

BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 11, 2026

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 11, 2026 at 9:00 A.M. and 9:40 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, Myron Kouba, Daniel Lynch, Bill Maendele and Sherry Morrow. Absent: Ivan Klein and Ronald Loeffelholz. 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 August 6, 2026. 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, Chief Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Josiah Davis were present.

REGULAR AGENDA

Moved by Lynch and seconded by Maendele to approve the July 28, 2026 minutes. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Higgins and seconded by Kouba to ratify the following August 7, 2026 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

AUGUST 7, 2026 PAYROLL

<u>GENERAL FUND</u>		
NET PAYROLL		570,383.86
BUFFALO CO TREASURER	I	158,772.00
FIRST CONCORD	E	675.00
FIRST NATIONAL BANK	T	40,885.06
MADISON NATIONAL	I	489.91
RETIREMENT PLANS AMERITAS	R	40,497.65
<u>ROAD FUND</u>		
NET PAYROLL		98,255.87
FIRST NATIONAL BANK	T	6,881.75
RETIREMENT PLANS AMERITAS	R	6,441.31
<u>EMPLOYEE DEDUCTIONS</u>		
AMERICAN FAMILY LIFE	I	2,023.06
BUFFALO CO TREASURER	I	26,819.00
EMPOWER ANNUITY INS	R	1,075.00
FIRST CONCORD	E	8,667.10
FIRST NATIONAL BANK	T	99,845.14
KEARNEY UNITED WAY	E	40.00
MADISON NATIONAL	I	1,343.10
METLIFE	E	5,579.73
NATIONWIDE RETIREMENT	R	2,567.50
NE CHILD SUPPORT	E	876.50
RETIREMENT PLANS AMERITAS	R	32,097.66
STATE OF NE	T	20,624.55
VISION SERVICE PLAN	E	1,553.88

Key: E- Expense: I- Insurance & or Bonds: R- Retirement: T- Taxes

Moved by Higgins and seconded by Kouba to accept the County Clerk July 2026 Journal Entry Report. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Maendele to accept the Buffalo County Treasurer July 2026 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Higgins to accept the Clerk of the District Court July 2026 Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Higgins and seconded by Kouba to acknowledge receipt of the County Sheriff Distress Warrant Report. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

After discussion, it was moved by Maendele and seconded by Lynch to approve the Special Designated License for The Crick for an event at Knobel Barn located at 3070 Odessa Road, Kearney, NE on August 29, 2026. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Following discussion, it was moved by Lynch and seconded by Maendele to approve the Special Designated License for The Wandering Well for an event at Knobel Barn located at 3070 Odessa Road, Kearney, NE on September 12, 2026. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to authorize Chairperson Morrow to sign the Annual Federal Funds Purchase Certification for the Nebraska Department of Transportation (NDOT). Upon roll call vote, the following Board members voted “Aye”: Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein and Loeffelholz.

Succeeding discussion, it was moved by Higgins and seconded by Lynch to approve the Engagement Letter to Hayes & Associates auditing services for fiscal year 2025-2026. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Deputy County Attorney Davis presented the amendments to the Employee Handbook to the Board. After discussion, it was moved by Kouba and seconded by Higgins to approve the amendments to the Employee Handbook. Upon roll call vote, the following Board members voted “Aye”: Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein and Loeffelholz.

Chairperson Morrow reviewed the following correspondence. City of Kearney sent a letter regarding the Planning Commission Agenda for August 21, 2026. County Clerk added the last Planning Commission meeting minutes to the Board packets as requested by the Board. Chairperson Morrow called on each Board member present for committee reports and recommendations.

Facilities Director Stephen Gaasch presented an update on various county projects.

ZONING

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

Chief Deputy County Attorney Hoffmeister presented the Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems to the Board. Chairperson Morrow opened the public hearing at 9:26 A.M. for Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems. No one addressed the Board and Chairperson Morrow closed the hearing at 9:27 A.M. Moved by Lynch and seconded by Higgins to adopt the proposed regulations, as revised and proposed by the Buffalo County Planning Commission with the following Resolution 2026-35. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

RESOLUTION 2026-35

WHEREAS, on July 16, 2026, the Buffalo County Planning and Zoning Commission held a public hearing for code amendments to The Buffalo County Zoning Regulations, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems.

