

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 11, 2017
9:00 A.M.**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, April 11, 2017 at 9:00 A.M. and 10:00A.M. Chairman McMullen called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Joseph Brayton, Kent Greder, Ivan Klein, Ronald Loeffelholz, Sherry Morrow, Dennis Reiter and William McMullen. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Chairman McMullen 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. 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 Loeffelholz to approve the March 28, 2017 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Sheriff Neil Miller introduced Lt Rob Tubbs, Kim Holmes and Katryna Thomas from the Communications Center. Moved by Greder and seconded by Klein to proclaim the week of April 9, 2017 through April 15, 2017 as "National Public Safety Telecommunicator's Week" in Buffalo County with the following Resolution 2017-15. Chairman McMullen read the proclamation and thanked those who serve Buffalo County in the Communications Center. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-15

PROCLAMATION

Name of the Week April 9, 2017 through April 15, 2017 as "National Public Safety Telecommunicator's Week" in Buffalo County

WHEREAS, each day, thousands of Americans dial 9-1-1 for help in emergencies ranging from house fires and automobile accidents, to heart attacks and child poisonings, the men and women who answer these calls for help, gathering essential information and dispatching the appropriate assistance, can often make the difference between life and death for persons in need. This week, we salute all of them for their dedicated efforts on our behalf.

WHEREAS, public safety telecommunicators are more than a calm and reassuring voice at the other end of the phone. They are knowledgeable and highly trained individuals who work closely with police, fire, and medical personnel. Because emergencies can strike at any time, we rely on the vigilance and the preparedness of these individuals 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Buffalo County enjoys the highest standards of public health and safety, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

Moved by Klein and seconded by Greder to ratify the following March 31, 2017 bi-weekly payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Klein, Greder, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

GENERAL FUND			
NET PAYROLL			229,905.26
RETIREMENT AMERITAS	R	EMPE RET	37,108.85
FIRST NATIONAL BANK	T	FEDERAL TAX	86,194.09
STATE OF NE	T	STATE TAX	12,507.27
ROAD FUND			
NET PAYROLL			44,587.33
RETIREMENT AMERITAS	R	EMPE RET	6,762.24
FIRST NATIONAL BANK	T	FEDERAL TAX	15,297.27
STATE OF NE	T	STATE TAX	2,122.84
WEED FUND			
NET PAYROLL			4,462.79
RETIREMENT AMERITAS	R	EMPE RET	664.82
FIRST NATIONAL BANK	T	FEDERAL TAX	1,446.64
STATE OF NE	T	STATE TAX	186.19

Moved by Loeffelholz 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”: Loeffelholz, Brayton, Greder, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	3,479.00

Moved by Morrow and seconded by Reiter to accept the Clerk of the District Court March 2017 Fee Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Reiter, Brayton, Greder, Klein, Loeffelholz and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Greder to accept the Buffalo County Treasurer March 2017 Fund Balance Report. Upon roll call vote, the following Board members voted “Aye”: Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the following Resolution 2017-16 to instruct 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”: Morrow, Klein, Brayton, Greder, Loeffelholz, Reiter and McMullen. None voted “Nay”. Motion declared carried.

RESOLUTION 2017-16

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Commissioners, 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 2010, 2011, 2012, 2013, 2014, 2015 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 2010, 2011, 2012, 2013, 2014, 2015 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

Moved by Greder and seconded by Loeffelholz to approve the following tax refund request submitted by County Treasurer Sidwell for Morgan A or Geri L Meier in the amount of \$42.40 on parcel number 716001324. Upon roll call vote, the following Board members voted “Aye”: Greder, Loeffelholz, Brayton, Klein, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

County Treasurer Jean Sidwell was present to discuss the accommodation of taxpayers on the last working day before the 2016 first half tax delinquency date. Moved by Greder and seconded by Morrow to authorize the County Treasurer to remain open on the April 28, 2017 Arbor Day holiday with the Central Avenue door and the center door of the horseshoe parking lot to be open that day. All other courthouse entrances and corridors will be closed on April 28, 2017. Upon roll call vote, the following Board members voted “Aye”: Greder, Morrow, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Moved by Greder and seconded by Klein to appoint Austin Gardine (District #7) to the Buffalo County Planning and Zoning commission for the term expiring November 22, 2019. Upon roll call vote, the following Board members voted “Aye”: Greder, Klein, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Deputy County Attorney Hoffmeister was present for the discussion of the Ravenna Lake Park Development. Moved by Klein and seconded by Loeffelholz to authorize Chairman McMullen to sign a Letter of Understanding with the Ravenna Area Vision Foundation for park development. Upon roll call vote, the following Board members voted “Aye”: Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted “Nay”. Motion declared carried.

