

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 11, 2022**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, October 11, 2022 at 9:00 A.M. and 9:30 A.M. Chairman Klein called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk's office and County Board Room on October 6, 2022. Chairman Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

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

Pleasanton Fire Chief Chad Dixon, Kearney Fire Inspector Terry Eirich, Elm Creek Fire Chief Tyler Hillmer, Ravenna Assistant Fire Chief Bryce Luth and Amherst Firefighter Glen Brown were present for the Proclamation of the Fire Prevention Week. Commissioner Maendele read the proclamation and thanked those who serve Buffalo County. Moved by Morrow and seconded by Maendele to proclaim the week of October 9th through October 15th as "Fire Prevention Week" in Buffalo County with the following Resolution 2022-40. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

RESOLUTION 2022-40

WHEREAS, Buffalo County is committed to ensuring the safety and security of all those living in and visiting our county; and
WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires caused 2,580 civilian deaths in the United States in 2020, according to the National Fire Protection Association[®] (NFPA[®]), and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Buffalo County residents should be sure everyone in the home understands the sounds of the smoke alarms and knows how to respond; and

WHEREAS, Buffalo County residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Buffalo County residents will make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, Buffalo County first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Buffalo County residents that are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2022 Fire Prevention Week[™] theme, "Fire won't wait. Plan your escape.[™]," effectively serves to remind Buffalo County it is important to have a home fire escape plan.

THEREFORE, we, the Buffalo County Board of Commissioners, do hereby proclaim October 9-15, 2022, as Fire Prevention Week throughout Buffalo County; and we urge all the people of Buffalo County to plan and practice a home fire escape for Fire Prevention Week 2022 and to support the many public safety activities and efforts of Buffalo County's fire and emergency services.

Buffalo County Economic Development Council President Trevor Lee was present for the Proclamation of the Manufacturing Month. Vice Chairman Morrow read the proclamation and thanked those who serve Buffalo County. Moved by Higgins and seconded by Morrow to proclaim the month of October as "Manufacturing Month" in Buffalo County with the following Resolution 2022-41. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2022-41

WHEREAS, Kearney and Buffalo County are home to many world-renowned manufacturing companies such as Parker Hannifin, Eaton Corporation, BluePrint Engines, and, West Pharmaceutical Services, and many others; and

WHEREAS, manufacturers account for 12% of the jobs and 16% of the wages paid in Buffalo County; and

WHEREAS, manufacturers generate 23% of the Gross Domestic Product for all private industries in Buffalo County; and

WHEREAS, in 2020, the average manufacturing worker in the United States earned \$92,832; and

WHEREAS, an estimated four million manufacturing jobs will need to be filled in the United States between now and 2030; a

WHEREAS, the City of Kearney and Buffalo County jointly recognize the importance of a thriving manufacturing sector, and work to fuel economic growth and enhance a future for our citizens. The prosperity of our community depends on the education and vocational opportunities that align with our manufacturers’ skilled labor needs, as well as the continued development of additive manufacturing capabilities and processes.

NOW, THEREFORE, BE IT RESOLVED that I, Ivan Klein, Chairman of the Buffalo County Board of Commissioners, on behalf of the citizens of Buffalo County, Nebraska, hereby proclaim the month of October 2022, as: “Manufacturing Month”

Moved by Morrow and seconded by Lynch to ratify the following October 7, 2022 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

<u>GENERAL FUND</u>			
NET PAYROLL			285,583.41
AMERICAN FAMILY LIFE	I	PREMIUMS	1,168.30
RETIREMENT PLANS AMERITAS	R	EMPE RET	48,504.82
BUFFALO CO TREASURER	I	PREMIUMS	122,286.00
CREDIT MANAGEMENT SERVICES, INC.	E	GARNISHMENT	164.82
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	5,377.65
FIRST NATIONAL BANK	T	FEDERAL TAXES	97,666.62
KEARNEY UNITED WAY	E	DONATIONS	114.67
MADISON NATIONAL	I	PREMIUMS	1,041.66
MADISON NATIONAL	I	LT DISABILITY	276.92
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,885.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,326.44
STATE OF NE	T	STATE TAXES	16,633.09
VISION SERVICE PLAN	E	EMPE VSP EYE	834.15
<u>ROAD FUND</u>			
NET PAYROLL			59,147.13
AMERICAN FAMILY LIFE	I	PREMIUMS	920.82
RETIREMENT PLANS AMERITAS	R	EMPE RET	9,002.74
BUFFALO CO TREASURER	I	PREMIUMS	2,766.00
FIRST CONCORD	E	FLEX FUNDS	682.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	17,507.50
MADISON NATIONAL	I	PREMIUMS	166.81
MADISON NATIONAL	I	LT DISABILITY	104.97
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	901.40
STATE OF NE	T	STATE TAXES	2,701.43
VISION SERVICE PLAN	E	EMPE VSP EYE	215.05
<u>COVID AMERICAN RESCUE PLAN FUND</u>			
NET PAYROLL			1,352.18
AMERICAN FAMILY LIFE	I	PREMIUMS	30.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	236.16
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST NATIONAL BANK	T	FEDERAL TAXES	368.26
MADISON NATIONAL	I	PREMIUMS	4.90
MADISON NATIONAL	I	LT DISABILITY	5.91
PRINCIPAL	E	DENTAL	45.52
STATE OF NE	T	STATE TAXES	48.33
VISION SERVICE PLAN	E	EMPE VSP EYE	14.08

