

MINUTES OF PLANNING & ZONING COMMISSION  
JANUARY 15, 2009  
BUFFALO COUNTY HIGHWAY DEPARTMENT  
7:00 P.M.

Zoning Administrator LeAnn Klein opened the meeting at 7:00 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on January 15, 2009. Present were: Karin Covalt, Ken Erickson, Marlin Heiden, Willie Keep, Leonard Skov, Gwen Stengel, Craig Wietjes and Loye Wolfe. Absent: Paul Steinbrink, Sr. Also attending were Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melanie Bellamy, Zoning Administrator LeAnn Klein and twenty members of the public.

Klein announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act.

Klein asked for nominations for Chairperson. It was moved by Wolfe to nominate Leonard Skov for Chairperson. Skov thought the chairperson should be from the rural area.

Moved by Erickson to nominate Wolfe for Chairperson. Wolfe respectively declined.

Moved by Skov, seconded by Heiden to nominate Craig Wietjes as Chairperson. Voting yes were Skov, Heiden, Covalt, Erickson, Keep, Stengel, Wietjes and Wolfe. Absent: Steinbrink. Motion passed.

Klein asked for nominations for Vice-Chairperson. It was moved by Wolfe, seconded by Wietjes to nominate Leonard Skov as Vice-Chairperson. Voting yes were Wolfe, Wietjes, Covalt, Erickson, Heiden, Keep, Skov and Stengel. Absent: Steinbrink. Motion passed.

Klein asked for nominations for Secretary. It was moved by Wietjes, seconded by Covalt to nominate Loye Wolfe as Secretary. Voting yes were Wietjes, Covalt, Erickson, Heiden, Keep, Skov, Stengel and Wolfe. Absent: Steinbrink. Motion passed. Klein then turned the meeting over to Chairperson Wietjes

Agenda for such meeting was regularly posted as required by law and the agenda is available for anyone wanting one.

The public forum was opened at 7:07 P.M. No one was present to address the Commission. The public forum closed at 7:07 P.M.

County Supervisor Ivan Klein was present to present a plaque from the Buffalo County Board of Supervisors to Rick Pope for his many years of service as Chairperson on the Buffalo County Planning & Zoning Commission. He thanked him for his 10 years of service. Pope thanked him for the plaque and also thanked the other members.

Chairperson Wietjes presented a plaque to Buss Biehl for his years of service to the Buffalo County Planning & Zoning Commission. Biehl also thanked the Commission.

Chairperson Wietjes also extended a welcome to the two new members on the Commission.

There has been a deed of conservation easement between Central Platte Natural Resources District and The Nature Conservancy that was referred to the Planning & Zoning Commission from the Buffalo County Board of Supervisors December 23, 2008 board meeting. According to Nebraska Rev. Stat. 76-2 112 (3) the local planning commission has 60 days to provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission. These easements do not prohibit irrigation on the affected tracts, they merely terminate the surface water rights. The tracts will still be able to be irrigated with groundwater. The agreement is filed against the real estate.

Klein commented she had received the corrected legal description from the attorney handling this easement.

It was moved by Wolfe, seconded by Covalt to forward the conservation easement with the correct legal description between The Nature Conservancy (Grantor) and the Central Platte Natural Resources District, a political subdivision of the State of Nebraska (Grantee) to the County Board with a favorable recommendation on a tract of land being all of Government Lot Three (3) and Government Lot Four (4) in Section 13 Township 8 North, Range 15 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, EXCEPT a tract of land in part of the North Half of the Northwest ¼ of Government Lot 4 in said Section 13, more particularly described as follows: Referring to the Northeast Corner of the Northwest Quarter of said Section 13 and assuming the East line of said Northwest ¼ as bearing S 00° 28' W and all bearings contained herein are relative thereto; thence S 00° 28' W a distance of 104.97 feet to a point on the centerline of an existing public road; thence S 57° 00' W and on the centerline of the aforesaid public road a distance of 30.73 feet; thence S 01° 26' E a distance of 36.89 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South property line of the existing public road; thence continuing S 01° 26' E a distance of 211.91 feet; thence S 77° 09' W a distance of 450.51 feet; thence S 00° 13' 30" W a distance of 157.04 feet; thence S 81° 59' 30" W a distance of 104.87 feet; thence S 04° 23' 30" E a distance of 82.94 feet; thence S 78° 25' W a distance of 625.52 feet; thence N 03° 12' 30" E a distance of 296.52 feet to a point on the South property line of the existing road; thence N 73° 37' 30" E and on the aforesaid South property line a distance of 255.38 feet; thence N 67° 29' E a distance of 944.83 feet to the place of beginning, containing 7.20 acres, more or less.

