

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 8, 2025**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, July 8, 2025 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, Ivan Klein, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele and Sherry Morrow. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk's office and County Board Room on June 5, 2025. Chairperson Morrow announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Josiah Davis were present.

REGULAR AGENDA

Moved by Maendele and seconded by Lynch to approve the June 24, 2025 meeting minutes, June 24, 2025 Joint County/City meeting minutes and June 27th, 2025 meeting minutes. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Klein, Kouba, Loeffelholz and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to ratify the following June 27, 2025 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

JUNE 27, 2025 PAYROLL

GENERAL FUND			
NET PAYROLL			379,982.92
AMERICAN FAMILY LIFE	I	PREMIUMS	1,440.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	66,489.52
BUFFALO CO TREASURER	I	PREMIUMS	172,522.00
BUFFALO COUNTY COURT	E	GARNISHMENT	166.76
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FAMILY SUPPORT REGISTRY	E	GARNISHMENT	75.00
FIRST CONCORD	E	FLEX FUNDS	6,589.89
FIRST NATIONAL BANK	T	FEDERAL TAXES	127,619.56
KEARNEY UNITED WAY	E	DONATIONS	67.42
MADISON NATIONAL	I	PREMIUMS	1,149.62
MADISON NATIONAL	I	LT DISABILITY	301.87
ERIN M MCCARTNEY	E	GARNISHMENT	294.00
METLIFE	E	DENTAL	4,261.62
NATIONWIDE RETIREMENT	R	DEFERRED COMP	3,257.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,001.50
STATE OF NE	T	STATE TAXES	19,930.84
VISION SERVICE PLAN	E	EMPE VSP EYE	1,257.06
ROAD FUND			
NET PAYROLL			62,484.85
AMERICAN FAMILY LIFE	I	PREMIUMS	1,029.90
RETIREMENT PLANS AMERITAS	R	EMPE RET	9,748.47
BUFFALO CO TREASURER	I	PREMIUMS	3,937.00
BUFFALO COUNTY COURT	E	GARNISHMENT	223.16
FIRST CONCORD	E	FLEX FUNDS	821.66
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,382.31
MADISON NATIONAL	I	PREMIUMS	173.29
MADISON NATIONAL	I	LT DISABILITY	107.65
METLIFE	E	DENTAL	970.55
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,692.67
VISION SERVICE PLAN	E	EMPE VSP EYE	309.46
WEBSTER COUNTY COURT	E	GARNISHMENT	246.53
WEED FUND			
NET PAYROLL			5,728.19
RETIREMENT PLANS AMERITAS	R	EMPE RET	900.84
BUFFALO CO TREASURER	I	PREMIUMS	346.00

FIRST CONCORD	E	FLEX FUNDS	33.33
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,789.53
MADISON NATIONAL	I	LT DISABILITY	3.95
METLIFE	E	DENTAL	60.36
STATE OF NE	T	STATE TAXES	264.73

Buffalo County Attorney Shawn Eatherton arrived at 9:04 A.M.

Commissioner Higgins read into record the resolution for Buffalo County New Law Enforcement Center Referendum. Moved by Higgins and seconded by Klein to approve the following Resolution 2025-42 notifying the Election Commissioner to prepare the special election with the following Resolution. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Lynch, Maendele and Morrow. "Nay": Loeffelholz. Motion declared carried.

RESOLUTION 2025-42

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUFFALO, NEBRASKA, CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE COUNTY ON SEPTEMBER 9, 2025, REGARDING THE PROPOSITION BY THE COUNTY TO ISSUE ITS' GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$72,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A NEW LAW ENFORCEMENT FACILITY FOR THE CITIZENS OF BUFFALO COUNTY, INCLUDING RELATED SITE IMPROVEMENTS AND PARKING AND INFRASTRUCTURE IMPROVEMENTS, INITIALLY INTENDED FOR JOINT USE BETWEEN THE CITY OF KEARNEY AND BUFFALO COUNTY FOR LAW ENFORCEMENT PURPOSES, AND TO LEVY A PROPERTY TAX TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND THE INTEREST ON SUCH BONDS, WHICH TAX MAY EXCEED THE STATUTORY AND CONSTITUTIONAL LEVY LIMITATIONS OF FIFTY CENTS PER ONE HUNDRED DOLLARS OF TAXABLE VALUE.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUFFALO, NEBRASKA AS FOLLOWS:

