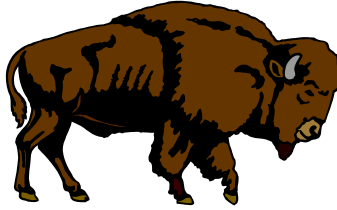


Buffalo County Board of Supervisors
BUFFALO COUNTY COURTHOUSE
P.O. Box 1270 . Kearney, NE 68848-1270
(308)236-1224 or (308)236-1225
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REGULAR MEETING
BUFFALO COUNTY BOARD OF SUPERVISORS
TUESDAY, MARCH 9, 2004
9:00 A.M.

Regular meeting of the Buffalo County Board of Supervisors was held at 9:00 A.M. on Tuesday, March 9, 2004.

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: Greg Barney, Hoss Dannehl, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Absent: None.

Notice of the meeting was given in advance, thereof, by posting and publishing. 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 Judy Jobman took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for the Citizen's Forum as per the agenda. No one was present.

Elected Officials and Department Heads came before the County Board to discuss various items of concern within their individual offices.

The Board members reviewed minutes from Tuesday, February 24, 2004. There being no additions or corrections to the minutes, it was moved Loewenstein, seconded by Dannehl to approve the minutes from February 24, 2004. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Current correspondence was discussed. An invitation was received from the United Way to the County Board employees to attend their annual meeting on March 23, 2004; notice from the Nebraska Jail Standards of their spring training conference on April 13-14 in Norfolk, Nebraska; a letter addressed to Highway Superintendent, Ron Sklenar from NACO about LB1064 and issuing over width permits; a newsletter and minutes from South Central Nebraska RC&D Council; a letter to all Buffalo County employees thanking them for their commitment and support to the Combined Health Agencies Drive; a letter from the City of Kearney advising of the landfill covered load policy (which will be posted on the Buffalo County website); the Rural News Bits newsletter was received from the Partnership for Rural Nebraska; a letter from NIRMA was sent to the Buffalo County Sheriff with information about accidents occurring on county roads; a letter from the State of Nebraska Auditor of Public Accounts concerning Armada Townships failure to file an audit report or a waiver request (Chairman Pierce will follow up on this issue); a list of informational dates for transportation enhancement programs were received with the closest one being in Cambridge, Nebraska on March 31, 2004; the monthly report for February from Extension Youth Educator, Brian Bosshamer.

The County Board reviewed the Nebraska Veterans Aid and Buffalo County Veterans Aid monthly reports and the fund balance report from the County Treasurer all for the month of February 2004.

Moved by Morrow, seconded by Dannehl to accept the reports. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Barney, Klein, Loewenstein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

The various Committee reports were given. Supervisor McMullen will set up meetings on March 18, 2004 with Bert Langenberg and Gary Jacobsen for discussion on purchasing their lots west of the courthouse.

Moved by Morrow, seconded by Loewenstein to authorize Chairman Richard Pierce to sign the Special Conditions for Local Law Enforcement Block Grant #03-LE-1106. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Supervisor Loewenstein provided a copy of the by-laws for the South Central Economic Development District for the Board's review. A Resolution and inter local agreement for participation will be on the agenda for the next board meeting.

Moved by Morrow, seconded by Klein to direct Nancy Maxson of McDermott-Miller to insert the information as they previously presented for review to Chairman Pierce and the board into the 2003 Buffalo County audit to comply with the GASB-34 requirement. Upon roll call vote, the following Board

members voted "Aye": Morrow, Klein, Barney, Dannehl, Loewenstein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Emergency Manager Darrin Lewis was present to discuss various agenda items with the County Board.

The Buffalo County HAZMAT team was discussed with the County Board. The team has been trained but will not be activated until all of the appropriate and necessary equipment is in place, hopefully sometime in April. Supervisor Loewenstein asked the Emergency Manager to convey the County Board's appreciation to the volunteers who stepped forward to participate on the Haz-mat team allowing Buffalo County the ability to provide this expertise of service.

