

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 10, 2023**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, January 10, 2023 at 9:00 A.M. and 9:30 A.M. County Clerk Heather Christensen called the Reorganization Meeting of the Buffalo County Board of Commissioners 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 January 5, 2023. 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 and Deputy County Attorney Andrew Hoffmeister were present.

County Clerk Heather Christensen called for the election of a Chairperson. Commissioner Loeffelholz nominated Ivan Klein for Chairperson of the Buffalo County Board of Commissioners and Lynch seconded the nomination. County Clerk Christensen called for any further nominations three times. There were no further nominations, and it was moved by Loeffelholz and seconded by Lynch to cease the nominations and cast a unanimous ballot for Ivan Klein. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried and Ivan Klein is the 2023 Board Chairperson.

County Clerk Christensen turned the meeting over to Chairperson Klein.

Chairperson Klein called for the election of a Vice Chairperson. Commissioner Lynch nominated Sherry Morrow as Vice Chairperson of the Buffalo County Board of Commissioners and Loeffelholz seconded the nomination. Chairperson Klein called for any further nominations three times. There were no further nominations and the nominations ceased with a unanimous ballot for Sherry Morrow. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried and Sherry Morrow is the 2023 Board Vice Chairperson.

Moved by Maendele and seconded by Morrow to approve the following list of Depositories for County Monies. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Cornerstone Bank	Exchange Bank
Farmers & Merchants Bank	First National Bank of Omaha
Five Points Bank	Heartland Bank
NebraskaLand Bank	NFIT/Union Bank
NPAIT	Pinnacle Bank
Town & Country Bank	

Moved by Morrow and seconded by Lynch to authorize the Buffalo County Treasurer Brenda Rohrich to invest the County funds at the approved depositories. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Chairperson Klein then made the following Agency Appointments:

County Board Representatives:

Airport Zoning Board- Ivan Klein
Buffalo County Economic Development Council- Sherry Morrow & Daniel Lynch
Community Action Partnership of Mid-Nebraska Board- Myron Kouba
Kearney Area Chamber of Commerce- Bill D. Maendele
Kearney Area Visitors Bureau Advisory Board- Timothy Higgins
Mid-NE Individual Services Advisory Board- Ivan Klein
Region III Governing Board- Bill D. Maendele
Solid Waste Agency- Ronald Loeffelholz
South Central Economic Development Council- Timothy Higgins
South Central NE Area Agency on Aging Governing Board- Ivan Klein
Two River Public Health Department- Daniel Lynch

State Agency Appointments:

Nebraska Jail Standards Board- Sherry Morrow

Nebraska Wireless Enhanced 911 Advisory Board- Timothy Higgins

Chairperson Klein then made the following miscellaneous appointments:

Legal Newspaper Designations - The Kearney Hub and the Buffalo County Website (www.buffalocounty.ne.gov)

Buffalo County NIRMA (Nebraska Intergovernmental Risk Management Association) Contact – Lynn Martin

Chairperson Klein then made the following Committee appointments with the first person listed to be the Committee Chair:

Budget & Finance Committee

Sherry Morrow-Chair

Timothy Higgins

Bill D. Maendele

Facilities OMP Committee

Sherry Morrow-Chair

Ivan Klein

Timothy Higgins

Information Technology Committee

Myron Kouba-Chair

Daniel Lynch

Ivan Klein

Road & Bridge Committee

Ivan Klein-Chair

Daniel Lynch

Ronald Loeffelholz

Noxious Weed District Committee

Daniel Lynch-Chair

Ivan Klein

Ronald Loeffelholz

Human Resource/Insurance Committee

Myron Kouba-Chair

Timothy Higgins

Bill D. Maendele

Public Safety, Law Enforcement

Daniel Lynch-Chair

& Emergency Management Committee

Ronald Loeffelholz

Sherry Morrow

Court & Judicial Committee

Bill D. Maendele-Chair

Ivan Klein

Sherry Morrow

Veterans Service Committee

Myron Kouba-Chair

Bill D. Maendele

Ivan Klein

Zoning/Flood Plain Committee

Ronald Loeffelholz-Chair

Daniel Lynch

Bill D. Maendele

Extension/Agricultural Society Committee

Ronald Loeffelholz-Chair

Myron Kouba

Tim Higgins

Election Commission Committee

Ronald Loeffelholz-Chair

Bill D. Maendele

Daniel Lynch

Legislative Committee

Timothy Higgins-Chair

Sherry Morrow

Ronald Loeffelholz

Ravenna Lake/Campgrounds

Myron Kouba-Chair

Advisory Committee

Ivan Klein

Timothy Higgins

County Official Council

Timothy Higgins-Chair

Law Enforcement Center
Committee

Sherry Morrow
Myron Kouba
Timothy Higgins-Chair
Daniel Lynch
Sherry Morrow

REGULAR AGENDA

Moved by Higgins and seconded by Lynch to approve the December 27, 2022 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Sheriff Neil Miller was present for the presentation of Deputy Sheriff Tate Pierce and Deputy Sheriff Jacob Wasser.

