

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 11, 2025**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, February 11, 2025 at 9:00 A.M. and 9:30 A.M. Chairperson Morrow called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Ivan Klein, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele and Sherry Morrow. 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 February 6, 2025. Chairperson Morrow 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. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton, Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Josiah Davis were present.

REGULAR AGENDA

Moved by Lynch and seconded by Higgins to approve the January 28, 2025 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Klein, Kouba, Loeffelholz, Maendele and Morrow. Motion declared carried.

Transportation Director Charles McGraw from the Community Action Partnership of Mid Nebraska was present to review the funding matches required for the operations RYDE Transit-Community Action Partnership of Mid Nebraska. Moved by Maendele and seconded by Lynch to approve the Local Funding Match for RYDE Transit Public Transportation with the following Resolution 2025-05. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Klein, Loeffelholz and Morrow. Abstain: Kouba, Motion declared carried.

RESOLUTION 2025-05

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

WHEREAS, the RYDE Transit-Community Action Partnership of Mid Nebraska desires to apply for said funds to provide public transport in (transit system's service area).

NOW THEREFORE, BE IT RESOLVED; the Buffalo County Board of Commissioners hereby instructs the RYDE Transit to apply for said funds.

Said funds are to be used for the RYDE Transit transportation operations in the FY 2025-2026 Application for Public Transportation Assistance. Local Funding Amount Match for 2025-2026: \$101,796.00

Health Director Jeremy Eschliman and Planning Section Manager Katherine Mulligan presented the Memorandum of Understanding (MOU) with Two Rivers Public Health Department regarding public swimming pool inspections. Following discussion, moved by Lynch and seconded by Kouba to approve the MOU with Two Rivers Public Health Department regarding public swimming pool inspections. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Klein, Loeffelholz, Maendele and Morrow. Motion declared carried.

After discussion, moved by Maendele and seconded by Loeffelholz to appoint Joshua Chaney to the Planning and Zoning Commission Committee for a 3-year term. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Klein, Kouba, Lynch and Morrow. Motion declared carried.

Lieutenant Robert Tubbs was present for the discussion of the Request for Proposal (RFP) for the support and maintenance of Mitel Phone system for the Buffalo County offices and City of Kearney/Buffalo County Law Enforcement Center. Proposals are due to the County Clerk on Friday, March 7, 2025 and are to be opened on Tuesday, March 11, 2025 during the Board of Commissioners meeting. Following discussion, it was moved by Higgins and seconded by Kouba to approve the RFP for the support and maintenance of Mitel Phone system for the Buffalo County offices and City of Kearney/Buffalo County Law Enforcement Center. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Lynch, Maendele and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to ratify the following February 7, 2025 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

FEBRUARY 7, 2025 PAYROLL

GENERAL FUND			
NET PAYROLL			370,625.88
AMERICAN FAMILY LIFE	I	PREMIUMS	1,554.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	65,545.36
BUFFALO CO TREASURER	I	PREMIUMS	174,550.47
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FAMILY SUPPORT REGISTRY	E	GARNISHMENT	75.00
FIRST CONCORD	E	FLEX FUNDS	7,076.60
FIRST NATIONAL BANK	T	FEDERAL TAXES	124,702.72
KEARNEY UNITED WAY	E	DONATIONS	67.42
MADISON NATIONAL	I	PREMIUMS	1,180.44
MADISON NATIONAL	I	LT DISABILITY	309.51
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	4,285.55
NATIONWIDE RETIREMENT	R	DEFERRED COMP	2,232.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.50
STATE OF NE	T	STATE TAXES	19,471.60
VISION SERVICE PLAN	E	EMPE VSP EYE	1,238.16
ROAD FUND			
NET PAYROLL			66,575.14
AMERICAN FAMILY LIFE	I	PREMIUMS	1,068.67
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,679.94
BUFFALO CO TREASURER	I	PREMIUMS	4,288.00
BUFFALO CO COURT	E	GARNISHMENT	228.50
FIRST CONCORD	E	FLEX FUNDS	821.66
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,551.43
MADISON NATIONAL	I	PREMIUMS	188.56
MADISON NATIONAL	I	LT DISABILITY	118.90
METLIFE	E	DENTAL	1,013.82
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,909.90
VISION SERVICE PLAN	E	EMPE VSP EYE	323.79
WEED FUND			
NET PAYROLL			5,728.20
RETIREMENT PLANS AMERITAS	R	EMPE RET	900.84
BUFFALO CO TREASURER	I	PREMIUMS	346.00
FIRST CONCORD	E	FLEX FUNDS	33.33
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,789.53
MADISON NATIONAL	I	LT DISABILITY	3.94
METLIFE	E	DENTAL	60.36
STATE OF NE	T	STATE TAXES	264.73

ZONING

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

Registered Land Surveyor Mitch Humphrey presented a Preliminary Plat Application filed on behalf Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst. This property is for a Preliminary Subdivision to be known as “Heritage Hills Subdivision”. This property is a tract of land located in part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska. Deputy County Attorney Hoffmeister presented the application to the Board. Registered Land Surveyor Humphrey was present to answer questions. No one else addressed the Board. Moved by Loeffelholz and seconded by Higgins to approve the Application for Preliminary Subdivision, “Heritage Hills Subdivision”, located in part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska with the following Resolution 2025-06. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

RESOLUTION 2025-06

WHEREAS, on or around September 23, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for “Heritage Hills Subdivision”, filed by Mitch Humphrey, licensed land surveyor, for a tract of land being part of the North Half of the

Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-071, in the Buffalo County Zoning Records.