Chairman McMullen reviewed the following correspondence. The Nebraska Department of Roads in collaboration with UNO will hold a series of public information meetings regarding a study of Nebraska Intercity Bus Usage. An e-mail was received from Steve Erdman concerning LB 432. Tiffany Fougerson with the Nebraska Association of Transportation Providers sent an Award Nomination form for transit managers and others who support public transit. The Board received a letter from Nebraska Emergency Management Agency concerning the State Homeland Security Grant (SHSG)/Emergency Management Performance Grant (EMPG) Monitoring visit. The Board received an invitation from the Central Nebraska Drug Court celebrating the 28th Drug Court Graduation Ceremony.

ZONING

Chairman McMullen opened the Zoning Hearings at 9:15A.M. Zoning Administrator LeAnn Klein was present.

Chairman McMullen opened the Zoning hearing for Special Use Permit filed by Brian Kroll on behalf of BTK for property described as part of the West Half of the Southeast Quarter located in Section 13, Township 10 North, Range 14 West of the Sixth Principal Meridian, Buffalo County, Nebraska for a poultry layer barn for a Class II livestock confinement facility. Deputy County Attorney Hoffmeister, Brian Kroll on behalf of BTK and Bruce Brown of Grand Island (owner of the birds) were present to review the Special Use Permit. Chairman McMullen closed the hearing at 9:19 A.M. Moved by Klein and seconded by Loeffelholz to approve the

Special Use Permit with the following Resolution 2017-17. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-17

WHEREAS, Brian Kroll on behalf of BTK, Inc., Applicant, has filed for a Special Use Permit with Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed February 21, 2017 for a Class II Livestock Facility for a poultry layer barn to be situated on the following legal description: a tract of land being part of the West Half of the Southeast Quarter (W ½ SE ¼) Section Thirteen (13) Township Ten (10) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Southeast Quarter of Section 13, and assuming the East line of the Southeast Quarter of said Section 13 as bearing N 00°44'15" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 13, N 00°44'15" W a distance of 1058.51 feet; thence leaving the East line of the Southeast Quarter of said Section 13, S 89°15'45" W a distance of 1431.41 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°15'45" W a distance of 732.00 feet; thence N 00°44'15" W a distance of 1198.00 feet; thence N 89°15'45" E a distance of 732.00 feet; thence S 00°44'15" E a distance of 1198.00 feet to the place of beginning. Containing 20.13 acres, more or less. TOGETHER WITH; rights of ingress-egress across a strip of land being 60.0 feet in width, with said strip of land being 30.0 feet on each side of following described centerline: Referring to the Southeast Corner of the Southeast Quarter of Section 13, and assuming the East line of the Southeast Quarter of said Section 13 as bearing N 00°44'15" W and all bearings contained herein are relative thereto; thence on the East line of the Southeast Quarter of said Section 13, N 00°44'15" W a distance of 643.30 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the East line of the Southeast Quarter of said Section 13, S 89°15'45" W a distance of 151.49 feet; thence N 69°00' W a distance of 1071.81 feet; thence N 81°00' W a distance of 288.45 feet to the point of termination, said point being on the East line of the aforescribed tract of land, and said point of termination being 30.44 feet northerly of the Southeast Corner of the aforescribed tract of land. The sidelines of the aforescribed strip of land to be extended or shortened as necessary to begin on the West line of a public road (Pawnee Road) and to be extended or shortened as necessary to terminate on the East line of the aforescribed tract hereinafter referred to as the "subject property". This property is currently owned by William E. Kroll and Sharon K. Kroll, husband and wife, and

WHEREAS, on March 16, 2017 the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 7-0 vote voted to forward this application to the County Commissioners, and

WHEREAS, on April 11, 2017, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, three exhibits are attached to the application

1. Two signed letters of agreement from adjoining land owners within ½ mile of the proposed facility.
2. The application of the Special Use Permit.

WHEREAS, only a simple majority is required by this Board to approve this Special Use Permit because no protests against issuance of this permit have been filed, and

WHEREAS, the Board after public hearing and review of the Special Use application finds:

1. Applicant seeks to add a 660' x 60' barn and a hoop building. No other buildings are planned at this time.
2. This is for a Class II livestock facility with a maximum of 44,000 poultry layers.
3. The mortality for the birds would be handled by a compost pile.
4. The waste would be land applied to approximately 1300 acres of their family's properties.
5. The hoop building would be covered with a tarp and have cement sides and floor and would be used as an overflow for the manure if needed. This will be kept dry to eliminate any odors.

