

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

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, July 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.

REGULAR AGENDA

Moved by Brayton and seconded by Klein to approve the June 26, 2012 and June 27, 2012 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 McMullen and seconded by Dannehl to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	3,256.00

Moved by Morrow and seconded by McMullen to accept the County Treasurer Fund Balance Report for June 2012. 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 Greder to accept the Clerk of the District Court June 2012 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.

COURTHOUSE RENOVATIONS

Bill Barritt from Beckenhauer Construction was present for updated reports and review of the Change Order Requests that he presented for the Courthouse Renovation Project.

Moved by Dannehl and seconded by Greder to approve Change Order Request #3 of the Phase 3 Project in the credit amount of \$257.00. 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 Greder to approve Change Order Request #4 of the Phase 3 Project for the addition of another room in the County Treasurer's office in the amount of \$5,186.00. 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 Greder and seconded by Brayton to approve Change Order Request #5 of the Phase 3 Project to provide a card reader for the I.T. Closet in the amount of \$2,829.00. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Dannehl and seconded by Morrow to approve Change Order Request #6 of the Phase 3 Project for the addition of Prox Reader and Storeroom lockset in the amount of \$2,514.00. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Brayton, Greder, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Barritt presented the Contract Change Order #1, which is a compilation of previously approved Change Orders, for the Chairman's signature.

REGULAR AGENDA

Chairman Pierce stated that the only correspondence received was the Cannon Moss Brygger Architect newsletter.

Chairman Pierce called on each Board member present for committee reports and recommendations.

Moved by Greder and seconded by Brayton to approve the Tax Refund request submitted by County Treasurer Jean Sidwell for Frank E Eddy in the amount of \$393.42. Upon roll call vote, the following Board members voted "Aye": Greder, Brayton, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Klein to amend the County Celebrations/Gifts Policy to change the maximum cost from \$150.00 to \$350.00 per employee celebration/gift. 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 Employee Holiday Pay Policy. Changes for the Road Department went into effect on June 15, 2012 per the Budget Committee. 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 McMullen to approve the amendment to NACO Purchase Card Policy. 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 Greder and seconded by Dannehl to authorize Chairman Pierce to sign the inter-local agreement with ESU-10 for IT (Information Technology) support services. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Brayton, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

Emergency Manager Darrin Lewis was present for discussion on the Central Platte NRD Multi-Jurisdiction Hazard Mitigation Plan. Central Platte NRD sent a Resolution to be passed by the Board of Supervisors. Lewis has not received a copy of the plan; therefore no action was taken at this time.

South Central Economic Development District Executive Director Sharon Hueftle presented an updated report to the Board.

Deputy County Attorney Andrew Hoffmeister and Highway Superintendent Ron Sklenar were present. Moved by McMullen and seconded by Klein to correct the scrivener error in the legal description on the Agenda item to set a public hearing date for road vacation. The correct location of road is located in Sections 17 and 20, Township 12, Range 17, not Sections 16 and 20, Township 12, Range 17. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Brayton, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Klein to approve the following Resolution 2012-24 to set a public hearing date for vacation of road located in Sections Seventeen (17) and Twenty (20) Township Twelve (12), Range Seventeen (17) West. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Brayton, Greder, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-24

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:

North to South public Road located in Sections Seventeen (17) and Twenty (20) Township Twelve (12), Range Seventeen (17) West of the 6th P.M., Buffalo County, Nebraska. As laid out in Buffalo County Board of Supervisors Records, Book 7, Pages 422-423, October 19, 1911.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down August 28, 2012 at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Moved by McMullen and seconded by Dannehl to approve the following Resolution 2012-25 to set public hearing date for vacation of portion of Grant Street in Odessa. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-25

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 that portion of Grant Street lying between lots 87, 88, 89, 90, 91, and 92, in the unincorporated Village of Odessa, Buffalo County, Nebraska

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down August 28, 2012, at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Moved by McMullen and seconded by Morrow to approve the following Resolution 2012-26 to set a public hearing date for vacation of road located in Bridle Acres Third Subdivision in Section 24, Township 9, Range 17. Upon roll call vote, the following Board members voted "Aye": McMullen, Morrow, Brayton, Dannehl, Greder, Klein and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-26