WHEREAS, on, or around October 22, 2024, during the regular meeting of the Buffalo County Board of Commissioners, The Buffalo County Zoning Administrator, denied the Application for Preliminary Plat, known as “Heritage Hills Subdivision” because the subdivision, as proposed, was noncompliant under zoning and subdivisions, then, in effect. Thereafter the Board, by simple majority, voted in favor of The Buffalo County Zoning Administrator’s recommendation of denial, and

WHEREAS, on December 12, 2024, at the request of the applicant for subdivision, the Buffalo County Board of Adjustment, considered, and approved, the following requests for relaxation:

1. Buffalo County Subdivision Regulations, Section 1.05, states, “No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution. (Resolution 7-13-2021)”;
2. Buffalo County Subdivision Regulations, Section 2.35, defines a street as, “A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street. (Resolution 7-13-2021)”;
3. Buffalo County Subdivision Regulations, Section 4.02 (E), states, “All lots shall have a minimum of 25 feet width along a street or road. (Resolution 7-13-2021)”;
4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
5. Buffalo County Subdivision Regulations, Section 4.03, states, “...Cul-de-Sacs must have a 66-foot radius...”;
6. Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”;
7. Buffalo County Subdivision Regulations, Section 4.11, states, “Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”;
8. Buffalo County Subdivision Regulations, Section 4.12 (A), states, “Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.”;
9. Buffalo County Subdivision Regulations, Section 4.12 (B), states, “Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).”;
10. Buffalo County Subdivision Regulations, Section 5.01, states, “All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)”;
11. Buffalo County Zoning Regulations, Section 5.32 (2), states: “Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from livestock confinement facilities (Resolution 07-13-2021).”.

WHEREAS, on January 16, 2025, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation, together with the condition that the access road be renamed to E. 106th Street Place, to the proposed subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, in regular session with a quorum present, that Buffalo County, on a preliminary basis, approves the proposed “Heritage Hills Subdivision”, a subdivision located in part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

FURTHER RESOLVED that this resolution is not an approval of a Final Plat and a copy is not to be filed against the foregoing real estate until the Final Plat is approved.

Moved by Maendele and seconded by Loeffelholz to recess the regular meeting of the Board of Commissioners at 9:36 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Klein, Kouba, Lynch and Morrow. Motion declared carried.

BOARD OF EQUALIZATION

Chairperson Morrow called the Board of Equalization to order in open session. County Treasurer Brenda Rohrich and County Assessor Roy Meusch were present.

Moved by Lynch and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for First Lutheran Church for a 2005 Ford F350. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Salvation Army for a 2006 Chevy Express G30. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

Moved by Maendele and seconded by Klein to approve Tax List Corrections numbered 5072 through 5076 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Maendele, Klein, Higgins, Kouba, Loeffelholz, Lynch and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:41 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

ROAD DEPARTMENT

Highway Superintendent John Maul was present for the following Agenda Item.

After discussion it was moved by Klein and seconded by Loeffelholz to change the weekly hour schedule at the Highway Department from five (5) eight (8) hour days to four (4) ten (10) hour days beginning Monday, March 3, 2025 through Thursday, November 6, 2025 returning to five (5) eight (8) hour days on Monday, November 10, 2025. Upon roll call vote, the following Board members voted "Aye": Klein, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

REGULAR AGENDA

Moved by Kouba and seconded by Maendele to accept the Clerk of the District Court January 2025 Report. Upon roll call vote, the following Board members voted "Aye": Kouba, Maendele, Higgins, Klein, Loeffelholz, Lynch and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to accept the Buffalo County Treasurer January 2025 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

Moved by Higgins and seconded by Maendele to approve the addition of pledged collateral in the amount of \$1,200,000.00 for the Buffalo County Treasurer at NebraskaLand Bank. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Klein, Kouba, Loeffelholz, Lynch, and Morrow. Motion declared carried.

Moved by Higgins and seconded by Maendele to approve the release of pledged collateral in the amount of \$1,200,000.00 for the Buffalo County Treasurer at NebraskaLand Bank. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Klein, Kouba, Loeffelholz, Lynch and Morrow. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to approve the release of pledged collateral in the amount of \$9.12 for the Buffalo County Treasurer at FirsTier Bank. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Klein, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to approve the following transfer of County funds all per budget. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Klein Kouba, Lynch and Morrow. Motion declared carried.

FROM	100	GENERAL FUND	TO	5400	WEED DISTRICT FUND	\$10,000.00
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After discussion it was moved by Maendele and seconded by Loeffelholz to ratify Chairperson Morrow's signature on a letter of opposition of LB216, which transfers duties of ex-officio Clerks of the District Court to Clerk of the Magistrate and State. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Klein, Kouba, Lynch and Morrow. Motion declared carried.

Chairperson Morrow reviewed the following correspondence. Two Rivers sent an email with a January 2025 newsletter attached. State of Nebraska Judicial Branch- State Court Administrator, Corey R. Steel sent a letter to inform the Board about the State's pursuit for legislation in regards to LB216. City of Kearney sent a letter regarding the Planning Commission Agenda for February 21, 2025 meeting. Nebraska Intergovernmental Risk Management Association (NIRMA) sent a letter and booklet regarding the 2024 Annual Report. Kearney Area Chamber of Commerce sent a letter with updates for the 2025 year as well as a magazine featuring Kearney Nebraska. Chairperson Morrow called on each Board member present for committee reports and recommendations.

Chairperson Morrow called for Citizen's forum no one addressed the Board.

Chairperson Morrow presented a review of the current construction projects in Buffalo County to the Board.

Chairperson Morrow asked if there was anything else to come before the Board at 10:06 A.M. before she declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, February 25, 2025.

ATTEST:

Sherry L. Morrow, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)