

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 13, 2022**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 13, 2022 at 9:00 A.M. and 9:45 A.M. Chairman Klein called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk's office and County Board Room on December 8, 2022. Chairman Klein 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 and posted at the back of the Board Room. Deputy County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Clerk Janice Giffin, County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister were present.

REGULAR AGENDA

Moved by Higgins and seconded by Maendele to approve the November 22, 2022 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Higgins to ratify the following December 2, 2022 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

GENERAL FUND			
NET PAYROLL			312,421.90
AMERICAN FAMILY LIFE	I	PREMIUMS	1,186.30
RETIREMENT PLANS AMERITAS	R	EMPE RET	53,211.27
BUFFALO CO TREASURER	I	PREMIUMS	123,798.50
CREDIT MANAGEMENT SERVICES, INC.	E	GARNISHMENT	193.49
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,200.00
FIRST CONCORD	E	FLEX FUNDS	5,392.65
FIRST NATIONAL BANK	T	FEDERAL TAXES	108,892.58
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,048.44
MADISON NATIONAL	I	LT DISABILITY	287.07
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	385.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,373.16
STATE OF NE	I	STATE TAXES	18,984.67
VISION SERVICE PLAN	E	EMPE VSP EYE	848.19
ROAD FUND			
NET PAYROLL			57,316.34
AMERICAN FAMILY LIFE	I	PREMIUMS	768.33
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,966.87
BUFFALO CO TREASURER	I	PREMIUMS	2,917.50
FIRST CONCORD	E	FLEX FUNDS	682.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	17,076.99
MADISON NATIONAL	I	PREMIUMS	187.41
MADISON NATIONAL	I	LT DISABILITY	109.31
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	930.88
STATE OF NEBRASKA	T	STATE TAXES	2,646.75
VISION SERVICE PLAN	E	EMPE VSP EYE	219.34
COVID AMERICAN RESCUE FUND			
NET PAYROLL			1,352.18
AMERICAN FAMILY LIFE	I	PREMIUMS	30.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	236.16
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST NATIONAL BANK	T	FEDERAL TAXES	368.26
MADISON NATIONAL	I	PREMIUMS	4.90
MADISON NATIONAL	I	LT DISABILITY	5.91

PRINCIPAL	E	DENTAL	45.52
STATE OF NE	T	STATE TAXES	48.33
VISION SERVICE PLAN	E	EMPE VSP EYE	14.08
WEED FUND			
NET PAYROLL			5,246.18
RETIREMENT PLANS AMERITAS	R	EMPE RET	830.27
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	40.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,694.24
MADISON NATIONAL	I	LT DISABILITY	3.68
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	269.95

Moved by Higgins and seconded by Kouba to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

GENERAL FUND			
FORWARD WELL SERVICE	EQ	EQUIP	37,511.85

Moved by Morrow and seconded by Lynch to accept the Clerk of District Court November 2022 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to accept the County Treasurer November 2022 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

Moved by Higgins and seconded by Lynch to accept the October 2022 Community Action Partnership RYDE Report. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Buffalo County Juvenile Services Administrator Doug Kramer was present for the following agenda item to answer any questions. After discussion, it was moved by Higgins and seconded by Morrow to authorize Kramer to submit the Community based Juvenile Services Aid (CB) Grant program application. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

County Clerk Janice Giffin discussed the transfer of historical books to the Buffalo County Historical Society. In May 2022 the clerk's office had MIPS scan the 1907-1998 Board Meeting Minutes books, the 1872-1986 Marriage License books and the 1905-1999 School Census books. The Buffalo County Historical Society (BCHS) and Trails and Rails Museum expressed interest in the old School Census books. In November the clerk's office partnered with the BCHS and Trails and Rails Museum and scanned the 1902-1903 additional School Census books along with the 1896 - 1979 Teachers and years taught book. After discussion it was moved by Morrow and seconded by Higgins to authorize the transfer of the historical School Census books along with the digital copy of the Teacher and years taught book to the Buffalo County Historical Society. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Following discussion it was moved by Maendele and seconded by Kouba to approve three hours of Holiday pay and the closure of Buffalo County Courthouse on Friday December 23, 2022 at 1:00 P.M. unless a Presidential Order would supersede the closure. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Bill Winberg from Billy Jacks Pizza Pub was present to request approval of his Special Designated Liquor License application. After discussion and review of the County Sheriff's report, it was moved by Loeffelholz and seconded by Maendele to approve the application for an event to be held at Lucky Stop Casino located at 150 Odessa Road, Elm Creek, Nebraska on December 31, 2022. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Chairman Klein reviewed the following correspondence. Election Commissioner Lisa Poff sent the true and complete Abstract of Votes cast at the General Election held on November 8, 2022. National Association of Counties (NACo) sent a thank you note for renewing our membership. Buffalo County Community Partners sent a letter regarding the 2023 Job Fest on McDonald-Belton Campus and asked for donations if participating. Nebraska Department of Environment and Energy sent letters regarding JKS Farms, LLC Concentrated Animal Feeding Operation for a Design Change Request and Approval to Operate Livestock Waste Control Facilities (LWCF). Audrey Christensen's family sent a thank you note for the sympathy arrangement. Nebraska Intergovernmental Risk Management Association (NIRMA) sent a Holiday Card and Governor Pete Ricketts sent an invitation to a Christmas Reception. Zelle

Human Resource (HR) Solutions sent an invite to all Conference attendees to the Zelle HR Solutions reception on December 15, 2022. Chairman Klein called on each Board member present for committee reports and recommendations.