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:

Turkey Ridge Road from the Southeast corner of Lot One (1), Block One, Bridle Acres Fourth Addition and the Southwest corner of Lot Eight (8), Block One 1, Bridle Acres Third Subdivision, north to 70th Road; and 70th Road from the Northwest Corner of Lot One (1), Block One (1), Bridle Acres Fourth Addition, east to the Northeastern Corner of Lot Eight (8), Block One (1), Bridle Acres Third Subdivision, all located in part of Section Twenty-Four (24), Township Nine (9), Range Seventeen (17), Buffalo County, Nebraska

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down August 28, 2012, at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Moved by McMullen and seconded by Dannehl to approve the following Resolution 2012-27 to set a public hearing date for vacation of road located in Sections 20 and 29 Township 11, Range 16. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-27

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:

The east to west section line road situated between Sections Twenty (20) and Twenty-nine (29), excepting the west three-eighths mile thereof, Township Eleven (11) Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Supervisors sets down August 28, 2012, at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16th & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to adjoining landowners by registered or certified mail no less than two weeks in advance of the hearing.

Moved by Morrow and seconded by Brayton to recess the regular meeting of the Board of Supervisors at 10:25 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 County Treasurer Jean Sidwell were present. (Deputy County Assessor Joe Barber, Field Appraisers Laura Fredericks and Scott Anderson were present for the Property Valuation Protest Hearings.)

Moved by Greder and seconded by Morrow to approve July tax list corrections numbered 3852 through 3862 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Dannehl, Klein, McMullen, and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce asked the Board about requests for Property Valuation Protest hearings via telephone conference for those who live outside of Buffalo County. The protester will be allowed to call in at the scheduled time.

Moved by Dannehl and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Mother Hull Home on a 2005 Chevrolet Cutaway Van. 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 Greder and seconded by Dannehl to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for Community Action Partnership of Mid-Nebraska on 2011 Look Enclosed trailer, 2011 Chevy K2500, two 2011 Ford Ranger, 2011 Hyundai Sonata, 2011 Chevrolet Malibu, two 2011 Dolittle trailers, 2010 International, 2010 Chevrolet Traverse, 2010 Ford Transit Connect, 2010 Dodge Caravan, two 2010 Hyundai Santa Fe, three 2009 Chevrolet Colorado, two 2009 Chevrolet

C3500, 2009 Chevrolet K2500, 2009 Chevrolet HHR, 2009 Chevrolet Cobalt, 2009 Dodge Town & Country, 2008 Chrysler Town & Country, 2007 Droyal Enclosed trailer, 2006 Ford Freestyle, 2005 TN Trailer, 2004 Ford Freestar, 2004 Chevrolet G3500, 2004 Carry On Utility trailer, three 2002 Chevrolet Malibu, 2002 CargoMate Enclosed trailer, 2001 Ford Taurus, 2001 Chevrolet Impala, 2001 Dodge Intrepid, 2000 Pontiac Montana, three 2000 Chevrolet Malibu, 1999 Mercury Villager, two 1999 Dodge Caravan, 1999 GMC Sierra Pickup, 1999 Pontiac Transport, 1999 Pontiac Grand Prix, 1998 Ford Windstar, 1998 Pontiac Transport, 1998 Plymouth Voyager, 2000 Ford Van, 2008 Chevrolet Uplander, two 1997 Ford Cutaway, two 2002 Chevrolet Mid-Bus, 2004 Chevrolet Cutaway, 2006 Ford Cutaway, 2008 Chevrolet Uplander, two 2008 Chevrolet Cutaway, two 2009 Chevrolet Cutaway, two 2010 Ford Expedition, three 2010 Dodge Gr Caravan, seven 2010 Ford Cutaway, and 2012 Chevrolet Crew Cab. Upon roll call vote, the following Board members voted "Aye": Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Abstain: Brayton. None voted "Nay". Motion declared carried.