Moved by Morrow and seconded by Loeffelholz to ratify the following December 30, 2022 payroll claims that were processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

GENERAL FUND			
NET PAYROLL			183,216.08
RETIREMENT PLANS AMERITAS	R	EMPE RET	51,361.80
CREDIT MANAGEMENT SERVICES, INC.	E	GARNISHMENT	193.49
FIRST NATIONAL BANK	T	FEDERAL TAXES	111,686.22
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
STATE OF NE	T	STATE TAXES	19,572.57
ROAD FUND			
NET PAYROLL			32,453.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	9,500.28
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,696.55
STATE OF NEBRASKA	T	STATE TAXES	3,256.82
COVID AMERICAN RESCUE FUND			
NET PAYROLL			771.35
RETIREMENT PLANS AMERITAS	R	EMPE RET	236.16
FIRST NATIONAL BANK	T	FEDERAL TAXES	466.10
STATE OF NEBRASKA	T	STATE TAXES	69.09
WEED FUND			
NET PAYROLL			2,919.66
RETIREMENT PLANS AMERITAS	R	EMPE RET	830.27
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,795.38
STATE OF NEBRASKA	T	STATE TAXES	294.01

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

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	\$2,086.00

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

Moved by Morrow and seconded by Loeffelholz to accept the Buffalo County Treasurer December 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 Loeffelholz and seconded by Maendele to approve the following tax refund request submitted by County Treasurer Brenda Rohrich for William and Ranae Yockey in the amount of \$488.24 for parcel number 720068050. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

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

Moved by Loeffelholz and seconded by Higgins to enter into Executive Session at 9:17 A.M. regarding personnel issues. In addition to the Board members responding to roll call were County Attorney Eatherton and Deputy County Attorney Hoffmeister. 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 move out of Executive Session at 9:38 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Commissioners Kouba and Morrow excused themselves at 9:38 A.M.

Moved by Higgins and seconded by Lynch to re-appoint the following appointed officials for 2023: John Maul as the Highway Superintendent, Bret Stubbs as the Weed Superintendent, Lisa Poff as the Election Commissioner, William Williams as the Veteran's Service Officer, Steve Gaasch as the Facilities Director, Darrin Lewis as the Emergency Manager, Dennise Daniels as the Floodplain/Zoning Administrator and Lynn Martin as the Board Administrator. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Loeffelholz, Maendele and Klein. Absent: Kouba and Morrow. Motion declared carried.

Commissioners Kouba and Morrow returned at 9:40 A.M.

County Clerk Christensen presented the Oath of Office Report and the report will be filed in the Clerk's office.

Moved by Morrow and seconded by Maendele to approve the release of pledged collateral in the amount of \$25,003,000.00 for the Buffalo County Treasurer at First National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Chairperson Klein reviewed the following correspondence. The Kearney Area Chamber of Commerce (KACC) sent an invitation to the 104th Annual Meeting held on January 30, 2023. The City of Kearney sent a letter regarding the City of Kearney Planning Commission Agenda for the January 20, 2023 meeting. Chairperson Klein called on each Board member present for committee reports and recommendations.

ZONING

Zoning Administrator Dennise Daniels was present for the following Zoning agenda item.

Mitch Humphrey, Licensed Land Surveyor, on behalf of Jason Potter and Riley Potter, filed a Minor Subdivision of Antelope Park Estates, Block Two, Lot One, Lot Two, and Lot Seven, a subdivision being part of the Northwest Quarter of Section Eight (8), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitch Humphrey was present to answer questions. No one else addressed the Board. Moved by Loeffelholz and seconded by Higgins to approve the Minor Subdivision with the following Resolution 2023-01. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-01

WHEREAS, Jason Potter and Riley Potter, Husband and Wife, owners of Lot One (1), Lot Two (2), and Lot Seven (7), Block Two (2) in the following described subdivision have filed for a minor subdivision change to authorize the division of Lot Seven (7), Block Two (2), in Antelope Park Estates, into two tracts, "The West Tract" and "The East Tract", and combining the West 195.16 feet of Lot Seven (7), Block Two (2), Antelope Park Estates with Lot Two (2), Block Two (2), Antelope Park Estates and combining all of Lot Seven (7), Block Two (2), Antelope Park Estates, except therefrom the West 195.16 feet of Lot Seven (7), Block Two (2), with Lot One (1), Block Two (2), Antelope Park Estates, a subdivision located in Part of the Northwest Quarter (NW1/4) of Section Eight (8), Township Nine (9) North, Range Fifteen (15) West of the 6th p.m., Buffalo County, Nebraska, with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on January 10, 2023, this Board conducted a public hearing considering this request and finds:

1. The proposed minor subdivision change concerns property situated in the Agricultural Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The proposed minor subdivision change reflected on survey given to this Board fulfills Buffalo County's Subdivision Resolution requirements for minor subdivision changes specifically allowed under Section 3.20 together with other provisions applicable thereto.
3. No public utilities occupy lot line proposed to be moved.
4. The proposed minor subdivision change should be approved to the extent reflected on the survey given to this Board.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS that proposed minor subdivision change concerning the legal tracts previously identified is approved and the Chairperson of this Board and all other Buffalo County zoning officials are authorized to sign and file the proposed minor subdivision change.

