

MINUTES OF PLANNING & ZONING COMMISSION
APRIL 16, 2009
BUFFALO COUNTY HIGHWAY DEPARTMENT
7:00 P.M.

Chairperson Wietjes opened the meeting at 7:15 P.M. at the Buffalo County Highway Department Building in Kearney, NE with a quorum present on April 16, 2009. Present were: Ken Erickson, Marlin Heiden, Willie Keep, Leonard Skov, Gwen Stengel and Craig Wietjes. Absent: Karin Covalt, Loye Wolfe and Paul Steinbrink, Sr. Also attending were Deputy County Attorney Andrew Hoffmeister, Zoning Administrator LeAnn Klein and one member of the public.

Wietjes announced there was a copy of the open meetings act posted on the bulletin board and we do abide by the open meetings act and a copy is posted as required by law.

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

The public forum was opened at 7:16 P.M. No one was present to address the Commission. The public forum closed at 7:16 P.M.

There is a deed of conservation easement between Central Platte Natural Resources District and M3 Properties, that was referred to the Planning & Zoning Commission from the Buffalo County Board of Supervisors March 31, 2009 board meeting. According to Nebraska Rev. Stat. 76-2112 (3) the local planning commission has 60 days to provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission. These easements do not prohibit irrigation on the affected tracts; they merely terminate the surface water rights. The tracts will still be able to be irrigated with groundwater. The agreement is filed against the real estate.

The Commission discussed the location of this easement. They asked Hoffmeister to again explain Conservation Easements. This just pertains to surface water. This easement gives its water rights to a water bank and it is appropriated.

Stengel commented she wants to be more informed of these water rights and it is important to understand this.

It was moved by Skov, seconded by Heiden to forward the conservation easement between M3 Properties, L.L.C., a Nebraska Limited Liability Company (Grantor) and the Central Platte Natural Resources District, a political subdivision of the State of Nebraska (Grantee or District) to the County Board with a favorable recommendation on a tract of land described as follows: All that part of Lots 5, 6 and 8 in Section Thirty-One (31), Township Ten (10) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska lying North of the North line of Nebraska State Highway No. 40, EXCEPT a tract of land being part of Government Lot 6, in said Section 31, more particularly described as follows: Referring to the Southeast corner of

Government Lot 6 in Section 31 and assuming the East line of Government Lot 6 as bearing N 00° 56' 39" W and all bearings contained herein are relative thereto; thence N 00° 56' 39" W and on the East line of said Government Lot 6 a distance of 78.47 feet to a point on the northerly right-of-way line of Nebraska State Highway No. 40; thence N 60° 01' 47" W and on the northerly right-of-way line of Nebraska State Highway No. 40 a distance of 216.13 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 60° 01' 47" W and on the northerly right-of-way line of Nebraska State Highway No. 40 a distance of 183.0 feet; thence S 03° 24' 14" W and continuing on the northerly right-of-way line of Nebraska State Highway No. 40 a distance of 33.5 feet; thence N 60° 01' 46" W and continuing on the northerly right-of-way line of Nebraska State Highway No. 40 a distance of 487.0 feet; thence N 54° 44' 46" W and continuing on the northerly right-of-way line of Nebraska State Highway No. 40 a distance of 19.0 feet; thence leaving the northerly right-of-way line of Nebraska State Highway No. 40 N 39° 43' 10" E a distance of 175.89 feet; thence N 62° 03' 11" E a distance of 86.79 feet; thence S 86° 43' 51" E a distance of 89.98 feet; thence S 88° 16' 06" E a distance of 121.63 feet; thence S 47° 06' 25" E a distance of 158.86 feet; thence S 79° 41' 32" E a distance of 176.31 feet; thence S 37° 09' 41" E a distance of 32.46 feet; thence S 19° 38' 33" W a distance of 333.24 feet to the place of beginning, containing 4.43 acres, more or less.

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

Chairperson Wietjes opened the public hearing at 7:30 P.M. for consideration of general amendment of the Buffalo County Zoning Regulations as previously adopted of Section 5.34 #20 that was referred back from the County Board of Supervisors at their March 24, 2009 meeting.

There was no one present to speak in favor or opposition.

Wietjes closed the public hearing at 7:40 P.M.

After discussion a motion was made by Stengel, seconded by Erickson that Section 5.34 #20 be amended to read as follows and forward this to the County Board with approval.

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

#20 Temporary construction material crushing plant that uses movable equipment utilized for area road or localized construction.

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

Old Business: Moved by Erickson, seconded by Stengel to approve the minutes of the March 19, 2009 as mailed. Voting yes: Erickson, Stengel, Heiden, Keep, Skov and Wietjes. Voting no: none. Absent: Covalt, Steinbrink and Wolfe. Motion passed.

Klein also reported the outcome of the hearings heard by the County Board at previous meetings. Other items of concern were discussed.

The next meeting of the Planning & Zoning Commission will be May 21, 2009 at 7:00 P.M. at the Highway Department.

Moved by Heiden to adjourn at 8:00 P.M.