Moved by Morrow and seconded by Greder to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell for South Central Behavioral Services, Inc on a 2005 Chrysler Pacifica, 2005 Chevrolet Express Van, 2006 Chrysler Town & Country, two 2007 Toyota Camry, 2007 Ford Taurus, 2009 Toyota Camry and 2006 Chrysler Town & Country. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Dannehl, Klein and McMullen. Abstain: Pierce. None voted "Nay". Motion declared carried.

Moved by McMullen and seconded by Brayton to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Sidwell Evangelical Lutheran Good Samaritan Center on a 2000 Ford F150 Pickup. Upon roll call vote, the following Board members voted "Aye": McMullen, Brayton, Dannehl, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the scheduled Property Valuation Protest Hearings as follows for Jack Besse on the following parcel numbers: 600044000, 850001014, 850001016, 850001018, 850001015, 850001019, 850001017, 850001008 and 850001013. Jack Besse and Robert Spencer for ELN LLC were present. The Greg Sales protest on parcel number 601472016 was heard on June 26, 2012 and the Board asked the County Assessor to revisit this protest and present his recommendation at today's hearing.

Moved by Morrow and seconded by Brayton to recess the Board of Equalization and to return to the regular meeting of the Board of Supervisors at 11:20 A.M. Upon voice vote all Board Members present voted "Aye". None voted "Nay". Motion declared carried.

ZONING

Chairman Pierce opened the Zoning Hearing at 11:20 A.M. Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Melodie Bellamy and Zoning Administrator LeAnn Klein were present.

Mitchell Humphrey on behalf of Randal Alexander filed a request for an Administrative Subdivision for part of NE1/4 NE ¼ of Section Twenty-One (21), Township Ten (10) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska, to be known as Fred's Administrative Subdivision. The application was reviewed by Mitch Humphrey and Deputy County Attorney Hoffmeister. Chairman Pierce closed this public hearing at 11:28 A.M.

Moved by Brayton and seconded by Greder to approve the Administrative Subdivision application with the following Resolution 2012-28. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-28

WHEREAS, Mitchell W. Humphrey, Licensed Surveyor, on behalf of Randall Alexander, owner hereinafter referred to as "applicant" has filed for an administrative Subdivision to be known as "Fred's Administrative Subdivision" with the Buffalo County Clerk and/or Zoning Administrator, and

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

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

1. The proposed Fred's Administrative Subdivision is located in part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-One (21), Township Ten (10) North, Range Sixteen (16) 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. YDC Road and 160th Road are section line roads that abut the proposed subdivision. The width of these roads after dedication 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 applicant.
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 "FRED'S ADMINISTRATIVE SUBDIVISION", an administrative subdivision being in part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Twenty-One (21), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, 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.

Chairman Pierce opened the Zoning Hearing for Amendments to the Zoning Regulations under Sec 5.12, 5.14 and 6.4 (Special uses in AG District and Livestock Confinement Facilities/Operations) under 5.2 to add Rural Conservation District and 5.54 to allow wind turbines under Commercial Zoning. Deputy County Attorney Melodie Bellamy was present to review the amendments. No one addressed the Board and Chairman Pierce closed the public hearing at 11:34 A.M. Moved by Brayton and seconded by McMullen to approve the following Resolution 2012-29 Amendment to the Zoning Regulations. Supervisor Dannehl questioned the number of livestock and Supervisor Klein noted that it was a large jump in numbers. Supervisor Brayton didn't want to shut down agriculture. This resolution amends Zoning Regulation Sec 6.4 only. Upon roll call vote, the following Board members voted "Aye": Brayton, McMullen, Greder, Morrow and Pierce. "Nay": Dannehl and Klein. Motion declared carried.