WEED FUND			
NET PAYROLL			5,240.57
RETIREMENT PLANS AMERITAS	R	EMPE RET	829.35
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	40.84
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,692.04
MADISON NATIONAL	I	LT DISABILITY	3.54
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	269.47

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

ROAD FUND		
STATE OF NE-MOTOR FUELS	FUEL TAX	\$2,456.00

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

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

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

Chairman Klein reviewed the following correspondence. City of Kearney sent the Planning Commission Agenda for October 21, 2022 meeting.

ZONING

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

Chairman Klein opened a public hearing at 9:15 A.M. for a Zoning Map Amendment filed by Mitch Humphrey, Registered Land Surveyor, on behalf of James Poulson, Partner of Poulson Family Limited Partnership, LTD, for property described as Part of the Southeast Quarter of the Northeast Quarter in Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska. The applicant has requested to rezone approximately 1.51 acres, of which approximately 0.09 acres are presently being used for road purposes on the South side, from Agricultural – Residential (AGR) to Commercial (C). Zoning Administrator Daniels and Mitch Humphrey reviewed the application and answered questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:18 A.M. Moved by Loeffelholz and seconded by Kouba to approve the Zoning Map Amendment with the following Resolution 2022-42. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2022-42

WHEREAS, on August 22, 2022, Mitch Humphrey, licensed land surveyor, on behalf of James Poulson, Partner of Poulson Family Limited Partnership, LTD, and Justin C. Landis and Kristina Joy Landis, have applied for a Zoning Map Amendment with the Buffalo County Zoning Administrator, requesting that the following real estate property, hereinafter referred to as the "subject property", to wit:

A tract of land being part of the Southeast Quarter of the Northeast Quarter of Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 5 and assuming the West line of said Southeast Quarter of the Northeast Quarter as bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the West line of said Southeast Quarter of the Northeast Quarter a distance of 660.0 feet to a point on the North line of Dennis Administrative Subdivision, an administrative subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 8 North, Range 18 West of the 6th P.M., Buffalo County, Nebraska, if extended westerly, thence leaving the West line of said Southeast Quarter of the Northeast Quarter and on the North line of said Dennis Administrative Subdivision, if extended westerly, S 89° 49' 30" E a distance of 100.0 feet to the Northwest Corner of said Dennis Administrative Subdivision; thence SOUTH parallel with and 100.0 feet easterly from the West line of said Southeast Quarter of the Northeast Quarter and on the West line of said Dennis Administrative Subdivision a distance of 660.0 feet to a point on the South line of said Southeast Quarter of the Northeast Quarter, said point also being the Southwest Corner of said Dennis Administrative Subdivision; thence S 89° 49' 30" W on the South line of said Southeast Quarter of the Northeast Quarter a distance of 100.0 feet to the place of beginning.

Containing 1.51 acres more or less, of which 0.09 acres more or less are presently being used for road purposes on the South side, hereinafter referred to as "subject property".

be changed from the Agricultural – Residential (AGR) District to the Commercial (C) District. The property is in the name of Justin Landis and Kristina Landis.

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on September 15, 2022, the Buffalo County Planning and Zoning Commission, following public hearing with notice as required, recommended approval of such proposed change in zoning on an 8-0 vote with no absences or abstentions, and

WHEREAS, on October 11, 2022, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

- a. No letters of opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- c. That the intended uses of the Commercial (C) District are consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as sufficient utilities and an all-weather road, so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

WHEREAS, no protest (s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agricultural – Residential (AGR) District to Commercial (C) District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed’s office against subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Zoning Administrator Daniels reviewed the correspondence from Lotis Environmental Group about the opportunity to comment on the proposed telecommunication project known as Boot Hill located near 16415 Odessa Road, Amherst, NE. Following discussion it was moved by Maendele and seconded by Higgins to reach out to the Sheriff’s office and The Village of Amherst for their recommendations and table their decision to comment until the October 25, 2022 Board meeting. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

ROAD DEPARTMENT

Highway Superintendent John Maul was present for the following agenda items. Moved by Lynch and seconded by Kouba to set a bid date of Tuesday, November 8, 2022 for County Project No. C10 (1433) Structure No. C001006710P. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:33 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

BOARD OF EQUALIZATION

Chairman Klein called the Board of Equalization to order in open session. County Treasurer Jean Sidwell and Deputy County Assessor Roy Meusch were present.

