

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 13, 2011
9:00 A.M**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, December 13, 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 Attorney Shawn Eatherton was present. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public.

Chairman Pierce called for Citizen's forum. 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 placed on the Agenda for the December 27, 2011 meeting. Dave Graham from Ag Navigator and Jim Bamford were present to discuss road and water drainage issues. Wendell Stevens was present to discuss water drainage issues with Turkey Creek and Evergreen Road.

REGULAR AGENDA

Moved by Brayton and seconded by Klein to approve the November 22, 2011 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by McMullen to accept the following reports: Buffalo County Treasurer November 2011 Fund Balance Report, Clerk of District Court November 2011 Report and Community Action Partnership of Mid-Nebraska RYDE October 2011 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Brayton, Dannehl, Greder, Klein, and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow 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": Morrow, Klein, Brayton, Dannehl, Greder, McMullen, and Pierce. None voted "Nay". Motion carried.

GENERAL FUND		
City of Kearney	Airport Road	23,545.00

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. Christmas Greetings were received from Sequoia Consulting Group, Buffalo County Community Partners, Buffalo County Emergency Manager and Pauly Jail Building Co. City of Kearney sent notice of annexation of 404 E 56th Street. Dawson County sent a Zoning public hearing notice. Newsletters were received from Community Partners, Beckenhauer Construction and Unicameral Update. Jeanette Marcy sent a letter asking about possible regulations on signage in the County. Chairman Pierce called on each Board member for Committee reports and recommendations.

Moved by Morrow and seconded by Greder to transfer \$257,000.00 to the County Bond Levy Fund (3700) from the Inheritance Fund (2700). This amount will be paid back to the Inheritance Fund as funds are available. 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 Morrow and seconded by Klein to approve the addition of pledged collateral in the amount of \$5,000,000.00, \$3,000,000.00, \$1,500,000.00, and \$500,000.00 for the Buffalo County Treasurer at the 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 Greder to approve the release of pledged collateral in the amount of \$10,000,000.00, \$3,000,000.00, \$5,000,000.00, and \$3,000,000.00 for the Buffalo County Treasurer at the Platte Valley State 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.

Moved by Morrow and seconded by Klein to approve the release of pledged collateral in the amount of \$125,000.00 and \$100,000.00 for the Buffalo County Treasurer at the Exchange 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 pledge collateral in the amount of \$100,000.00 and \$150,000.00 for the Buffalo County Treasurer at the Exchange 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 in the amount of \$290,000.00 for the Buffalo County Treasurer at the Town and Country 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.

Moved by Morrow and seconded by Brayton to approve the release of pledged collateral in the amount of \$250,000.00 for the Buffalo County Treasurer at the Town and Country Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Brayton, Dannehl, Greder, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve the release of pledged collateral in the amount of \$100,000.00, \$50,000.00, \$600,000.00, \$50,000.00, \$100,000.00, and \$150,000.00 for the Buffalo County Treasurer at Firstier. 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 Dannehl to approve the addition of pledged collateral in the amount of \$100,000.00, \$100,000.00, \$250,000.00, \$3,500,000.00, and \$349,600.00 for the Buffalo County Treasurer at Firstier. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Brayton, Greder, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Discussion followed on the proposed Buffalo County Tobacco Free policy submitted by the Safety Committee. Supervisor Brayton reviewed the policy and this policy will be on the December 27, 2011 Agenda for further discussion.

The Board discussed the Digital Geographic Data Sharing Interlocal Agreement with the City of Kearney, and no action was taken at this time.

Moved by McMullen and seconded by Klein to authorize Chairman Pierce to sign the addendum for the Sequoia Consulting Group contract for indirect cost allocation plans. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Highway Superintendent Ron Sklenar was present for the following Highway Department Agenda items. Jim Bamford and Dave Graham returned to the meeting to further discuss water issues while Sklenar was present. Supervisor McMullen stated that a committee needed to be formed from the Highway Department, Natural Resources District, Corp of Engineers and citizens of Buffalo County to come up with a plan to address this issue. Issues to be addressed will also involve landowner approval and funding responsibility. No formal action was taken at this time.

Supervisor McMullen instructed County Clerk Giffin to open and read aloud the bids submitted for the 2012 Asphalt Overlay Maintenance Projects. Werner Construction submitted the only bid for the projects. The Superintendent and the Road Committee will review this bid and come back with a decision on December 27, 2011.