RESOLVED FURTHER, that a copy of this Resolution and survey, as presented to this Board at public meeting on January 10, 2023, when filed with the Buffalo County Register of Deeds, against the above named legal descriptions, shall cause this minor subdivision change to occur.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:49 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Higgins and seconded by Lynch to approve Tax List Corrections numbered 4915 through 4928 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Kouba to approve Motor Vehicle Tax Exemption renewal as indicated on the application by former County Treasurer Jean Sidwell for Crane River Theater Company Inc. on two 2015 Sharp Enclosed Cargo Trailers, a 2021 Sharp Enclosed Cargo Trailer, a 2022 Big T Bumper Pull 10' and a 2022 Big T Bumper Pull 18'. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Brenda Rohrich for The Salvation Army on a 2006 Chevy Express Van and a 2019 Chevy Traverse. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Brenda Rohrich for CHI Health Good Samaritan on a 1994 Chevy ½ Ton Pickup, 1995 Ford Bus, 1995 Ford Econoline Van, 1998 Ford Cutaway Van, 2000 Chevy ½ Ton Pickup, 2001 Dodge Ram Pickup, 2002 Ford Cutaway Van, 2003 Ford Ambulance, 2003 Ford Bus, 2003 Pontiac Montana Van, 2005 Chevy ¾ Ton Pickup, 2007 Ford Explorer, 2008 Buick Lacrosse, 2008 Ford Ambulance, 2010 Chevy Ambulance, 2011 Chevy Express Van, 2012 McCoy Miller Ambulance, 2013 Chevy Ambulance, 2014 GMC Caravan, 2015 Chevy Ambulance and a 2018 Chevy Express Van. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Morrow and Klein. Abstain: Maendele. Motion declared carried.

Moved by Maendele and seconded by Lynch to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:54 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

Roger Jasnoch, Executive Director of the Kearney Visitors Bureau and Sarah Focke, Tourism and Convention Sales Manager were present for the following agenda items. After discussion, it was moved by Kouba and seconded by Morrow to authorize Chairman Klein to sign the American Rescue Plan Act (ARPA) of 2021 Grant Contract with The Kearney Visitors Bureau with the following Resolution 2023-02. Upon roll call vote, the following Board members voted "Aye": Kouba, Morrow, Higgins, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2023-02

WHEREAS, on March 11, 2021, the American Rescue Plan Act (H.R. 1319), § 4001, ARPA") was signed into law providing federal funding relief for American workers, families, industries, and state and local governments; and

WHEREAS, on May 10, 2021, the United State Department of Treasury released an interim final guide on allowed uses of funds and allocated \$ 350 billion for state, local, territorial, and Tribal governments from the American Rescue Plan Act Fund; and

WHEREAS, Buffalo County has received funds to be used for purposes designated by ARPA, and

WHEREAS, after a requests from political subdivision and other non-profit organizations of this county were made to Buffalo County for ARPA funds, this Board's Budget Committee reviewed these requests and has made recommendations to this Board as to an allocation of some of the ARPA funds that have been received by this County, and

WHEREAS, APRA provides funds to charitable and non-profit entities to make necessary investments in structures and infrastructure, and

WHEREAS, Buffalo County pursuant to that committee's report on allocations, desires to allocate a portion of the received ARPA Funds to the Kearney Visitors Bureau hereinafter simply referred to as "KVB" to assist that non-profit organization to pay for lost

lodging revenues and update area welcome signage both of which that have suffered from the negative economic impacts of the COVID-19 public health emergency; and

WHEREAS, Buffalo County has determined that contracting with KVB would yield efficiencies in time and in the processing the goals of are economic development.

NOW, THEREFORE BE IT RESOLVED BY BUFFALO COUNTY, NEBRASKA, ACTING BY AND THROUGH THE BUFFALO COUNTY BOARD OF COUNTY COMMISSIONERS that the Chairperson of this Board is hereby authorized, empowered, and directed to execute an American Rescue Plan Act Agreement with the KEARNEY VISITOR'S BUREAU for the financial assistance to KVB to assist in the payment of economic development funding used for the development of area tourism and signage to promote Kearney and Buffalo County, and to take all necessary steps required to complete the Project Agreement.

Moved by Higgins and seconded by Maendele to reappoint Paul Younes, Ben Holl and Jackie Purdy to the Kearney Visitors Bureau Committee for a four-year term. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

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

Chairperson Klein asked if there was anything else to come before the Board at 10:10 A.M. before he declared the meeting adjourned until the regular meeting on Tuesday January 24, 2023 at 9:00 A.M.