ZONING

Zoning Administrator Dennise Daniels and Deputy County Attorney Hoffmeister were present for the following Zoning agenda items.

Chairman Klein opened the public hearing at 9:20 A.M. for an Administrative Subdivision filed by Trenton Snow, Licensed Land Surveyor, on behalf of Jeffrey R. Albers and Kayla M. Albers, for an Administrative Subdivision, to be known as “Albers Acres.” This property is located in part of Government Lot 4 in Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Trenton Snow and Jeffrey R. Albers were present to answer questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:22 A.M. Moved by Maendele and seconded by Higgins to approve the Administrative Subdivision with the following Resolution 2022-48. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-48

WHEREAS, Jeffrey R. Albers and Kayla M. Albers, hereinafter referred to as “applicants”, have filed for an Administrative Subdivision to be known as “Albers Acres”, with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on December 13, 2022, this Board conducted a public hearing now and finds:

1. The proposed “Albers Acres” is in the Agricultural – Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The size of the parcels of real estate, owned by the subdividing entity, and any remnant property not subdivided that amounts to roughly 11.41 acres, after subdividing, complies with the minimum lot size of this zoning district. The remnant property owned by the subdividing entity, is comprised of other lands in Part of Government Lot 4, of Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15), West of the 6th P.M., Buffalo County, Nebraska.
3. The proposed plat for this subdivision fulfills Buffalo County’s Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02 together with other provisions applicable thereto.
4. Hawk Road is a county-maintained open public road that abuts the subdivision on the west side. The width of Hawk Road meets this county’s minimum width standards.
5. Title search paperwork has been provided to the Buffalo County Attorney’s Office and that office has cleared title as concerns Buffalo County’s interests based upon the title search documents delivered to that office by applicant.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of “Albers Acres”, an administrative subdivision being located in part of Government Lot 4 in Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairman Klein opened the public hearing at 9:23 A.M. for a special use permit to operate a dog boarding facility. Mark Morten and Jacobsen Orr Lindstrom & Holbrook Attorney Nicholas Ridgeway were present to answer questions. Travis Martinson and Sheriff Neil Miller also addressed the Board and Chairman Klein closed the hearing at 9:52 A.M. Moved by Maendele and seconded by Lynch to approve Special Use Permit application for Mark Morten to operate a dog boarding facility, for tax parcel 380081010, located at 29235 145th Road, Kearney, Nebraska, and described as part of the Northwest Quarter if the Northwest Quarter, situated in Section Twenty-five (25), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2022-49. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Kouba, Morrow and Klein. “Nay”: Higgins and Loeffelholz. Motion declared carried.

RESOLUTION 2022-49

WHEREAS, Mark Morten has filed for a Special Use Permit, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application, which shows an application date of September 14, 2022, was filed with the Zoning Administrator on September 19, 2022, to operate a dog-boarding facility on the following legal description:

A tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 10 North, Range 16 West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 25; thence Southerly on the East line of said Northwest Quarter of the Northwest Quarter a distance of 916.55 feet to a point, said point being 407.0 feet North of the Southeast Corner of the Northwest Quarter of the Northwest Quarter of said section; thence Westerly parallel with and 407.0 feet Northerly of the South line of said Northwest Quarter of the Northwest Quarter a distance of 617.84 feet; thence Northerly a distance of 916.66 feet to a point that intersects on the North line of the Northwest Quarter of the Northwest Quarter of said Section; thence Easterly on the North line of said Northwest Quarter of the

Northwest Quarter a distance of 617.84 feet to the place of beginning. Containing 13.00 acres, more or less, of which 0.47 acres, more or less, are presently being used for road purposes on the North side.

hereinafter referred to as the "subject property".

WHEREAS, on November 17, 2022, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 6-3 vote with no absences and no abstentions, voted to forward this application to the County Commissioners, and

WHEREAS, on December 13, 2022, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, four exhibits were attached to the application:

1. The Application of the Special Use Permit.
2. Project Description.
3. Site Plan/Parking Plan.
4. Floor Plan.

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 that the application should be approved, based upon the following findings and conditions:

- The subject property abuts on the south side of 145th Road, which is a county-maintained road.
- That a maximum occupancy of 40 dogs is allowed within the kenneling and dog training facility.
- This facility is comprised of the future construction of a forty foot by eighty-eight-foot enclosed structure together with a fenced exercise area for the dogs all as described in the application. This would also include the sanitary sewer system needed to handle waste from the facility.
- Signage, with an address, is required along the subject property's north side where it abuts 145th Road. A sign up to 32 square feet is allowed as an amendment to the application. This sign shall be added to the special use permit's application and it shall be subject to setback rules regarding signage as provided in Buffalo County's Zoning Resolution.
- One structure, of a size of 40' x 88' feet as presented within the application, all of which is incorporated into this Resolution, is permitted to be constructed and used for the purposes described in this Resolution.
- All dogs must be enclosed, or kenneled, no later than 30 minutes after sunset until 30 minutes prior to sunrise.
- No one present spoke in opposition to this application.

