

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, JULY 13, 2021**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, July 13, 2021 at 9:00 A.M. and 9:45 A.M. Chairman McMullen called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Ivan Klein, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Sherry Morrow and William McMullen. Absent: Timothy Higgins. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County web site, and the bulletin boards located outside the County Clerk's office and County Board Room on July 8, 2021. Chairman McMullen 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.

**REGULAR AGENDA**

Moved by Loeffelholz and seconded by Kouba to approve the June 22, 2021 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Klein, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Lynch to ratify the following July 2, 2021 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Klein, Kouba, Loeffelholz and McMullen. Absent: Higgins. Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			274,797.98
AMERICAN FAMILY LIFE	I	PREMIUMS	1,327.90
RETIREMENT PLANS AMERITAS	R	EMPE RET	46,055.37
BUFFALO CO TREASURER	I	PREMIUMS	119,727.00
CREDIT MANAGEMENT	E	GARNISHMENT	169.94
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	4,434.31
FIRST NATIONAL BANK	T	FEDERAL TAXES	92,940.97
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISHMENT	402.00
MADISON NATIONAL	I	PREMIUMS	971.02
MADISON NATIONAL	I	LT DISABILITY	288.38
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,840.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
NE DEPARTMENT OF REVENUE	E	GARNISHMENT	55.00
PRINCIPAL	E	DENTAL	3,183.44
STATE OF NE	T	STATE TAXES	15,624.71
VISION SERVICE PLAN	E	EMPE VSP EYE	868.20
<b>ROAD FUND</b>			
NET PAYROLL			55,274.07
AMERICAN FAMILY LIFE	I	PREMIUMS	1,060.70
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,413.94
BUFFALO CO TREASURER	I	PREMIUMS	2,852.50
FIRST CONCORD	E	FLEX FUNDS	515.20
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,242.55
MADISON NATIONAL	I	PREMIUMS	151.55
MADISON NATIONAL	I	LT DISABILITY	102.68
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
NE CHILD SUPPORT	E	CHILD SUPPORT	242.00
PRINCIPAL	E	DENTAL	901.40
STATE OF NE	T	STATE TAXES	2,418.90
VISION SERVICE PLAN	E	EMPE VSP EYE	209.51
<b>WEED FUND</b>			
NET PAYROLL			4,904.28
RETIREMENT PLANS AMERITAS	R	EMPE RET	777.30
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,581.71
MADISON NATIONAL	I	LT DISABILITY	3.44

PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	250.63

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

<b>GENERAL FUND</b>			
KONICA MINOLTA PREMIER FINANCE	E	CONTRACT	40,137.50
<b>ROAD FUND</b>			
STATE OF NE	T	FUELS TAX	4,023.00
<b>HEALTH INSURANCE FUND</b>			
DEPT OF TREASURY	E	FEES	898.95

Moved by Morrow and seconded by Klein to accept the Clerk of District Court June 2021 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Kouba, Loeffelholz, Lynch and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Lynch to accept the Buffalo County Treasurer June 2021 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Klein, Kouba, Loeffelholz and McMullen. Absent: Higgins. Motion declared carried.

Moved by Kouba and seconded by Klein to accept the Veterans Service Quarterly Reports ending March 31, 2020, June 30, 2020, September 30, 2020 and December 31, 2020. Upon roll call vote, the following Board members voted "Aye": Kouba, