



Hayes County Board Minutes



Hayes County Commissioners
April 17, 2017

A meeting of the Hayes County Board of Commissioners was scheduled for April 17, 2017 at 6:00 P.M. in the gymnasium of the East building at the Hayes Center High School located at 501 Troth St, in Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner and was published in the *Times Republican* on April 6, 2017, by publication and posted in accordance with law. Those present were Wayne Christner, Barry Richards, Jeffrey Unger, Susan Messersmith, D. Eugene Garner, and Leon Kolbet, Zoning Administrator.

Chairman Unger opened the meeting at 6:09 P.M. Roll call: Christner, present; Unger, present; Richards, present.

Richards moved, second by Christner to approve the agenda. Roll call vote: Unger, yes; Richards, yes; Christner, yes. Motion carried.

In accordance with Section 84-1412 of the Nebraska Revised Statutes, Unger announced that a current copy of the Open Meetings Act is available for review and was posted on the door of the gymnasium.

Chairman Unger acknowledged receipt of the Hayes County Planning Commission's recommendation to approve the Application of Intent to Construct submitted by Buffalo Plains Genetics, LLC to construct a Livestock Management Facility and/or Livestock Waste Handling Facility in the NW1/4SW1/4 of Section 23, Township 7N, Range 31W, Hayes County, Nebraska.

At 6:12 PM, Chairman Unger opened the public hearing regarding the Application of Intent to Construct submitted by Buffalo Plains Genetics LLC. The Notice of Public Hearing was published in the *Times Republican* on April 6th 2017 and Notice of Public Hearing was mailed to all adjacent land owners on April 6th 2017.

The application was presented by Buffalo Plains Genetics, LLC representative Henry Wilson and Jack Sukavoty and Rick Sukavoty with JES Environmental Services, Inc.

Chairman Unger asked if there were any comments from those in attendance opposed to the proposed application. There were none.

Unger asked if there were any comments from those in attendance in favor of the proposed application. There were none.

Unger asked if there were any comments from those in attendance representing a neutral position. Comments were received from James Tidyman and Paul Orman regarding odor control and air quality. Discussion was held regarding water well monitoring.

There being no further comments for those in attendance, Chairman Unger closed the public hearing at 6:49 PM.

Zoning Administrator Leon Kolbet stated the proposed application of Intent to Construct submitted by Buffalo Plains Genetics, LLC meets all Zoning Regulations and plans are in accordance with Hayes County's Comprehensive Plan.

Unger moved, second by Christner to approve Buffalo Plains Genetics, LLC application of Intent to Construct and adopt Resolution 2017-10. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

RESOLUTION 2017-10

WHEREAS, the Hayes County Board of Commissioners, having held a public meeting on April 17, 2017, for the purpose of reviewing the *Application of Intent to Construct* filed by Buffalo Plains Genetics, LLC, for the construction of a Livestock Management Facility and/or Livestock Waste Handling Facility located in the



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NW1/4SW1/4 of Section 23, Township 7 North, Range 31 West of the 6th P.M., Hayes County Nebraska, and after review and research of said *Application*, to act to approve or disapprove the same; and

WHEREAS, the Hayes County Board of Commissioners, having held a public meeting on April 17, 2017, for the purpose of hearing said *Application* and for hearing comments thereon from the public in attendance and to receive information and exhibits in relation thereto; and

WHEREAS, the Notice of said Public Hearing was published in the *Times Republican* on April 6, 2017; and

WHEREAS, a copy of the notice of said Public Hearing was duly mailed on April 6, 2017, by U.S. Mail, proper first class postage prepaid, to all adjacent landowners as evidenced by the *Certificate of Service* on file in the office of the Hayes County Clerk; and

WHEREAS the Hayes County Board of Commissioners has received the recommendation of the Hayes County Planning Commission recommending APPROVAL of said *Application*; and

WHEREAS The Hayes County Board of Commissioners, having found that the requested *Application of Intent to Construct* is consistent with the *Hayes County Comprehensive Plan* and is in full accordance with the AG-G General Agricultural District pursuant to Section(s) 1011 on the following conditions, to wit:

NOW THEREFORE, BE IT RESOLVED that the *Application of Intent to Construct* filed by Buffalo Plains Genetics, LLC, for the construction of a Livestock Management Facility and/or Livestock Waste Handling Facility located in the NW1/4SW1/4 of Section 23, Township 7 North, Range 31 West of the 6th P.M., Hayes County Nebraska, be APPROVED.

PASSED AND APPROVED THIS 17TH Day of April, 2017.

