

**REGULAR MEETING
BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 10, 2009
9:00 A.M.**

Regular meeting of the Buffalo County Board of Supervisors was held at 9:00 A.M. on Tuesday, February 10, 2009.

Chairman Pierce led the County Board and audience in the Pledge of Allegiance. Chairman Pierce called the regular meeting to order with the following Board members responding to roll call: Horace Dannehl, Ivan Klein, Timothy Loewenstein, Sherry Morrow and Richard Pierce. Absent: Kent Greder. Greder arrived at the meeting at 9:08 A.M.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. Deputy County Attorney Andrew Hoffmeister was present.

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

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve January 27, 2009 and February 3, 2009 minutes
2. Accept reports
 - Buffalo County Treasurer January 2009 Fund Balance Report
 - Veterans Aid Monthly and Quarterly Reports for October, November and December 2008
 - Community Action Partnerships of Mid-Nebraska RYDE December 2008 Report
 - Detention Center Report for January 2009
 - Clerk of the District Court Report for January 2009

JUSTICE CENTER PROJECT

Buster Beckenhauer, Construction Manager and Bill Barrett, Project Manager of the Justice Center Project were present for updated reports and recommendations. After discussion the following action was taken.

Moved by Morrow and seconded by Dannehl to accept as a group the following bids for the Phase 1C Construction Project: Bid Package 4, M & D Masonry Inc.; Bid Package 5, Arrowhead Steel Fabricators; Bid Package 5A, Central Nebraska Steel; Bid Package 6, Central Plains Millwork, Inc.; Bid Package 6A, Total Interiors Inc.; Bid Package 6B, Beckenhauer Construction Inc.; Bid Package 7, Ziemba Roofing Company; Bid Package 8, Johnson Door & Hardware; Bid Package 8A, Kearney Glass Inc.; Bid Package 9A, T-C Ceilings Inc.; Bid Package 9B, Don Wasson Company; Bid Package 9C, Kucera Painting Inc.; Bid Package 10, EPCO; Bid Package 13, Bamford Inc.; Bid Package 15, Dave Waggoner Plumbing & Htg. Inc.; and Bid Package 16, Kelly Electric Inc.. Bid Package 9 was not awarded at this time until the Construction Manager has a chance to meet with both bidders to make sure that all is included in the price. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve the change request order numbers 7, 8 and 9 submitted by Beckenhauer Construction. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce then reviewed the following correspondence with the Board. Nebraska Department of Roads sent notice of availability to review online the Nebraska Surface Transportation Improvement Plan and the Nebraska Surface Transportation Program Book. Central Platte Natural Resources District sent notice of the Hazard Mitigation Plan meeting. State of Nebraska sent an update of Local Public Agency Project Administration. Nebraska Jail Standards Board sent notice of an annual inspection of the Buffalo County Detention Center. Letter was received from Roger Scheidies regarding 56th Street between the Landfill and Dove Hill Avenue. Nebraska Association of County Officials sent notice of the annual Legislative

Day and the Legislative Report. The newsletter from Buffalo County Community Partners was also received. Chairman Pierce then called on each Board member for committee reports.

Doug Kramer Administrator of Juvenile Services was present to address the Board and presented a copy of the Juvenile Justice County Aid Grant Application. Moved by Loewenstein and seconded by McMullen to authorize Chairman Pierce to sign the grant application. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to authorize Chairman Pierce to sign the Juvenile Justice County Aid Enhancement Grant when the grant application is completed to meet the filing deadline. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

Hugh Rath from the Buffalo County Sheriff's Office was present to explain the need to change the 911 address for Jared and Andrea Pierce. Moved by Dannehl and seconded by Klein to change the 911 address from 28155 Bison Rd to 27985 Bison Rd, Miller, Nebraska for Jared and Andrea Pierce. Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Greder, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Greder and seconded by Klein to approve Bank of the West as an additional Bank Depository. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Highway Superintendent Ron Sklenar presented the One and Six Year Road and Bridge Plan for 2009. Sklenar gave an overview of the projects and copies of the plans are now on file with the County Clerk. The public hearing is scheduled for February 17, 2009.

