

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

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, October 10, 2023 at 9:00 A.M. and 9:40 A.M. Chairperson 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 and Ivan Klein. Absent: 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 web site, and the bulletin boards located outside the County Clerk's office and County Board Room on October 5, 2023. Chairperson 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. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

**REGULAR AGENDA**

Moved by Lynch and seconded by Higgins to approve the September 26, 2023 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Absent: Morrow. Motion declared carried.

Moved by Higgins and seconded by Maendele to ratify the following October 6, 2023 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch and Klein. Absent: Morrow. Motion declared carried.

**OCTOBER 6, 2023**

<b><u>GENERAL FUND</u></b>			
NET PAYROLL			324,694.42
AMERICAN FAMILY LIFE	I	PREMIUMS	1,280.47
RETIREMENT PLANS AMERITAS	R	EMPE RET	57,161.66
BUFFALO CO TREASURER	I	PREMIUMS	136,482.50
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,150.00
FIRST CONCORD	E	FLEX FUNDS	5,703.01
FIRST NATIONAL BANK	T	FEDERAL TAXES	110,052.95
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,128.77
MADISON NATIONAL	I	LT DISABILITY	300.60
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	375.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,570.88
STATE OF NE	T	STATE TAXES	19,007.22
VISION SERVICE PLAN	E	EMPE VSP EYE	1,086.83
<b><u>ROAD FUND</u></b>			
NET PAYROLL			65,521.24
AMERICAN FAMILY LIFE	I	PREMIUMS	747.72
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,189.49
BUFFALO CO TREASURER	I	PREMIUMS	4,079.50
FIRST CONCORD	E	FLEX FUNDS	914.92
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,187.82
MADISON NATIONAL	I	PREMIUMS	202.89
MADISON NATIONAL	I	LT DISABILITY	125.30
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	1,126.60
STATE OF NE	T	STATE TAXES	3,005.53
VISION SERVICE PLAN	E	EMPE VSP EYE	303.87
<b><u>WEED FUND</u></b>			
NET PAYROLL			5,460.03
RETIREMENT PLANS AMERITAS	R	EMPE RET	859.32
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,740.71
MADISON NATIONAL	I	LT DISABILITY	3.81
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	279.44

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

<b>GENERAL FUND</b>		
US BANK	EXPENSE	\$5,172.52
<b>ROAD FUND</b>		
STATE OF NEBRASKA	FUEL TAX	\$4,217.00

Moved by Lynch and seconded by Kouba to accept the Buffalo County Treasurer September 2023 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele and Klein. Absent: Morrow. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to accept the Clerk of District Court September 2023 Fee Report. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Klein. Absent: Morrow. Motion declared carried.

Moved by Higgins and seconded by Maendele to accept the August 2023 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch and Klein. Absent: Morrow. Motion declared carried.

Moved by Maendele and seconded by Kouba to accept the Keno audit for the fiscal year ending June 30, 2023. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch and Klein. Absent: Morrow. Motion declared carried.

Chairperson Klein reviewed the following correspondence. Conservation Nebraska sent an informational letter about water quality. Miller & Associates sent a recommendation letter regarding 2024 Paving Improvements Project No. 130-P20-270. Kinship Pointe-Northridge sent an event calendar for October 2023. Nebraska Association of County Officials sent a letter regarding election procedures for the NACO officers with an attached Voter Confirmation form to be completed before December 8, 2023. City of Kearney sent a letter regarding the City of Kearney Planning Commission Agenda for October 20, 2023.

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 items.

Zoning Administrator Daniels reviewed the Administrative Subdivision for “Cherry Valley”, Resolution 2023-45 from September 12, 2023 with the Board. After discussion it was moved by Maendele and seconded by Loeffelholz to amend the Administrative Subdivision for “Cherry Valley”, Resolution 2023-45 with the following Resolution 2023-45A. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Klein. Absent: Morrow. Motion declared carried.

### **RESOLUTION 2023-45A AMENDMENT**

WHEREAS, on September 12, 2023, in an open public meeting, The Buffalo County Board of Commissioners approved an administrative subdivision, Cherry Valley, inventoried in the Buffalo County Zoning Records as Permit #2023-056 and

WHEREAS, in review of the approved resolution, Resolution 2023-45, it was discovered there was a typographical error on the road name, abutting the proposed subdivision and

WHEREAS, to prevent further error, this Board desires to correct the typographical error, and therefore uses strike-through to delete the error and underlining to reflect correctly the street name in Section 4 of the approved Resolution 2023-45, to state:

4. “~~Buckeye~~ Buckboard Road is a county-maintained, open public road and it abuts the subdivision on its east side. The width of ~~Buckeye~~ Buckboard Road meets this county’s minimum width standards.”

NOW THEREFORE, BE IT RESOLVED THAT THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a vote of majority of its members, approves this resolution to correct the typographical error in Resolution 2023-45.

BE IT RESOLVED, that Section 4 of the amended Resolution 2023-45 shall read as follows:

4. “Buckboard Road is a county-maintained, open public road and it abuts the subdivision on its east side. The width of Buckboard Road meets this county’s minimum width standards.”

Moved by Maendele and seconded by Lynch to amend the September 12, 2023 Minutes after Resolution 2023-45 Amendment. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz and Klein. Absent: Morrow. Motion declared carried.

Zoning Administrator Daniels presented Summary Report of Denial for Proposed Final Plat. Chairperson Klein opened discussion for Mitch Humphrey, Registered Land Surveyor who commented on the Summary Report of the application for Final Plat for “Roubicek 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. No one else addressed the Board. Moved by Lynch and seconded by Maendele to deny the proposed Final Plat for “Roubicek Subdivision” and requests that Registered Land Surveyor Humphrey resubmit his application for variances and present it to the Planning & Zoning Commission. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba, Loeffelholz and Klein. Absent: Morrow. Motion declared revoked.