RESOLUTION 2012-29

WHEREAS, on June 21, 2012 the Buffalo County Planning and Zoning Commission held a public hearing concerning amendment to Buffalo County's Zoning Regulations and recommended that this Board approve such proposed amendment, and

WHEREAS, no protests have been filed against such proposed amendments with the Buffalo County Clerk,

WHEREAS, on July 10, 2012 this Board conducted a public hearing concerning proposed amendment to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that the following amendment is adopted with amending language as shown, that the following language be added where noted, and the relevant sections be amended shall read as follows:

That Sec. 6.4 be amended to read:

6.4 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS

~~Livestock confinement facilities/operations defined by Article 3 or Class III or larger shall only be allowed by special permit in the AG Agricultural District.~~ All livestock confinement facilities/operations are allowed under the following conditions:

(Resolution 4-13-10)

1. Distance requirements:

Any new or expanding livestock confinement facilities/operations greater than Class I, shall either be: (1) a minimum distance from any ~~residence~~ dwelling, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the ~~residence~~ dwelling, of the confinement facilities/operations owner and/or operator, or (2) have signed letters of agreement from surface landowner(s) within below stated radius of the designated perimeter supporting the proposed expansion or development of new livestock confinement facilities/operations.

Expansion of an existing livestock confinement facility/operation is defined as such when capacity of the facility is increased to the point where the total animal units is defined as a larger class. See minimum distance requirements in the following table.

1. Distance requirements:

Any new or expanding livestock confinement facilities/operations greater than Class I, shall either be: (1) a minimum distance from any ~~residence~~ dwelling, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the ~~residence~~ dwelling, of the confinement facilities/operations owner and/or operator, or (2) have signed letters of agreement from surface landowner(s) within below stated radius of the designated perimeter supporting the proposed expansion or development of new livestock confinement facilities/operations.

Expansion of an existing livestock confinement facility/operation is defined as such when capacity of the facility is increased to the point where the total animal units is defined as a larger class. See minimum distance requirements in the following table.

TOTAL ANIMAL UNITS (Sec. ~~3.45~~ 6.4(6) ALLOWED

Class I 1-300	Class II 301-2,500	Class III 2,501-10,000	Class IV 10,001 +
minimum distance required:			
None	½ mile	1 mile	1 mile

2. (unchanged)

Chairman Pierce opened the Zoning Hearing at 11:35A.M. for the special use request from Dave Hervert on behalf of DDH Properties, L.L.C., for part of the N1/2 of the SW1/4 of Section 9, Township 12 North, Range 13 West of the 6th p.m., Buffalo County, Nebraska for a truck wash. Proponent Dave Hervert, Craig Bennett and Jacque Reiner from Miller & Associates addressed the Board. Bennett reviewed the maps that were sent to the Board and gave an overview of the application for his client. Opponents to the special use permit addressing the Board were Chris Graczyk, Barb Urwiller and Carrie Urwiller. Concerns that were addressed are the history management of the applicant, monitoring of the lagoon, soil conditions, quality of life and road maintenance since the property location is on a school bus route. Chairman Pierce closed this public hearing at 12:17 P.M. Board members noted that they wanted to visit the property location for this truck wash. No decision was made at this time and this special use permit will be placed on the Agenda on July 24, 2012 for discussion and review by the Board.

Deputy County Attorney Bellamy asked for clarification on the Amendments to the Zoning Regulations in the prior discussion and action taken by the Board.

Moved by Dannehl and seconded by McMullen to approve Amendments to the Zoning Regulations under Sec 5.12 and 5.14 with the following Resolution 2012-30. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-30

WHEREAS, ON June 21, 2012 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations and recommended that this Board approve such proposed amendments, and

WHEREAS, no protests have been filed against such proposed amendments with the Buffalo County Clerk,

WHEREAS, on July 10, 2012 this Board conducted a public hearing concerning two proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendments,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that the following two amendments are adopted with amending language as shown, that the following language be added where noted, and the relevant sections be amended shall read as follows:

That Sec. 5.12 be amended to read:

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

2. General farming and ranching activities, excluding any expansion of existing or development of Class ~~III~~ IV or larger livestock confinement facilities/ operations as defined in Article 3 and in accordance with Sec. 6.4. (Resolution 4-13-10)

That Sec. 5.14(12) concerning allowed special uses in AG District be amended to read:

12. Expansion of existing or development of new Class ~~III~~ IV or larger livestock confinement facilities/operations as defined in Article 3 and in accordance with Section 6.4; (Resolution 4-13-10)

Moved by Dannehl and seconded by McMullen to approve Amendments to the Zoning Regulations under Sec 5.2 Rural Conservation District with the following Resolution 2012-31. Upon roll call vote, the following Board members voted "Aye": Dannehl, McMullen, Brayton, Greder, Klein, Morrow and Pierce. None voted "Nay". Motion declared carried.