That Commission voted favorably, on an 8-0 vote, with one absence and no abstentions, to recommend that this Board adopt the proposed amendment, along with any proposed revisions, which may be located within the minutes of that Commission and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, this Board generally accepts the recommendation given by the Planning Commission. The Board amends the suggested language by deleting in proposed Section 6.9 Data Center Special Requirements, Paragraph D the following language: “with total outdoor storage area(s) not exceeding an area that exceeds fifteen (15) percent of the enclosed area of the center or facility, and associated utility infrastructure.”

WHEREAS, on August 11, 2026, this Board conducted a public hearing concerning proposed amendments to Buffalo County’s Zoning Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, voted that the following amendment be adopted under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems with amendments noted in strikethrough for deletion of and underlining for added and renumbering as necessary, as follows:

Amend to add in definitions:

“Stationary Energy Storage System(s), that are also known as Battery Electrical Storage System(s) (BESS). These facilities are for the use of storage of electrical energy usually comprised of batteries for storage of 20 kWh or more of electricity based upon manufacturer specifications housed in any ~~or~~ one or more structures that can be situated as stand-alone and/or in an enclosed structure(s).”

Add the following verbiage, under Article 6:

“6.9 Stationary Energy Storage Systems Special Requirements

- A. The key components of the system shall be submitted as part of the application, to include stamped engineering plans to include, but not be limited to footing standards and fire protection.
- B. BESS facilities shall minimally be enclosed by a perimeter secure fence that consists of a minimum eight-foot-high fence with a locking gate.
- C. A clearly visible warning sign shall be placed on the fence informing individuals of potential voltage hazards.
- D. The facility may also include customary accessory uses such as an office use.
- E. For cooling functions the Stationary Energy Storage System, if the System uses water as a cooling source, shall utilize closed loop water cooling apparatus.
- F. The facility, in its’ design and use, shall include air handlers, temporary power generators, material storage area(s), air to air cooling, if used, as needed to support sustained operations of the Energy Storage System’s infrastructure.
- G. The center or facility is allowed to have outdoor storage facilities.
- H. All Stationary Energy Storage Systems shall also be minimally situated in well lighted, secured, areas, with signage indicating the facilities street address and emergency telephone numbers.”

Amend definition of Data Center to read as follows:

“3.3117 DATA CENTER: A data center(s) or other facility(ies) used to house computer systems and associated components, such as telecommunications and storage systems, coding systems, power supplies and systems for managing property performance (including standby power generators used for emergency power situations), and equipment used for the transformation, transmission, distribution or management of electricity (including substations), internet-related equipment and services, data communications connections, environmental controls and security devices, structures and site features and related uses. This shall also include the operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.” A Data Storage System use may be combined with a Stationary Energy Storage System(s), that are also known as Battery Electrical Storage System(s) (BESS) use on the same or abutting parcel.”

Add the following verbiage:

“6.9 Data Center Special Requirements

- A. The facility may ~~also~~ include customary accessory uses such as an office use.
- B. For cooling functions of the Data Center, if the Center uses water as a cooling source, it shall utilize closed loop water cooling apparatus.
- C. The facility, in its’ design and use, shall include air handlers, temporary power generators, material storage area(s), air to air cooling, if used, as needed to support sustained operations of the digital infrastructure.
- D. The center or facility is allowed to have outdoor, on-site power and data storage facilities ~~with total outdoor storage area(s) not exceeding an area that exceeds fifteen (15) percent of the enclosed area of the center or facility, and associated utility infrastructure.~~
- E. All Data Storage Systems shall minimally be situated in fenced, well lighted, secured, areas with signage indicating emergency telephone numbers.”

Add into definitions Sec. 70-670(5) amendments effective 7/18/2026.

“Data Center/ Stationary Energy Storage or (BESS) Electric Substation: A high-voltage electric system facility used to switch on-site generators, equipment, and circuits or lines in and out of a public utility system, change AC voltages from one level to another, or change alternating current to direct current or direct current to alternating current. Data Center/ Stationary Energy Storage or (BESS) ~~Electric or~~ Substation. Electric Substations may only be constructed in conjunction with and adjacent to a Data Center or a Stationary Energy Storage or Battery Energy Storage System (BESS) Facility.”

Amend definitions to include definition of word “public”

“‘PUBLIC’ means:

- 1. As to ownership and/or operation of a use, “public”, means that the owner and/or operator of the use is an entity whose governance is determined by ballots for public elections on Buffalo County ballots.
- 2. As to access upon the property by people, the word “public”, means open to the use by the general public for nominal charge and/or without charge.’

