

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 10, 2012
9:00 A.M**

County Clerk Janice Giffin called the Reorganization Meeting of the Buffalo County Board of Supervisors to order. Following the Pledge of Allegiance, the County Board members responded to roll call as follows; Joseph Brayton, Horace Dannehl, Kent Greder, Ivan Klein, William McMullen, Sherry Morrow and Richard Pierce. County Clerk Giffin announced that a quorum was present to conduct County business and that posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors 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 of Supervisors is attached to these minutes. 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. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

County Clerk Janice Giffin called for the election of a Chairman. Supervisor McMullen nominated Richard Pierce for Chairman of the Buffalo County Board of Supervisors. County Clerk Giffin called for nominations three times. There were no further nominations. Moved by Dannehl and seconded by Morrow to cease the nominations. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, McMullen and Klein. Abstain: Pierce. Motion declared carried and Richard Pierce is the Board Chairman.

County Clerk Janice Giffin turned the meeting over to Chairman Richard Pierce.

Chairman Pierce called for the election of a Vice Chairman. Supervisor McMullen nominated Horace Dannehl and Supervisor Brayton nominated Kent Greder as Vice Chairman of the Buffalo County Board of Supervisors. Chairman Pierce asked the County Clerk to distribute ballots to the Board members. After the ballots were cast by the Board members, Clerk Giffin tallied the results and Supervisor Dannehl was declared the Vice Chairman of the Board of Supervisors.

Chairman Pierce called for Citizen's forum and Marvion Reichert was present to discuss water issues on the road west of the Elm Creek Cemetery.

Moved by Morrow and seconded by Klein to approve the following list of Depositories for County Monies. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein Brayton, Dannehl, Greder, McMullen and Pierce. Motion declared carried.

Exchange Bank of Kearney/Gibbon	Heritage Bank
Farmers & Merchants Bank-Kearney	Platte Valley State Bank & Trust Company
Cornerstone Bank	State Bank of Riverdale
FirsTier Bank of Elm Creek	Great Western Bank
FirsTier Bank of Kearney	Town & County Bank-Ravenna
Five Points Bank	Wells Fargo Bank
Bank of the West	

Moved by Dannehl and seconded by Brayton to authorize Buffalo County Treasurer Jean Sidwell to invest the County funds. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Chairman Pierce then made the following Agency Appointments/County Board Representatives.

Airport Zoning Board-William McMullen
Buffalo County Economic Development Council-Hoss Dannehl & Richard Pierce
Buffalo County Extension Board-Jake Greder
Community Action Partnership of Mid-Nebraska Board-Joe Brayton
Kearney Area Visitors Bureau Advisory Board-William McMullen
Mid-NE Individual Services Advisory Board-Ivan Klein
Region III Governing Board-Sherry Morrow
Solid Waste Agency-Sherry Morrow
South Central Economic Development Council-Lynn Rauner
South Central NE Area Agency on Aging Governing Board-Ivan Klein
Two River Public Health Department-Richard Pierce

Chairman Pierce then made the following miscellaneous appointments:

County Medical Doctor-The On Call Doctor, belonging to the Buffalo County Medical Association
Legal Publishing Designations - The Kearney Hub and the Buffalo County Website

Buffalo County NIRMA (Nebraska Intergovernmental Risk Management Association) Contact – County Clerk Jan Giffin
Chairman Pierce then made the following Board Committee appointments with the first person listed to be the Committee Chair:

Budget & Finance Committee

Sherry Morrow
Bill McMullen
Dick Pierce

Building & Grounds Committee

Hoss Dannehl
Sherry Morrow
Ivan Klein

IT Committee

Jake Greder
Sherry Morrow
Ivan Klein

Construction Oversight Committee

Dick Pierce
Hoss Dannehl
Sherry Morrow

Human Resource/Insurance

Jake Greder
Bill McMullen
Joe Brayton

Public Safety, Law Enforcement,

Courts & Judicial Committee

Ivan Klein
Jake Greder
Bill McMullen

Road & Bridge Committee

Bill McMullen
Ivan Klein
Joe Brayton

Weed Committee

Ivan Klein
Hoss Dannehl
Jake Greder

Veterans Service Committee

Joe Brayton
Bill McMullen
Ivan Klein

Zoning Committee

Joe Brayton
Hoss Dannehl
Sherry Morrow

Reorganization Committee

Bill McMullen
Hoss Dannehl
Dick Pierce

Election Committee

Bill McMullen
Joe Brayton
Jake Greder

REGULAR AGENDA

Moved by Morrow and seconded by Klein to approve the December 27, 2011 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the Buffalo County Treasurer December 2011 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Morrow to accept Clerk of District Court December 2011 Report. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Dannehl, Greder, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

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

ROAD FUND		
ROBIN CROSS	CLEANING	639.00
STATE OF NEBRASKA	FUEL TAX	2,617.00

COURTHOUSE RENOVATIONS

There were no updated reports or action taken on the Courthouse Renovations.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Two Rivers Public Health Department sent an invitation to the District Health Assessment and Community Health Improvement meeting. Notice was received that the spring vehicle auction to be held on April 28, 2011. Larry Dix, Executive Director sent a letter asking that Buffalo County designate the County website as an official public meeting notice posting. City of Kearney sent notice of annual backflow preventers testing. Other correspondence included the US Bank Today Government Banking and BMS Equipment & Parts LLC newsletters. Sherman County Board sent a request for a shared road project to be added to the One and Six Year Road Plan. McDermott & Miller audit report for the Visitors Bureau was also received. Chairman Pierce called on each Board member for Committee reports and recommendations.

Sheriff Neil Miller was present to discuss the purchase of three patrol cars through the State Contract. Moved by McMullen and seconded by Klein to approve the request with the total amount of \$81,045.00 for two Fords at \$26,989 each and one Dodge at \$27,067.00. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Dannehl to approve the Juvenile Services County Aid Grant application with Nebraska Crime Commission. Upon roll call vote, the following Board members voted "Aye": Brayton, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Dannehl to approve the tax refund request submitted by County Treasurer Jean Sidwell for Thomas D Johnson in the amount of \$238.69. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by McMullen to approve the release of pledged collateral for the Buffalo County Treasurer in the amount of \$1,609,000.00 from Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Brayton, Greder, Klein, and Pierce. 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 \$1,500,000.00 from Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve the addition of pledged collateral for the Buffalo County Treasurer in the amount of \$4,000,000.00 to Platte Valley State Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Brayton, Greder, Klein, McMullen, and Pierce. 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 \$193,789.60 to Firstier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein McMullen, and Pierce. None voted "Nay". Motion declared carried.

After discussion on the Tobacco Free policy, motion was made by Brayton and seconded by Klein to approve the Tobacco Free Policy. The Board Administrator will distribute the new policy and employees will be required to acknowledge receipt of the Tobacco Free Policy. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Board Administrator Lynn Rauner introduced Amber Matteson, Intern from University of Nebraska Kearney. Matteson will work with the Board Administrator's office, Veteran's Service Office and the Election Office this semester.

Roy Long was present to ask the Board to rescind the zoning permit and the fee to rebuild his house that was destroyed by the tornado last summer. Long attended the Board meeting on October 25, 2011 with the same question and no action could be taken. This issue will be turned over to the Zoning Committee with a recommendation to come back to this Board.