Darrin Lewis explained the difference between an MOU City and an MOU Exercise to the members of the County Board. After discussion it was moved by Loewenstein, seconded by Morrow for Buffalo County to endorse the process of a MOU (Memorandum of Understanding) Exercise initiative as detailed by the Emergency Manager along with authorization for him to pursue funding. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

After discussion, it was moved by Loewenstein, seconded by Klein to authorize County Board Chairman Richard Pierce to sign the Nebraska Emergency Management Agency 2003 Part 2 Equipment Grant Awards Agreement documentation for DOJ Homeland Security. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Barney, Dannehl, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

After discussion it was moved by Loewenstein, seconded by Dannehl to authorize County Emergency Manager Darrin Lewis to execute the letter of understanding between Buffalo County Emergency Manager and Ft. Kearney Chapter of American Red Cross. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Barney, Klein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce turned the meeting over the Supervisor William McMullen, Chairman of the Road & Bridge Committee to conduct the agenda highway business. Supervisor McMullen announced that Highway Superintendent Ron Sklenar and Assistant Highway Superintendent Phil Dixon would not be present at the meeting as they were at a Bridge conference to obtain their bridge inspector certification.

Moved by McMullen, seconded by Barney to accept the petition for county road maintenance from C.E.A. Second Subdivision to be turned over to Highway Superintendent Ron Sklenar for review. Upon roll call vote, the following Board members voted "Aye": McMullen, Barney, Dannehl, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

At 10:00 A.M it was moved by McMullen, seconded by Dannehl to accept the following gravel bids: Whitney Sand & Gravel Zone 11; Broadfoot Sand and Gravel for Zones 5, 12, 13, 16, 17, 19, 20 and 21; T & F Sand and Gravel for Zones 1, 2, 3, 4, 6, 7, 8, 9, 10, 14 and 15; Bruner Sand and Gravel for Zones 23, 24, 25 and 26; and Mid-NE Aggregates for Zone 18 and 22. Upon roll call vote the following Board members voted "Aye": McMullen, Dannehl, Barney, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by McMullen, seconded by Dannehl to allow the discretion by Highway Superintendent, Ron Sklenar to purchase steel in smaller quantities for use by the Road and Bridge crews. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Barney, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Moved by Morrow, seconded by Loewenstein to recess the regular meeting of the Board of Supervisors at 10:05 A.M. and reconvene as a Board of Equalization for approvals of motor vehicle tax exemption and tax list corrections. Upon roll call vote, the following Board members voted "Aye": Morrow, Loewenstein, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

-BOARD OF EQUALIZATION-

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward was present.

Moved by Morrow, seconded by McMullen to approve the motor vehicle tax exemption requests for Community Action Partnership of Mid Nebraska on a 2001 Dodge Intrepid. Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Barney, Dannehl, Klein and Loewenstein. None voted "Nay". Pierce Abstained. Absent: None. Motion declared carried.

Moved by Loewenstein seconded by Morrow to approve tax list adjustments #2032-#2051 as presented. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce appointed a review committee to evaluate the permissive tax exemptions which are on file for tax year 2003 and make recommendation to the Board as to the need for scheduled hearings. Committee members are: Loewenstein as Chairman, assisted by Barney and Morrow.

Moved by Klein, seconded by McMullen to recess the Board of Equalization at 10:22 A.M. and return to the regular meeting of the Board of Supervisors. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Barney, Dannehl, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

-REGULAR MEETING--BOARD OF SUPERVISORS-

Chairman Pierce called the regular meeting to order in open session.

Chan Komarek, representing the Nebraska Department of Agriculture, came before the County Board to review the evaluation of the Buffalo County Noxious Weed Program for 2003. Buffalo County scored 3399 out of 3,400.

Moved by Klein, seconded by McMullen to accept the report as presented. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Barney, Dannehl, Loewenstein, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

McMullen discussed with the County Board that after every Census there are update guidelines established by Federal legislation and Federal Aid Urban Area Boundary Update map is then reviewed by all appropriate entities. The County of Buffalo and the City of Kearney each received maps and is meeting jointly to verify the roads, boundaries and corporate limits of the city are correct.

Chairman Pierce announced it was time for the Zoning part of the meeting and announced that if the zoning hearings are not done by noon, the Board will have to recess until 1:30 P.M. due to a prior commitment of two of the County Board members, and due to what they have to deal with on the agenda today he was sorry for any hardship this might cause. County Attorney Shawn Eatherton was excused from the remainder of the meeting and Deputy County Attorney Andrew Hoffmeister was present for the zoning agenda items.

Chairman Pierce opened the public hearing at 11:00A.M. for discussion of the zoning regulations as Cody Kennedy requested an amendment of (6.3) for salvage yards to permit signed waivers by residents within 1 mile of a special use permit. Kennedy's originally worded amendment after prior Planning and Zoning Commission and reviews by this Board at public hearings was on February 19, 2004 amended by the Planning and Zoning Commission with approval of Kennedy as to its proposal to this Board. The Planning and Zoning Commission at public hearing on February 19, 2004 recommended to deletion of existing Section 6.3 (1) and recommended this amendment to this Board for adoption on a 6-0 vote following public hearing.

