on said West right-of-way line a distance of 100.0 feet; thence N 04°42'44" E on said West right-of-way line a distance of 212.89 feet; thence leaving said West right-of-way line WEST parallel with the aforesaid South line a distance of 641.64 feet; thence SOUTH a distance of 344.0 feet; thence S 89°27'18" E a distance of 622.96 feet to the place of beginning, containing 5.01 acres, more or less.

Thereafter amendments to Buffalo County Zoning Regulations as recommended for adoption by this Board 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 of correcting numbering in the zoning regulations and the other consisted of basically three amendments, with subparts, related to regulation of wind powered energy generation.

The renumbering amendment came on first for public hearing. Following public hearing on such amendment with no public comment, it was moved by Loewenstein and seconded by Greder that the following Resolution 2010-23 be adopted concerning proposed amendments. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-23

WHEREAS, ON March 18, 2010 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations concerning numbering of regulations concerning livestock confinement facilities/operations, and recommended by unanimous vote that this Board approve the proposed amendments, 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 the following amendments are adopted with amending language as shown, and the relevant sections amended to read as follows:

5.12 **PERMITTED PRINCIPAL USES AND STRUCTURES:** The following shall be permitted as uses by right:

1. General farming and ranching activities, excluding any expansion of existing or development of Class III or larger livestock confinement facilities/ operations as defined in ~~Section 3.46~~ Article 3 and classified in Sec. 6.4.

5.14 **PERMITTED SPECIAL USES:** A building or premises may be used for the following purposes in the "AG" Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of these regulations: (Resolution 12-4-07)

12. Expansion of existing or development of new Class III or larger livestock confinement facilities/operations as defined in ~~Section 3.46~~ Article 3 and in accordance with Section 6.4;

5.32 **PERMITTED PRINCIPLES USES AND STRUCTURES:** The following shall be permitted as uses by right:

1. General farming, including hobby farming or animal raising, excluding any expansion of existing or

development of Class III or larger livestock confinement facilities/operations as defined in ~~Section 3.46~~ Article 3 and classified in Section 6.4.

6.4 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS

Livestock confinement facilities/operations defined by ~~Section 3.46~~ Article 3 or Class III or larger shall only be allowed by special permit in the AG Agricultural District. All livestock confinement facilities/operations are allowed under the following conditions:

Thereafter, the Board held public hearing concerning the Commission's suggested amendments regarding the present regulations on the wind powered energy generation. After close of the public hearing, Dannehl moved and Loewenstein seconded the amendments of the Planning and Zoning Commission be consolidated into one resolution. After roll call vote, all members present voted in favor of such procedure. Moved by Loewenstein and seconded by Dannehl that the following Resolution 2010-24 be adopted. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

RESOLUTION 2010-24

WHEREAS, ON March 18, 2010 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations concerning wind powered energy generation and recommended by unanimous vote that this Board approve the proposed amendments now before this Board, 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 the following amendments are adopted with amending language as shown, and the relevant sections amended to read as follows:

To add the following definitions in Article 3, renumbering remaining sections as needed:

Generator housing. The mechanical housing, usually enclosed from the weather, that is minimally comprised of an armature shaft, magnets, and electrical wiring that generates direct or alternating electrical current by rotation of the armature within a magnetic field.

Wind Farm. One or more wind powered generators that create and transmit power principally for connection to publicly used power grid. Wind farms shall include, but shall not necessarily be limited to the following structures and uses: wind powered generators, operations and/or maintenance buildings, meteorological towers, electrical wiring, collector grids, roads and substations. Any wind powered generator or generators that create over 25 kW, singly and/or wholly, is a wind farm.

Wind Powered Generator (WPG). A turbine or rotary type generator designed to extract kinetic energy from the wind and convert this energy to electrical energy. It is comprised of a base where it attaches to the ground, supporting member of the generator housing usually referred to as a tower, wiring at or within the tower, generator housing, and a means to propel the armature shaft in the generator housing by use of the power of the wind accomplished through use of airfoils or similar devices connected to the armature shaft.

To amend Section 5.14(4) to read as follows:

5.14 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the "AG" Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of these regulations: (Resolution 12-4-07)

4. Broadcast towers and stations and ~~wind generation systems~~, including but not limited to Amateur Radio or communication towers of more than 100 feet which in addition to any requirements of the special permit shall comply with all applicable Federal Aviation Administration rules and regulations.

To add as separate special uses in the AG District the following additional language in Section 5.14:

19. Wind powered generation of electrical power.

20. Wind Farms.

To amend Sec. 5.34 to read as follows:

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:
(Resolution 12-4-07)

6. Wind Powered Generation of electrical power generating systems;

JUSTICE CENTER PROJECT

At 11:59 A.M. Chairman Pierce returned to the Justice Center Project discussion. Present for discussion with the Board were Bill Barritt, Sheriff Neil Miller and Larry Goldberg. No decisions were made at this time.

REGULAR AGENDA

Highway Superintendent Ron Sklenar returned to the meeting with his recommendations to the Board. Moved by McMullen and seconded by Greder to award the bid to Blessing Construction for the C10 (902) 11th Street Project in the amount of \$1,783,567.00. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Moved by Loewenstein and seconded by Dannehl to award the bid to Vontz Paving for the C10 (853) 17th Street Project with allowing the Highway Superintendent to have the choice of the bid or the alternate design bid after he researches the alternate bid design. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen and Pierce. Absent: Morrow. Motion declared carried.

Moved by McMullen and seconded by Dannehl to award the bid to Blessing Construction for the C10 (900) Imperial Avenue Project in the amount of \$254,712.00. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein and Pierce. Absent: Morrow. Motion declared carried.

Discussion followed on the KADS Full Scale Exercise and if all Board members were planning on attending the exercise. All Board members except McMullen indicated that they plan to participate in the exercise for at least part of the day.

Chairman Pierce asked if there was anything else to come before the Board at 12:39 P.M. before he declared the meeting recessed until the KADS Full Scale Exercise scheduled at the Emergency Operations Center on Thursday, April 15, 2010. The Board of Supervisors present moved to the Emergency Operations Center for NTV interviews before dismissing for the day. This Board meeting will be adjourned upon the completion of the exercise on April 15, 2010 until the next regular meeting on Tuesday, April 27, 2010 at 9:00 A.M. All Board members except McMullen and the County Clerk attended the exercise with officials from several agencies on April 15, 2010. This event will be discussed at the next Board meeting on April 27, 2010.