

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 11, 2011
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, October 11, 2011 at 9:00 A.M and 10:30 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: Joseph Brayton, Horace Dannehl, Kent Greder, Ivan Klein, 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 meeting in advance, thereof. Notice of the meeting was simultaneously given to all Board members; and availability of the agenda was communicated in the advance notice and in the notice 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.

Chairman Pierce called for Citizen's forum. Jim and Janis Shultz were present to address the Board about the acquisition of land near the Courthouse. This issue is on the Agenda and will be further discussed later in the meeting.

REGULAR AGENDA

Moved by Klein and seconded by McMullen to approve the September 27, 2011 Board meeting minutes after the following amendment to Resolution 2011-53. Resolution 2011-53 is corrected as follows. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Brayton, Dannehl, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-53 AMENDED

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way:

All of that portion of 115th Road that is located both in Section Thirty-three (33), Township Ten (10) North, Range Fourteen (14) West of the 6th P.M., Buffalo County and in Section Four (4), Township Nine (9) North, Range Fourteen (14) West of the 6th P.M., Buffalo County, and

WHEREAS, the described road, alley, and/or public way, is not within the zoning jurisdiction of any municipality of Buffalo County, Nebraska, and

WHEREAS, the Buffalo County Highway Superintendent has made a study and has recommended that said road be vacated; and

WHEREAS, offer was made by Buffalo County to relinquish this road to Valley and Gibbon Townships and neither township, after expiration of four months following the offer, has responded and petitioned this Board to take over maintenance of this road, which in effect means that the Townships have declined to accept this road should Buffalo County vacate or abandon this road; and

WHEREAS, by prior Resolution, this Board established September 6, 2011, at 10:00 o'clock, a.m. as the date and time for public hearing to consider whether this road should be abandoned or vacated with notice as provided by law, and

WHEREAS, publication of Notice for the public hearing to consider the proposed vacation or abandonment has occurred with publication for three consecutive weeks and notice of the public hearing also given no less than two weeks in advance of the hearing to owners of land adjoining the road to be vacated or abandoned by register or certified mail, and

WHEREAS, on September 6, 2011, this Board conducted a public hearing to consider vacation or abandonment of this road. No one objected to the proposed vacation or abandonment.

WHEREAS, at conclusion of the public hearing held September 6, 2011, the Board set September 27, 2011, at 10:00 o'clock a.m., the first public hearing following the public hearing, as date and time for decision by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of this road as in the judgment of this board and the public good may require, and

WHEREAS, the Buffalo County Board of Supervisors finds that:

1. The County Road Superintendent has recommended vacation or abandonment of this portion of 115th Road.
2. The Valley and Gibbon Township Boards when offered this road refused to accept this road.
3. All necessary public publications and notices to adjoining landowners have been given.
4. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued occupation of any public utilities that now occupy the public right-of-way.

5. No public purpose would be served to keep this portion road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the above described public road, street, or alley, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska and that it shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

With said public road to be abandoned and vacated being described as:

All of that portion of 115th Road that is located both in Section Thirty-three (33). Township Ten (10) North, Range Fourteen (14) West of the 6th P.M., Buffalo County and in Section Four (4), Township Nine (9) North, Range Fourteen (14) West of the 6th P.M., Buffalo County.

FURTHER RESOLVED THAT: (1) a copy of this resolution shall be filed with the Buffalo County Register of Deeds and (2) a copy of this resolution shall be filed with the Buffalo County Surveyor and set out in Buffalo County's Road Maps maintained in that office.

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

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

ROAD FUND			
STATE OF NEBRASKA	E	FUEL TAX	2,922.00

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and decisions on the Justice Center Project and presented and reviewed the Change Order Requests. Moved by Dannehl and seconded by McMullen to approve the following Change Order Request #110 of the Phase 2 project in the amount of \$15,228.00 to change the kitchen controls and to replace existing controls on 19 RTU's to Honeywell controls. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried. Barritt presented the Contract Change 2 for the Buffalo County Extension Project for the Chairman's signature, which is a compilation of previously approved Change Orders. Certificate of Substantial Completion was also presented for the Chairman's signature.

County Attorney Shawn Eatherton arrived at 9:26 A.M.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Acknowledgement of receipt from NIRMA dividends presented at the annual conference was reviewed. The City of Kearney sent information on recent annexations which are now on file. Chairman Pierce called on each Board member for Committee reports and recommendations.

Moved by Greder and seconded by McMullen to approve requests for lower tax asking from Harrison Township and Miller Fire District 6. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Discussion followed on property acquisition from M.J. and Janis Shultz. No action was taken.

