

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, April 10, 2012 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. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present to address the Board.

REGULAR AGENDA

Moved by Dannehl and seconded by Greder to approve the March 27, 2012 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the Buffalo County Treasurer March 2012 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to accept the Clerk of the District Court March 2012 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Brayton, Dannehl, Greder, McMullen and Pierce. None voted "Nay". Motion declared carried.

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

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	2,229.00

COURTHOUSE RENOVATIONS

Bill Barritt from Beckenhauer Construction was present for Courthouse Renovations updated reports on the Phase 3 Renovations Project. No action was necessary at this time.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence. The State of Nebraska Department of Roads notified the Board that the fiscal year Nebraska Surface Transportation Book is available online and sent a reminder notice of the LPA Workforce Development Project Courses. Kelly Electric sent notice of ownership change. Nebraska Jail Standards sent a copy of the annual evaluation report of the Buffalo County Jail. Chairman Pierce called on each Board member present for committee reports and recommendations.

Moved by Greder and seconded by Morrow to approve the following Resolution 2012-08 to instruct the County Treasurer Jean Sidwell to issue Tax Sale Certificates in the name of the County. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-08

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

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2004, 2005, 2006, 2007, 2008, 2009, 2010 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 2004, 2005, 2006, 2007, 2008, 2009, 2010 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

County Sheriff Neil Miller presented a list of surplus property from his office. Sheriff Miller asked permission to dispose of his specialized radio equipment on eBay rather than the County auction. Sheriff Miller also asked permission that the light bars that he no longer has in use be loaned to the local fire and rescue agencies in the County. Moved by Dannehl and seconded by Greder to authorize

Sheriff Miller to dispose of County owned surplus property as indicated. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

County Treasurer Jean Sidwell was present to discuss the observance of Arbor Day on April 27, 2012. Moved by Morrow and seconded by Brayton to authorize the County Treasurer's office to remain open on April 27, 2012 to accommodate taxpayers on the last day before the 2011 first half delinquency date. The remainder of the Courthouse offices will be closed. 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 McMullen and seconded by Klein to recess the regular meeting of the Board of Supervisors at 9:24 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and County Assessor Joe Woodward were present.

Moved by Dannehl and seconded by Klein to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Dominican Sisters of Peace on a 2003 Chevrolet Malibu. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Greder to approve tax list corrections numbered 3823 through 3825 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Klein and seconded by Brayton to recess the Board of Equalization and to return to the regular meeting of the Board of Supervisors at 9:26 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Jim Bamford was present to discuss water drainage and noxious weed control issues with the Board. Several issues were discussed until 10:02 A.M. No formal action was taken.

Terry Krohn, Two Rivers Public Health Executive Director presented the annual report and gave a brief overview of the program.

Moved by Dannehl and seconded by Klein to enter into Executive Session to discuss contract negotiations at 10:15 A.M. County Attorney Shawn Eatherton was present. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Brayton, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Greder and seconded by McMullen to move out of Executive Session at 10:30 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Greder, McMullen, Brayton, Dannehl, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Christina McIntire was present to discuss available office space and financial commitment to the program that Buffalo County can provide for CASA (Court Appointed Special Advocate). McIntire is also requesting that Buffalo County enter into an interlocal agreement with Kearney County. Linda Younes and Charlie Pickens also entered into the discussion. Further discussion of the CASA program will be at the regular meeting on April 24, 2012.

ZONING

Chairman Pierce opened the Zoning Hearing at 11:28 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present.

Trenton Snow on behalf of Dorothy Plautz has filed an Administrative Subdivision for property located in part of Government Lots 6 & 10 in Section 7, Township 8 North, Range 13 West and part of Government Lot 8 in Section 12, Township 8 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska to be known as Plautz Acres Administrative Subdivision. Present were Trenton Snow and Gale Plautz. Chairman Pierce closed this public hearing at 11:30 A.M. Moved by Brayton and seconded by McMullen to approve the application with the following Resolution 2012-09. Upon roll call vote, the following Board members voted "Aye": Brayton, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-09

WHEREAS, Trenton D. Snow, Licensed Surveyor, on behalf of Dorothy Plautz, co-owner hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "Plautz Acres" with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on April 10, 2012, this Board conducted a public hearing and finds:

