

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 12, 2022**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, July 12, 2022 at 9:00 A.M. and 9:30 A.M. Vice Chairman 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, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele and Sherry Morrow. Absent: 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 web site, and the bulletin boards located outside the County Clerk's office and County Board Room on July 7, 2022. Vice Chairman 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 Janice Giffin 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.

REGULAR AGENDA

Moved by Loeffelholz and seconded by Maendele to approve the June 28, 2022 Board meeting minutes with the following clerical omission that should read as follows: Moved by Loeffelholz and seconded by Maendele to appoint Commissioner Higgins as the County representative and Chairman Klein as the alternate for change order authority as provided in Sec 3.2 Management Agreement. This authority is limited to \$5,000 per incident and the change orders that were approved by the County representative will be ratified at the following Board of Commissioner meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch and Klein. Absent: Morrow. Motion declared carried. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

Moved by Higgins and seconded by Loeffelholz to ratify the following July 1, 2022 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

GENERAL FUND			
NET PAYROLL			291,024.32
AMERICAN FAMILY LIFE	I	PREMIUMS	1,238.45
RETIREMENT PLANS AMERITAS	R	EMPE RET	49,256.26
BUFFALO CO TREASURER	I	PREMIUMS	122,221.50
CREDIT MANAGEMENT	E	GARNISHMENT	193.49
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	5,301.68
FIRST NATIONAL BANK	T	FEDERAL TAXES	99,538.89
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,071.65
MADISON NATIONAL	I	LT DISABILITY	297.33
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,895.00
NE CHILD SUPPORT	R	CHILD SUPPORT	1,200.00
PRINCIPAL	I	DENTAL	3,389.00
STATE OF NE	T	STATE TAXES	16,863.33
VISION SERVICE PLAN	E	EMPE VSP EYE	852.40
ROAD FUND			
NET PAYROLL			58,837.23
AMERICAN FAMILY LIFE	I	PREMIUMS	996.79
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,869.77
BUFFALO CO TREASURER	I	PREMIUMS	2,701.50
FIRST CONCORD	E	FLEX FUNDS	697.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,984.65
MADISON NATIONAL	I	PREMIUMS	140.96
MADISON NATIONAL	I	LT DISABILITY	96.24
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	871.12
STATE OF NE	T	STATE TAXES	2,578.72
VISION SERVICE PLAN	E	EMPE VSP EYE	222.88
WEED FUND			
NET PAYROLL			5,061.08
RETIREMENT PLANS AMERITAS	R	EMPE RET	800.66

<u>WEED FUND CONTINUED</u>			
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	40.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,623.80
MADISON NATIONAL	I	LT DISABILITY	3.54
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	254.12

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

<u>ROAD FUND</u>			
STATE OF NE	T	FUELS TAX	2,432.00
<u>HEALTH INSURANCE FUND</u>			
DEPT OF TREASURY	E	FEES	2,025.26

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

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

Emergency Manager Darrin Lewis and Deputy County Attorney Hoffmeister reviewed the contract with American Signal Corporation for the siren upgrade to install a two-way secure outdoor siren warning activation and management system county-wide for outdoor siren warning systems. After discussion, it was moved by Maendele and seconded by Lynch to authorize Vice Chairman Morrow to sign the contract with American Signal Corporation for the siren upgrade. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz and Morrow. Absent: Klein. Motion declared carried.

Moved by Maendele and seconded by Kouba to appoint Emergency Manager Lewis as the County representative and Sheriff Neil Miller as the alternate for change order authority for the siren upgrade project. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried.

Moved by Kouba and seconded by Higgins to set the date of Tuesday, July 26, 2022 at 9:00 A.M. for Auditing Services Request for Proposal (RFP) for fiscal year ending June 30, 2022. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Loeffelholz, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Higgins and seconded by Kouba to approve the contract with KSO CPA's, P.C. for Keno Audit for fiscal years ending June 30, 2021 and June 30, 2022. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to accept the Keno Audit prepared by KSO CPAS and Advisors for fiscal year ending June 30, 2021. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Lynch and seconded by Maendele to authorize Vice Chairman Morrow to sign the contract with Bramer Auction & Realty to conduct a surplus property auction to be held on Saturday, July 30, 2022 at 1406 1st Ave, Kearney, NE. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba, Loeffelholz and Morrow. Absent: Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Maendele and seconded by Kouba to approve the Special Designated Liquor License application filed by National Audubon Society- Rowe Sanctuary for events to be held on August 20 and September 24, 2022. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Lynch and seconded by Loeffelholz to approve the Special Designated Liquor License application filed by B&B Research and Investments LLC; Trade Name: Village 1919 for an event to be held on August 20, 2022. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Maendele and Morrow. Absent: Klein. Motion declared carried.