AG

Amend Sec. 5.12(6) adding the word “public” to uses by right, to read as follows:

“5.12 (6) “Public Uses: Including fire stations, public schools, public utilities and public utility distribution systems.”

RC

Amend Sec. 5.27(1) adding the word “public” to uses by right, to read as follows:

“5.27 (1) “The minimum lot area for RC uses shall be eighty (80) acres. By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and public utility distribution systems. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting an improved county road (above minimum maintenance road) (Resolution 07-13-2021).”

AGR - 1

Amend Sec. 5.34 to add word “public” to use by special use permit:

“5.34 (19) Public utilities and public utility distribution systems (Resolution 8-10-04);”

AGR – 2

Amend Sec. 5.44 to add word “public” for use by special use permit:

“5.44(8) Public utilities and public utility distribution systems;”

Commercial

Amend Sec. 5.52(28) to add word “public” for uses by right:

“28. Public utilities, including shops and offices.”

Amend Sec. 5.54 to delete Data Center as a use by special use permit:

“~~Data Center;~~”

Industrial

Amend Sec. 5.62 to delete Data Center as a use by right:

- “3. Animal hospitals;
4. Arborist Services;
5. Auction houses (Resolution 6-9-20);
6. Automobile sales and services;
7. Automotive/Truck wash facilities;
8. Building material sales and ready-mix concrete plants;
9. Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section 6.6. (Resolution 04-12-2022);
10. ~~Data Center;~~”

Amend Sec. 5.63 to add as use(s) by special use permit:

“Data Center, if abutting and having access to paved public road.”

Stationary Energy Storage System, commonly referred to as Battery Energy Storage System (BESS), if abutting and having access to paved public road.”

Chairperson Morrow opened the public hearing at 9:30 A.M. for Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence. Heath Schake, Buffalo County resident, approached the Board with questions. No one else addressed the Board and Chairperson Morrow closed the hearing at 9:35 A.M. Moved by Maendele and seconded by Higgins to accept and affirm the unfavorable recommendation of the Buffalo County Planning Commission to refrain from adopting the proposed code amendment with the following Resolution 2026-36. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

RESOLUTION 2026-36

WHEREAS, on July 16, 2026, the Buffalo County Planning and Zoning Commission held a public hearing for code amendments to The Buffalo County Zoning Regulations under Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence.

That Commission voted to unfavorably recommend, on an 5-3 vote, with one absence and no abstentions, that this Board refrain from adopting the proposed amendment, with the recommendation that The Buffalo County Board of Commissioners review the necessity of the provision, and

WHEREAS, no protests have been filed with the Buffalo County Clerk against the unfavorable recommendation of such proposed amendments, and

WHEREAS, on August 11, 2026, this Board conducted a public hearing concerning the unfavorable recommendation of the proposed amendments to Buffalo County’s Zoning Regulations and no parties appeared to oppose the unfavorable recommendation of such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, to accept and affirm the decision of the Buffalo County Planning Commission to refrain from adopting the proposed amendments noted in strikethrough for deletion of and underlining for added and renumbering as necessary, as follows:

“2. No manure disposal by spraying, injecting, ~~or~~ spreading, or storage on land shall be closer than thirteen hundred and twenty (1,320) feet to an inhabited residence without written consent by the property owner of the residence. This restriction shall not apply to lands upon which the confinement or feedlot is located (Resolution 6-12-07).”

Chief Deputy County Attorney Hoffmeister presented the Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, regarding medical marijuana to the Board. Chairperson Morrow opened the public hearing at 9:45 A.M. for Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, regarding medical marijuana. Brett Mayo, Buffalo County resident, approached the Board. No one else addressed the Board and Chairperson Morrow closed the hearing at 10:08 A.M. Moved by Lynch and seconded by Kouba to adopt the proposed regulations, as revised and proposed by the Buffalo County Planning Commission with the following Resolution 2026-37. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

RESOLUTION 2026-37

WHEREAS, on July 16, 2026, the Buffalo County Planning and Zoning Commission held a public hearing for code amendments to The Buffalo County Zoning Regulations, regarding medical marijuana.