Darren Robinson, President of Buffalo County Economic Development, was present regarding re-use monies generated by Community Development Block Grant Funds. Moved by Dannehl and seconded by Morrow to approve the following Resolution 2011-56. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2011-56

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 October 11, 2011, the Economic Development Council of Buffalo County presented a plan to proceed to loan initially generated re-use money to Intellicom, Inc., 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 Intellicom, Inc., a sum not exceeding \$53,000 of re-use monies, under such terms as thought best by the Development Council in its sole discretion, including forgiveness of such loan, and do all acts necessary to fulfill such task.

Moved by Klein and seconded by Dannehl to authorize Chairman Pierce to sign the Certification Statement of the Cost Allocation plan prepared by Sequoia Consulting Group. Upon roll call vote, the following Board members voted "Aye": Klein, Dannehl, Brayton, Greder, McMullen, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Denise Zwiener, Director of Buffalo County Community Partners was present to discuss establishing tobacco free environments in Buffalo County facilities, vehicles and equipment. The Safety Committee will pursue policy options and come back to this Board with a recommendation.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:35 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and Deputy County Treasurer Brenda Rohrich were present. Motor Vehicle Tax Exemption application for Families CARE for was withdrawn prior to this meeting by the applicant.

Moved by Greder and seconded by Morrow to approve Tax List Corrections 3786-3791. 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 Brayton and seconded by Morrow to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Grace Fellowship Inc on a 2009 trailer. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow Greder, Klein, Dannehl, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Good Samaritan Society Gibbon on a 2010 Ford Van. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Morrow to approve the following Resolution 2011-57 for final levies for the various political subdivisions as provided by the Buffalo County Clerk. 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 2011-57

		PROPERTY TAX RATES 2011-2012			
COUNTY FUNDS		LEVY			
GENERAL		0.390696			
DEBT SERVICE		0.041354			
VETERAN'S AID		0.000329			
TOTAL		0.432379			
BUFFALO COUNTY AGRICULTURAL SOCIETY					
GENERAL	0.009994	SINKING	0.009671		

TOWNSHIP	GENERAL			TOWNSHIP	GENERAL
ARMADA	0.015729			LOGAN	0.019156
BEAVER	0.006888			LOUP	0.006078
CEDAR	0.016420			ODESSA	0.009815
CENTER	0.004184			PLATTE	0.005111
CHERRY CREEK	0.008296			RIVERDALE	0.002592
COLLINS	0.000000			RUSCO	0.006892
DIVIDE	0.013131			SARTORIA	0.008485
ELM CREEK	0.035425			SCHNEIDER	0.010981
GARDNER	0.033721			SCOTT	0.024352
GARFIELD	0.004837			SHARON	0.033771
GIBBON	0.042986			SHELTON	0.049175
GRANT	0.018148			THORNTON	0.016763
HARRISON	0.008497			VALLEY	0.009468

FIRE DISTRICTS	GENERAL	SINKING			BOND			
SUBURBAN #1	0.032626	.011660			0.000258			
GIBBON #2	0.018557							
SHELTON #3	Set by Hall County							
PLEASANTON #4	0.037932	0.044640			0.017428			
RAVENNA #5	0.005620				0.011717			
MILLER #6	0.021316							
ELM CREEK #7	0.016715				0.020959			
AMHERST #8	0.039939				0.067821			
SID #3 GENERAL	0.303810							
CITY/VILLAGE	GENERAL	BOND			PARKING		STREET	CRA
AMHERST	0.148380						0.238085	
ELM CREEK	0.381832	0.118168						
GIBBON	0.350000	0.160000						
KEARNEY	0.126052	0.022818			0.124736			0.008647
MILLER	0.491063							
PLEASANTON	0.414735	0.128023						
RAVENNA	0.410000							
RIVERDALE	0.114001							
SHELTON	0.490861	0.367596						

SCHOOL DISTRICTS								
DISTRICT	NO.	GENERAL	BOND	K-8 BOND	9-12 BOND	CAPITAL	SP BLDG	
GIBBON	2	0.950095	0.327018					
KEARNEY	7	1.055387		0.051095	0.114507		0.123954	
ELM CREEK	9	0.966528	0.298278					
SHELTON	19	1.039990	0.076598				0.009068	
RAVENNA	69	1.023069	0.029664			0.024283	0.026711	
PLEASANTON	R105	0.959842	0.127517				0.020847	
AMHERST	119	0.950225		0.173476	0.074174		0.019073	

Moved by Morrow and seconded by Greder to recess the Board of Equalization at 10:41 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.

Board of Supervisors conducted the quarterly inspection of the Jail during this break in the meeting.