WHEREAS, construction shall commence within 120 days from the date of issuance thereof, and shall be completed within two years of the date of issuance, and

WHEREAS, the requested amendment to this previously issued special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, in that if the proposed amendment, with the below stated conditions contained in this Resolution, 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 COMMISSIONERS, by a majority vote of its members, this Board approves applicants' requested Special Use Permit, subject however to the following:

1. Applicant will add a 660' x 60' barn and a hoop building.
2. 911 street address of facility shall be placed on a sign along with a phone number of party to contact in event of emergency to be located along Pawnee Road.
3. This is for a Class II livestock facility with a maximum of 44,000 poultry layers
4. The mortality for the birds would be handled by a compost pile.
5. The waste would be land applied to approximately 1300 acres of their operator's family properties.
6. Construction shall commence within 120 days from the date of issuance thereof, and shall be completed within two years of the date of issuance.
7. All rules and regulations shall be in compliance with State and Federal regulations.
8. Access or accesses to the property shall be from Pawnee Road as listed in the above legal description. Access to and from Pawnee Road to the confinement shall be furnished by applicant.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use 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 use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, 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 a copy of this Resolution shall be filed against the subject property as described above.

Chairman McMullen opened the Zoning hearing for a partial vacation of plat filed by Mitchell Humphrey on behalf of Ryan R. and Brooke G. Fisher for property for Harvest Moon Hills described as part of the East Half of the Southeast Quarter located in Section 31, Township 11 North, Range 17 West of the Sixth Principal Meridian, Buffalo County, Nebraska. Ryan Fisher and Mitchell Humphrey were present to review the vacation of plat. Chairman McMullen closed the hearing at 9:27 A.M. Moved by Loeffelholz and seconded by Reiter to approve the partial vacation of plat with the following Resolution 2017-18. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Reiter, Brayton, Greder, Klein, Morrow and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-18

WHEREAS, Surveyor Mitchell Humphrey on behalf of Ryan G. Fisher and Brooke R. Fisher, husband and wife, owners of: A tract of land being part of the East Half of the Southeast Quarter (E ½ SE ¼) of Section Thirty-one (31), Township Eleven (11) North, Range Seventeen (17) West Sixth Principal Meridian, Buffalo County, Nebraska, with said tract of land comprising of Lots One (1) through Nine (9), inclusive, part of Harvest Hill Drive and all of 208th Road Place in Harvest Moon Hills, a subdivision being part of the East Half of the Southeast Quarter (E ½ SE ¼) of Section Thirty-one (31), Township Eleven (11) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Section 31, and assuming the East line of the Southeast Quarter of Section 31 as bearing NORTH and all bearings contained herein are relative thereto; thence on the South line of the Southeast Quarter of said Section 31, N 89°46'42" W a distance of 40.00 feet; thence leaving the South line of the Southeast Quarter of said Section 31, NORTH a distance of 40.00 feet to the point of intersection with the West line of a public road (Daykin Road) and the North line of a public road (Pole Line Road), said point also being the Southeast Corner of Lot 1, of said Harvest Moon Hills, thence on the West line of said public road (Daykin Road) and on the East line of Lots 1 through 4, inclusive, NORTH, a distance of 1434.08 feet to the Northeast Corner of said Lot 4, thence leaving the East line of said public road (Daykin Road) and on the North line of said Harvest Moon Hills, N 83°57' W a distance of 892.98 feet to the Northwest Corner of Lot 6, of said Harvest Moon Hills, thence on the West line of said Harvest Moon Hills, SOUTH, a distance of 470.0 feet to the Southwest Corner of said Lot 6, Harvest Moon Hills, said point being on the North line of Lot 7, of said Harvest Moon Hills; thence continuing on the West line of said Harvest Moon Hills, N 83°57' W a distance of 242.0 feet to the Northwest Corner of said Lot 7, Harvest Moon Hills; thence continuing on the West line of said Harvest Moon Hills, S 03°36'41" E a distance of 834.36 feet to the Southwest Corner of Lot 9, of said Harvest Moon Hills, said point also being the Northwest Corner of Lot 10, of said Harvest Moon Hills; thence on the South line of Lot 9 and the North line of 10, of said Harvest Moon Hills, EAST a distance of 533.1 feet to the Southeast Corner of said Lot 9, Harvest Moon Hills, said point also being the Northeast Corner of said Lot 10, Harvest Moon Hills, and said point also being on the West line of Harvest Hill Drive, a street shown on the plat and dedication of said Harvest Moon Hills, thence continuing EAST a distance of

66.0 feet to a point on the easterly line of said Harvest Hill Drive, said point being on the West line of said Lot 1, Harvest Moon Hills; thence on East line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, SOUTH, a distance of 129.87 feet; to a point of curvature; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills on a 17.0 foot radius curve to the left forming a central angle of 90°00' an arc distance of 26.7 feet to a point of tangency; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, EAST a distance of 150.00 feet to a point of curvature; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills on a 83.0 foot radius curve to the right forming a central angle of 90°00' an arc distance of 130.38 feet to a point of tangency; thence continuing on the easterly line of said Harvest Hill Drive and on the westerly line of said Lot 1, Harvest Moon Hills, SOUTH a distance of 20.26 feet to the point of intersection with the North line of said public road (Pole Line Road), said point also being the Southwest corner of said Lot 1, Harvest Moon Hills; thence on the North line of said public road (Pole Line Road) and on the South line of said Lot 1, Harvest Moon Hills, S 89°46'42" E a distance of 227.0 feet to the place of beginning. Containing 31.29 acres, more or less.