1. The proposed Plautz Acres is located in part of the Government Lots 6 (Six) and Ten (10) in Section Seven (7), Township Eight (8) North, Range Thirteen (13) West and part of Government Lot Eight (8) in Section Twelve (12), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, 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. Elm Island Road is an open public road abuts the proposed subdivision. It is not a section line road. The width of that road after dedication is sixty-six (66) feet and it complies with minimum width standards required by the Buffalo County Subdivision Resolution.
4. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title based upon the title search documents delivered to that office by applicants.
5. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS in regular session with a quorum present, that the plat of "PLAUTZ ACRES", an administrative subdivision being in part of the Government Lots Six (6) and Ten (10) in Section Seven (7), Township Eight (8) North, Range Thirteen (13) West and part of Government Lot Eight (8) in Section Twelve (12), Township Eight (8) North, Range Fourteen (14) 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.

Chairman Pierce opened the Zoning Hearing for an amendment to Zoning Regulations at 11:40 A.M. Deputy County Attorney Andrew Hoffmeister reviewed the proposed amendment change. Addressing the Board were Tim Williams and Sean Penner with Buffalo Air Service and Denny Jorgensen, owner of Select Sprayers. Chairman Pierce closed this public hearing at 11:48 A.M.

Moved by Brayton and seconded by Morrow that the following Resolution 2012-10 be adopted concerning proposed zoning resolution amendment submitted by Select Sprayers and Equipment, LLC. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-10

WHEREAS, Select Sprayers and Equipment, LLC filed a request to add wind powered generation of electrical power and Wind Farms as uses by special permission in the Industrial Zoning District of Buffalo County, and

WHEREAS, on March 15, 2012, the Buffalo County Planning and Zoning Commission held a public hearing concerning this amendment and by unanimous vote recommended that this proposed amendment be adopted by this Board, and

WHEREAS on April 10, 2012, this Board conducted a public hearing for consideration of the proposed amendment and finds that it should be approved,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that Buffalo County's Zoning Resolution Section 5.64 should be amended to add as separate special uses in the Industrial District:

"5. Wind powered generation of electrical power
6. Wind Farms"

RESOLVED FURTHER, that copies of Buffalo County's Zoning Regulations shall be republished and its website changed to reflect the Board's adoption of this amendment.

Chairman Pierce opened the Zoning Hearing at 11:57 A.M. Select Sprayers & Equipment, LLC requests a Special Use Permit for a wind turbine on property described as part of the W1/2 of the SW1/4 of Section 26, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska. Addressing the Board were applicant Dennis Jorgensen, and Sean Penner and Tim Williams from Buffalo Air Service. Chairman Pierce closed this public hearing at 12:16 A.M. Moved by Klein and seconded by Brayton to approve the application with the following Resolution 2012-11. Upon roll call vote, the following Board members voted "Aye": Klein, Brayton, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-11

WHEREAS, Select Sprayers and Equipment, LLC., hereinafter referred to as "applicant" filed Application for Special Use Permit with Buffalo County Clerk requesting to place an up to 110 foot Wind Farm, using one tower mounted turbine for the purpose of using wind to generate electrical power on:

A tract of land being part of the West Half of the Southwest Quarter (W ½ 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 the Southwest Quarter as bearing South and all bearings contained herein are relative thereto; thence South on the aforesaid West line a distance of 696.62 feet to the ACTUAL PLACE OF BEGINNING; thence continuing South on the aforesaid course a distance of 960.0 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 447.03 feet; thence North parallel with the West line of said Southwest Quarter a distance of 830.95 feet; thence West a distance of 428.0 feet to the place of beginning. Containing 8.80 acres, more or less, of which 0.72 acres, more or less, are presently being used for road purposes on the west side.

all of which is located in the I Industrial Zoned District, and hereinafter referred to as the "subject property" and

WHEREAS, on March 15, 2012, following public hearing on such special use application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit, subject to conditions set forth in proposed draft of proposed changes to Wind Energy Conversion systems (WECS), that are also set out as conditions later in this resolution, and limiting the overall height of the structure to no more than 100 feet, and