That part of Government Lots 4 and 5 lying south of Kilgor Road and East of the Right-of-Way of the vacated Chicago, Burlington & Quincy Railroad, and that part of Government Lots 6 and 7 lying South of Kilgor Road, in Section 14, Township 8 North, Range 15 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska EXCEPT a tract of land being part of Government Lot 4, part of Government Lot 5 and accretions lying between said Government Lot 4 and said Government Lot 5 all located in said Section 14, more particularly described as follows: Referring to the Northwest Corner of said Section 14 and assuming the West line of said section as bearing S 02° 23' 56" W and all bearings contained herein are relative there; thence S 02° 23' 56" W and on the aforesaid West line a distance of 1828.87 feet; thence N 82° 07' E a distance of 219.91 feet

to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the easterly right-of-way line of the Chicago, Burlington & Quincy Railroad (now vacated), said point also being on the South line of a public road (Kilgor Road), thence continuing N 82° 07' E and on the aforesaid South line a distance of 354.91 feet; thence S 11° 11' 08" E and parallel with the easterly right-of-way line of the Chicago, Burlington & Quincy Railroad (now vacated) a distance of 997.63 feet to a point on the existing high bank of the Platte River; thence S 79° 40' W and on the aforesaid existing high bank a distance of 354.36 feet to a point on the easterly right-of-way line of the Chicago, Burlington & Quincy Railroad (now vacated); thence N 11° 11' 08" W and on the aforesaid easterly right-of-way line a distance of 1012.81 feet to the place of beginning, containing 8.177 acres, AND EXCEPT a tract of land being part of Government Lot 4, part of Government Lot 5 and accretions lying between said Government Lot 4 and said Government Lot 5 all located in said Section 14, more particularly described as follows: Referring to the Northwest Corner of said Section 14, and assuming the West line of said section as bearing S 02° 23' 56" W and all bearings contained herein are relative thereto; thence S 02° 23' 56" W and on the aforesaid West line a distance of 1828.87 feet' thence N 82° 07' E a distance of 574.82 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the South line of a public road (Kilgor Road); thence continuing N 82° 07' E and on the aforesaid South line a distance of 360.21 feet; thence S 11° 11' 08" E and parallel with the easterly right-of-way line of the Chicago, Burlington & Quincy Railroad (now vacated) a distance of 982.23 feet to a point on the existing high bank of the Platte River; thence S 79° 40' W and on the aforesaid existing high bank a distance of 359.65 feet; thence N 11° 11' 08" W and parallel with the easterly right-of-way line of the Chicago, Burlington & Quincy Railroad (now vacated) a distance of 997.63 feet to the place of beginning, containing 8.172 acres, more or less.

Voting yes were Wolfe, Covalt, Erickson, Heiden, Keep, Skov, Stengel and Wietjes. Voting no: none. Absent: Steinbrink. Motion carried.

It was noted the Nebraska Independent Towers asked to have their application for a special use permit for a tower located in part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 11 North, Range 18 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska be tabled at this time.

Chairperson Wietjes opened the next public hearing at 7:20 P.M. for a special use permit requested by Mid Nebraska Aggregate Inc. for excavation of gravel in part of the Northwest Quarter of Section 36, Township 9 North, Range 14 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska.

Ron Follmer was present and told the Commission he has contacted the Natural Resource District, Army Corps of Engineers and also Miller & Associates. He realizes there are water concerns in this area. He feels if this is done correctly, it would benefit the neighbor to the north. Follmer submitted a new drawing of the layout and said they will not be blocking the flow of water but will have retention cells to control the water. The west end of the project will be left open to not block the flow of water. The north side will be built up and the two owners of the property hope to build homes in the future. Follmer also pointed out the location of the box culvert along the State Highway.