Have filed to vacate part of this subdivision with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on April 11, 2017, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agricultural-Residential (AGR) Zoning District of Buffalo County, Nebraska.
2. The proposed vacation, as reflected on the survey that accompanies this request, fulfills Buffalo County's Subdivision Resolution requirements for vacation of subdivided land as specifically allowed under Section 3.21 together with other provisions applicable thereto.
3. On March 16, 2017, the Buffalo County Planning and Zoning Commission recommended approval of the proposed vacation on a 7-0 vote.
4. No public utilities occupy the land sought to be vacated.
5. The proposed vacation of the described property should be approved to the extent reflected on the survey given to this Board.
6. That additional right-of-way shall be dedicated off of Harvest Hill Drive as shown on the exhibit attached to the application, with the additional dedication reverting to the dedicating parcel should the public road be vacated.
7. Buffalo County in accepting the additional right-of-way dedication does not accept public maintenance of the additional right-of-way and/or portions of Harvest Hill Drive that have not been vacated.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the proposed vacation of this subdivision is approved.

RESOLVED FURTHER, that a copy of this Resolution, when it is filed with the Buffalo County Register of Deeds against the above named legal description, shall cause the vacation of previously subdivided land.

Chairman McMullen opened the Zoning hearing for Special Use Permit filed by T & F Sand & Gravel Inc. for property described as part Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska for dredging and hauling of sand & gravel. Frank Meier and Larry Marshall were present with concerns of having a gravel pit at this location. Rick Follmer was present to review the Special Use Permit. Chairman McMullen closed the hearing at 9:44 A.M. Moved by Brayton and seconded by Klein to approve the Special Use Permit with the following Resolution 2017-19. Upon roll call vote, the following Board members voted "Aye": Brayton, Klein, Greder, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

RESOLUTION 2017-19

WHEREAS, T & F Sand and Gravel, Inc. hereinafter referred to as "Applicant" filed an application with the Buffalo County Clerk and/ Zoning Administrator for a special use permit to operate a quarry in the Agricultural (AG) Zoning District for land more fully described below and referred to in this resolution as the "subject property", and Platte River Recovery Implementation Foundation, a Nebraska Nonprofit Corporation, Trustee is the owner of the subject property, and

WHEREAS, on March 16, 2017, the Buffalo County Planning and Zoning Commission held a public hearing after giving notices as required by law. Thereafter the Commission recommended approval of this request on a 4-2 with one member abstaining. The Commission recommended approval of this special permit, with five conditions:

1. Excavation of soils shall be a minimum of 150' from north end.
2. Excavation of soils shall be a minimum of 100' on other sides.
3. Use west end to haul gravel.
4. Place scale on west end.
5. Duration of pit is 10 years, and

WHEREAS, no protest(s) against the requested special use permit has been filed with the Buffalo County Clerk within (7) days of conclusion of public hearing of the Planning & Zoning Commission as allowed under Sec. 11.4, and

WHEREAS, on April 11, 2017 the Buffalo County Board of Commissioners conducted a public hearing on this special use permit and finds:

1. The subject property is located in the Agricultural (AG) District.
2. Section 5.14(9) of the Buffalo County's Zoning Regulations allows "Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries" as a permitted special use in the Agricultural District.
3. The Board does not perceive a need for the applicant to plant and maintain border or screening type trees around the perimeter of the subject property and/or area of quarrying.
4. No added lighting is needed on the subject property for the proposed use.
5. The permitting process of the quarry is subject to various State and Federal Regulations. The Board finds that Storm Water Discharge Act and various Clean Water Acts and Floodplain regulations would pertain to the initial permitting process, operation, and review of this quarry operation concerning issues of water runoff, drainage, and sediment containment.

WHEREAS, the issuance of this special use permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special use permit shall 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 COMMISSIONERS, by a vote of majority of its members, that this Board approves applicants' Special Use Permit for operation of quarry for extraction of sand and gravel by use of with the application being fully incorporated in this Resolution by this reference together with amendments herein, is approved subject however to the following conditions:

1. Such quarry operation and site preparation, maintenance, and restoration shall be subject to all State and Federal Regulations.
2. The type of quarry operation allowed shall be restricted to sand and gravel extraction accomplished through use of water and aggregate pumping machinery equipment. This would include land preparation needed by the applicant prior to and at time of cessation of extraction. Borrow material is allowed to be removed from the premises and thereafter sold or it may be piled on the subject property.
3. The special use permit granted herein shall be subject to annual review by this Board. To fulfill initial steps of such review the Planning and Zoning Administrator is directed to no less than annually inspect the subject property and submit written report to this Board concerning zoning issues and fulfillment of this authorizing Resolution.
4. All excavation of soils shall be a minimum of 100' from east, south and west property lines. Excavation of soils from the north property line shall be a minimum of 150'.
5. Gravel and material will be hauled to the west of the site.
6. The placement of the scale shall be on the west end of the pumping site.
7. The duration of the pit will be 10 years.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use 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 use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, 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 the subject property is described as follows and that a copy of this Resolution shall be filed against the subject property, to wit:

This was for a tract of land being part of Government Lot Three (3), part of Government Lot Four (4), part of Government Lot Five (5), part of Government Lot Six (6) and accretion lands adjacent to and deriving from Government Lot One (1), Government Lot Three (3), Government Lot Four (4), Government Lot Five (5), and Government Lot Six (6) in Section Seven (7), and accretion lands adjacent to and deriving from Government Lot One (1) in Section Eight (8), all in Township Eight (8) North, Range Eighteen (18) West of the Sixth

Principal Meridian, Buffalo County, Nebraska, and that portion of accretion lands adjacent to and deriving from Government Lot Six (6) in Section Twelve (12), Township Eight (8) North, Range Nineteen (19) West of the Sixth Principal Meridian, Dawson County, Nebraska, which are located in Section Seven (7), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said accretion lands being located South of Government Lot 6, Government Lot 7 and Government Lot 8 in Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows:

Beginning at the Southeast Corner of Section 7, which point is also the Southeast corner of Government Lot 6 located in said Section 7, and assuming the South line of Section 7 as bearing S 82°44'03" W and all bearings contained herein are relative thereto; thence on the South line of Section 7 and on the South line of Government Lot 6 located in said Section 7, S 82°44'03" W a distance of 872.27 feet, which point is also the Southeast Corner of a tract of land as described on Warranty Deed filed at Inst. 2015-00768, recorded February 11, 2015 in the office of the Buffalo County Register of Deeds; thence leaving the South line of said Section 7 and the South line of Government Lot 6 located in said Section 7, and on the North line of said tract of land described on Warranty Deed filed at Inst. 2015-00768, N 57°10'52" W a distance of 1561.25' thence continuing on the North line of said tract of land described in Warranty Deed filed at Inst. 2015-00768 for the following four (4) courses and distances respectively:

S 02°01'51" W a distance of 602.87 feet; thence

N 60°23'09" W a distance of 371.77 feet; thence

N 87°43'09" W a distance of 1029.90 feet; thence

N 85°53'09" W a distance of 1543.37 feet to a point on the East line of a tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12 recorded October 25, 1950 in the office of the Buffalo County Register of Deeds; thence on the East line of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, N 00°10'50" W a distance of 9.91 feet to the Northeast Corner of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12; thence on the North line of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, S 89°49'10" W a distance of 33.0 feet to the Northwest Corner of said Government Lot 3 located in Section 7, which point is the Northwest Corner of said tract of land deeded to Buffalo County, as described on Warranty Deed filed in Deed Book 153, Page 12, and which point is the Northwest Corner of said tract of land described on Warranty Deed filed at Inst. 2015-00768, and which point is also on the boundary line between Dawson County, Nebraska and Buffalo County, Nebraska; thence proceeding northerly N 01°43'09" E on the boundary line between Dawson County, Nebraska and Buffalo County, Nebraska a distance of 3072.93 feet to a point on the existing south bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, which point on the existing South bank of the Platte River channel bears S 01°43'09" W a distance of 425.2 feet from the existing North bank of said Platte River channel carrying the thread of the stream of the Platte River, Main Channel; thence proceeding northerly from said existing South bank of the Platte River channel, N 01°43'09" E a distance of 200.4 feet, more or less, to a point on the approximate thread of the stream of the Platte River, Main Channel; thence proceeding easterly and downstream on the thread of the stream of the Platte River, Main Channel, to a point intersecting on a line, as such line is drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1" Iron Pipe with a 1-1/4" O.D. Pipe 4' above ground) established for the Southeast Corner of Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a Rod (also described as being a ¾ inch hollow rod with solid top) as shown on a survey Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated August 13, 1963, the existing north bank line and the existing south bank line of which, respectively, are described as follows:

a. Existing North Bank line

A line located in Platte River accretion lands lying south of (a) Government Lots 6,7 and 8 in Section 6, and (b) Government Lot 1 in Section 7, all in Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, which line is particularly described as follows: Referring to the Southeast Corner of Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Section 7 as bearing S 82°44'03" W, and all bearings contained herein are relative thereto; thence proceeding westerly S 82°44'03" W, on the south line of said Section 7, a distance of 5152.04 feet to the Southwest corner of said Section 7, which corner is located in Phelps County, Nebraska; thence proceeding northerly N 00°10'50" W, on the West line of Government Lot 2 in said Section 7, across the South Channel of the Platte River as such channel enters said Section 7 from the west, and on the west line of Government Lot 3 in said Section 7, a distance of 1120.19 feet to the Northwest Corner of Government Lot 3 in said Section 7; thence proceeding northerly, N 01°43'09" E, on the boundary line between Buffalo County, Nebraska and Dawson County, Nebraska, which line is also the dividing line between Ranges 18 and 19 West of the Sixth Principal Meridian, a distance of 3498.13 feet to a point, which point is on the existing North bank of the Platte River channel carrying the thread