Moved by Greder and seconded by Morrow to enter into Executive Session to for the protection of the public interest and to discuss contract negotiations at 10:05 A.M. In addition to Board members responding to roll call, Darren Robinson President of the Buffalo County Economic Development and County Attorney Shawn Eatherton were present. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Klein to move out of Executive Session at 10:34 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Dannehl McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Highway Superintendent Ron Sklenar was present for discussion on the following Agenda items. Moved by McMullen and seconded by Klein to accept the low bid from Fairbanks International for One New 2012 C227 Compact Track Loader for the bid price of \$41,092.00. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Dannehl to approve the following Resolution 2012-01 for Federal Aid Transportation Funds with the Nebraska Department of Roads. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-01

Whereas: Certain transportation facilities in Buffalo County, Nebraska, have been designated as being eligible for Federal-Aid transportation funds by the State of Nebraska, Department of Roads (NDOR) in compliance with Federal laws pertaining thereto; and

Whereas: Buffalo County has previously entered into Agreements (Programs) with NDOR, for said Federal-Aid transportation funds for improvements on these transportation facilities; and

Whereas: These projects are not included in NDOR's current long-range plan of projects; and

Whereas: The State of Nebraska, Department of Roads, recommends that Buffalo County withdraw these projects and cancel all agreements pertaining to such projects; and

Whereas: The State of Nebraska agrees to not seek reimbursement of State costs incurred on such projects.

Be it Resolved: That Buffalo County is hereby requesting that the Nebraska Department of Roads with draw the following projects from the Federal Aid list. Those projects are described as:

Project Name:	Control Number:	Project Number:
Ravenna Northeast	41867	BRO-7010 (15)
Shelton West	42083	BRO-7010 (17)
Miller Northwest	42086	BRO-7010 (20)
Ravenna Northwest	42087	BRO-7010 (21)
Riverdale Northwest	42085	BRO-7010 (19)

Moved by McMullen and seconded by Klein to authorize Buffalo County Board of Supervisors Chairman Pierce to sign on behalf of Buffalo County Change Order No. 1 Final and the application for payment for the Bridge Deck Rehabilitation Shelton South Project to Diamond Engineering Company for \$25,864.23. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Dannehl to authorize Buffalo County Board Chairman Pierce to sign on behalf of Buffalo County the Certification of Receipt of the HRRR-STWD (108) Work Zone and Road Closure Traffic Control Devices. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to recess the regular meeting of the Board of Supervisors at 10:54 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 was present.

Moved by Morrow and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for First United Methodist Church on a 2001 Chevrolet Express Van. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Brayton, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for South Central Behavioral Services, Inc. on a 2005 Chrysler. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Corpus Christi Carmelite Inc on the following vehicles: 2000 Chevrolet Cutaway Van, 2000 Buick Lesabre, 2002 Buick Century, two 2005 Toyota Camry's and a 2002 Pontiac Montana. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Hospital on the following vehicles: 2008 Ford Ambulance, 2002 Ford Van, 2003 Ford Van, 1999 Ford Van, 1999 Dodge Intrepid, two 2002 Ford Vans, 2000 Ford Explorer, 2003 Ford Ambulance, 2003 Pontiac Montana, 2003 Ford Bus, 1998 Ford Ambulance, 2007 Ford Explorer, 2005 Dodge Caravan, two 2010 Chevrolet Ambulances, 2000 Chevrolet pickup, 2006 Ford Freestyle, 2005 Dodge Caravan and 2006 Dodge Caravan. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved Klein and seconded by Dannehl to recess the Board of Equalization at 11:00 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

Chairman Pierce opened the Public Hearing at 11:01 A.M. for a Class D Liquor License Application filed by Pilot Travel Centers LLC. No one addressed the Board and the hearing was closed at 11:03 A.M. After review of the County Sheriff's office report, it was moved by McMullen and seconded by Brayton to approve the Class D Liquor License for Pilot Travel Centers LLC located at 5085 Buffalo Creek Road, Elm Creek Nebraska. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Dannehl to approve the Special Designated Liquor License application for R Bar, Ravenna Nebraska for event to be held at The Club, Ravenna, Nebraska on January 28, 2012. Upon roll call vote, the following Board members voted "Aye": Brayton, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried

ZONING

Chairman Pierce opened the Zoning Hearing at 11:05 A.M. Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein were present. Vontz Paving Inc. has requested two Zoning Map Amendments and a Special Use Permit and Trenton Snow and Brad Vontz were present for all three Zoning Agenda applications.