RESOLUTION 2012-31

WHEREAS, ON June 21, 2012 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations and recommended that this Board approve such proposed amendments, and

WHEREAS, no protests have been filed against such proposed amendments with the Buffalo County Clerk,

WHEREAS, on July 10, 2012 this Board conducted a public hearing concerning these proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose 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, that the following language be added where noted, and the relevant sections be amended shall read as follows:

5.2 RC RURAL CONSERVATION DISTRICT

5.21 INTENT: This district is intended for those areas which, because of limiting environmental characteristics such as scenic status, excessive slope, soils conditions, high water table, or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

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

1. General farming and ranching activities, excluding any expansion of existing or development of intensive livestock confinement facilities/operations as defined in Section ~~3.45~~ 3.50 and
2. Single family, ranch, and farm dwellings on an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4 not of the same property.

5.23 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.
2. Home occupations in accordance with Article 8; and
3. Roadside stands for temporary sale of produce.

5.24 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the "RC" Rural Conservation District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Sewage disposal and water systems;
- ~~Public and private uses including parks, playgrounds, golf courses, recreation uses, campgrounds, riding stables, public utilities, and utility distribution system;~~
2. Flood, erosion and sediment control projects;
3. Bed and breakfast establishments;
4. Commercial and/or Industrial operations;
5. Wind powered generation of electrical power;
6. Wind Farms; ~~and~~
7. Mineral extraction, which shall include the following: oil wells, dirt, sand and gravel extraction and quarries.
8. Day care homes; (Resolution 3-11-08)
9. Parks and recreational areas owned and/or occupied by public agencies; (Resolution 10-10-03)
10. Community buildings and/or facilities owned and/or occupied by public agencies; and
11. Public schools; (Resolution 3-11-08)
12. Parks and recreational areas owned and/or occupied by private agencies. (Resolution 10-10-03)

5.25 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the RC Rural Conservation District.

5.26 SPECIAL REGULATION: Provisions must be made for disposal of wastes in accordance with local and state regulations.

5.27 MINIMUM AREA REQUIREMENTS:

1. The minimum lot area for RC uses shall be eighty (80) acres. By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. All improved uses, other than general farming, ranching, pasturing, etc., shall be adjacent to an improved county road (above minimum maintenance road).

2. Single Family Dwelling, Lot Size:

(A) 3 acres, with the placement of a maximum of One (1) single family dwellings per U.S. Government surveyed quarter section, adjacent to an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and one single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning

requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance.

B) Existing farmsteads of 3 acres or more not previously subdivided as of the date of adoption of the zoning ordinance as defined in the zoning regulations can be subdivided into two parcels, the minimum size of one of said parcels shall not be less than 3 acres. Legally existing parcels which are less than 3 acres, as of the effective date of the zoning regulations (January 1, 2003) without a residence may have a single family dwelling constructed, but must obtain a zoning permit.

5.28 MINIMUM YARD REQUIREMENTS:

~~1. No structure shall be placed below the high water mark of waterways in designated district, as identified by the Flood Insurance Rate Map (FIRM) dated 11/26/2010 as 100-Year Flood Plans unless the lowest floor thereof, including basements, is elevated to a minimum of (1) foot above such high water mark.~~

~~2. Yard requirements are as follows:~~

~~Front Yard: There shall be a minimum front yard of not less than a depth of fifty (50) feet measured from the right-of-way line of street.~~

~~Rear Yard: No limitations; unless abutting a R-1 Residential District then the minimum rear yard shall be fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be fifty (50) feet.~~

~~Side Yard: No limitations; unless abutting an R-1 Residential District then the minimum side yard shall be ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be fifty (50) feet.~~

5.29 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.30 PARKING REQUIREMENTS: See Article 7.

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.

Moved by Brayton and seconded by Morrow to approve Amendments to the Zoning Regulations under Sec 5.54 to allow wind turbines under Commercial Zoning with the following Resolution 2012-32. Upon roll call vote, the following Board members voted “Aye”: Brayton, Morrow, Dannehl, McMullen, Greder, Klein and Pierce. None voted “Nay”. Motion declared carried.