of the stream of the Platte River, Main Chanel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, and which point is the ACUAL PLACE OF BEGINNING; thence proceeding easterly and downstream on the existing north bank of the Platte River channel carrying said thread of the stream for the following twenty-two (22) courses and distances, respectively:

N 81°49'45" E a distance of 181.7 feet; thence
N 75°22'18" E a distance of 183.4 feet; thence
S 83°13'00" E a distance of 124.0 feet; thence
S 69°19'26" E a distance of 244.0 feet; thence
S 38°56'16" E a distance of 52.6 feet; thence
S 46°29'10" E a distance of 127.6 feet; thence
S 68°52'00" E a distance of 602.2 feet; thence
S 86°53'31" E a distance of 109.8 feet; thence
S 83°34'47" E a distance of 280.2 feet; thence
S 72°42'22" E a distance of 225.9 feet; thence
S 80°28'48" E a distance of 331.5 feet; thence
S 64°56'46" E a distance of 129.9 feet; thence
S 73°53'16" E a distance of 184.4 feet; thence
N 86°24'41" E a distance of 791.0 feet; thence
N 36°18'50" E a distance of 534.0 feet; thence
N 70°41'24" E a distance of 431.8 feet; thence
S 64°48'49" E a distance of 205.9 feet; thence
S 30°00'56" E a distance of 144.5 feet; thence
N 66°00'13" E a distance of 199.6 feet; thence
N 39°38'06" E a distance of 461.9 feet; thence
N 47°28'40" E a distance of 200.2 feet; thence
N 64°36'35" E a distance of 208.0 feet to a point, which point is the point of termination of said existing North bank line, and which point on the existing North bank of the Platte River channel bears N 04°35'45" E a distance of 168.8 feet, more or less, from the approximate thread of the stream of the Platte River, Main Channel.

b. Existing South Bank Line

A line located in Platte River accretion lands lying south of (a) Government Lots 6, 7 and 8 in Section 6, and (b) Government Lot 1 in Section 7, all in Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, which line is particularly described as follows: Referring to the Southeast Corner of Section 7, Township 8 North, Range 18 West of the Sixth Principal Meridian, Buffalo County, Nebraska, and assuming the South line of said Section 7 as bearing S 82°44'03" W, and all bearings contained herein are relative thereto; thence proceeding westerly, S 82°44'03" W, on the south line of said Section 7, a distance of 5152.04 feet to the Southwest Corner of said Section 7, which Corner is located in Phelps County, Nebraska; thence proceeding northerly, N 00°10'50" W, on the West line of Government Lot 2 in said Section 7, across the South Channel of the Platte River as such channel enters said Section 7 from the west, and on the West line of Government Lot 3 in said Section 7, a distance of 1120.19 feet to the Northwest Corner of Government Lot 3 in said Section 7; thence proceeding northerly, N 01°43'09" E, on the boundary line between Buffalo County, Nebraska and Dawson County, Nebraska, which line is also the dividing line between Ranges 18 and 19 West of Sixth Principal Meridian, a distance of 3072.93 feet to a point, which point is on the existing South bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, and which point is the ACTUAL PLACE OF BEGINNING; thence proceeding easterly and downstream on the existing South bank of such Platte River channel for the following seventeen (17) courses and distances, respectively:

S 76°08'21" E a distance of 292.7 feet; thence
S 63°11'58" E a distance of 276.9 feet; thence
S 88°36'57" E a distance of 468.9 feet; thence
S 53°02'42" E a distance of 421.0 feet; thence
N 79°41'31" E a distance of 545.41 feet; thence
N 82°23'36" E a distance of 422.6 feet; thence
S 66°35'58" E a distance of 278.7 feet; thence
S 81°52'56" E a distance of 87.0 feet; thence

S 81°52'56" E a distance of 215.0 feet; thence
N 82°43'58" E a distance of 394.3 feet; thence
N 58°52'37" E a distance of 443.6 feet; thence
N 40°01'32" E a distance of 429.0 feet; thence
S 74°31'33" E a distance of 492.4 feet; thence
N 75°52'25" E a distance of 340.9 feet; thence
N 40°57'37" E a distance of 303.9 feet; thence
N 43°54'52" E a distance of 149.9 feet; thence
N 56°08'48" E a distance of 232.8 feet to a point, which point is the point of termination of said existing South bank line, and which point on the existing South bank of the Platte River channel bears S 04°35'45" W a distance of 120.8 feet, more or less, from the approximate thread of the stream of the Platte River, Main Channel;