ZONING

Chairman Pierce opened the Zoning hearing at 11:05 A.M. to Amend Zoning Regulations. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Planning and Zoning Commission recommended adoption of two amendments to the Buffalo County Zoning Regulations. One recommendation consisted of amendments to yard setbacks for the Commercial and Industrial Zoning Districts and the other consisted of amendments related to veterinarian uses. Deputy County Attorney Hoffmeister reviewed the recommendations. Following public hearing on yard setbacks amendment with no public comment, it was moved by Brayton, seconded by Morrow, that the following Resolution 2011-58 be adopted concerning the proposed amendments relating to setbacks. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Dannehl, Greder, Klein, McMullen, and Pierce. Motion declared carried.

RESOLUTION 2011- 58

WHEREAS, ON September 15, 2011 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations concerning amendments to yard setbacks in the Commercial and Industrial Zoning Districts, 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 be amended to read as follows:

“5.57 HEIGHT AND AREAS REGULATIONS: The maximum height, maximum lot coverage and minimum area regulations shall be as follows: (Resolution 7-11-06)

1. General Requirements:						
	Lot Area***	Lot	Required	Required	Required	
	(Sq. Ft.)	Width	Front Yard	Side Yard	Rear Yard	Height
Permitted Uses	40,000	150' <u>100</u>	Greater of 50'* or 83'*** when abutting a Road	15' or 50'*	20' or 50'* <u>15'</u>	none

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environmental Quality or other agencies with 3 acres being exempt at time of adoption of these regulations (Resolution 10-10-03)

5.66 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

Lot Area* (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses None	100'	75' <u>Greater of- 50'* or 83'***</u>	0', 15'	15'	none
		when abutting a residential property			

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environmental Quality or other agencies with 3 acres being exempt at time of adoption of these regulations (Resolution 10-10-03)”

RESOLVED FURTHER THAT Buffalo County’s Zoning Regulation Resolution as published shall be amended to reflect these amendments.

Chairman Pierce opened the Zoning hearing at 11:12 A.M., amendments concerning veterinarian uses. Following public hearing on such amendment with comment from Dr. Randall Stone, DVM in support of the amendments, it was moved by Greder and seconded by Dannehl, that the following Resolution 2011-59 be adopted concerning the proposed amendments relating to veterinarian uses. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow, and Pierce. Motion declared carried.

RESOLUTION 2011- 59

WHEREAS, ON September 15, 2011 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County’s Zoning Regulations concerning amendments to veterinarian uses in the various zoning districts of Buffalo County and codification of certain wording concerning the same, 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 several amendments are adopted in one action by this Board with amending language as shown and deleted wording where shown, with the relevant sections amended as follows:

AMENDMENT #1. Add as a definition:

Sec. 3.32 ANIMAL HOSPITAL a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

With renumbering of subsequent subsections as appropriate.

AMENDMENT #2. Amend Sec. 5.12 as follows:

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

1. Animal hospitals

With renumbering of subsequent subsections as appropriate.

AMENDMENT #3. Amend Sec. 5.14 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)

13. ~~Veterinary facilities;~~

With subsequent subsections renumbered.

AMENDMENT #4. Amend Sec. 5.34 AGR uses by special permission to only include Animal Hospital :

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)

9. ~~Animal clinics, animal hospitals and veterinarian services;~~ and

AMENDMENT #5. Amend Sec. 5.52 C Commercial District uses as follows:

5.52 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

21. Animal Hospitals.

AMENDMENT #6. Amend Sec. 5.62 to delete term "Veterinarian", with term "Animal Hospital" being retained as a use allowed by right in the Industrial District:

5.62 PERMITTED PRINCIPAL USES AND STRUCTURES:
#36 ~~Veterinarian~~

With subsequent subsections renumbered.

Moved by Dannehl and seconded by McMullen, that the following Resolution be adopted to authorize signature of Building Restriction Agreement for a Letter of Map Revision on the basis of fill (LOMR-F) for property sought to be removed from the Special Flood Hazards Area, as defined in Buffalo county's Flood Plain Regulation Resolution for property Described as Lot 7, Woodland Acres, being part of Lot 6, Linger's Subdivision located in the SE1/4 of Section 36, Township 9 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow, and Pierce. Motion declared carried.

RESOLUTION 2011-60

WHEREAS, in 1986 Buffalo County, Nebraska, adopted and enacted floodplain regulations and has amended the regulations at various times in the past, and

WHEREAS, there has been a request submitted to the Buffalo County Flood Plain Administrator for a Letter of Map Revision on the basis of fill (LOMR-F) for property sought to be removed from the Special Flood Hazards Area, as defined in Buffalo County's Flood Plain Regulation Resolution, hereinafter referred to as the "subject property", and

WHEREAS, the request and engineer certifications that accompany the LOMR-F application that were submitted to the Flood Plain Administrator fulfill the necessary local standards and findings concerning structures and fill placed on the subject property as required by the Federal Emergency Management Administration, (FEMA) for the applicant seeking LOMR-F from the FEMA, and