At 11:05 A.M. Chairman Pierce closed the hearing and it was moved by Dannehl, seconded by Klein to delete from the Buffalo County Zoning Regulations the current 6.3 #1 and adopt the following Resolution:

RESOLUTION 2004-06

WHEREAS Cody Kennedy has requested an amendment of Sec. 6.3 for salvage yards and the Buffalo Planning and Zoning Commission after public meeting of February 19, 2004, has by majority vote recommended approval of such amendment as submitted to this Board for consideration in the following language:

NOW THEREFORE, BE IT RESOLVED THAT Section 6.3 regarding Special Use Permits concerning Salvage yard, be amended to read as follows:

6.3 SALVAGE OR JUNK YARD

Salvage or junkyard operations and related facilities shall only be allowed by special permit in the AG and I Zoning Districts under the following conditions:

- ~~1. Located on a tract of land at least one (1) mile from a residential or — agricultural farm residence.~~
2. 1. remediation fund or bond shall be posted for clean up of facility in the event of abandonment.
3. 2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.
4. 3. No junk shall be loaded, unloaded or otherwise placed, wither temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
5. 4. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
6. 5. Special use permits granted under this section shall be subject to annual review by the County Board with written notice of hearing of such review given to permit holder at last given address.

In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off street parking lots, and other appropriate safeguards as required to protect adjoining property.”

Upon roll call vote, the following Board members voted "Aye": Dannehl, Klein, Barney, Loewenstein, McMullen, Morrow and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce opened the public hearing at 11:07 o'clock A.M. for the special use permit for Cody Kennedy and Roy Long on property described as a 10 acre tract in Section 6, Township 10, Range 17 West of the 6th Principal Meridian in Buffalo County, Nebraska. Speaking for were: Cody Kennedy and Roy Long. Speaking against were: Keith and Jan Rodehorst and John Martin. At 11:32 A.M. the Chairman closed the hearing.

Moved by McMullen, seconded by Loewenstein to deny the Special Use permit of Cody Kennedy and Roy Long on property described as a 10 acre tract in the North Half of the Southwest Quarter (N ½ SW ¼) Section 6, Township 10, Range 17 West of the 6th Principal Meridian in Buffalo County, Nebraska. Upon roll call vote, the following Board members voted "Aye": McMullen and Loewenstein. Barney, Dannehl, Klein and Pierce voted "Nay". Morrow Abstained due to conflict of interest. Absent: None. Motion declared failed.

Moved by Barney, seconded by Klein to approve the Special Use permit of Cody Kennedy and Roy Long on property described as a 10 acre tract in the North Half of the Southwest Quarter (N ½ SW ¼) Section 6, Township 10, Range 17 West of the 6th Principal Meridian in Buffalo County, Nebraska adopted in Resolution form as follows:

RESOLUTION 2004-07

WHEREAS, Cody Kennedy and Roy W Long filed Application for Special Use Permit with Buffalo County Clerk requesting the establishment of a salvage yard in an AG zoned area of Buffalo County, and:

WHEREAS, on February 19, 2004 following public hearing on such special use application, the Buffalo County Planning and Zoning Commission recommended denial of approval of such special use permit, and:

WHEREAS, on March 9, 2004 the Buffalo County Board of Supervisors held public hearing on such Special Use Permit and no written protests to such special permit were filed with the Clerk's office, and:

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.3 of Buffalo County's Zoning Regulations now in effect, and:

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that this Board approves Special Use Permit requested by Cody Kennedy and Roy W Long to locate a salvage yard on the following property more formally described: (upon researching legal description for board minutes on Special Use Permit of Cody Kennedy and Roy Long on a 10 acre tract of land in the N1/2 SW1/4 S6 T10 R17W, no survey was conducted so therefore there is no full legal description on this specific property that the Special Use permit was requested and granted for)

RESOLVED FURTHER that a copy of this Resolution shall be filed against legal description stated on original use application filed with Buffalo County Clerk and/or as more particularly described on survey done after adoption of this Resolution.

Upon roll call vote, the following Board members voted "Aye": Barney, Klein, Dannehl and Pierce. McMullen and Loewenstein voted "Nay". Morrow Abstained due to conflict of interest. Absent: None. Motion carried.