Thence proceeding southerly leaving the approximate thread of the stream of the Platte River, Main Channel, and on such line as drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1" Iron Pipe with a 1-1/4" O.D. Pipe 4' above ground) established for the Southeast Corner of Section 6 Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a Rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated August 13, 1963, S 04°35'45" W a distance of 120.8 feet, more or less, to the existing South bank of the Platte River channel carrying the thread of the stream of the Platte River, Main Channel, as such Platte River, Main Channel, is depicted in the original U.S. Government Survey of Township 8 North, Range 18 West of the Sixth Principal Meridian, bearing the date of January 8, 1868, which point on the existing South bank of the Platte River channel bears S 04°35'45" W a distance of 289.6 feet, more or less, from the existing North bank of said Platte River channel carrying the thread of the stream of the Platte River, Main Channel; thence proceeding southerly from said existing South bank of the Platte River channel, and on such line as drawn from a ¾ inch pipe with a 1 inch pipe left three feet above the ground (also described as a 1' iron pipe with a 1-1/4" O.D. pipe 4' above ground) established for the Southeast Corner of Section 6, Township 8 North, Range 18 West of the Sixth Principal Meridian, as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18, dated July 6, 1960 to a rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18 dated August 13, 1963, S 04°35'45" W a distance of 1981.72 feet to said Rod (also described as being a ¾" inch hollow rod with solid top) as shown on a survey by Frank Jr. Green, Buffalo County Surveyor, Nebraska Registered Land Surveyor No. 18 dated August 13, 1963; thence proceeding southerly on the extension of the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in Section 8, Township 8 North, Range 18 West of the Sixth Principal Meridian, S 00°23'19" W a distance of 239.86 feet; thence proceeding westerly, N 89°33'59" W a distance of 64.95 feet; thence proceeding southerly, S 10°04'21" E a distance of 356.2 feet to a point, which point is on the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in said Section 8; thence proceeding southerly on the East line of Government Lot 6 in said Section 7 and the West line of Government Lot 1 in said Section 8, S 00°23'19" W a distance of 1542.43 feet to the place of beginning, containing 382.06 acres, more or less

Geneie Andrews was present to discuss the upgrade to the GIS Database contract (Exhibit A.1) for (Project 0211-019). Moved by Morrow and seconded by Greder to authorize the Chairman to sign the Statement of Work for GIS Workshop. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

After reviewing the County Sheriff report for the new manager (Troy A. Burton) application for Kearney Elks Lodge #984, it was moved by Brayton and seconded by Loeffelholz to approve the manager application with Troy A. Burton as the manager. This recommendation will be forwarded to the Nebraska Liquor Control Commission. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

Director Jeremy Eschliman, Assistant Director Laura Steele and Emergency Response Coordinator Dustin Handley were present to report on the current activities at Two Rivers Public Health Department.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Commissioners at 9:59 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Brayton, Loeffelholz, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

BOARD OF EQUALIZATION

Chairman McMullen called the Board of Equalization to order in open session at 9:59 A.M. County Assessor Ethel Skinner was present.

Moved by Klein and seconded by Loeffelholz to approve the Valuation Changes submitted by County Assessor Skinner for the following list of properties and assigned parcel numbers. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Brayton, Greder, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