Trenton Snow on behalf of Vontz Paving Inc. requested a zoning map amendment for property described as an irregular shaped parcel and a tract of land in the NE1/4 NE1/4 containing 6.766 acres of Section 26, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska from Agricultural to Industrial. Ray Woodman was present in opposition of the request; concerned about water issues if the map amendments and special use permit are issued. Chairman Pierce closed this public hearing at 11:11 A.M. Moved by Klein and seconded by Morrow to approve the application with the following Resolution 2012-02. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow Brayton, Dannehl, Greder, McMullen, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-02

WHEREAS, Brad Vontz, on behalf of Vontz Paving Inc., applied for a change of zoning by filing an Application For A Change of Zoning with the Buffalo County Zoning Administrator requesting that real property described as an irregular shaped parcel in the Northeast Quarter of the Northeast Quarter containing 2.906 acres, more or less and a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE 1/4) containing 3.86 acres, more or less, for a total of 6.766 acres, all located in Section 26, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska, more particularly described as:

Commencing at the Southeast Corner of the NE ¼ NE ¼ of Section 26, Township 9 North, Range 13 West; thence west along the south line of said NE ¼ NE ¼ to a point 50.00 feet distant westerly, as measured at right angles, from the east line of said Section 26, said point being in the west right of way line of SSR 100 Link (CR82/Shelton Road) and the TRUE POINT OF BEGINNING; thence northerly along said right of way of said road, parallel with and 50.0 feet distant westerly, as measured at right angles, from said east

line or said Section 26, a distance of 184.40 feet to a point of angle; thence deflecting right $9^{\circ} 54'$ along said right of way line a distance of 101.40 feet to a point of angle; thence deflecting left $9^{\circ} 54'$ along said right of way line a distance of 80.60 feet to a point for the northeast corner of herein described parcel; thence deflecting left $106^{\circ} 45'$ a distance of 559.15 feet, more or less, to a point 50.0 feet distant northeasterly, as measured radially, from the northeasterly right of way line of Union Pacific Railroad company (predecessor to Hastings and North West Railroad Company); thence southeasterly along said right of way line of said railroad company, concentric with and 50.00 feet distance northeasterly, as measured radially, from said northeasterly right of way line of said railroad company, a distance of 294.19 feet to a point in aforesaid south line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence east along said south line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 307.44 feet, more or less, to a point in aforesaid east line of said Section 26 and the TRUE POINT OF BEGINNING, containing an area of 2.906 acres, more or less, AND a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 26 and assuming the East line of the Northeast Quarter of the Northeast Quarter of said Section 26 as bearing N $00^{\circ} 06' 54''$ W and all bearings contained herein are relative thereto; thence N $89^{\circ} 59' 19''$ W and on the South line of the Northeast Quarter of the Northeast Quarter of said Section 26 to a point 50.0 feet Westerly of as measured at right angles from the East line of said Section 26, said point also being on the West Right-of-Way line of Highway Link 10-D (Shelton Road); thence N $00^{\circ} 06' 54''$ W on the aforesaid West Right-of-Way line a distance of 184.4 feet to a point being 50.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N $09^{\circ} 47' 06''$ E and continuing on the aforesaid West Right-of-Way line a distance of 101.4 feet to a point being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N $00^{\circ} 06' 54''$ W and continuing on the aforesaid West Right-of-Way line a distance of 80.6 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence continuing N $00^{\circ} 06' 54''$ W and on the aforesaid West Right-of-Way line a distance of 155.4 feet to a point being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence S $89^{\circ} 53' 06''$ W and continuing on the aforesaid West Right-of-Way line a distance of 7.0 feet to a point being 40.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N $00^{\circ} 06' 54''$ W and continuing on the aforesaid West Right-of-Way line a distance of 103.58 feet to a point being 40.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence leaving said West Right-of-Way line S $73^{\circ} 08' 08''$ W a distance of 790.91 feet to a point on the Northerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790 on December 31, 1998 in the office of the Buffalo County Register of Deeds; thence Southeasterly on a 3919.72 foot radius curve, concave Southwesterly, and continuing on the Northerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company an arc distance of 299.18 feet to a point being S $50^{\circ} 10' 15''$ E a chord distance of 299.36 feet from the previously described point; thence leaving said non-tangent curve and the aforesaid Northerly line of the tract of land deeded to the Union Pacific Railroad Company N $73^{\circ} 08' 08''$ E a distance of 559.15 feet to the place of beginning. Containing 3.86 acres, more or less.