Section 1. The Board of Commissioners (the "**Board**") of The County of Buffalo, Nebraska (the "**County**") hereby makes the following findings and determinations:

(a) the County is a duly organized county and political subdivision under Section 22-110, Reissue Revised Statutes of Nebraska, as amended, and Chapter 23, Reissue Revised Statutes of Nebraska, as amended; and

(b) the County and City of Kearney, Nebraska (the "**City**") operate a joint law enforcement center to mutually benefit the County and City, and the colocation has been in the same City-owned facility since 1993. The County and City intend to continue to serve the citizens in this cooperative cost saving arrangement; and

(c) following careful and diligent examination, including but not limited to public meetings, citizen input, facility visits, and intergovernmental research, the Board has determined that it is necessary for the County to finance the costs of constructing, equipping and furnishing a new law enforcement facility for the County, including related site improvements and parking and infrastructure improvements (the "**Project**"); and

(d) the County is authorized pursuant to Sections 23-120 et seq., Reissue Revised Statutes of Nebraska, as amended (the "**Act**"), to borrow money and issue the bonds of the County to acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve, or provide a suitable courthouse, jail, and other County buildings and site or sites therefor, such as the Project; and

(e) to finance the costs of the Project, it is necessary for the County to issue its general obligation bonds (the "**Bonds**") pursuant to the Act in the total principal amount of not to exceed \$72,000,000 in one or more series, bearing interest at such rates, maturing on such dates, being sold at such prices and having such other terms and provisions, all as shall be determined by the Board, and to levy and collect annually a special levy of taxes against all the taxable property in the County (which levy may exceed the statutory and constitutional levy limitations of fifty cents per one hundred dollars of taxable value) sufficient in rate and amount to pay the principal of, the premium, if any, and the interest on said bonds as the same become due; and

(f) the Act authorizes the Board to levy a property tax to pay the costs of the proposed Project, including any bonds issued for such purpose; provided, however, that such levy may not exceed 5.2 cents per one hundred dollars of the taxable value of all the taxable property in the County without first submitting the proposition to a vote of the qualified electors of the County at a special election and obtaining the approval of a majority of the qualified electors thereon; and

(g) pursuant to the Nebraska Constitution and Section 23-125 of the Act, any tax levy of the County may not exceed the rate of 50 cents per one hundred dollars of the taxable value of all the taxable property in the County without first submitting the proposition to a vote of the qualified electors of the County at a special election and obtaining the approval of a majority of the qualified electors thereon; and

(h) the Board hereby finds it necessary to submit to a vote of the qualified electors of the County at a special election to be held in the County on Tuesday, September 9, 2025 the proposition described herein; and

(i) the County has not submitted a proposition for the issuance of bonds for such purposes to the electors of the County within six months preceding the date of the special election called by this Resolution.

Section 2. The Board hereby directs and calls for a special election to be held in the County on Tuesday, September 9, 2025 (the “**Election**”), at which time there shall be submitted to the qualified electors of the County the following proposition:

“Shall The County of Buffalo, Nebraska (the “County”) issue its negotiable bonds in a principal amount of not to exceed SEVENTY-TWO MILLION DOLLARS (\$72,000,000) for the purpose of financing the costs of constructing, equipping and furnishing a new law enforcement facility for the citizens of the County, including related site improvements and parking and infrastructure improvements, initially intended for joint use between the City of Kearney, Nebraska law enforcement and County law enforcement; said bonds to be issued from time to time, to be sold at such prices, to bear interest at such rate or rates, to become due at such time or times, and to have such other terms and provisions, all as may be fixed and determined by the Board of Commissioners of the County; and

“Shall the County cause to be levied and collected annually a special tax against all taxable property in the County sufficient in rate and amount to pay the principal of, the premium, if any, and the interest on said Bonds as the same become due and payable, which special tax shall be in addition to all other taxes to be collected by the County, may exceed the County’s constitutional and statutory limitations on levying more than 50 cents per \$100 of taxable valuation, and shall be levied and collected so long as said bonds are outstanding?”

FOR said bonds and tax

AGAINST said bonds and tax

The ballots to be voted upon and cast at the Election shall have printed thereon the foregoing proposition, followed by the words: “FOR said bonds and tax” and “AGAINST said bonds and tax” following said proposition. Qualified electors voting in favor of said proposition shall blacken the oval opposite the words “FOR said bonds and tax” following said proposition, and qualified electors voting against said proposition shall blacken the oval opposite the words “AGAINST said bonds and tax” following said proposition.