Brad Kernick, Chairman of the Kearney Visitors Bureau, and Roger Jasnoch, Director of the Visitors Bureau, spoke on behalf of Kearney Raceway Park to request paving on Imperial Road for a half mile north of Highway 30. No action was taken.

Moved by Greder and seconded by Klein to recess the regular meeting of the Board of Supervisors at 10:50 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members 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 was present. The first public hearing was for Kearney School District 7. No one was present to speak for or against the Exemption Application; therefore Chairman Pierce closed the public hearing at 10:53 A.M. Moved by Loewenstein and seconded by Greder to approve the exemption status on parcel number 602486812 and to deny the exemption status on parcel number 602486813. Upon roll call vote, the following Board members voted "Aye": Greder, Klein, Dannehl, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

Moved by McMullen and seconded by Greder to approve tax list corrections 3509 through 3531 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Greder, Dannehl, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

Moved by Klein and seconded by Greder to recess the Board of Equalization at 10:59 A.M. and to return to the regular meeting of the Board of Supervisors. Upon voice vote all Board Members voted "Aye". None voted "Nay". Motion declared carried.

REGULAR AGENDA

Moved by Morrow and seconded by Dannehl to approve the early claims as submitted in the amount of \$297,000.00 and \$15,000.00 to Barney Abstract and Title Company for the purchase of the Kreutz property also referred to as 321 Central Avenue, Kearney, Nebraska. These claims will be paid from the General Fund. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

ZONING

Chairman Pierce opened the Zoning public hearings at 11:09A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present for the hearings. The first hearing was a request for special use permit by Mid Nebraska Aggregate Inc. Applicant Ron Follmer was present to address the Board and answer questions. Larry and Sue Andersen also voiced their concerns with water issues. The Andersens were not against the issuance of the permit and have worked with Follmer on solutions to handle the water issues. Chairman Pierce closed the public hearing at 11:22 A.M. After review and discussion, it was moved by McMullen and seconded by Dannehl to approve the following Resolution 2009-05.

Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-05

WHEREAS, Mid-Nebraska Aggregate, Inc., has filed application with Buffalo County Clerk and/ Zoning Administrator for special use permit to operate quarry in Agricultural (AG) Zone in real estate more fully described below referred to herein as the "subject property", and

WHEREAS, on January 15, 2009 the Buffalo County Planning and Zoning Commission following public hearing with notice as required by law recommended approval of this request on an 8-0 vote. Other than a favorable recommendation, the Commission recommended no specific conditions, and

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

WHEREAS, on February 10, 2009 Buffalo County Board of Supervisors conducted a public hearing on such special use permit and finds:

WHEREAS, prior to and at February 10, 2009 public meeting this Board took notice of Buffalo County's Comprehensive Plan, Zoning Map, and Zoning Regulations; the minutes of the Buffalo County Planning and Zoning Commission for meetings held January 15, 2009 together with the following exhibits identified as:

1. Application with attachments, which are incorporated herein as if set forth fully.
2. The Buffalo County Zoning Administrator's letter to this Board dated January 30, 2009 with attachments consisting of pictures of the premises and surrounding areas taken by LeAnn Klein, Buffalo County Zoning Administrator and other attached documents.