WHEREAS, on April 10, 2012, this Board held a public hearing on this Special Use Permit and no protests to such special permit were filed with the Clerk prior to the meeting, 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 applicant. Applicant intends to place on the subject property a freestanding 110 foot tower mounted wind energy conversion system (WECS) capable of generating 65 kilowatts of electrical power.
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. This is a wind farm request for a WECS because it is plate rated to generate more than 25 kilowatts of power. See Sec. 3.85, Zoning Resolution.
5. The Planning and Zoning Commission's recommended conditions generally appear to be fair and reasonable and are generally adopted by the Board as acceptable with these conditions more specifically set out in this Resolution.
6. Reducing the overall height of the proposed structure from 110 feet to 100 feet is reasonable.
7. Regardless of any Federal Aviation Administration required, some FAA approved type light should be placed on the generator housing to aid flight visibility and recognition.
8. White and red coloring should be placed on the tower that houses the generator together with color contrasted blade tips so as to cause this device to be more conspicuous to aircraft.
9. The subject property is a two street fronted property. Therefore it has two front yards. The WECS should not be located in front yard spaces.
10. The tower for wind farm should maintain a minimum setback distance from any property line of one and one-half (1.5) times the total system height of the WECS for non-participating property owners.
11. Prior to consideration of this special use permit, the Board adopted a zoning resolution amendment to allow WECS by special permit in the I Industrial Zoning District. The amendment as proposed and ultimately adopted by the Board has no minimum lot size restrictions.
12. Overall, for purposes of public safety and harmonious appearance, the wind farm structure should be located in the northeast corner of 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, this 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 the Applicant to locate on the above described real estate a tower to be used for wind farm purposes up to a maximum height of 100 feet, and

RESOLVED further that that the Board allows wind farm uses on the premises with the following additional requirements, structural items, and/or conditions:

1. The overall structural height of the WECS shall not exceed 100 feet. This would be the highest elevation of any part of the WECS. That would include but not necessarily be limited to: highest point for the rotor blade, tower, and/or wind powered generator.
2. The power generation from the wind farm or WECS shall not exceed 65 kilowatts.
3. Only one tower mounted wind energy generator as defined in Sec. 3.86 of the Zoning Resolution, is allowed for this wind farm.
4. The tower for this wind farm shall be located in the northeast part of the subject property at least 150 feet, but no more than 200 feet from the north and east property lines due to the fact that the south and west portions of the subject property are "front" yards.
5. The WECS or in this case, the single wind farm tower, when painted or coated, shall be of conspicuous red and white coloring, with rotor tips also painted in similar contrasting colors, and the tower shall not be used to display advertising.
6. The wind farm, comprised of the single wind farm tower, shall have placed on top of its general housing an FAA approved strobe or colored light.
7. All electrical wires associated with the wind farm other than the wires necessary to connect the wind generator system to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
8. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
9. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. The tower shall not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public. Fencing area the base of the tower shall satisfy this prevention of unauthorized access requirement, but not the labeling requirement.
10. Applicant is allowed to place one twelve foot by twenty foot maintenance or storage structure at the base of the tower for the purpose of housing equipment, meters, and/or supplemental power supply needs.

Chairman Pierce opened the hearing at 12:26 A.M. for a zoning map amendment requests for property described as Government Lot 1 & 2, NW1/4 NW1/4 & accretions except part of Section 24, Township 9 North, Range 13 West of the 6th p.m., Buffalo County Nebraska from Agricultural to Agricultural-Residential. Application was filed by Mitchell Humphrey on behalf of Bruner Sand & Gravel, Inc. Addressing the Board were Mitchell Humphrey and Jim Bruner. Chairman Pierce closed this public hearing at 12:31 A.M. Moved by Brayton and seconded by Klein to approve the application with the following Resolution 2012-12. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-12

WHEREAS, Bruners' Sand & Gravel Inc., has filed application with the Buffalo County Clerk and/or Zoning Administrator for Zoning Map amendment. Such application requests a change from Agricultural to Agricultural Residential (AGR) district for real estate hereinafter described as "subject property", and

WHEREAS, on March 15, 2012, the Buffalo County Planning and Zoning Commission following public hearing with notice as required recommended approval of such proposed Zoning Map amendment by a 8-0 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 April 10, 2012, this Board conducted a public hearing considering this request to amend zoning map and finds:

1. The subject property's west property line abuts Shelton Road, a state maintained hard surfaced highway.

2. That the subject property's south, north, and east boundaries abut land predominately used for agricultural purposes.
3. Previously the subject property was used as a gravel pit. This use ceased about 2-3 years ago other than removal of mined gravel and sand.
4. The requested zoning map amendment and the uses that would follow would have minimal adverse affect on surrounding properties.
5. That rural residential favored use for the subject property is consistent with property use in the immediate surrounding area.
6. 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 map amendment change zoning district from Agricultural to Agricultural Residential (AGR) District as requested by the applicant for the following described real estate known as the "subject property" is approved, and