That Commission voted favorably, on an 8-0 vote, with one absence and no abstentions, to recommend that this Board adopt the proposed amendment, along with any proposed revisions, which may be located within the minutes of that Commission and

WHEREAS, no protests have been filed with the Buffalo County Clerk against such proposed amendments, and

WHEREAS, on August 11, 2026, this Board conducted a public hearing concerning proposed amendments to Buffalo County’s Zoning Regulations and no parties appeared to oppose such proposed amendment, however Brett Mayo appeared addressing concerns as to the need of the county to pass this Resolution at this time,

WHEREAS, the 2025 Nebraska Legislature enacted Nebraska Medical Cannabis Regulation Act, as set out in LB 1, 2025 Legislature, effective February 26, 2025. Thereafter, the Nebraska Medical Cannabis Commission promulgated and adopted temporary regulations concerning the cultivation, processing, distribution, and sale of Medical Marijuana. In fulfillment of the obligations and duties of the County Board as a “local government” under the Nebraska Medical Marijuana laws, this Board establishes a policy whereby all persons, entities or organizations wishing to establish a Medical Marijuana Manufacturing Facility Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility within Buffalo County must apply for and be granted a zoning special use permit for said use, and

WHEREAS, the use, cultivation, manufacturing, production, distribution, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nebraska and federal law. As such, the County Board does not have the authority to, and nothing in this Resolution is intended to, authorize, promote, condone, or aid the production, distribution, or possession of medical marijuana in violation of any applicable law, and

WHEREAS, The County Board intends to regulate the use, acquisition, cultivation, manufacturing, disposal, and transportation of medical marijuana in a manner that is consistent with the Nebraska law. The zoning regulations adopted in this Resolution are intended to apply to all medical marijuana operations in the county by any medical marijuana business as permitted under state law. This Resolution is intended to regulate land use for state-licensed Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary so that the placement of these facilities will have minimal negative impact and/or other adverse impact(s) on surrounding properties and tax valuations. The regulations are also adopted for the protection and security of the medical marijuana product; to reduce contamination of the product; and to protect the public health, safety, property values, and general welfare of the citizens of Buffalo County, and

WHEREAS, this Board perceives that there is a need to have regular localized review and inspection of Nebraska licensed medical marijuana facilities that can or will be established in this county, and to create a means of reducing the public cost of localized reviews and inspections, and that there is a need to pass some of this cost to the entities that operate and are engaged in the medical marijuana business.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, voted that the following amendment be adopted under regarding medical marijuana, with amendments noted in strikethrough for deletion of and underlining for added and renumbering as necessary, as follows:

Add the following definitions:

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a body organized to conduct religious worship and used primarily for religious worship and related activities.

“County” means Buffalo County, Nebraska, legally known as County of Buffalo, State of Nebraska, unless specifically otherwise provided.

"Cultivation of marijuana" means the planting and growing of one or more marijuana plant(s) or any part thereof.

Dispose" or "Disposal" of Medical Marijuana waste means the disposition of medical marijuana waste by either a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.

“Farm products” means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur. (Neb.Rev.Stat. 2-4402)

"Fence", for purposes of medical marijuana, means a barrier constructed of any materials or combination of materials of sufficient strength and dimension to prevent unauthorized entry constructed to a height of no less than six feet. The term "fence" does not include bushes, hedgerows, plastic sheeting, cloth material (tarpaulins), or retaining walls. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.

"Medical Marijuana Greenhouse" means, for purposes of medical marijuana, a structure legally established with all required permits approved, secure from unauthorized entry and completely enclosed with one or more secure locking doors as the only means of ingress and egress, where solely medical marijuana plants are grown.

"Harvest" means, for purposes of medical marijuana, the drying, processing, or storage of marijuana.

"Marijuana" or "cannabis" is used herein interchangeably and means any part of the genus cannabis plant, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” or “cannabis” includes marijuana, hashish, and concentrate cannabis. "Marijuana" or "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" or "cannabis" does not include hemp, as defined in section Sec. 2-503 Neb.Rev.Stat., nor does it include the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration. (Sec. 71-24,107, Neb.Rev.Stat.

Medical Marijuana: means cannabis, cannabis products, and cannabis accessories intended for use by qualified patients pursuant to any law enacted contemporaneously with the adoption of the Nebraska Medical Cannabis Regulation Act, generally Sec. 71-24,107, Neb.Rev.Stat., or at any time thereafter.

Medical Marijuana accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body;

Medical Marijuana Business (MMB)” means a registered and/or licensed Medical Marijuana Manufacturing Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility.

Medical Marijuana Dispensary: Medical Marijuana Dispensary means a registered establishment licensed to possess, sell or transfer medical cannabis to qualified patients or caregivers. All Dispensaries shall be located in a structure affixed to a permanent foundation with all sales or transfers occurring within this structure.

Medical Marijuana Cultivation Facility: A Medical Marijuana Cultivation Facility means a registered establishment licensed to cultivate cannabis plants for production of Medical Marijuana that is purposed to be sold through a Medical Marijuana dispensary for human consumption or sold as nursery stock to another Medical Marijuana Cultivation Facility. The facility shall be comprised of a wholly enclosed structure, usually described as a greenhouse. The sole purpose of a Medical Marijuana Cultivation Facility shall be to grow and harvest Medical Marijuana. The cultivation facility is allowed to dispose of medical marijuana waste created or derived from plants within the Cultivation Facility. Prior to transport medical marijuana waste from the Facility, the plant material waste shall be rendered unusable and unrecognizable. The Cultivation Facility and waste where the plants are grown and waste processed shall be secured in the area from unauthorized entry and enclosed with one or more secure locking doors as the only means of ingress and egress.

Medical Marijuana Manufacturing Facility: Medical Marijuana Product Manufacturing Facility means an establishment licensed to process cannabis, conduct extractions, and manufacture cannabis products for sale or transfer to dispensaries, but cannot sell or transfer cannabis plants or cannabis products to qualified patients or caregivers. The manufacturing process includes the packaging or repackaging of cannabis products; the labeling or relabeling of cannabis products; and the remediation of failed harvest batches or cannabis product batches.

A Medical Marijuana Manufacturing facility and its functions may also be combined with a Medical Marijuana Waste Disposal Facility.

Medical Marijuana Qualifying Patient: A person who has been diagnosed with a debilitating medical condition by a physician licensed to practice medicine in the State of Nebraska and who has in that person’s possession a current, valid photo identification issued by the State of Nebraska or the United States of America and a current, valid document issued by the Nebraska Department of Health to that person and authorizing that person to possess and use Medical Marijuana.

Medical Marijuana Registered Designated Caregiver: An individual who is registered with the Nebraska Department of Health who agrees to manage the well-being of a Medical Marijuana Qualifying Patient with respect to the Medical Marijuana Qualifying Patient's medical use of Marijuana.

Medical Marijuana Transporter. Transporter means a registered establishment licensed to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees, provide logistical services for medical cannabis licensees, or store for transportation purposes medical cannabis in a medical marijuana facility described in this Resolution. A Transporter may only possess cannabis for transport to or from: a licensed dispensary, a licensed product manufacturer, a licensed cultivator, medical marijuana waste disposal facility, or another licensed transporter.

Medical Marijuana Transporter Facility means an enclosed structure used by Medical Marijuana Transporter to store vehicles used to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees or medical marijuana waste facilities; provide logistical services for medical cannabis licensees; or store, for transportation purposes, medical cannabis in a medical marijuana facility described in this Resolution. All storage of medical cannabis for transportation shall take place at the premise identified in the transporter license. Transporter facilities and the equipment involved in transport shall not possess Medical Marijuana for more 72-hours duration at any one time. Also, Transporter facilities and equipment involved in transport, must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the Transporter or otherwise authorized by law to access Transporter facilities.

MEDICAL MARIJUANA WASTE. Medical Marijuana waste means:

- A. Medical Marijuana is that is unused, unwanted, damaged, defective, expired, or contaminated.
- B. Unused, surplus, returned, or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts, except the term shall not include seeds, roots, stems, stalks and fan leaves,
- C. All product that is deemed to fail laboratory testing and cannot be remediated or decontaminated, or
- D. All products and inventory from medical marijuana licensees that:
 - (i) have gone out of business, and/or
 - (ii) are unable to lawfully transfer or sell the product and inventory to another medical marijuana licensee.

Medical Marijuana Waste Disposal Facility means an enclosed building that has as its’ purpose the disposal of medical marijuana waste by either incinerating or composting of the waste. For all methods of disposal, a Medical Marijuana Waste Disposal Facility shall not render the medical marijuana unusable having a THC concentration greater than 0.3 percent on a dry weight basis and as an unrecognizable product.

- A. If incineration is used, the disposal facility shall be equipped with air scrubber.
- B. If composting is used, the composting process shall render cannabis waste unusable and the composting process must involve grinding the waste and mixing it with other ground materials so that the resulting mixture is not comprised of more than 50 percent cannabis waste by volume. Acceptable materials for mixing with cannabis waste include, but are not limited to, the following:
 - (i) Compostable mixed waste, such as food waste, yard waste, vegetable greases or oils, or other compostable materials;
 - (ii) Materials that are not compostable mixed with cannabis waste, with materials being comprised of paper waste, plastic waste, cardboard waste, or other not compostable materials.
 - (iii)When submitted by application for the special use permit, a Medical Marijuana Waste Disposal facility and its functions may also be combined with a Medical Marijuana Manufacturing Facility.

Add definition of “Farm or Farm Operation”:

“~~Agricultural~~“Farm or farm operation” means any tract of land over ten acres in area used for or devoted to the commercial production of farm products; (Neb.Rev.Stat. 2-4402)

Amend Sec. 5.14 in the Agriculture (AG) District to include the following uses by special use permit:

Medical Marijuana Cultivation Facility
Medical Marijuana Manufacturing Facility, ~~when abutting and having access to a paved public road.~~
Medical Marijuana Transport Facility, ~~when abutting and having access to a paved public road.~~
Medical Marijuana Waste Disposal Facility, ~~when abutting and having access to a paved public road.~~

Amend Sec. 5.54 regarding uses by special permit in the Commercial Zoning District:

Sec. 5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C Commercial District if a special use permit for such use has been obtained in ~~accordance with Article 6 of these regulations.~~

~~Medical Marijuana Cultivation Facility, when abutting and having access to a paved public road.~~
~~Medical Marijuana Manufacturing Facility, when abutting and having access to a paved public road.~~
~~Medical Marijuana Transport facility, when abutting and having access to a paved public road.~~
~~Medical Marijuana Waste Disposal facility, when abutting and having access to a paved public road.~~
~~Medical Marijuana Dispensary~~ Medical Marijuana Dispensary, ~~when shall abutting and having have access to a paved public road.~~

I. TO ADD AS A SUBCHAPTER “MEDICAL MARIJUANA PROVISIONS”

- A. An application for a Special Use Permit for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or ~~Medical Marijuana Dispensary~~ Medical Marijuana Dispensary, or Medical Marijuana Distribution Facility(s), i.e., MMB facilities, in addition to the requirements applicable to all Special Use Permit applications, shall include the following:
 - 1. Proof of Insurance/Bond: Medical Marijuana Insurance and Bond Requirements. Any bond(s) required by the State for licensing shall add as additional bonded/insured: Buffalo County.
 - 2. Copy of State issued license for Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.

3. A security plan depicting the location and configuration of security cameras and surveillance equipment.
 4. A complete description of the products and services to be produced or sold by the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary. (MMB).
 5. A notarized statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nebraska, and the laws and regulations of the county applicable thereto concerning the operation of an MMB. The written statement shall also acknowledge that any violation of any laws or regulations of the State of Nebraska or of the county, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to the MMB by federal authorities, may render the license subject to immediate suspension or revocation.
 6. A notarized statement that the applicant will hold harmless, indemnify, and defend the county against all claims and litigation arising from the issuance of license and/or a special use permit including any claims and litigation arising from the MMB.
 7. A notarized acknowledgement that the applicant is seeking a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit and that the applicant understands and acknowledges that the burden of proving qualifications to receive such a Special Use Permit is at all times on the applicant; that the granting of a Special Use Permit for a MMB is at the discretion of the Buffalo County Board of Commissioners; and that the applicant agrees to abide by the decision of the county Board of Commissioners.
- B. A Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit shall be reviewed annually by the County Zoning Administrator for renewal. The fee for this review/inspection shall be set by the County Board.
- C. Ownership. Vertical ownership of the various medical marijuana facilities and uses is not permitted other than the waste disposal provisions. An applicant may not possess more than one special use permit-type authorized by this Zoning Resolution that concerns Medical Marijuana other than the waste disposal provisions.
- D. Once a special use permit is obtained for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary any change in operation of the facility or in ownership shall require prior approval of the Board of County Commissioners without need of referral and review by the Buffalo County Planning Commission.
- E. Any building modifications or alterations, after issuance of the Special Use Permit for MMB facilities must be approved by review of the issued Special Use Permit by the Buffalo County Planning Commission and thereafter, with approval of the Buffalo County Board.
- F. Minimum Distancing and Design Standards. Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Dispensary Facilities, and Medical Marijuana Waste Disposal Facility Minimum Design Standards. All of the foregoing MMB facilities shall meet the following minimum design and distancing requirements:

Minimum Design Standards:

1. All MMB's, excepting ~~cultivars~~ MMBs allowed in the AG District, shall ~~abutting~~ and ~~having~~ have access to a paved public road.
 2. Each MMB shall ensure that there is no emission of dust, fumes, vapors, or odors into the environment. An odor abatement plan, is more specifically set out in subsection "Odor Abatement".
 3. All MMB's shall store all medical marijuana waste in a secure waste receptacle that is locked with commercial-grade locks prior to disposal or transfer to a medical marijuana waste disposal facility. The receptacle shall be kept in a safe and secure location with limited access.
 4. Windows for any MMB shall remain unobstructed, allowing visibility into the facility. Window tint, decals, or window signage of any kind shall be strictly prohibited.
 5. Each MMB, unless specifically allowed to be combined in function in these zoning provisions, shall be located in a separate, permanent, stand-alone structure and have a minimum six (6) foot high perimeter fence encompassing the MMB facility.
 6. All MMB's except the Dispensary facilities, shall have the perimeter surrounding the MMB facility fenced.
 7. For MMB facility located in the C Zoning District, the entire perimeter of a MMB structure must be well lit with a minimum 2 candle foot measured at fifteen feet around each structure that is a part of the MMB. Every entrance to any MMB shall have a minimum of eight candle foot lighting measured at the entrance with additional exterior lighting at the same cover in a twenty-foot square lighting area that is centered on one side at the entrance. The parking area of the MMB shall have every parking space illuminated with no less than 2 candle foot of lighting.
 8. All MMB's shall have 24-hour surveillance cameras depicting the entire exterior of the MMB facility. Any Medical Marijuana Dispensary shall additionally have a camera or cameras at the entrance(s) into the Dispensary's structure and exterior surveillance camera depicting vehicles and license plates of each vehicle entering the parking lot or other parking areas.
 9. No outdoor storage of Medical Marijuana shall be permitted.
 10. No MMB shall have facilities that have or provide drive-through, drive-up, or walk-up windows or similar openings to MMB facilities.
- G. PARKING AREAS, unless a more burdensome minimum parking standard is set out in Buffalo County's general zoning resolution, MMB's shall provide:
1. Each Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary shall have at least 1 parking space per 250 square feet of structure.
 2. Each Medical Marijuana Cultivation, shall have at least 1 parking space for every 1000 square feet of plant cultivation area and 1 parking space for every 250 square feet of all other areas of the structure.
- H. DISTANCING PROVISIONS:
1. All MMB's shall be no closer than a minimum of ~~1,320~~ 1,000 feet from a public or private preschool, kindergarten, elementary, secondary or high school, public park, public community center, dependent care facility, homeless shelter, youth center, or place of worship. The ~~1,320~~ 1,000 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

2. A MMB shall be no closer than 300 feet from another MMB, unless the MMB is specifically allowed to be combined for purposes of Medical Marijuana waste disposal, as allowed in these zoning provisions. The 300 feet shall be measured in a straight line from the nearest property line of the licensed location to the nearest property of the licensed premises.
3. Any MMB shall be no closer than a minimum of 500 feet from any Agricultural Rural Residential-1 (AGR-1) or Rural Residential-2 (AGR-2) zoning district, and/or municipal corporate limit. The 500 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.
4. Any parcel having a MMB use shall have no other activity and/or use on the same parcel.
- I. All applicable state standards and requirements shall apply in the design and operations of any Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.
- J. Hours of operation: Medical Marijuana Dispensary, or Dispensaries shall have operating hours of no earlier than 8:00 AM or later than 7:00 11:00 PM.
- K. Each permitted applicant shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office, prior to the annual renewal of the Special Use Permit.
- L. INITIAL AND ANNUAL REVIEW/INSPECTION:
 1. Each permitted MMB facility applicant prior to commencement of MMB use, shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office.
 2. At least annually thereafter, a MMB use facility is subject to inspections from the Buffalo County Zoning Administrator, accompanied by the Buffalo County Sheriff's office.
- M. The foregoing inspections shall occur during normal county operation of business hours with five (5) business days written notice provided to MMB user.
- N. SPECIAL FEES FOR MMB facilities: An Annual Zoning Review/Inspection Permit Fee as authorized to be set, and subsequently reviewed, by the Buffalo County Commissioners. Thereafter, the Buffalo County Zoning Administrator shall establish an annual permit fee to offset costs associated with policing, site inspections, monitoring, storage of media, and/or regulating medical marijuana facilities involved in the cultivation, propagation, manufacturing, processing, refining, distribution, delivery, supply, sale, disposal, or handling of Medical Marijuana of medical marijuana.
- O. Severability, Exclusions, and Exceptions:
 1. The provisions of this chapter do not waive or modify any other provision of this ordinance with which Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary is required to comply. Nothing in this section is intended to authorize, legalize, or permit the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary operation or maintenance of any facility, building, or use which violates any County ordinance or statute of the State of Nebraska regarding public nuisances, Medical Marijuana, or any federal regulations or statutes relating to the use of controlled substances.
 2. This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that Nebraska Medical Cannabis Regulation Act as authorized by Nebraska Revised Statute (Neb. Rev. Stat.) § 71-24,111, or as subsequently amended, is invalid, or shall be null and void to the extent any portion of such section is held invalid.
 3. Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.