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed for land hereinafter described as "subject property".
2. The subject property is located in the Agricultural (AG) District.
3. Section 5.14(9) of 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.
4. 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.
5. No added lighting is needed on the subject property for the proposed use.
6. No added public transportation usages are anticipated by issuance of this special use permit because trucks and equipment needing access to the subject property will have access directly to Gibbon to I-80 Road, a hard surface road, running north and south that is situated to the east of the subject property.
 - a. The subject property is surrounded by Agricultural (AG) District with rural residential housing allowed in that district. The subject property is north and west of Windmill State Park and north of commercial property. It is located in the northwest quadrant of the Gibbon Interstate 80 interchange. It is about 300 feet to the north of this interchange.
7. Some type of "sunset" or abandonment provision will have limitations as to applicability because this quarry may not necessarily be in continuous operation nor necessarily be in immediate operation once the special permit is approved. The Board believes that to maintain monitoring of the quarry site, annual review and report by zoning officials would probably be a better method of county oversight and monitoring of the use made of the subject property.
8. 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 would pertain to the initial permitting process, operation, and review of this quarry operation concerning issues of water runoff and sediment containment.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and

7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that this Board approves applicants' Special Use Permit as filed with such application for a quarry operation for quarry purposes as described in applicant's application and attached paperwork, with the same being fully incorporated into this Resolution by this reference together with amendments herein, is approved subject however to the following conditions:

1. Such quarry shall be subject to all State and Federal Regulations.
2. 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.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance all as provided in Buffalo County Zoning Regulations.

RESOLVED FURTHER that the subject property is described as follows and that a copy of this Resolution shall be filed against the subject property:

A tract of land being part of the South 771.5 feet of Lot 8, Linger's Subdivision, with said Lot being the West Half of the Northwest Quarter of Section 36, Township 9 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of said Lot 8 and assuming the East line of said Lot as bearing N 00° 05' 17" W and all bearings contained herein are relative thereto; thence N 00° 05' 17" W on the aforesaid East line a distance of 771.5 feet; thence N 89° 57' 24" W on the North line of said South 771.5 feet of Lot 8 a distance of 702.0 feet; thence S 00° 36' 01" W a distance of 771.53 feet to a point on the South line of said Lot 8; thence S 89° 57' 24" E and on the aforesaid South line a distance of 711.27 feet to the place of beginning. Containing 12.52 acres, more or less AND the South Half of Lot 7, Linger's Subdivision, with said Lot being the East Half of the Northwest Quarter of Section 36, Township 9 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska; EXCEPT the North 565.08 feet thereof AND EXCEPTING HOWEVER a tract of land deeded to Buffalo County, Nebraska on Quit Claim Deed recorded in Deed Book 170-282 and filed in the Buffalo County Register of Deeds; AND ALSO EXCEPTING HOWEVER a tract of land deeded to the State of Nebraska on Warranty Deed recorder in Microfilm Roll 79-7043 and filed in the Buffalo County Register of Deeds, containing 22.08 acres, more or less.

Chairman Pierce opened the public hearing at 11:27 A.M. for a zoning map amendment for T & F Sand & Gravel Inc.

Rick Follmer was present to address the Board. No one else was present to address the Board and the public hearing was closed at 11:32 A.M. After review and discussion, it was moved by McMullen and seconded by Morrow to approve the following Resolution 2009-06. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-06

WHEREAS, T & F Sand and Gravel, Inc., filed application with Buffalo County Clerk and/ Zoning Administrator to amend Buffalo County Zoning Regulations to add quarry use as a use by special permit in the Agricultural Residential (AGR) District. This request was amended with his consent at the hearing before the Buffalo County Planning and Zoning Commission. Thereafter the application became a request to amend Buffalo County's Zoning District Map to change zoning district of a parcel of land, hereinafter described and referred to in this Resolution as the "subject property" from Agricultural-Residential (AGR) District to Industrial (I) District, and

WHEREAS, on January 15, 2009 the Buffalo County Planning and Zoning Commission following public hearing with notice as required by law recommended approval of this request, as amended, for zoning map amendment on a 7-0 vote with one member abstaining due to conflict of interest reasons, and

WHEREAS, no protest(s) against the requested zoning map amendment have been filed with the Buffalo County Clerk within seven (7) days of conclusion of public hearing of such Commission as allowed under Sec. 11.4, and

WHEREAS, on February 10, 2009 Buffalo County Board of Supervisors conducted a public hearing on such Zoning Map amendment application and finds:

1. That the subject property's west property line abuts land now in Industrial District that has been used as a gravel pit. To the west of this existing Industrial District tract there is a property zoned Commercial that abuts Odessa Road,
2. That the subject property, has access to a hard surfaced road on it west side known as Odessa Road, when the existing Industrial and Commercial District is used for such access.
3. To the north and east of the subject property is pastureland.
4. To the south of the subject property is pastureland and Union Pacific State wayside area.
5. The subject property, existing Industrial District property, Union Pacific State Wayside Area, and commercial property to the west of the subject property are all located in the northeast quadrant of the Odessa Interstate 80 interchange.
6. The change in zoning designation would have minimal adverse affect on surrounding properties,
7. Industrial use is consistent with property use on the existing property, and
8. This change in zoning district is consistent with overall comprehensive plan adopted by Buffalo County, Nebraska,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that applicants' Request to Amend Buffalo County's Zoning Map as concerns the subject property is approved and the Buffalo Zoning Map adopted on or about September 10, 2002 shall be amended to reflect that the subject property is changed from AGR District to I District, and

BE IT FURTHER RESOLVED THAT the subject property is described as:

A tract of land being part of Government Lot Two (2) and accretions abutting said government lot on the south location in Section Nine (9), Township Eight (8) North, Range Seventeen (17) West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of Government Lot 2 in said Section 9 and assuming the East line of said Government Lot 2 as bearing S 01° 17' 15" W and all bearings contained herein are relative thereto; thence S 01° 17' 15" W on the aforesaid East line a distance of 1244.37 feet; thence N 89° 50' 24" W a distance of 159.66 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 50' 24" W on the aforescribed course a distance of 636.78 feet; thence S 11° 01' 57" W a distance of 674.48 feet to a point on the North line of a 30.0 foot ingress and egress easement road; thence S 70° 07' 03" E on the North line of said ingress and egress easement road a distance of 81.89 feet; thence S 79° 17' 54" E continuing on the aforesaid North line a distance of 427.06 feet; thence S 76° 59' 32" E continuing on the aforesaid North line a distance of 257.27 feet; thence N 01° 17' 15" E parallel with the East line of said Government Lot 2 a distance of 825.5 feet to the place of beginning, containing 12.00 acres, more or less.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the above-described legal description and any parcel situated partially or entirely within such legal description.

Chairman Pierce then opened the public hearing for a special use permit for T & F Sand & Gravel Inc. This public hearing was closed at 11:33 A.M. After review and discussion, it was moved by Dannehl and seconded by Greder to approve the following Resolution 2009-07. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-07

WHEREAS, T & F Sand and Gravel, Inc. filed application with Buffalo County Clerk and Zoning Administrator for special use permit to operate quarry in Industrial Zone in real estate more fully described below referred to herein as the "subject property", and

WHEREAS, on January 15, 2009 the Buffalo County Planning and Zoning Commission following public hearing with notice as required by law recommended approval of this request on a 7-0 vote with one member abstaining due to conflict of interest reasons. The Commission recommended approval for sand and gravel extraction accomplished through use of water and aggregate pumping machinery together with land preparation prior to extraction and restoration after extraction, with borrow material being to be removed from the premises, and

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

WHEREAS, on February 10, 2009 Buffalo County Board of Supervisors conducted a public hearing on such special use permit and finds:

WHEREAS, prior to and at February 10, 2009 public meeting this Board took notice of Buffalo County's Comprehensive Plan, Zoning Map, and Zoning Regulations; the minutes of the Buffalo County Planning and Zoning Commission for meetings held January 15, 2009 together with the following exhibits identified as:

1. Application with attachments, which are incorporated herein as if set forth fully.
2. The Buffalo County Zoning Administrator's letter to this Board dated January 30, 2009 with attachments consisting of pictures of the premises and surrounding areas taken by LeAnn Klein, Buffalo County Zoning Administrator and other attached documents.