WHEREAS, this Board deems it prudent to enter into a Development Restriction Agreement concerning future development in and upon the subject property and the Buffalo County Attorney's Office has reviewed and approved a proposed agreement to be executed on behalf of Buffalo County and the party seeking the LOMR-F.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUFALO COUNTY THAT the structure and development now existing on the subject property as certified by professional engineer fulfill the required local government standards and findings for structures and fill placed on the subject property and the Chairperson of this Board is authorized to execute on behalf of Buffalo County the proposed Development Restriction Agreement, and

IT IS RESOLVED the subject property is legally described as:

Lot Seven (7), Woodland Acres, being part of Lot Six (6), Linger's Subdivision located in the Southeast Quarter of Section Thirty-Six (36), Township Nine (9) North, Range Fourteen (14) West of the 6th p.m., Buffalo County, Nebraska, and

IT IS FURTHER RESOLVED that a copy of this Resolution shall be filed with the Development Restriction Agreement against the subject property.

Discussion followed on the Bissell Zoning issue with Roger and Jackie Bissell and their legal counsel, Vikki Stamm. Moved by McMullen and seconded by Morrow to accept consent decree as presented with the correction of 70th Street rather than 78th Street in the consent decree. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Dannehl, Greder, Klein, and Pierce. "Nay": Brayton. Motion declared carried.

Moved by Dannehl and seconded by Greder to amend Zoning Map Amendment filed by Randall Stones with the following Resolution 2011-32 A1 Amendment. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow, and Pierce. Motion declared carried.

RESOLUTION 2011-032 A1 AMENDMENT

WHEREAS, on June 14, 2011, in Resolution 2011-032 this Board approved a Zoning Map Amendment filed by Randall Stones, and

WHEREAS, a typographical error in the real estate description was discovered while filing the Resolution and the original Resolution was withdrawn for filing until amendment of the original Resolution could be made, and

WHEREAS, the real estate description in Resolution 2011-032 should be amended and refiled.

NOW THEREFORE, BE IT RESOLVED THAT THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that Resolution #2010-032 is amended to state that the real estate involved in the zoning map amendment in that Resolution is correctly described as:

A tract of land being part of the Northwest ¼ of the Northwest ¼ of Section 25, Township 10 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Northwest ¼ of said Section 25; thence easterly on the North line of said Northwest ¼ a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East right-of-way line of Nebraska State Highway No. 10; thence continuing easterly on the North line of said Northwest ¼ a distance of ~~665.39~~ 667.39 feet; thence southerly a distance of 916.66 feet to a point, said point being 407.0 feet north of the South line of the Northwest ¼ of the Northwest ¼ of said section; thence westerly parallel with and 407.0 feet northerly of the South line of the Northwest ¼ of the Northwest ¼ a distance of 666.72 feet to a point that intersects on the East right-of-way line of Nebraska State Highway No. 10; thence northerly a distance of 916.8 feet to the place of beginning. EXCEPT a tract of land being part of the Northwest ¼ of the Northwest ¼ of said Section 25, more particularly described as follows: Referring to the Northwest corner of the Northwest ¼ of said Section 25 and assuming the North line of said Northwest ¼ as bearing S 88°59'27" E and all bearings contained herein are relative thereto; thence S 88°59'27" E and on the North line of the Northwest ¼ a distance of 40.0 feet to a point that intersects on the East right-of-way line of Nebraska State Highway No. 10; thence SOUTH on the aforesaid East right-of-way line a distance of 655.76 feet to the ACTUAL PLACE OF BEGINNING; thence continuing SOUTH on the afore described course a distance of 261.31 feet; thence S 89°00'17" E a distance of 666.72 feet; thence N 00°02'07" E a distance of 261.31 feet; thence N 89°00'17" W a distance of 666.97 feet to the place of beginning. AND ALSO EXCEPTING that portion of the Northwest ¼ of the Northwest ¼ of Section 25, Township 10 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, deeded to the State of Nebraska Department of Roads by Inst. 2003-715 and filed in the Buffalo County Register of Deeds office.

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on May 19, 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 7-0 vote with no conditions placed on the proposed map amendment or anyone speaking in opposition to the amendment, and

WHEREAS, on June 14, 2011, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County's Zoning Regulations, and Comprehensive Plan, and finds:

- a. No one voiced opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse affect on surrounding properties.
- c. That then intended uses of the Commercial District is consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as paved roads and sufficient utilities so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

WHEREAS, no protest(s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under 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 "AG" District to the Commercial "C" District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution as now amended 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 asked if there was anything else to come before the Board at 11:50 A.M. before he declared the meeting adjourned after the County Government luncheon held at the American Legion, until the regular meeting on Tuesday, October 25, 2011 at 9:00 A.M.