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

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

Government Lot 1 and Government Lot 2 and the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and accretions all located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, EXCEPTING THEREFROM a strip of land deeded to the County of Buffalo in the State of Nebraska recorded August 13, 1963 in Deed Book 183, Page 563, EXCEPTING THEREFROM; a tract of land being part of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) and part of Government Lot Two (2) located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northwest Quarter in Section 24 and assuming the North line of the Northwest Quarter of the Northwest Quarter and the North line of Government Lot 2 in Section 24 as bearing N 89° 39' E and all bearings contained herein are relative thereto; thence N 89° 39' E and on the North line of the Northwest Quarter of the Northwest Quarter in said Section 24 a distance of 50.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of a tract of land deeded to Buffalo County as described in Quit Claim Deed filed in Deed Book 183, Page 563, recorded August 13, 1963 in the Office of the Buffalo County Register of Deeds; thence continuing N 89° 39' E and on the North line of the Northwest Quarter of the Northwest Quarter in said Section 24 a distance of 1274.28 feet to the Northeast Corner of the Northwest Quarter of the Northwest Quarter in said Section 24; thence continuing N 89° 39' E and on the North line of Government Lot 2 in said Section 24 a distance of 310.02 feet; thence leaving the North line of Government Lot 2 in said Section 24, S 55° 54' 10" W a distance of 333.23 feet; thence S 58° 09' 22" W a distance of 193.0 feet; thence S 85° 30' 18" W a distance of 114.0 feet; thence S 76° 36' 16" W a distance of 231.0 feet; thence S 65° 45' 51" W a distance of 766.0 feet; thence N 88° 27' 32" W a distance of 106.0 feet a point on the East line of said tract of land deeded to Buffalo County, said point being 50.0 feet Easterly of as measured at right angles from the West line of the Northwest Quarter of the Northwest Quarter in said Section 24; thence N 00° 07' 54" W and on the East line of said tract of land deeded to Buffalo County and on a line parallel with the West line of the Northwest Quarter of the Northwest Quarter in said Section 24 a distance of 653.0 feet to the place of beginning, AND ALSO EXCEPTING THEREFROM; a tract of land being part of Government Lot Two (2) and part of accretions to Government Lot Two (2), all located in Section Twenty-four (24), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, being more particularly described as follows: Referring to the Northeast Corner of Section 24 and assuming the North line of the Northeast Quarter of said Section 24 as bearing S 89° 40' 12" W and all bearings contained herein are relative thereto; thence S 89° 40' 12" W and on the North line of said Section 24 with said North line also known as the North line of Government Lot 3 and the North line of Government Lot 2 in said Section 24, a distance of 1681.16 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89° 40' 12" W and on the aforesaid North line a distance of 1009.00 feet to the North One-Quarter corner of said Section 24, said point also being the South One-Quarter corner of Section Thirteen (13), Township Nine (9) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska, with said points being monumented with a pipe and brass cap as described in the Dependent Resurvey completed by the United States Department of the Interior, Bureau of Land Management, on August 23, 1974; thence South on a line as the same would be extended to the Southwest Corner of the Southeast Quarter of said Section 24 a distance of 1395.00 feet; thence N 35° 45' 55" E a distance of 1726.38 feet to the

place of beginning, TOGETHER WITH rights of ingress and egress over and across a tract of land described as being the North 33.0 feet of Government Lot 2 located West of the aforescribed tract and the North 33.0 feet of the Northwest Quarter of the Northwest Quarter all located in said Section 24.

Chairman Pierce opened the Zoning Hearing at 12:32 P.M. for a special use permit request filed by Roland Whitney on behalf of Carl Whitney Sand & Gravel Inc. for a gravel pit to be located in S1/2 E1/2 NE1/4 except part of Section 23, Township 9 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska. Applicant Roland Whitney, Paul Brungardt and Ron Follmer spoke in favor of the special use permit. Loren Niemack spoke in opposition to the issuance of the special use permit. Chairman Pierce closed this public hearing at 1:19 P.M. Moved by Dannehl and seconded by Morrow to table this decision until April 24, 2012. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, Klein, McMullen and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce asked if there was anything else to come before the Board at 1:23 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, April 24, 2012 at 9:00 A.M.