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed for land hereinafter described as "subject property".
2. The subject property has recently been the subject of a zoning map amendment to change zoning district from Agricultural Residential (AGR) to Industrial (I). As situated today, the subject property is in the Industrial (I) District.
3. Applicant intends to expand an existing gravel pit that has been in the Industrial District since creation of Buffalo County's Zoning Map. This quarry use is evident from the pond located immediately west of the subject property all shown on aerial photographs provided in the exhibits.
4. Section 5.64(3) of 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 Industrial District.

5. 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.
6. No added lighting is needed on the subject property for the proposed use.
7. No added public transportation usages are anticipated by issuance of this special use permit because trucks and equipment needing access to the subject tract will have private access directly to Odessa Road, a hard surface road, running north and south.
8. The subject property is surrounded by the following types of use:
 - a. The west property line abuts land now in Industrial District that has been used as a gravel pit. To the west of this existing gravel pit is a tract that is zoned Commercial. This commercial tract abuts Odessa Road, a hard surfaced road on its west side.
 - b. To the north and east of the subject property is pastureland.
 - c. To the south of the subject property is pastureland and Union Pacific State wayside area.
 - d. The subject property, existing Industrial District property, Union Pacific State Wayside Area, and commercial property to the west of the subject property are all located in the northeast quadrant of the Odessa Interstate 80 interchange.
9. Some type of "sunset" or abandonment provision will have limitations as to applicability because this quarry may not necessarily be in continuous operation nor necessary be in immediate operation once the special permit is approved. The Board believes that to maintain monitoring of the quarry site, annual review and report by zoning officials would probably be a better method of county oversight and monitoring of the use made of the subject property.
10. 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 would pertain to the initial permitting process, operation, and review of this quarry operation concerning issues of water runoff and sediment containment.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that this Board approves applicants' Special Use Permit as filed with such application for a quarry operation for quarry purposes as described in applicant's application and attached paperwork, with the same being fully incorporated into this Resolution by this reference together with amendments herein, is approved subject however to the following conditions:

1. Such quarry shall be subject to all State and Federal Regulations.
2. The type of quarry operation shall be restricted to sand and gravel extraction accomplished through use of water and aggregate pumping machinery together with land preparation prior to extraction and restoration after extraction, with borrow material being to be removed from the premises
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.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance all as provided in Buffalo County Zoning Regulations.

RESOLVED FURTHER that the subject property is described as follows and that a copy of this Resolution shall be filed against the subject property:

A tract of land being part of Government Lot Two (2) and accretions abutting said government lot on the south location in Section Nine (9), Township Eight (8) North, Range Seventeen (17) West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of Government Lot 2 in said Section 9 and assuming the East line of said Government Lot 2 as bearing S 01° 17' 15" W and all bearings contained herein are relative thereto; thence S 01° 17' 15" W on the aforesaid East line a distance of 1244.37 feet; thence N 89° 50' 24" W a distance of 159.66 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89° 50' 24" W on the aforescribed course a distance of 636.78

feet; thence S 11° 01' 57" W a distance of 674.48 feet to a point on the North line of a 30.0 foot ingress and egress easement road; thence S 70° 07' 03" E on the North line of said ingress and egress easement road a distance of 81.89 feet; thence S 79° 17' 54" E continuing on the aforesaid North line a distance of 427.06 feet; thence S 76° 59' 32" E continuing on the aforesaid North line a distance of 257.27 feet; thence N 01° 17' 15" E parallel with the East line of said Government Lot 2 a distance of 825.5 feet to the place of beginning, containing 12.00 acres, more or less.

REGULAR AGENDA

Moved by Loewenstein and seconded by Morrow to move into Executive Session at 11:39 A.M. to discuss contract negotiations and personnel issues. Deputy County Attorney Andrew Hoffmeister was present. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Dannehl, Greder, Klein, McMullen and Pierce. Motion declared carried.

Moved by Klein and seconded by Morrow to return to the open meeting at 11:56 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Morrow, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

At 12:05 P.M. Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until the special meeting on Tuesday, February 17, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.