II. SPECIAL PROVISIONS REGARDING ODOR ABATEMENT:

Odor Abatement Plan. All applications for MMB use shall (1) prepare and submit to the Special Use Permit Application for review and approval, and (2) implement, an Odor Abatement Plan. The Odor Abatement Plan must prevent odors from emitting beyond the property lines of the MMB. The Odor Abatement Plan shall be implemented prior to the issuance of the special use permit and/or throughout operation of the facility, as applicable. The Odor Abatement Plan must include the following:

1. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.
2. A description of the specific odor-emitting activity(ies) that will occur.
3. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).
4. A description of all equipment and methods to be used for reducing odors. A Nebraska- licensed Professional Engineer must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
5. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:
 - a. Multi-Technology Carbon Filtration. For purposes of this Section, Multi-Technology Carbon Filtration means air filtration technology that utilizes activated carbon, which may include carbon filters, photocatalytic oxidation (PCO) units and/or other equivalent technologies that utilize carbon filtration.
 - b. Other odor controls systems that provide equivalent or greater odor control effectiveness than Multi-Technology Carbon Filtration.
 - c. Vapor phase systems shall not be allowed.
6. Designation of an individual (local contact) who is responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
7. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the

complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Zoning Administrator as part of any Zoning Administrator inspections of the cannabis activity, and upon the Zoning Administrator’s request. The operator shall maintain the complaint tracking records for a minimum of five years.

8. The Odor Abatement Plan shall be certified by a Nebraska licensed Professional Engineer, indicating that the proposed Odor Abatement Plan will mitigate nuisance odors to below to a minimal odor amount at the operator property boundary.”

Following discussion, it was moved by Maendele and seconded by Higgins to refer the proposed code amendment to the Buffalo County Planning Commission for discussion, study, review and recommendation regarding manure storage and disposal. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Lynch to recess the regular meeting of the Board of Commissioners at 10:16 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Maendele and seconded by Higgins to approve the Tax List Corrections numbered 5237-5241 submitted by County Assessor Roy Meusch and presented by Deputy County Assessor. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Higgins to acknowledge receipt of the 2026 Cemetery Report from County Assessor. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Higgins and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for American Red Cross for a 2019 Chevy Equinox Passenger Car. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:20 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Lynch and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

REGULAR AGENDA

Brett Mayo approached the Board after the closing of a public hearing regarding medical marijuana regulations. County Clerk Christensen left at 10:34 A.M. and returned at 10:36 A.M. during which Deputy County Clerk Rachelle Warner took proceedings.

Director Marcos Stoltzfus presented an update from Iain Nicolson Audubon Center at Rowe Sanctuary and a copy of the presentation is on file with the County Clerk.

Discussion occurred after the closing of the public hearing for medical marijuana. After discussion, County Attorney Eatherton advised the Commissioners make a motion to have the Buffalo County Planning Commission re-review the proposed code amendment, regarding medical marijuana, for the possible inclusion of dual-usage limits. Moved by Lynch and seconded by Higgins to refer the code amendment regarding medical marijuana and the possible inclusion of dual-usage limits to the Buffalo County Planning Commission to re-review. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein and Loeffelholz. Motion declared carried.

Chairperson Morrow called for Citizen’s Forum. No one addressed the Board. At 11:02 A.M., Chairperson Morrow asked if there was anything else to come before the Board before she declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, August 25, 2026

ATTEST:

Sherry L. Morrow, Chairperson
Buffalo County Board of Commissioners

(SEAL)

Heather A. Christensen
Buffalo County Clerk