Chairman Pierce opened the public hearing at 11:37A.M. for the special use permit for Richard & Helen Burkey for an auction house to be located in Lot 3, H.R. Subdivision, a subdivision being part of the North Half of the Southwest Quarter of Section 10, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska. Attorney Jim Ganz, Jr., was present to speak on the Burkey's behalf (both Richard and Helen Burkey were present). Addressing the Board were County Zoning Administrator LeAnn Klein, County Surveyor Mitch Humphrey, Robert Beck, Dave Fleming and Mr. Burkey. At noon Chairman Pierce closed the hearing and recessed the meeting until 1:30P.M.

Chairman Pierce reconvened the meeting of the County Board meeting at 1:30 P.M. with all Board members and Deputy County Attorney Hoffmeister present. Chairman Pierce reopened the hearing for the Burkey special use permit at 1:31P.M. At 11:39 P.M Chairman Pierce closed the public hearing.

Moved by Morrow, seconded by McMullen to approve the special use permit for Richard & Helen Burkey in the following resolution form:

RESOLUTION 2004-08

WHEREAS, Helen Burkey and Richard Burkey filed application for Special Use Permit with the Buffalo County Clerk requesting to operate an auction house for farm auctions, estate auctions, furniture and secondhand auctions, bird and animal auctions and private parties and receptions to be located in Lot 3, H.R. Subdivision, and:

WHEREAS, on February 19, 2004 following public hearing on such special use application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit with the following conditions;

1. They would have a shelter belt
2. There will be a minimum of three lights, one on east and one on west side of building
3. There will be an office on premise
4. There will be no on street parking
5. No items will be left at this location after sale no longer than 10 days if stored exterior
6. There will be a timely removal of animal waste
7. That person using property granted this special permit waives any claim of nuisance against livestock
confinement operation now know as Platte Valley Feeders or its successor.
8. There will be two accesses to property
9. If private parties are held, no later than midnight

and:

WHEREAS, on March 9, 2004 the Buffalo County Board of Supervisors held public hearing on such Special Use Permit and no protests to such special permit were filed with the Buffalo County Clerk's Office that would require a vote greater than a majority vote of this Board for approval of such application, and:

WHEREAS, the issuance of this special permit is found to be in compliance with the Buffalo County's Zoning Regulations now in effect, and:

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that this Board approves Special Permit requested by Helen and Richard Burkey with the following recommendations;

1. There would be a shelterbelt on the west and north borders of the property comprised of conifer and similar screening trees.
2. There will be a minimum of three lights, one on the east and one on the west side of building
3. There will be an office on premise
4. There will be no on street parking
5. No items will be left at this location after sale no longer than 10 days if stored in exterior areas.
6. There will be a timely removal of animal waste.
7. The holder and/or user of the property granted this special permit waives any claim of nuisance to animal confinement operation now operated by Platte Valley Feeders or any successor thereto located approximately five/eighths of a mile to the southeast east of the subject property
8. There will be two accesses to property from public roads as laid out and existing and/or dedicated, one to the south and one to the west.
9. If private parties are held, they shall end no later than midnight on day of event.
10. The structure as proposed and built shall comply with Sec. 2.41 of the zoning regulations of Buffalo County, Nebraska in that all parts of the proposed structure shall be at least one foot above the one-hundred year flood plain elevation regardless whether such proposed structure is or is not in a delineated one-hundred year flood prove area as set forth on official flood plain maps utilized by the Buffalo County Flood Plain Administrator's office.

RESOLVED FURTHER that copy of this Resolution shall be filed against legal description stated on original use application filed with Buffalo County Clerk which is Lot 3, H.R. Subdivision, a subdivision being part of the North Half of the Southwest Quarter

(N1/2, SW1/4) of Section Ten (10), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Upon roll call vote, the following Board members voted "Aye": Morrow, McMullen, Dannehl, Klein, and Pierce. Barney and Loewenstein voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce opened the hearing for change of zoning at 2:00 o'clock P.M. for Neil A. Koster who requests a change of zoning from Agricultural to Commercial District for property described as a tract of land being part of the NE ¼ NW ¼ & part of Government Lot 1 in Section 30, Township 9 North, Range 14 West of the 6th Principal Meridian, Buffalo County, Nebraska with legal description for such proposed change more particularly set forth on application on file in the Buffalo County Clerk's Office. It was reported by Hoffmeister that the Buffalo County Planning and Zoning Commission did not by majority vote either recommend adoption or rejection of this change in zoning. As such the Board could act on this application for rezoning in any manner thought appropriate. Furthermore, after inquiry to the County Clerk, Mr. Hoffmeister informed the Board that a sufficient number of timely filed protests to this rezoning application were filed with the Clerk. These protests necessitated a "supermajority" or two-thirds vote of the Board to effect any change in zoning district designation for the particular tract involved. Speaking in favor were: Neil Koster, Sid Rodehorst for the Cruise Family, Randy Cruise, Gary Sorensen, Jason Miller and Ron Tillery. Speaking against were: Rod Gangwish, Jayne Gangwish. Jayne Gangwish also shared information on behalf of Bob Bendfeldt and Sina Martin Land who were in attendance in the morning but could not be present for the afternoon. Monty Shultz, Cindy Shultz and Kathy Gosch also spoke in opposition to such change in zoning. At 2:50 o'clock P.M. Chairman Pierce closed the hearing.