ZONING

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

Vice Chairman Morrow opened the public hearing at 9:21 A.M. for an Administrative Subdivision Application filed by Trenton Snow, Licensed Land Surveyor, on behalf of Rex A. Peterson, Trustee of the Rex A. Peterson Revocable Trust dated April 29, 1999, Shari A. Peterson, Trustee of the Rex A. Peterson Revocable Trust dated April 29, 1999, Rex A. Peterson, Trustee of the Shari A. Peterson Revocable Trust dated April 29, 1999, and Shari A. Peterson, Trustee of the Shari A. Peterson Revocable Trust dated April 29, 1999, for an Administrative Subdivision, "Jacobson Acres", located in part of Government Lot 22 in Section Thirty-one (31), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Trenton Snow was present to review the application and answer questions. No one else addressed the Board and Vice Chairman Morrow closed the hearing at 9:25 A.M. Moved by Loeffelholz and seconded by Maendele to approve the Administrative Subdivision Resolution 2022-26 known as "Jacobson Acres". Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

RESOLUTION 2022-26

WHEREAS, Rex A. Peterson, Trustee of the Rex A. Peterson Revocable Trust dated April 29, 1999, Shari A. Peterson, Trustee of the Rex A. Peterson Revocable Trust dated April 29, 1999, Rex A. Peterson, Trustee of the Shari A. Peterson Revocable Trust dated April 29, 1999, and Shari A. Peterson, Trustee of the Shari A. Peterson Revocable Trust dated April 29, 1999, hereinafter referred to as "applicants", have filed for an Administrative Subdivision to be known as "Jacobson Acres", with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on July 12, 2022, this Board conducted a public hearing now and finds:

1. The proposed "Jacobson Acres" is in the Agricultural – Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The size of the proposed subdivision is approximately 1.62 Acres. An email was received, from the Nebraska Department of Environment and Energy, along with the application, confirming a subdivision review is not required and the lot could be reduced to 70,000 square feet.
3. Any remnant property, not subdivided by the applicants, amounts to roughly 136 acres, after subdividing. The remnant property owned by the subdividing entity, is comprised of other lands in Part of Government Lot 15, Part of Government Lot 16, Part of Government Lot 22, and All of Government Lot 21, of Section Thirty-One (31), Township Ten (10) North, Range Sixteen (16), West of the 6th P.M., Buffalo County, Nebraska.
4. 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.
5. Dove Hill Road and 115th Road are two county-maintained open public roads that abut the subdivision on the east and south sides. The width of Dove Hill Road and 115th Road meet this county's minimum width standards.
6. 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.
7. 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 "Jacobson Acres", an administrative subdivision being located in Part of Government Lot 22, of Section Thirty-One (31), Township Ten (10) North, Range Sixteen (16), West of the 6th P.M., 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.

ROAD DEPARTMENT

Moved by Loeffelholz and seconded by Kouba to accept the state contract amount through the Source Well pricing from NMC of Doniphan, NE for one Caterpillar 6-Way Dozer for the price of \$251,671.00 to be purchased with ARPA Funds. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to acknowledge county receipt of a letter dated June 28, 2022 from Miller and Associates requesting road surface maintenance for streets within the Wood River Estates Subdivision and to refer this request to the Highway Superintendent for review and report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to recess the regular meeting of the Board of Commissioners at 9:40 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

BOARD OF EQUALIZATION

Vice Chairman Morrow called the Board of Equalization to order in open session. County Assessor Ethel Skinner and County Treasurer Jean Sidwell were present.

Moved by Maendele and seconded by Kouba to approve Tax List Corrections numbered 4881 through 4885 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Mother Hull Home on a 2005 CHEV Van and a 1998 CHRY Town & Country Van. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for South Central Behavioral Services, Inc. for a 2005 Chevy Express Van, 2006 Chrysler Minivan, (3) 2007 Toyota Camry, 2008 Toyota Highlander, 2009 Toyota Camry, (2) 2011 Toyota Rav4, 2015 Toyota Rav, 2016 Honda Odyssey and a 2020 Toyota Camry. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Lynch and seconded by Maendele to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Evangelical Free Church of Kearney for a 2015 Ford Extended and a 2012 Dodge Ram 2500 Truck. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba, Loeffelholz and Morrow. Absent: Klein. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:45 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

REGULAR AGENDA

Vice Chairman Morrow reviewed the following correspondence. Nebraska Association of County Officials (NACO) sent a letter regarding the Open Meetings Act that will be effective on July 21, 2022. City of Kearney sent the Planning Commission Agenda for July 15, /2022. Vice Chairman Morrow called on each Board member present for committee reports and recommendations.

Moved by Loeffelholz and seconded by Higgins to enter into Executive Session at 9:55 A.M. regarding an inter-department employee transfer request and other personnel issues. In addition to the Board members responding to roll call was County Attorney Eatherton. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to move out of Executive Session at 10:25 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

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

Vice Chairman Morrow asked if there was anything else to come before the Board at 10:26 A.M. before she declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, July 26, 2022.