be changed from Agricultural to Industrial, and

WHEREAS, this is solely a rezoning request and the subject property would have other land use regulations including, but not limited to: flood plain regulations, that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on December 15, 2011, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote, and

WHEREAS, on January 10, 2012, this Board conducted a public hearing considering this rezoning request and finds that such change in zoning designation would have minimal adverse effect on surrounding properties, is consistent with property use in the immediately surrounding area, and is consistent with overall comprehensive plan adopted by Buffalo County, Nebraska,

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 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 District to the Industrial District is approved and shall occur, for the subject property described as:

an irregular shaped parcel in the Northeast Quarter of the Northeast Quarter containing 2.906 acres, more or less and a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) containing 3.86 acres, more or less, for a total of 6.766 acres, all located in Section 26, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska, more particularly described as:

Commencing at the Southeast Corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 9 North, Range 13 West; thence west along the south line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to a point 50.00 feet distant westerly, as measured at right angles, from the east line of said Section 26,

said point being in the west right of way line of SSR 100 Link (CR82/Shelton Road) and the TRUE POINT OF BEGINNING; thence northerly along said right of way of said road, parallel with and 50.0 feet distant westerly, as measured at right angles, from said east line or said Section 26, a distance of 184.40 feet to a point of angle; thence deflecting right 9° 54' along said right of way line a distance of 101.40 feet to a point of angle; thence deflecting left 9° 54' along said right of way line a distance of 80.60 feet to a point for the northeast corner of herein described parcel; thence deflecting left 106° 45' a distance of 559.15 feet, more or less, to a point 50.0 feet distant northeasterly, as measured radially, from the northeasterly right of way line of Union Pacific Railroad company (predecessor to Hastings and North West Railroad Company); thence southeasterly along said right of way line of said railroad company, concentric with and 50.00 feet distance northeasterly, as measured radially, from said northeasterly right of way line of said railroad company, a distance of 294.19 feet to a point in aforesaid south line of said NE ¼ NE ¼; thence east along said south line of said NE ¼ NE ¼ a distance of 307.44 feet, more or less, to a point in aforesaid east line of said Section 26 and the TRUE POINT OF BEGINNING, containing an area of 2.906 acres, more or less, AND a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of the Northeast Quarter of said Section 26 and assuming the East line of the Northeast Quarter of the Northeast Quarter of said Section 26 as bearing N 00° 06' 54" W and all bearings contained herein are relative thereto; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter of said Section 26 to a point 50.0 feet Westerly of as measured at right angles from the East line of said Section 26, said point also being on the West Right-of-Way line of Highway Link 10-D (Shelton Road); thence N 00° 06' 54" W on the aforesaid West Right-of-Way line a distance of 184.4 feet to a point being 50.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N 09° 47' 06" E and continuing on the aforesaid West Right-of-Way line a distance of 101.4 feet to a point being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N 00° 06' 54" W and continuing on the aforesaid West Right-of-Way line a distance of 80.6 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence continuing N 00° 06' 54" W and on the aforesaid West Right-of-Way line a distance of 155.4 feet to a point being 33.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence S 89° 53' 06" W and continuing on the aforesaid West Right-of-Way line a distance of 7.0 feet to a point being 40.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence N 00° 06' 54" W and continuing on the aforesaid West Right-of-Way line a distance of 103.58 feet to a point being 40.0 feet Westerly of as measured at right angles from the East line of said Section 26; thence leaving said West Right-of-Way line S 73° 08' 08" W a distance of 790.91 feet to a point on the Northerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790 on December 31, 1998 in the office of the Buffalo County Register of Deeds; thence Southeasterly on a 3919.72 foot radius curve, concave Southwesterly, and continuing on the Northerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company an arc distance of 299.18 feet to a point being S 50° 10' 15" E a chord distance of 299.36 feet from the previously described point; thence leaving said non-tangent curve and the aforesaid Northerly line of the tract of land deeded to the Union Pacific Railroad Company N 73° 08' 08" E a distance of 559.15 feet to the place of beginning. Containing 3.86 acres, more or less.