Moved by McMullen and seconded by Klein to set bid date for one new Skid Loader for December 27, 2011 at 10:00 A.M. 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 Klein to accept Buffalo County's Traffic Sign Inventory and Retroreflectivity Maintenance and Management Program as proposed. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Brayton, Dannehl, Greder, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Jim Bendfeldt and his legal counsel, Jeff Orr were present to discuss the drainage issue Southwest of Gibbon. An engineering report was presented from Olsson Associates at the Board meeting on September 13, 2011 regarding the site conditions of the drainage works along the west side of Section 25, Township 9 North, Range 14 West of the 6th p.m. Buffalo County. Moved by McMullen and seconded by Greder to direct the County Attorney to pursue action in Court to protect Buffalo County. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Brayton, Dannehl, Klein, Morrow, and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Morrow 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 Treasurer Jean Sidwell and County Assessor Joe Woodward were present. Moved by Greder and seconded by Dannehl to approve Tax List Correction 3794 as submitted by County Assessor Joe Woodward. 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 Greder and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Christian Heritage Childrens Home on a 2000 Plymouth van and a 2005 Chrysler van. 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 Greder and seconded by Morrow to recess the Board of Equalization at 10:39 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.

Moved by McMullen and seconded by Brayton to enter into Executive Session to discuss contract negotiations at 10:49 A.M. In addition to Board members responding to roll call, County Attorney Shawn Eatherton and Darren Robinson Executive Director of Buffalo County Economic Development Council were present. 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 Greder and seconded by Klein to move out of Executive Session at 11:06 A.M. and resume the open meeting. (Supervisor Morrow excused herself before the roll call vote.) Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Brayton, Dannehl, McMullen, and Pierce. None voted “Nay”. Absent: Morrow. Motion declared carried.

ZONING

Chairman Pierce opened the Zoning Hearings at 11:10 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Bryan Newcomb filed a Special Use Permit Application for an agriculture service establishment/repairs for property located on Lot 3, H.R. Subdivision, a Subdivision being part of the North half of the Southwest quarter of Section 10, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska. Addressing the Board were Bart Langenberg for applicant, Bryan Newcomb and Richard Burkey. Chairman Pierce closed the public hearing at 11:25 A.M. Moved by Brayton and seconded by Klein to approve the following Resolution 2011-65. Upon roll call vote, the following Board members voted “Aye”: Brayton, Klein, Dannehl, Greder, McMullen, and Pierce. Absent: Morrow. None voted “Nay”. Motion declared carried.

RESOLUTION 2011-65

WHEREAS, Bryan Newcomb, Applicant, has filed Application for Special Use Permit with Buffalo County Clerk requesting a special permit in AG District for a commercial use for property described as:

Lot Three (3), H.R. Subdivision, a subdivision being part of the North half of the Southwest Quarter N1/2SW1/4 of Section Ten (10), Township Nine (9) North, Range Fifteen (15) West of the 6th p.m., Buffalo County, Nebraska hereinafter referred to as the “subject property”, and

WHEREAS, previously this Board had approved a special use permit in Resolution #2004-08 for an auction type use facility. Therefore this Application should be considered to be a cancellation of the prior special use permit and an amendment or change of use, and

WHEREAS, on November 17, 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 following uses being allowed on such premises, with applicant not seeking additional buildings or constructed facilities except for existing structures now on the property, for the following activities, all of which are conducted year round:

1. An agricultural service facility

with review by county board discussed in more detail when this special permit is considered by the Buffalo County Board., and

WHEREAS, on December 13, 2011, the Buffalo County Board of Supervisors held public hearing on such Special Use Permit, 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 Bryan Newcomb
2. The findings and minutes of the Buffalo County Planning and Zoning Commission regarding consideration and information relating to this application are incorporated into these minutes by this reference as if fully set forth herein in their entirety.
3. Applicant, other than erection of a sign on the premises does not intend to place additional structures on the property because he intends to use an existing structure for agricultural services facility.
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.
5. The prior special use permit should be cancelled as to use and amended as to use for the pending application.

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:

1. Activities on the subject property shall be limited to agricultural services.
2. The prior special use permit in Resolution #2004-008 is terminated and this use supplants the prior use.
3. Applicants or successors thereto shall place at public entryway of the premises along county road a conspicuous road sign not to exceed 32 square foot as signage space giving 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).
4. Other than erection of a sign on the premises, mentioned in the preceding paragraph, no additional structure, other than the now existing structure, is allowed on the property

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 the subject property as described above.