Hoffmeister asked the following questions:

- 1 How long is the pit area?
- 2 Where is the closest residence?
- 3 Where is the access to the State Highway from this property?

Follmer replied as follows:

1. The pit is about 34 acres.
2. The closest residence would be Larry Anderson to the north.
3. They have already applied and been granted an access to the highway directly off a State Highway.

Skov asked if this was a flowing stream. He was told it is intermittent.

Wolfe also asked what size culvert they would have as shown on the drawing. Follmer said they would have the same size as what is under the State Highway.

Keep commented they really would not be creating any dams. This would act like a retention pond. This water flows to the northeast.

Jim Gard owns property to the west and he said the slough runs through this area and has been there for a long time. He has concerns with blocking the slough since it would probably flood him. He has seen fish in this area when there is water running through it. David Gard also told the Commission of his concerns. He also lives to the west of this property.

Larry Anderson lives directly north of this site and presented Exhibits 1-8 which shows the extent of the amount of water in this area last spring. He told the Commission that Ron Follmer had contacted him before the meeting and they had been working together to come up with solutions to handle the water problem. He just wants to make sure the correct size of culvert is put in and the flow of water continues through this area so it doesn't back up on his property. Anderson has talked to NRD of the drainage problems and the biggest problem is the area by the Shelton interchange. Anderson thinks this project might help control the water flow around his property. The farmer to the north has built up his field so they are also getting the run-off from the north field.

Klein noted she had taken pictures of the water in June of 2008. She also gave the Commission copies of the floodplain area and said the dotted areas are the floodplain. She submitted pictures of the water surrounding the Anderson home, marked as Exhibit 9. There is also a box culvert along the State highway. She was not sure what direction the majority of the water had come. Anderson did say the majority of the water came from the southwest of his property and some of it had come from the ditch to the north.

Stengel questioned Anderson what direction the water flowed in this area.

Hoffmeister referred to the following:

## **6.2 PROCEDURES**

Such application shall be in writing, filed in the Office of the County Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) days. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property. Unless otherwise specifically stated, construction requested on such special permit shall commence within 120 days after authorization and shall be substantially completed two years after commencement. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County and in the local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board, one time at least ten days prior to such hearing. (Ref. 23-164 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. The sign shall state in conspicuous writing visible from the traveled surface of the nearest public road: the purpose, time, and place of hearing. A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of the County Board, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the special use permit.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board and providing the proposed use is found to comply with the following guidelines:

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.

In case of protest against such special use permit, filed with County Clerk within seven (7) days following Planning Commission's public hearing considering such special use permit signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, therefrom, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the County Board. (Resolution 10-10-03)

He also explained the amendment as follows:

### **11.3 AMENDMENT CONSIDERATION AND ADOPTION**

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (½) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned. (Resolution 9-14-04)

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended.

### **11.4 PROTEST**

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within seven (7) days after the date of the conclusion of the Planning Commission's public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds (2/3) majority of the County Board. (Resolution 10-10-03)

Heiden questioned if we need to address the road that leads into this property.

Klein told the Commission they are before this Commission just to ask for the special use permit to extract gravel. If the owners want to add homes in the future, they will need to come back before the Commission to ask for a rezoning of this property.

Skov questioned if there were any adverse conditions with building a lake in the bottom of the stream. Skov said they won't influence how much water comes in or how much water comes out.

Follmer thinks the flow of the water should be better. Follmer said they have met with an engineer from Miller & Associates and they will go with his recommendation as to the size of the box culvert. They don't want to restrict water flow.

Jim Gard doesn't have any qualms with the gravel pumping but he just wants the slough to run.

Trevor Payne, one of the land owners, told the Commission he has spoke with Andy Bishop with the Fish and Wildlife and they are excited for this project for wildlife.

Lynn Brandt commented that the two owners are going to be good neighbors and this project should improve the flow of water in this area.

Chairperson Wietjes closed the public hearing at 7:55 P.M.

Wietjes commented it was nice to hear that the applicant had contacted neighbors to let them know what was happening. Also it sounded like they have done their homework as far as contacting an engineer, the Corps, as well as NRD.

Heiden also said it was nice to have a plan submitted so the Commission has something in front of them.

A motion was made by Skov, seconded by Heiden to recommend approval of this special use permit for excavation of gravel as presented by the submitted plan by Mid Nebraska Aggregate Inc. and forward this to the County Board on the following legal description described as a tract of land being part of the South 771.5 feet of Lot 8, Linger's Subdivision, with said Lot being the West Half of the Northwest Quarter of Section 36, Township 9 North, Range 14 West of the 6<sup>th</sup>

p.m., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of said Lot 8 and assuming the East line of said Lot as bearing N 00° 05' 17" W and all bearings contained herein are relative thereto; thence N 00° 05' 17" W on the aforesaid East line a distance of 771.5 feet; thence N 89° 57' 24" W on the North line of said South 771.5 feet of Lot 8 a distance of 702.0 feet; thence S 00° 36' 01" W a distance of 771.53 feet to a point on the South line of said Lot 8; thence S 89° 57' 24" E and on the aforesaid South line a distance of 711.27 feet to the place of beginning. Containing 12.52 acres, more or less AND the South Half of Lot 7, Linger's Subdivision, with said Lot being the East Half of the Northwest Quarter of Section 36, Township 9 North, Range 14 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska; EXCEPT the North 565.08 feet thereof AND EXCEPTING HOWEVER a tract of land deeded to Buffalo County, Nebraska on Quit Claim Deed recorded in Deed Book 170-282 and filed in the Buffalo County Register of Deeds; AND ALSO EXCEPTING HOWEVER a tract of land deeded to the State of Nebraska on Warranty Deed recorder in Microfilm Roll 79-7043 and filed in the Buffalo County Register of Deeds, containing 22.08 acres, more or less.

Voting yes: Skov, Heiden, Covalt, Erickson, Keep, Stengel, Wietjes and Wolfe. Absent: Steinbrink. Motion passed.

Klein said this will be heard before the County Board on February 10, 2009 and notices will again be sent to adjacent property owners.

Chairperson Wietjes opened the next public hearing at 8:08 P.M. for the amendment of zoning regulations to allow mineral extraction under Agricultural-Residential zoning with a special use permit.

Keep told the Commission T & F Sand & Gravel is his employer so he will be abstaining from the voting.

Klein told the Commission currently gravel excavation is not allowed in an Agricultural-Residential area with a special use permit. Mr. Follmer is before the Commission to ask that gravel excavation is allowed in an Agricultural-Residential zoning.

Rick Follmer was present and told the Commission part of I-80 will be replaced between Kearney and Odessa next spring and the property they want to pump gravel is located in an AGR area. They would be able to transport the gravel directly from the land to the road site through the State right-of-way. Follmer showed the Commission where T & F Sand & Gravel have existing pits.

Hoffmeister told the Commission that part of this land in Section 9 is zoned industrial since there was an existing pit in operation at the time the Buffalo County Zoning Map was adopted. We need to consider the noise and truck traffic in an AGR area.

Skov questioned if there was any other way to address this question without amending the zoning regulations.

Wolfe asked if there was any way to define wet gravel extraction.

Klein told the Commission she has had inquiries in other AGR areas to allow gravel extractions. She thought conditions could be put on a special use permit to eliminate some of the problems with gravel excavation.

Heiden asked if we couldn't specify wet gravel extractions only be allowed in an AGR area.

Wietjes questioned if a batch plant would also be located on this property.

Klein said that is before the Commission at the next hearing. Klein noted all the adjoining neighbors had been contacted.

Chairperson Wietjes closed the public hearing at 8:25 P.M.

Skov questioned if industrial zoning would allow gravel excavation. At least we wouldn't be opening up the entire County with gravel excavation in AGR areas.

Wietjes said there is already an Industrial area in this location and we possibly could expand this area.

Hoffmeister replied Industrial zoning would allow gravel excavation with a special use permit.

Heiden asked if Follmer owned this property. Follmer told them this property is in the name of Verna Just Trust etal.

Wolfe asked if the Commission could change the application from an amendment to a rezoning mid-stream.