Moved by Maendele and seconded by Kouba to recess the regular meeting of the Board of Commissioners at 9:23 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted “Aye”: Maendele, Kouba, Higgins, Loeffelholz, Lynch and Klein. Absent: Morrow. Motion declared carried.

### BOARD OF EQUALIZATION

Chairperson Klein called the Board of Equalization to order in open session. County Assessor Roy Meusch was present.

Moved by Maendele and seconded by Kouba to set levies for 2023-2024 fiscal year with Resolution 2023-53. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch and Klein. Absent: Morrow. Motion declared carried.

### RESOLUTION 2023-53

		PROPERTY TAX RATES 2023-2024						
<b>COUNTY FUNDS</b>		<b>LEVY</b>						
GENERAL		0.298655						
BOND		0.022195						
VETERAN'S AID		0.000361						
TOTAL		0.321211						
<b>BUFFALO COUNTY AGRICULTURAL SOCIETY</b>								
<b>GENERAL</b>	0.009571	<b>SINKING</b>	0.010877					
<b>FIRE DISTRICTS</b>								
	<b>GENERAL</b>	<b>SINKING</b>			<b>BOND</b>			
SUBURBAN #1	0.024081	0.008669			0.004106			
GIBBON #2	0.012130							
SHELTON #3	Set By Hall	County						
PLEASANTON #4	0.070675							
RAVENNA #5	0.003193							
MILLER #6	0.011869							
ELM CREEK #7	0.010595				0.016217			
AMHERST #8	0.015399				0.024808			
<b>SID #3 GENERAL</b>	0.180000							
<b>CITY/VILLAGE</b>								
	<b>GENERAL</b>	<b>BOND</b>			<b>PARKING</b>		<b>CRA</b>	
AMHERST	0.285334							
ELM CREEK	0.378203							
GIBBON	0.350000	0.145000						
KEARNEY	0.140223	0.008647			0.116394		0.007234	
MILLER	0.474068							
PLEASANTON	0.193579	0.071359						
RAVENNA	0.356556							
RIVERDALE	0.054602							
SHELTON	0.499964	0.178875						
<b>SCHOOL DISTRICTS</b>								
	<b>DISTRICT</b>	<b>NO.</b>	<b>GENERAL</b>	<b>BOND</b>	<b>K-8 or 2009</b>	<b>9-12 or 2013</b>	<b>CAPITAL</b>	<b>SP BLDG</b>
GIBBON	2		0.948228	0.143604				0.044780
KEARNEY	7		0.982834		0.067266	0.091335	0.029998	0.021551
ELM CREEK	9		0.878407	0.201201				0.018427
SHELTON	19		1.049519	0.064206			0.024142	
RAVENNA	69		0.640390					0.084547
PLEASANTON	R105		0.845620	0.145396				0.028370
AMHERST	119		0.659677	0.140829				

Moved by Loeffelholz and seconded by Higgins to approve Tax List Corrections numbered 4991 through 4993 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Absent: Morrow. Motion declared carried.

Moved by Kouba and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:24 A.M. Upon roll call vote, the following Board members voted "Aye": Kouba, Loeffelholz, Higgins, Lynch, Maendele and Klein. Absent: Morrow. Motion declared carried.

### **REGULAR AGENDA**

Chairperson Klein opened the public hearing at 9:30 A.M. for a new application for a retail liquor license (Class C License) and manager's application by Casey's Retail Company dba Casey's 4303 5785 Buffalo Creek Rd, Elm Creek, NE. Amber Roeder, District Manager for Casey's was present to answer questions from the Board. No one else addressed the Board and Chairperson Klein closed the hearing at 9:34 A.M. After review of the County Sheriff's office report, it was moved by Loeffelholz and seconded by Kouba to approve the request for a Class C Liquor License and manager's application. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Klein. Absent: Morrow. Motion declared carried.

Chairperson Klein called for a break in the meeting at 9:35A.M. Chairperson Klein resumed the meeting at 10:00A.M.

### **ROAD DEPARTMENT**

Highway Superintendent John Maul was present for the following agenda items.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for for three Box Culvert Projects C10 (990) Sodtown Road north of 310<sup>th</sup> Road; C10 (995) 235<sup>th</sup> Road west of Gibbon Road and C10 (1450) 115<sup>th</sup> Road half mile west of Evergreen Road. Bids were submitted from the following companies: Saul Ramos Construction Inc., Midwest Construction, Midlands Contracting Inc., Wilke Contracting Corp.. Highway Superintendent Maul and the Road Committee will review the bids and come back with recommendations at the next meeting on October 24, 2023.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for for Bridge Project C10 (209) Sioux Road just north of 295<sup>th</sup> Road. Bids were submitted from the following companies: Theisen Construction Inc., Midwest Infrastructure Inc., Simon Contractors.. Highway Superintendent Maul and the Road Committee will review the bids and come back with recommendations at the next meeting on October 24, 2023.

Moved by Lynch and seconded by Kouba to accept the low bid of Werner Construction, Inc. for 2024 Asphalt Overlay Projects for total cost of \$1,050,000.00. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele and Klein. Absent: Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to set bid date of Tuesday, November 14, 2023 at 9:30 A.M. Project C10 (1007) and C10 (1012) for Clay/Dirt to Road Top. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Absent: Morrow. Motion declared carried.

### **REGULAR AGENDA**

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 at 9:00 A.M. on Tuesday, October 24, 2023.

ATTEST:

---

Ivan H. Klein, Chairperson  
Buffalo County Board of Commissioners

---

Heather A. Christensen  
Buffalo County Clerk

(SEAL)