Moved by Morrow and seconded by Higgins to approve the final levies for the various political subdivisions as provided by the Buffalo County Clerk with the following Resolution 2022-43. Upon roll call vote, the following Board members voted "Aye": Morrow Higgins, Kouba, Lynch, Maendele and Klein. Abstain: Loeffelholz. Motion declared carried.

RESOLUTION 2022-43

		PROPERTY TAX RATES 2022-2023			
COUNTY FUNDS		LEVY			
GENERAL		0.312392			
BOND		0.020340			

VETERAN'S AID		0.000291					
TOTAL		0.333023					
BUFFALO COUNTY AGRICULTURAL SOCIETY							
GENERAL	0.010166	SINKING	0.007807				
FIRE DISTRICTS							
GENERAL	SINKING				BOND		
SUBURBAN #1	0.023847	0.009220			0.004799		
GIBBON #2	0.013178						
SHELTON #3	Set By Hall	County					
PLEASANTON #4	0.060675						
RAVENNA #5	0.003282						
MILLER #6	0.012331						
ELM CREEK #7	0.011272				0.013386		
AMHERST #8	0.016615				0.027620		
SID #3 GENERAL	0.191655						
CITY/VILLAGE							
GENERAL		BOND			PARKING		CRA
AMHERST	0.314933						
ELM CREEK	0.378203						
GIBBON	0.350000	0.145000					
KEARNEY	0.136878	0.011992			0.130090		0.004715
MILLER	0.398804						
PLEASANTON	0.217062	0.080015					
RAVENNA	0.356556						
RIVERDALE	0.059083						
SHELTON	0.499998	0.190244					
SCHOOL DISTRICTS							
DISTRICT	NO.	GENERAL	BOND	2009	2013	CAPITAL	SP BLDG
GIBBON	2	0.994059	0.085758				0.055830
KEARNEY	7	1.016537		0.073298	0.100208	0.030000	0.008260
ELM CREEK	9	0.923223	0.194923				0.045078
SHELTON	19	1.031897	0.062886			0.026012	0.017381
RAVENNA	69	0.700000					0.089999
PLEASANTON	R105	0.864095	0.160449				0.030314
AMHERST	119	0.716229	0.140069				

Moved by Loeffelholz and seconded by Maendele to approve Tax List Corrections numbered 4899 through 4908 submitted by County Assessor Ethel Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Valuation Changes submitted by County Assessor Skinner for the following parcels listed below. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

<u>NAME</u>	<u>PARCEL</u>
PARSONS, DONALD W III & PARIS J	560402114
ARENS, MATTHEW & BETH	560402115

Moved by Loeffelholz and seconded by Lynch to approve the motor vehicle tax exemption as indicated on the application by County Treasurer Jean Sidwell for Crossroads International Student Ministries on a 2000 Ford Econoline and a 2006 Ford Econoline. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:39 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

Moved by Higgins and seconded by Lynch to approve the following tax refund request submitted by County Treasurer Jean Sidwell for Deann Teneyck in the amount of \$3,462.32 for parcel number 480333803. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Maendele to approve the Manager application for Amber Francisco in connection with the liquor license for Pilot Travel Center #901, located at 5085 Buffalo Creek Road, Elm Creek, Nebraska. Amber Fancisco was present to answer any questions. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Higgins and seconded by Morrow to accept the Keno Audit prepared by KSO CPAS and Advisors for fiscal year ending June 30, 2022. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Election Commissioner Lisa Poff was present to discuss allowing their office to work on the November 11, 2022 holiday. After discussion it was moved by Higgins and seconded by Maendele to authorize the Election Commissioners office to remain open on November 11, 2022 and the office employees will take a floating holiday. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

County Clerk Giffin was present to discuss the use of debit/credit cards for taxpayer services. Following discussion it was moved by Higgins and seconded by Kouba to authorize the County Clerk to move forward with the process of debit/credit cards for taxpayer services. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Facilities Director Steve Gaasch was present to review the renewal of the current Caterpillar Financial Services Corporation skidsteer lease. After discussion it was moved by Maendele and seconded by Morrow to authorize the Chairman to sign the renewal of the Caterpillar Financial Services Corporation skidsteer lease for the Facility Department. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Chairman Klein called on each Board member present for committee reports and recommendations.

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

Chairman Klein asked if there was anything else to come before the Board at 9:57 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, October 25, 2022.