RESOLUTION 2012-32

WHEREAS, ON June 21, 2012 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County’s Zoning Regulations and recommended that this Board approve such proposed amendments, and

WHEREAS, no protests have been filed against such proposed amendment with the Buffalo County Clerk,

WHEREAS, on July 10, 2012 this Board conducted a public hearing concerning the proposed amendment to Buffalo County’s Zoning Regulations and no parties appeared to oppose such proposed amendments,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that the following amendment is adopted with amending language as shown, that the following language be added where noted, and the relevant sections be amended shall read as follows:

To add as separate special uses in the C District the following additional language in Section Sec. 5.54:

5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations.

9. Wind powered generation of electrical power.

10. 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.

Break for lunch until 1:00 P.M.

Moved by Klein and seconded by Greder to recess the regular meeting of the Board of Supervisors at 1:00 P.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

Chairman Pierce opened the scheduled Property Valuation Protest Hearings that were conducted as follows: (Times indicated are the scheduled times, not the actual time of hearing.) Supervisor Brayton excused himself at 3:10 P.M.

Time	Name	Protest	Parcel	Present
1:00 PM	Kellie Sue John	120051	605033000	No one present

	Patricia L Brehmer	120052	40108000	No one present
	Steve Watkins	120053	560439400	Steve Watkins
1:15 PM	James Riskowski	120054	605247304	James Riskowski
	Gertrude Hanousek	120055	360140080	No one present
	Betty J Benson	120056	360064000	Betty Benson
1:30 PM	Paul J Younes	120057	602908011	Larry Butler and Tom Kruger
	Kurt Nelson	120058	602108000	Danelle Collins
	Mark Miigerl	120059	80008100	Mark Miigerl
	Salvador Aguirre	120060	850001023	No one present
1:45 PM	James J Wiltgen	120061	602918690	James E Wiltgen
	Kmart	120062	605096050	No one present
	Randal L Klinginsmith	120063	604397000	No one present
	Richard Rich	120064	580006000	No one present
	Larry & Tereasa Kramer	120065	602594110	No one present
2:15 PM	Cherley Jene Parker, Conservator	120066	602165222	Cherley Jene Parker
	James D & Barbara J Eckhout	120067	140128000	James and Barbara Eckhout
	James D & Barbara J Eckhout	120068	140127000	James and Barbara Eckhout
	Ron Larsen	120074	602052304	Ron Larsen
	Ron Larsen	120075	602052303	Ron Larsen
	Ron Larsen	120076	602052302	Ron Larsen
	Ron Larsen	120077	602052402	Ron Larsen
	Ron Larsen	120078	602052301	Ron Larsen
	Ron Larsen	120079	602052403	Ron Larsen
	Ron Larsen	120080	602052201	Ron Larsen
	Ron Larsen	120081	602052401	Ron Larsen
	Ron Larsen	120082	602052308	Ron Larsen
	Lucuas R Gerdes	120083	520297000	Lucuas Gerdes
	Ronald Larsen	120084	605101200	Ron Larsen
	Ronald Larsen	120085	605109000	Ron Larsen
2:45 PM	Fountain Hills Properties LLC	120070	580143300	Steve Craig
	Fountain Hills Properties LLC	120071	580143301	Steve Craig
	Fountain Hills Properties LLC	120072	580143200	Steve Craig
3:00 PM	Kirit & Geeta Patel, NITMAY Inc	120073	600059000	Kirit Patel
3:10 PM	Gehlert Rasmussen	120086	420134000	No one present
	Gehlert Rasmussen	120087	100218100	No one present
	CK Hilliard Limited Partnership	120088	605841897	Amber Reineke
	Ronald Vogt	120089	40193000	Ron Vogt
3:30 PM	The Aegis Group	120090	580147300	rescheduled

Chairman Pierce called for Citizen's forum and no one was present.

Chairman Pierce asked if there was anything else to come before the Board at 4:01 P.M. before he declared the meeting adjourned until the regular meeting on Tuesday, July 24, 2012 at 9:00 A.M.