Section 3. The County Clerk shall certify a copy of this Resolution to the Election Commissioner of Buffalo County, Nebraska (the “**Election Commissioner**”), on or before July 18, 2025, which is the eighth Friday prior to the date of the Election

Section 4. The Election shall be conducted by the Election Commissioner in accordance with the Act and Section 32-101 et seq., Reissue Revised Statutes of Nebraska, as amended (the “**Election Act**”). At the discretion of the Election Commissioner, the Election may be conducted by mail in accordance with Sections 32-952 through 32-960 of the Election Act. Each of the County Clerk and the Chair of the Board is authorized and directed, in conjunction with the Election Commissioner, to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the County as above provided. The County shall reimburse the Election Commissioner for the expenses of conducting the Election, if any.

Section 5. As required by Section 32-802 of the Election Act, the Election Commissioner is authorized and directed to post in the Election Commissioner’s office, and to publish one time in at least one newspaper designated by the Election Commissioner, notice of the Election not later than 42 days prior to the date of the Election. As required by Section 23-126 of the Act, the County Clerk is authorized and directed to publish, or to cause to be published, a separate notice of the Election in the *Kearney Hub*, or such other legal newspaper of general circulation in the County, one time each week for four consecutive weeks, the first such publication occurring at least 20 days prior to the Election. The form of such notice of the Election shall be substantially in the form attached hereto as Exhibit A.

Section 6. The County Clerk is authorized and directed to furnish the final form of the ballot for the Election to the Election Commissioner no later than 42 days prior to the date of such Election (or such earlier date as may be requested by the Election Commissioner). The form of ballot shall be substantially in the form submitted to this meeting (with any changes as may be required by the Election Commissioner), a copy of which form is attached hereto as Exhibit B. The County Clerk shall publish, or shall cause to be published, the form of the sample ballot in the *Kearney Hub*, or such other legal newspaper of general circulation in the County, one time not more than 10 days nor less than 3 days prior to the Election.

Section 7. This Resolution shall be and constitutes an order entered of record as contemplated by Section 23-125 of the Act.

Section 8. This Resolution shall be in force and take effect from and after its passage as provided by law.

Commissioner Kouba read into record the resolution for Buffalo County New Law Enforcement Center bond counsel. Moved by Kouba and seconded by Maendele to approve the following Resolution 2025-43 to retain Bond Counsel for the special bond election in September of 2025. Upon roll call vote, the following Board members voted "Aye": Kouba, Maendele, Higgins, Klein, Lynch and Morrow. "Nay": Loeffelholz. Motion declared carried.

RESOLUTION 2025-43

WHEREAS, Buffalo County, hereinafter “County,” has determined the need for a special bond election in September of 2025 to fund the New Law Enforcement Center.

WHEREAS, County will need bond counsel to assist in the preparation for said funding; and

WHEREAS, the qualifications and experience of various bond attorneys have been reviewed by the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Kutak Rock LLP shall be retained to serve as bond counsel for the special bond election in September of 2025 to fund the New Law Enforcement Center.

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

<u>ROAD FUND</u>			
STATE OF NEBRASKA	T	FUEL TAX	2,852.00
<u>HEALTH INSURANCE FUND</u>			
DEPARTMENT OF TREASURY	E	PCORI FEES	1,419.23

Vice-Chairperson Maendele presented the Congressional letter regarding Nebraska Broadband Equity, Access and Deployment (BEAD) Program. Moved by Maendele and seconded by Kouba to approve the Congressional letter regarding Nebraska (BEAD) Program. A copy is on file with the Clerk's office. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Klein, Lynch, Loeffelholz and Morrow. Motion declared carried.

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

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

Moved by Lynch and seconded by Higgins to accept Community Action Partnership of Mid-Nebraska's May 2025 RYDE report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Klein, Loeffelholz, Maendele and Morrow. Abstain: Kouba. Motion declared carried.

Chairperson Morrow reviewed the following correspondence. City of Kearney sent a letter regarding the Planning Commission Agenda for July 18, 2025. Nebraska Department of Natural Resources sent a letter and registration form regarding an Inspection & Assessment of Dams Seminar on August 5, 2025 through August 7, 2025 in Kearney Nebraska. Savannah Lyon, Executive Director for United Way of the Kearney Area sent an email with an update regarding the future direction of United Way of the Kearney Area. Chairperson Morrow called on each Board member present for committee reports and recommendations.

ZONING

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

Chairperson Morrow opened the public hearing at 9:18 A.M. for an Administrative Subdivision filed by Trenton Snow, licensed land surveyor, on behalf Jerald D. Ibsen, President of JDI, Inc., for an Administrative Subdivision to be known as "One Subdivision Addition", This property is located in Part of Government Lot 1, in Section Two (2), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Licensed land surveyor Snow was present to review the application and answer questions. Buffalo County resident Karen Nelson approached the Board asking to clarify the location. No one spoke in favor or against and Chairperson Morrow closed the hearing at 9:23 A.M. Moved by Maendele and seconded by Loeffelholz to approve the Administrative Subdivision to be known as "One Subdivision Addition" with the following Resolution 2025-44. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Lynch, Loeffelholz, Maendele and Morrow. Motion declared carried.

RESOLUTION 2025-44

WHEREAS, Trenton Snow, licensed land surveyor, on behalf of Jerald D. Ibsen, President of JDI, Inc., hereinafter referred to as "applicant", has filed for an Administrative Subdivision for "One Subdivision Addition", with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on July 8, 2025, this Board conducted a public hearing now and finds:

1. The proposed "One Subdivision Addition" is in the Agricultural – Residential 2 (AGR-2) Zoning District for Buffalo County, Nebraska.
2. The proposed lot size, 73,940 square feet, was reviewed and reduced by The State of Nebraska of Environment and Energy, as permitted under Buffalo County Zoning Regulations, Section 5.46 (1).
3. The tract, presently owned by JDI, Inc., referred to as Parcels 560012000, 560011000, & 560023000, and situated in Part of the Northeast Quarter and Part of the Southeast Quarter in Section Two (2), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, has approximately 294 remnant acres.

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. 115th Road is a county-maintained, open public road and it abuts the subdivision on its north side. The width of 115th Road meets this county's minimum width standards.
6. Nebraska State Highway No. 10 is a state-maintained, open public road and it abuts the subdivision on its east side. The width of Nebraska State Highway No. 10 meets the minimum width standards.
7. 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.
8. 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 "One Subdivision Addition", an administrative subdivision located in Part of Government Lot 1, in Section Two (2), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, 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.

Chairperson Morrow opened the public hearing at 9:25 A.M. for an Application for Special Use Permit, filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., to operate a Mineral Extraction Operation, on tax parcel 360023000, described as a tract of land situated in the Southwest Quarter of the Southwest Quarter of Section Thirteen (13), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Buffalo County residents Mari Woolsey, Joanne Majer, Amanda Majer, Steven Pesek and Dan Major spoke against. No one else addressed the Board. Chairperson Morrow closed the hearing at 9:51 A.M. Moved by Maendele and seconded by Klein to approve the Application for Special Use Permit to operate a Mineral Extraction Operation, on tax parcel 360023000 with the following Resolution 2025-45. Upon roll call vote, the following Board members voted "Aye": Maendele, Klein, Higgins, Kouba, Lynch, Loeffelholz and Morrow. Motion declared carried.

RESOLUTION 2025-45

WHEREAS, Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Jim Shada, owner of JK Land, LLC, and Cory Banzhaf, Manager and Power of Attorney for JK Land, LLC, has filed for a Special Use Permit, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application, which shows an application date of June 18, 2024, was filed with the Zoning Administrator on May 2, 2025, to operate a Mineral Extraction Operation, on the below-described legal description.

A tract of land being part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Thirteen (13), Township Ten (10) North, Range Fifteen (15) West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows:

BEGINNING at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 13; thence N 88°35'00" W on the south line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 878.27 feet; thence N 00°02'10" W a distance of 1271.57 feet; thence S 78°21'32" E a distance of 896.54 feet to the East line of said Southwest Quarter of the Southwest Quarter of said Section 13; thence S 00°02'10" E on said East line a distance of 1112.38 feet to the Point of Beginning. Containing 24.03 Acres, more or less.

hereinafter referred to as the "subject property".

WHEREAS, on June 18, 2025, the Buffalo County Planning and Zoning Commission conducted a public hearing on the Special Use Permit Application. Thereafter, that Commission on a 5-2 vote with two absences and no abstentions, voted to forward this application to the County Commissioners with a "favorable" recommendation, all of which this Board had approved as set out later in this Resolution, and

WHEREAS, on July 8, 2025, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit, and

WHEREAS, two exhibits were attached to the application:

1. The Application of the Special Use Permit.
2. Borrow Site Exhibit and Legal Description of Special Use Permit.

WHEREAS, only a simple majority is required by this Board to approve this Special Use Permit because no protests against issuance of this permit have been filed, and

WHEREAS, the Board, after public hearing and review of the Special Use application, finds that the application should be approved, based upon the following findings and conditions:

- The dirt quarry/mineral extraction operation will be approved as permanent, but subject to annual review by The Board of Commissioners;
- 911 address signage is required;
- The address assigned to the tract of land associated with the Special Use Permit is 38266 160th Road;
- Entry access to county highway shall be approved by the appropriate county staff;
- 50-foot setback from any property line of the subject property or road for all dirt piling, inventory, and excavation equipment; and
- All areas must be restored to its original state after conclusion of excavation activities.

WHEREAS, this special use permit complies with Section 6.2 of Buffalo County's Zoning Regulations because with the above-stated conditions contained in this Resolution, the requested use/structure(s) would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and

5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a majority vote of its members, approves the applicant's requested Special Use Permit, subject, however, to the following:

1. The applicant and operation shall adhere to the conditions as previously set out in this Resolution.
2. The applicant and operation shall remain in compliance with any and all State and Federal regulations.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting, this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the subject property as described above.

Deputy County Attorney Hoffmeister spoke to the Board regarding the Code amendments with renumbering as necessary, to The Buffalo County Zoning Regulations, Section 10.4 Notices for Zoning, Failure to Fully Fulfill, Effect, outlining if certain notices are not satisfied and Buffalo County Subdivision Regulations, Section 3.27, Notice, outlining if certain notices are not satisfied. This item was continued until later in the meeting.

REGULAR AGENDA

Jared Reimers, District Coordinator with Congressman Adrian Smith's Office, gave the Board an update.

ZONING

Chairperson Morrow opened the public hearing at 10:04 A.M. for Code amendments with renumbering as necessary, to The Buffalo County Zoning Regulations, Section 10.4 Notices for Zoning, Failure to Fully Fulfill, Effect, outlining if certain notices are not satisfied, and Buffalo County Subdivision Regulations, Section 3.27, Notice, outlining if certain notices are not satisfied. Deputy County Attorney Hoffmeister was present to answer questions. No one addressed the Board. Chairperson Morrow closed the hearing at 10:05 A.M. Moved by Loeffelholz and seconded by Lynch to approve the proposed code amendments with renumbering as necessary, to The Buffalo County Zoning Regulations, Section 10.4 Notices for Zoning, Failure to Fully Fulfill, Effect, outlining if certain notices are not satisfied with the following Resolution 2025-46 and Buffalo County Subdivision Regulations, Section 3.27, Notice, outlining if certain notices are not satisfied with the following Resolution 2025-47. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

RESOLUTION 2025-46

WHEREAS, on June 18, 2025, the Buffalo County Planning and Zoning Commission held a public hearing for amendments to the Buffalo County Zoning Regulations, Section 10.4, Notices for Zoning, Failure to Fully Fulfill, Effect, outlining if certain notices are not satisfied. That Commission voted favorably, on a 7-0 vote, with two absences and no abstentions, to recommend that this Board adopt the proposed amendment, and

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

WHEREAS, on July 8, 2025, 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, that the following amendment be adopted under Buffalo County Zoning Regulations, Section 10.4, with amendments noted in strikethrough for deletion of and underlining for added verbiage with renumbering as necessary, as follows:

“10.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS

10.31 A verbal decision by the Zoning Administrator except in the cases of building, occupancy shall be the primary instrument for administering compliance with this resolution.

10.4 NOTICES FOR ZONING, FAILURE TO FULLY FULFILL, EFFECT.

A. Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by Buffalo County Zoning and Planning Commission and/or the Buffalo County Board of County Commissioners to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the County or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with notices required in this Zoning Resolution was or were made and all state required notices have been fulfilled. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be

filed more than one year following the date of the formal acceptance or rejection of the zoning change by the County Commissioners.

B. Except for a willful or deliberate failure to cause notice to be given, Buffalo County and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the Board of County Commissioners.

~~10.4~~ 10.5 SCHEDULE OF FEES 10.41 The schedule of fees shall be established for this Zoning Resolution to cover costs of administration by the County BOARD . . .”

RESOLUTION 2025-47

WHEREAS, on June 18, 2025, the Buffalo County Planning and Zoning Commission held a public hearing for amendments to the Buffalo County Subdivision Regulations, Section 3.27, Subdivision Notice Amendment, Error in Providing Notice, outlining if certain notices are not satisfied. That Commission voted favorably, on a 7-0 vote, with two absences and no abstentions, to recommend that this Board adopt the proposed amendment, and

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

WHEREAS, on July 8, 2025, this Board conducted a public hearing concerning proposed amendments to Buffalo County’s Subdivision 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, that the following amendment be adopted, as presented by The Commission with the proposed revisions written in red, under Buffalo County Subdivision Regulations, Section 3.27. Proposed amendments are noted in strikethrough for deletion of and underlining for added verbiage with renumbering as necessary, as follows:

“SUBDIVISION NOTICE AMENDMENT, ERROR IN PROVIDING NOTICE:

Sec. 3.27 NOTICE: The prescribed method of giving notice, unless otherwise specifically changed by the action being taken shall be as follows:

A. Adjoining landowners: Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road, sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.

B. Publication: Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County in a local newspaper of any county which has territory within three (3) miles of the property affected by such action.

C. Property shall be described: For notices to adjoining landowners and by publication, the notice(s) ~~for~~ shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and County Board of Supervisors at which the consideration and adoption of the resolution will be voted upon.

D. Posting on the property: Notice of such hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property ~~to~~ seeking action in the public hearing.

E. Notices to other governmental planning bodies: Notice of the time and place of such hearing shall also be given in writing to the chairman of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a municipal Planning Commission, such notice shall be given ~~to~~ to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

F. Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by Buffalo County Zoning and Planning Commission and/or the Buffalo County Board of County Commissioners to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the County or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with notices required in this Zoning Resolution was or were made and all state required notices have been fulfilled. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the County Commissioners.

G. Except for a willful or deliberate failure to cause notice to be given, Buffalo County and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the Board of County Commissioners.”

Moved by Loeffelholz and seconded by Lynch to recess the regular meeting of the Board of Commissioners at 10:05 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Maendele and seconded by Lynch to approve Tax List Corrections numbered 5111 for parcel 318502580 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Kouba, Higgins, Klein, Loeffelholz and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Community Action Partnership of Kearney for two 2025 Discovery Cargo Enclosed Trailers. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Klein, Lynch, Maendele and Morrow. Abstain: Kouba. Motion declared carried.

Moved by Lynch and seconded by Higgins to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for The Evangelical Free Church of Kearney for a 2012 Dodge Ram 2500 Truck, a 2015 Ford Extended P Van and a 2018 Ford Extended P Van. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Klein, Kouba, Loeffelholz, Maendele and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for The Evangelical Lutheran Good Samaritan Society St John's for a 2019 Chevrolet Silverado 2500. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

Moved by Klein and seconded by Kouba to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:50 A.M. Upon roll call vote, the following Board members voted "Aye": Klein, Kouba, Higgins, Lynch, Loeffelholz, Maendele and Morrow. Motion declared carried.

ROAD/ HIGHWAY DEPT

Highway Superintendent John Maul was present for the discussion of the Letter of Agreement for Professional Services with Olsson, Inc regarding 56th St & Antelope Ave. After discussion it was moved by Higgins and seconded by Kouba to approve the Letter of Agreement for Professional Services with Olsson, Inc regarding 56th St & Antelope Ave. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Lynch, Loeffelholz, Maendele and Morrow. Motion declared carried.

FACILITIES DEPARTMENT

Facilities Director Steve Gaasch presented up update to the Board and reminded the Board of the upcoming Buffalo County surplus auction on July 19, 2025 with Bramer Auction & Realty.

REGULAR AGENDA

Chairperson Morrow called for Citizen's forum. Buffalo County resident Tom McCoy spoke to the Board and reminded them of the Central Auto Club Kearney Cruise Nite on July 15, 2025 through July 20, 2025. No one else addressed the Board.

At 10:12 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, July 22, 2025.

ATTEST:

Sherry L. Morrow, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)