<u>Name</u>	<u>Parcel</u>	<u>Name</u>	<u>Parcel</u>
YOUNES, PAUL & LINDA	580092005	PAITZ, LARRY E & JULIE A	140046100
YOUNES, PAUL & LINDA	580090000	BAR TRIANGLE RANCH, L.L.C.	140053310
BENAVIDES, DAVID A & MARIA BELEN	580718030	HARNAGEL, JAY D	160120170
JOHNSON IMPERIAL HOMES COMPANY	606534773	HARNAGEL, JAY DEE	160120320
JOHNSON IMPERIAL HOMES COMPANY	606534774	FRESE, DAVID T & DIANN R	200039000
JOHNSON IMPERIAL HOMES COMPANY	606534775	SAATHOFF, MICHAEL A & TERESA K CO-TR	200121000
JOHNSON IMPERIAL HOMES COMPANY	606534776	NELSON, DOUGLAS W & CHRISTINE K	200135000
JOHNSON IMPERIAL HOMES COMPANY	606534777	BAHENSKY, DAMON T TRUSTEE OF THE	220003000
JOHNSON IMPERIAL HOMES COMPANY	606534778	BAUER, DONALD F & ARDIS E CO-TR	220053000
JOHNSON IMPERIAL HOMES COMPANY	606534779	PAITZ, GREGORY J & ELIZABETH A, TR	240001000
JOHNSON IMPERIAL HOMES COMPANY	606534780	ANDERSON, EARL L ET AL	240021000
JOHNSON IMPERIAL HOMES COMPANY	606534781	SHAFTO, WAYNE E & BECKY	240041000
JOHNSON IMPERIAL HOMES COMPANY	606534782	JOLYN FARMS INC.	240053000
JOHNSON IMPERIAL HOMES COMPANY	606534783	O'NELE, LOIS J & LAWRENCE H ETAL	240055000
JOHNSON IMPERIAL HOMES COMPANY	606534784	MATTSON ENTERPRISES, INC.	240171000
BRUNERS' SAND & GRAVEL, INC	700147510	DOBISH, ALBERT D	260003000
BRUNERS' SAND & GRAVEL, INC	700147515	SCHROEDER, KIRK D & DARCI L	700147505
BRUNERS' SAND & GRAVEL, INC	700147520	WILLIS, SCOTT R. & KARI D.	700147525
BRUNERS' SAND & GRAVEL, INC	700147535	TUREK, KEVIN	080125000
BRUNERS' SAND & GRAVEL, INC	700147540	VILLAGE PLAZA, L.P.	603566277
BRUNERS' SAND & GRAVEL, INC	700147545	VILLAGE PLAZA, L.P.	603566276
IRVINE, ROBIN R	020054000	VILLAGE PLAZA, L.P.	603566275
LOCKHORN, BRENDAN & ELIZABETH, TR	060007000	VILLAGE PLAZA, L.P.	603566107
CRIFFIELD, BRENT C	060013000	VILLAGE PLAZA, L.P.	603566108
RASMUSSEN, JOHN A & WF	060108000	VILLAGE PLAZA, L.P.	603566266
LINDEN, CAROL A & RICHARD S	060239000	VILLAGE PLAZA, L.P.	603566267
PERRY, MICHAEL J & SHERYL S	080022100	VILLAGE PLAZA, L.P.	603566268
ZIMMER, DONALD W & MARILYN S TR	080034000	VILLAGE PLAZA, L.P.	603566269
SOUTH LOUP RANCH, L.L.C.	080135000	VILLAGE PLAZA, L.P.	603566270
PRITCHARD, SCOTT E. & TRACY L.	100017000	VILLAGE PLAZA, L.P.	603566271
REESE, RONNIE R & KIMBERLY D	100053000	VILLAGE PLAZA, L.P.	603566272
UNICK, LLOYD H & MARILYN TRUSTEES	100095000	VILLAGE PLAZA, L.P.	603566273
DAUEL, DAROLD R & BARBARA A TR	100101000	VILLAGE PLAZA, L.P.	603566274
NICKMAN, CRAIG A	100205000		

Moved by Greder and seconded by Morrow to approve Tax List Corrections numbered 4365 through 4368 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Greder, Morrow, Brayton, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

Moved by Brayton and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:03 A.M. Upon roll call vote, the following Board members voted "Aye": Brayton, Loeffelholz, Greder, Klein, Morrow, Reiter and McMullen. None voted "Nay". Motion declared carried.

REGULAR AGENDA

Chairman McMullen instructed County Clerk Giffin, to open and read aloud the submitted bids for the Buffalo County Extension Building Exterior wall sheeting replacement. Bids were submitted from the following companies: Central Nebraska Steel, Schroeder Steel Erection and Western Star Building Systems. Facilities Director Steve Gaasch was present to review the bids and will come back to this meeting with recommendations.

The Board entered into discussion on hiring referees to conduct the 2017 property valuation protest hearings. Moved by Brayton and seconded by Greder to decline hiring Referees to conduct property valuation protest hearings. Upon roll call vote, the following Board members voted "Aye": Brayton, Greder, and Loeffelholz. Board members voted "Nay": Klein, Morrow, Reiter and McMullen. Motion failed.

Moved by Klein and seconded by Reiter to pursue hiring Referees to conduct the 2017 property valuation protest hearings. Upon roll call vote, the following Board members voted "Aye": Klein, Reiter, Morrow and McMullen. Board members voted "Nay": Brayton, Greder and Loeffelholz. Motion declared carried.

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

Board Administrator Lynn Martin introduced Allison Ebersole as the new Board Administrator Assistant.

After reviewing the submitted bids for the installation of Insulated Metal Wall Panels on the Extension Building, Facilities Director Steve Gaasch gave his recommendation to the Board. Moved by Brayton and seconded by Morrow to accept the bid from Schroeder Steel Erection, Kearney NE in the amount of \$65,800.00 for the insulated metal wall panels. Upon roll call vote, the following Board members voted "Aye": Brayton, Morrow, Greder, Klein, Loeffelholz, Reiter and McMullen. None voted "Nay". Motion declared carried.

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

At 10:55 A.M. Chairman McMullen asked if there was anything else to come before the Board before he declared the meeting adjourned following the quarterly jail inspection until the regular meeting on Tuesday, April 25, 2017.

ATTEST:

William McMullen, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)