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 Pierce opened the public hearing for the Zoning Map Amendment filed by Trenton Snow on behalf of Vontz Paving Inc for property described as a tract of land being part of the NE1/4 NE/14, part of Government Lot 2 and accretion containing 24.87 acres of Section 26, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska from Agricultural to Industrial. After review of the application the hearing was closed at 11:15 A.M. Moved by Dannehl and seconded by McMullen to approve the application with the following Resolution 2012-03. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-03

WHEREAS, Brad Vontz, on behalf of Vontz Paving Inc., applied for change of zoning by filing an Application For A Change of Zoning with the Buffalo County Zoning Administrator requesting that real property described a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), part of Government Lot Two (2) and accretion land abutting Government Lot 2, all in Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of Government Lot 2 in Section 26 and assuming the West line of said Government Lot 2 as bearing N 00° 00' 38" W and all bearings contained herein are relative thereto; thence N 00° 00' 38" W and on the West line of said Government Lot 2 a distance of 1057.33 feet to a point on the Southerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790, filed on December 31, 1998, in the Buffalo County Register of Deeds

office; thence S 63° 55' 57" E and on the Southerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company a distance of 1173.37 feet to a point of curvature; thence on a 3619.72 foot radius curve to the right and continuing on the aforesaid Southerly line of a tract of land deeded to the Union Pacific Railroad Company an arc distance of 977.17 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter, said point also being S 56° 12' 37" E a chord distance of 974.47 feet from the previously described point; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter and the South line of Government Lot 2 in said Section 26 a distance of 1863.43 feet to the place of beginning. Containing 24.87 acres, more or less, be changed from Agricultural to Industrial, and

WHEREAS, this is solely a rezoning request and the subject property would have other land use regulations including, but not limited to: flood plain regulations, that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on December 15, 2011, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed change in zoning on a 8-0 vote, and

WHEREAS, on January 10, 2012, this Board conducted a public hearing considering this rezoning request and finds that such change in zoning designation would have minimal adverse effect on surrounding properties, is consistent with property use in the immediately surrounding area, and is consistent with overall comprehensive plan adopted by Buffalo County, Nebraska,

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 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 District to the Industrial District is approved and shall occur, for the subject property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), part of Government Lot Two (2) and accretion land abutting Government Lot 2, all in Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of Government Lot 2 in Section 26 and assuming the West line of said Government Lot 2 as bearing N 00° 00' 38" W and all bearings contained herein are relative thereto; thence N 00° 00' 38" W and on the West line of said Government Lot 2 a distance of 1057.33 feet to a point on the Southerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790, filed on December 31, 1998, in the Buffalo County Register of Deeds office; thence S 63° 55' 57" E and on the Southerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company a distance of 1173.37 feet to a point of curvature; thence on a 3619.72 foot radius curve to the right and continuing on the aforesaid Southerly line of a tract of land deeded to the Union Pacific Railroad Company an arc distance of 977.17 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter, said point also being S 56° 12' 37" E a chord distance of 974.47 feet from the previously described point; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter and the South line of Government Lot 2 in said Section 26 a distance of 1863.43 feet to the place of beginning. Containing 24.87 acres, more or less.