Chairman Unger acknowledged receipt of the Hayes County Planning Commission's recommendation to approve the Application for Conditional Use submitted by Buffalo Plains Genetics, LLC to construct a Livestock Management Facility and/or Livestock Waste Handling Facility in the NW1/4SW1/4 of Section 23, Township 7N, Range 31W, Hayes County, Nebraska.

At 6:53 PM Chairman Unger opened the public hearing regarding the Conditional Use Application of Buffalo Plains Genetics LLC. The Notice of Public Hearing was published in the Times Republican on April 6th 2017 and Notice of Public Hearing was mailed to all adjacent land owners on April 6th 2017.

Chairman Unger asked if there were any comments from those in attendance in favor of the proposed application. There were none.

Unger asked if there were any comments from those in attendance opposing the proposed application. There were none.

Unger asked if there were any comments from those in attendance representing a neutral position. Richards asked if it was known at this time where the feed for the unit would come from. The source of and supplier of feed is unknown at this time.

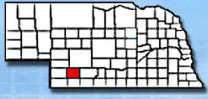
There being no further comments for those in attendance, Chairman Unger closed the public hearing at 6:56 PM.

Zoning Administrator Leon Kolbet stated the proposed Application for Conditional Use submitted by Buffalo Plains Genetics, LLC meets all Zoning Regulations and plans are in accordance with Hayes County's Comprehensive Plan.

Christner moved, second by Unger to approve the Application of Conditional use submitted by Buffalo Plains Genetics LLC., and adopt Resolution 2017-11. Roll call vote: Christner, yes; Unger, yes; Richards, yes. Motion carried

RESOLUTION 2017-11

WHEREAS, the Hayes County Board of Commissioners, having held a public meeting on April 17, 2017, for the purpose of reviewing the *Application for Conditional Use* filed by Buffalo Plains Genetics, LLC, for the construction of a Livestock Management Facility and/or Livestock Waste Handling Facility located in the



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NW1/4SW1/4 of Section 23, Township 7 North, Range 31 West of the 6th P.M., Hayes County Nebraska, and after review and research of said *Application*, to act to approve or disapprove the same; and

WHEREAS, the Hayes County Board of Commissioners, having held a public meeting on April 17, 2017, for the purpose of hearing said *Application* and for hearing comments thereon from the public in attendance and to receive exhibits and information in relation thereto; and

WHEREAS, the Notice of said Public Hearing was published in the *Times Republican* on April 6, 2017; and

WHEREAS, a copy of the notice of said Public Hearing was duly mailed on April 6, 2017, by U.S. Mail, proper first class postage prepaid, to all adjacent landowners as evidenced by the *Certificate of Service* on file in the office of the Hayes County Clerk; and

WHEREAS the Hayes County Board of Commissioners has received the recommendation of the Hayes County Planning Commission recommending APPROVAL of said *Application*; and

WHEREAS The Hayes County Board of Commissioners, having found that the requested *conditional use of said land* is consistent with the *Hayes County Comprehensive Plan* and is permitted as a conditional use in the AG-G General Agricultural District pursuant to Section(s) 501.04 (1) and (2) on the following conditions, to wit:

NOW THEREFORE, BE IT RESOLVED that the *Application for Conditional Use* filed by Buffalo Plains Genetics, LLC, for the construction of a Livestock Management Facility and/or Livestock Waste Handling Facility located in the NW1/4SW1/4 of Section 23, Township 7 North, Range 31 West of the 6th P.M., Hayes County Nebraska, be approved.

PASSED AND APPROVED THIS 17TH Day of April, 2017.

Richards moved, second by Christner to solicit sealed bids for the installation of approximately 4198 horizontal curved signing devices on county roads in strict accordance with the requirements and provisions of that "*LPA Program Agreement-High Risk Rural Road Horizontal Curve Signing Project*" by and between the State of Nebraska and County of Hayes, to wit: NDOR project Number HRRR-STWD(90) NDOR control number 00787. All sign installations shall be in strict accordance with the said LAP program agreement and applicable sections of the Manual of Uniform Traffic Control Devices (MUTCO). In addition to bidding the entire project, bidders may submit separate bid(s) for each individual road district portion of the entire project. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

No action was taken regarding the State Shop fair market value.

The next meeting of the Hayes County Commissioners will be May 2, 2017 at 5:15 PM at the old state shop yard located at 73709 Hwy 25, Hayes Center. The next Regular Meeting will be held May 16, 2017 at 8:30 AM at the Courthouse in Hayes Center.

Unger moved, second by Richards to adjourn the meeting at 7:25 PM. Roll call vote: Richards, yes; Christner, yes; Unger, yes. Motion carried.

Hayes County Clerk

Board Chairman