Chairman Pierce opened the public hearings at 11:27 A.M. for NE Colorado Cellular Administrative Subdivision and NE Colorado Cellular Special Use Permit. Chris Riha, Site Acquisition Manager was present to discuss both applications. No one else addressed the Board and Chairman Pierce closed the hearings at 11:41 A.M. Moved by Dannehl and seconded by Brayton to approve the following Resolution 2011-66, Administrative Subdivision filed by NE Colorado Cellular, Inc d/b/a Viaero Wireless for property located in part of the Southeast quarter of Section 2, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, and Pierce. None voted "Nay". Absent: Morrow. Motion declared carried.

RESOLUTION 2011-66

WHEREAS, NE Colorado Cellular, Inc. d/b/a/ Viaero Wireless, and others, hereinafter referred to as "applicants" have filed for an administrative Subdivision to be known as "Viaero Pleasanton South" with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on December 13, 2011, this Board conducted a public hearing for this administrative subdivision and for a special use permit filed by applicant that concerned uses on the subject property, and the Board finds:

1. The proposed Viaero Pleasanton South administrative subdivision is located in Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Two (2), Township Ten (10), Range Sixteen (16), West of the 6th P.M., Buffalo County, Nebraska and is in the Agricultural (AG) Zoning District for Buffalo County, Nebraska.
2. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
3. 190th Road, a Buffalo County section line open public road, accesses the proposed subdivision by ingress/egress easement and there is no required dedication of property abutting this public road.
4. Title search paperwork has been provided to the Buffalo County Attorney's Office by the applicants and that office has cleared title based upon those title search documents.
5. This proposed administrative subdivision should be approved contemporaneously with the applicant's special use permit.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "VIAERO PLEASANTON SOUTH", an administrative subdivision being in part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 10, Range 16, West of the 6th P.M., Buffalo County Nebraska duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and record in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by Klein and seconded by Greder to approve the following Resolution 2011-67 for NE Colorado Cellular, Inc d/b/a Viaero Wireless request for a Special Use Permit in part of the Southeast quarter of the Southeast quarter of Section 2, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, NE. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen, and Pierce. None voted "Nay". Absent: Morrow. Motion declared carried.

RESOLUTION 2011-67

WHEREAS, NE Colorado Cellular, Inc. d/b/a/ Viaero Wireless, hereinafter referred to as "applicant" or "Viaero" filed Application for Special Use Permit with Buffalo County Clerk requesting to place an up to 195 foot communications tower on: Viaero Pleasanton South, a subdivision being part of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Two (2), Township Ten (10), Range Sixteen (16), West of the 6th P.M., Buffalo County, Nebraska all of which is located in AG Zoned District, hereinafter referred to as the "subject property" and

WHEREAS, on November 17, 2011, following public hearing on such special use application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit, subject to three recommended conditions:

- (1) Access to the property be shown
- (2) The tower have a setback from property lines of one times its' height, and,
- (3) The facility shall have a back-up generator.

WHEREAS, on December 13, 2011 the Buffalo County Board of Supervisors held public hearing on such Special Use Permit and no protests to such special permit were given nor submitted, but a neighbor voiced concerns regarding the special permit, 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 Viaero. Applicant intends to place on the subject property a freestanding 174 foot communications tower.
2. The application and accompanying paperwork are incorporated herein as a plan of development together with report of the Buffalo County Zoning Administrator.
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 incorporated herein are all photographs taken by the Buffalo County Zoning Administrator of the subject property and surrounding area(s) as given to the Board as part of her report for review of this Board.
4. The access driveway to the property has been shown in the minutes of the Planning and Zoning Commission. Due to minimal and limited traffic that this use will cause, this access road does not need to be graded and surfaced with gravel or a more highly improved surface for public safety and access concerns.
5. A sign should be constructed at the entryway of the premises on 190th Road. The sign should give a street address for public safety reasons such as 911 emergency addressing and for public information.
6. Applicant should be allowed to erect a maintenance/generator structure on the premises.
7. Applicant as part of the permitting process should be required to maintain a minimum level of communication capability regardless of weather conditions so as to serve the public better in event of public power outages.

8. Contemporaneously with the public hearing to consider this application, applicant has submitted a request for subdivision approval for "Viaero Pleasanton South" for the subject property.