Moved by Erickson, seconded by Wolfe to forward this to the County Board with the recommendation that the zoning map be amended to rezone 12 acres from Agricultural-Residential to Industrial described as a tract of land being part of Government Lot 2 and accretions abutting said government lot on the south location in Section 9, Township 8 North, Range 17 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of Government Lot 2 in said Section 9 and assuming the East line of said Government Lot 2 as bearing S 01° 17' 15" W and all bearings contained herein are relative thereto; thence S 01° 17' 15" W on the aforesaid East line a distance of 1244.37 feet; thence N 89° 50' 24" W a distance of 159.66 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 50' 24" W on the aforescribed course a distance of 636.78 feet; thence S 11° 01' 57" W a distance of 674.48 feet to a point on the North line of a 30.0 foot ingress and egress easement road; thence S 70° 07' 03" E on the North line of said ingress and egress easement road a distance of 81.89 feet; thence S 79° 17' 54" E continuing on the aforesaid North line a distance of 427.06 feet; thence S 76° 59' 32" E continuing on the aforesaid North line a distance of 257.27 feet; thence N 01° 17' 15" E parallel with the East line of said Government Lot 2 a distance of 825.5 feet to the place of beginning, containing 12.00 acres, more or less.

Voting yes were Erickson, Wolfe, Covalt, Heiden, Skov, Stengel and Wietjes. Voting no: none. Abstain: Keep. Absent: Steinbrink. Motion passed.

Chairperson Wietjes opened the next public hearing at 8:50 P.M. for a special use permit for T & F Sand & Gravel, Inc. in part of the N ½ of Section 9, Township 8 North, Range 17 West of the 6th p.m., Buffalo County, Nebraska for excavation of gravel and set up temporary highway surface batch plant.

Stengel asked where the access road would be located.

Follmer replied there is a drive-way directly south of the motel off the State Highway. He said the gravel for the I-80 project would be taken over the adjoining property to the south through the right-of-way of the road.

Hoffmeister informed the Commission when this parcel is rezoned, the batch plant would be a use by right in Industrial zoning with a zoning permit.

Chairperson Wietjes closed the public hearing at 8:55 P.M.

Motion was made by Heiden, seconded by Skov to forward this special use permit application to the County Board with recommendation of approval for sand & gravel extraction accomplished through use of water and aggregate pumping machinery together with land preparation prior to extraction and restoration after extraction, with borrow material being removed from the premises for a tract of land described as being part of Government Lot 2 and accretions abutting said government lot on the south location in Section 9, Township 8 North, Range 17 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of Government Lot 2 in said Section 9 and assuming the East line of said Government Lot 2 as bearing S 01° 17' 15" W and all bearings contained herein are relative thereto; thence S 01° 17' 15" W on the aforesaid East line a distance of 1244.37 feet; thence N 89° 50' 24" W a distance of 159.66 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 50' 24" W on the aforesaid course a distance of 636.78 feet; thence S 11° 01' 57" W a distance of 674.48 feet to a point on the North line of a 30.0 foot ingress and egress easement road; thence S 70° 07' 03" E on the North line of said ingress and egress easement road a distance of 81.89 feet; thence S 79° 17' 54" E continuing on the aforesaid North line a distance of 427.06 feet; thence S 76° 59' 32" E continuing on the aforesaid North line a distance of 257.27 feet; thence N 01° 17' 15" E parallel with the East line of said Government Lot 2 a distance of 825.5 feet to the place of beginning, containing 12.00 acres, more or less.

Voting yes were Heiden, Skov, Covalt, Erickson, Stengel, Wietjes and Wolfe. Voting no: none. Abstain: Keep. Absent: Steinbrink. Motion passed.

Old Business: Moved by Skov, seconded by Heiden to approve the minutes of the October 16, 2008 as mailed. Voting yes: Skov, Heiden, Covalt, Erickson, Keep, Stengel, Wietjes and Wolfe. Absent: Steinbrink. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings.

Other items of concern were discussed.

The next meeting of the Planning & Zoning Commission will be February 19, 2009 at 7:00 P.M. at the Highway Department.

The Commission adjourned at 9:30 P.M.