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 Pierce opened the public hearing for Vontz Paving Inc Special Use Permit request located in part of the NE1/4 NE1/4, Part of Government Lot 2 and accretion containing 24.87 acres of Section 26, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, NE for a gravel pit. After review of the application the hearing was closed at 11:20 A.M. Moved by McMullen and seconded by Brayton to approve the application with the following Resolution 2012-04. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Greder, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-04

WHEREAS, Brad Vontz, on behalf of Vontz Paving Inc., filed an Application for Special Use Permit with the Buffalo County Zoning Administrator requesting a special use permit for a gravel pit on a 24.87 acre tract of land being part of the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼), part of Government Lot Two (2) and accretion land abutting Government Lot 2, all in Section Twenty-six (26), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of Government Lot 2 in Section 26 and assuming the West line of said Government Lot 2 as bearing N 00° 00' 38" W and all bearings shown herein are relative thereto; thence N 00° 00' 38" W and on the West line of said Government Lot 2 a distance of 1057.33 feet to a point on the Southerly line of a tract of land deeded to the Union Pacific Railroad Company as described on the Warranty Deed filed at Inst. No. 98-9790, filed on December 31, 1998, in the Buffalo County Register of Deeds Office; thence S 63° 55' 57" E and on the Southerly line of the aforesaid tract of land deeded to the Union Pacific Railroad Company a distance of

1173.37 feet to a point of curvature; thence on a 3619.72 foot radius curve to the right and continuing on the aforesaid Southerly line of a tract of land deeded to the Union Pacific Railroad Company an arc distance of 977.17 feet to a point on the South line of the Northeast Quarter of the Northeast Quarter, said point also being S 56° 12' 37" E a chord distance of 974.47 feet from the previously described point; thence N 89° 59' 19" W and on the South line of the Northeast Quarter of the Northeast Quarter and the South line of Government Lot 2 in said Section 26 a distance of 1863.43 feet to the place of beginning. Containing 24.87 acres, more or less, all of which is now, pursuant to Resolution 2012-03, located in an Industrial Zoned District, and

WHEREAS, on December 15, 2011 following public hearing on such special use permit application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit with the condition that the applicant be given 366 days to commence the start of the special use permit, and

WHEREAS, on January 10, 2012 the Buffalo County Board of Supervisors held a public hearing on such Special Use Permit Application, and

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

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

1. This is an application for a special use permit filed by Brad Vontz, on behalf of Vontz Paving Inc. The applicant intends to use the property as a gravel pit.
2. The commencement of this special use permit is extended for a period of 24 months.
3. The findings and minutes of Planning and Zoning Commission and the Application for Special Use Permit together with attachments and exhibits as submitted should be and hereby are incorporated herein in their entirety as if set forth herein. Also photographs taken by the Buffalo County Zoning Administrator of the subject property and surrounding area(s) were given to the Board as part of her report for review of this Board.
4. A sign should be constructed at the entryway of the premises with such sign having a street address for public safety reasons such as 911 emergency addressing and for public information.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use 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 SUPERVISORS by a majority vote of its members, this Board approves applicants' Special Use Permit as filed with such application incorporated into this Resolution by this reference, subject however to the following conditions:

1. The applicant is given 366 days to commence the start of the special use permit.
2. Applicants or successors thereto shall place at the public entryway of the premises along the county road a conspicuous road sign not to exceed 32 square foot as signage space giving the full name of the facility with a 911 system approved street/road address placed upon such sign and/or on such signs mounting post(s) or pole(s).

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special 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 permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Board, 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 copy of this Resolution shall be filed against legal description stated.

Chairman Pierce asked if there was anything else to come before the Board at 11:22 A.M. before he declared the meeting adjourned after the quarterly jail inspection until the regular meeting on Tuesday, January 24, 2012 at 9:00 A.M.