Moved by Loewenstein, seconded by Morrow to rezone the property from Agricultural to Commercial as applied for by Koster with a maximum of nine tracts or parcels of land allowed on such property sought to be rezoned, excluding therefrom the northernmost ten feet and a ten foot perimeter surrounding property owned by Shultz, which said excluded ten feet still subject to screening conditions of prior special use permit granted to Koster as reflected in prior minutes of this Board. After discussion and consultation in public with legal counsel and Mr. Koster, this motion was withdrawn by Loewenstein and Morrow.

Thereafter, it was moved by Loewenstein, seconded by Morrow to approve the change in zoning from Agricultural to Commercial for the east 6.13-acres of Koster's property subject to a 10 foot screening of the Special Use reservation along the western boundary of tract rezoned as it abuts east side of Mr. and Mrs. Shultz's property. After motion was made, Mr. Koster withdrew his application for

remainder of his property thereafter seeking rezoning solely for the easternmost 6.13 acres, and the following resolution was submitted for vote:

RESOLUTION 2004-09

WHEREAS, Neil A. Koster, filed application for change of zoning from Agricultural to Commercial for property described on his application on file with the Buffalo County Clerk, and;

WHEREAS, on February 19, 2004 following public hearing on such rezoning application the Buffalo County Planning and Zoning Commission on a 3 to 3 vote failed by lack of majority vote to either recommend approval or recommend disapproval of the application filed by Neil A. Koster, and;

WHEREAS, sufficient written protests were timely filed with the Buffalo County Clerk to require a two-thirds vote of this Board for adoption of such rezoning request, and;

WHEREAS, on March 9, 2004 the Buffalo County Board of Supervisors held public hearing on such request for change on zoning classification and;

WHEREAS, Neil A. Koster has withdrawn his application for all but the east 6.13 acres of his property.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that this Board approves the request for change of zoning from Agriculture to Commercial by Neil A. Koster on the following tract of land more particularly described as:

**LEGAL DESCRIPTION FOR THE TRACT ZONED
TO THE COMMERCIAL DISTRICT**

A tract of land being part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot One (1) in Section 30 and assuming

the West line of Government Lot 1 as bearing S 00°09'34" W and all bearings contained herein are relative thereto; thence S 89°29'20" E and on the North line of Government Lot 1 in said Section 30 a distance of 1273.14 feet to the Northeast Corner of Government Lot 1 in said Section 30, said point also being the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 30; thence S 89°29'20" E and on the North line of the Northeast Quarter of the Northwest Quarter of said Section 30 a distance of 653.69 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°29'20" E and on the North line of the Northeast Quarter of the Northwest Quarter of said Section 30 a distance of 670.23 feet to the Northeast Corner of the Northwest Quarter of said Section 30; thence S 00°12'42" E and on the East line of the Northeast Quarter of the Northwest Quarter of said Section 30 a distance of 310.72 feet to a point on the North line of the Union Pacific Railroad Company's Right-of-Way; thence S 73°30' W and on the North line of the Union Pacific Railroad Company's Right-of-Way a distance of 658.77 feet to a point being N 73°30' E a distance of 2054.80 feet along the North line of the Union Pacific Railroad Company's Right-of-Way from the West line of Government Lot 1 in said Section 30; thence N 04°30' W a distance of 214.5 feet; thence continuing N 04°30' W a distance of 290.95 feet to the place of beginning. Containing 6.13 acres, more or less.

RESOLVED FURTHER that the Zoning Map of Buffalo County be amended to reflect this change in zoning district designation and a copy of this Resolution be filed against described property.

Upon roll call vote, the following Board members voted "Aye": Loewenstein, Morrow, Barney, Dannehl, Klein, McMullen and Pierce. None voted "Nay". Absent: None. Motion declared carried.

Chairman Pierce declared the meeting adjourned at 3:30 P.M. until the next regular meeting on Tuesday, March 23, 2004 at 9:00 A.M. and instructed County Clerk Judy Jobman to publish notice for the same according to Nebraska law.