WHEREAS, this special use permit complies with Section 6.2 of Buffalo County's Zoning Regulations because with the below stated conditions contained in this Resolution, the requested use/structure(s) 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, approves the applicants' requested Special Use Permit, subject, however, to the following:

1. The facility, and applicant, shall adhere to the conditions as previously set out in this Resolution.
2. The facility shall remain in compliance with any and all State and Federal regulations.

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.

Moved by Loeffelholz and seconded by Higgins to reappoint Barb Pemberton-Reiege, Randy Vest and Rodney Gangwish to the Board of Adjustment for a three-year term effective immediately. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to reappoint Willie Keep to The Planning and Zoning Commission for a three-year term effective immediately. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Following discussion it was moved by Loeffelholz and seconded by Lynch that the Buffalo County Planning and Zoning Commission, as a non-binding referral from this Board to that Commission, conduct a review, study, make amendments as thought needed, and after public hearing make recommendations regarding zoning provisions relating to wind farms and large animal confinement facilities. The initial language for this review is not set out in this motion, but has been delivered in draft form to this Board in a memorandum prepared by the Buffalo County Attorney's Office, all which is available for public viewing. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

ROAD DEPARTMENT

Assistant Highway Superintendent Cory Jensen was present for the following agenda items.

Chairman Klein instructed Deputy County Clerk Christensen to open and read aloud the submitted bids for the 2023 Asphalt Projects. A bid was submitted from Werner Construction, Inc. The Road Committee and Highway Superintendent will review the bid and come back with a decision at the next meeting on December 27, 2022.

Chairman Klein instructed Deputy County Clerk Christensen to open and read aloud the submitted bids for Project No. C10(991). Bids were submitted from the following companies: Midlands Contracting, Inc., Wilke Contracting Corp. and Saul Ramos Construction Inc. The Road Committee and Highway Superintendent will review the bids and come back with recommendations at the next meeting on December 27, 2022.

After discussion it was moved by Maendele and seconded by Kouba to authorize the selling of two overhead cranes from the Road Department on auction with Gravel Roads Auctions. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to recess the regular meeting of the Board of Commissioners at 10:05 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

BOARD OF EQUALIZATION

Chairman Klein called the Board of Equalization to order in open session. County Assessor Roy Meusch and County Treasurer Jean Sidwell were present.

Moved by Loeffelholz and seconded by Maendele to approve Tax List Corrections numbered 4913 through 4914 submitted by former County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Chairman Klein opened the public hearing at 10:08 A.M. for the Homestead Exemption Rejection for Zachary and Katherine Russell. Steve Linden, Sara Rector and Thomas Murphy reviewed the rejection and addressed the Board. After discussion, Chairman Klein closed the hearing at 10:13 A.M. Moved by Lynch and seconded by Morrow to approve the application and accept the exemption due to an entry error concerning the date of transfer of property address: 6111 Q Avenue Place Kearney, Nebraska Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Maendele and seconded by Higgins to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for RYDE Transit – Community Action Partnership of Mid-Nebraska for two 2008 Chevy Uplanders, three 2010 Dodge Grand Caravans, four 2010 Ford Cutaways, two 2010 Ford Expeditions, a 2012 Chevy Crew Cab, a 2014 Chevy G2500, two 2014 Dodge Grand Caravans, two 2014 Ford Cutaways, three 2016 Ford Cutaways, six 2017 Ford E450 Cutaways, a 2017 Chevrolet Express Van, three 2018 Dodge Caravans, four 2021 Ford Cutaways, a 2022 Chrysler Voyager and a 2022 Ford E450 Cutaway. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for Faith United Methodist Church for a 2012 United Enclosed Trailer. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for Church of the Nazarene Kearney for a 2006 Ford Econoline Van. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for Grace Fellowship Inc for a 2000 Eagle Flatbed, a 2003 Chevy Silverado, a 2004 Ford Super

Duty Pickup, a 2009 HHTC Enclosed Trailer and a 2015 HTTC Enclosed Trailer. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:17 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

Nebraska Association of County Officials (NACO) Executive Director Jon Cannon was present for an open discussion where he would answer any questions from the Board of Commissioners.

Chairman Klein called for Citizen's forum and no one addressed the Board.

Chairman Klein asked if there was anything else to come before the Board at 10:47 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, December 27, 2022.