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 that this Board approves Special Permit requested by Viaero to locate on the above described real estate a tower up to a maximum height of 195 feet, and

RESOLVED further that that the Board allows communication uses on the tower so long as the services are attached to the tower, with the following additional requirements, structural items, and/or conditions:

1. Applicant is allowed to place a maintenance or storage structure, having as maximum dimension twelve by twenty foot, on the subject property for the purpose of housing communications equipment or supplemental power supply needs for devices used on the tower
2. Applicant's entrance upon the property is noted in an easement description stated in the minutes of the Planning and Zoning Commission.
3. Applicant shall place at the entry from public road a sign stating address of the property and telephone number of parties to contact in event of an emergency.
4. Applicant shall place a generator on the subject property of sufficient size to handle applicant or applicant's successor's power needs to maintain communications in event of public power outage. Such generator shall be capable of handling public communications at the same historic delivery rate as that provided by public power usage.
5. Applicant's subdivision for the subject property is to be approved by separate Board resolution.

RESOLVED FURTHER that copy of this Resolution shall be filed against legal description "Viaero Pleasanton South" as described above.

Chairman Pierce opened the Public Hearing at 11:44 A.M. for DS Farms requesting a zoning map amendment for property decribed as part of Government Lot 1 and part of the SW1/4 of Section 26, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska from Agricultural to Industrial. Trenton Snow on behalf of DS Farms was the only one to address the Board and the hearing was closed at 11:50 A.M. Moved by McMullen and seconded by Dannehl to approved the following Resolution 2011-68 for DS Farms zoning amendment. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, and Pierce. None voted "Nay". Absent: Morrow. Motion declared carried.

RESOLUTION 2011-68

WHEREAS, Trenton Snow, Registered Surveyor, has filed application with the Buffalo County Clerk and/or Zoning Administrator for Zoning Map amendment. Such application requests a change from Agricultural to Industrial district for real estate hereinafter described as "subject property", and

WHEREAS, on November 17, 2011, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed Zoning Map amendment by a 6-0 vote, and

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

WHEREAS, on December 13, 2011, this Board conducted a public hearing considering this request to amend zoning map and finds:

1. The subject property's south property line abuts U.S. Highway #30 and access to the property is on to this highway. That to the south of U.S. Highway #30 is the mainline tract for Union Pacific Railroad.

2. That the subject property's west property line is close to "Imperial Avenue", a section-line Buffalo County Road. That to the west of Imperial Avenue, there are situated various commercial establishments that could be classified as "industrial" and "commercial" under present county zoning regulations, and the Kearney Municipal Airport.
3. That situated generally to the southwest of the subject property and south of U.S. Highway #30, in Union Pacific Railroad right of way there is land already within the "industrial" district" as reflected on the County Zoning District Map. That such "industrial" district parcels presently have industrial type activities.
4. That land use to the east and north of the subject property consists of row crop irrigated farming.
5. The requested zoning map amendment and the uses that would follow would have minimal adverse effect on surrounding properties.
6. That industrial use for the subject property is consistent with property use in the immediate surrounding area, particularly to the areas to the southwest and west.
7. The request for zoning map amendment for the subject property is consistent with the overall comprehensive plan adopted by Buffalo County, Nebraska.

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

WHEREAS, the votes need for adoption of this resolution need only be by a simple majority of members to this Board of Supervisors,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that application for zoning

A tract of land being part of Government Lot one (1) and part of the Southwest Quarter (SW ¼) of Section Twenty-six (26), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 26 and assuming the West line of said Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South on the aforesaid West line a distance of 1656.62 feet to a point on the northerly right-of-way line of the Union Pacific Railroad, thence N 73°13'15" E on the aforesaid right-of-way line a distance of 987.02 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 73°13'15" E on the aforesaid course a distance of 817.82 feet; thence NORTH parallel with the west line of said Southwest Quarter a distance of 438.97 feet; thence West a distance of 783.0 feet; thence South parallel with the aforesaid West line a distance of 675.06 feet to the place of beginning, containing 10.01 acres, more or less.

JUSTICE CENTER PROJECT

Moved by Dannehl and seconded by McMullen to set Phase 3 Construction bid date January 23 at 2:00 p.m. with bids to be submitted to the County Clerk and then be opened at the January 24, 2011 Board meeting. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein and Pierce. Absent: Morrow. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Brayton to adjourn until the regular meeting on Tuesday, December 27, 2011 at 9:00 A.M. Upon roll call vote, the following Board members voted "Aye": Dannehl, Brayton, Greder, Klein, McMullen, and Pierce. None voted "Nay". Absent: Morrow. Motion declared carried. Meeting adjourned at 11:55 A.M.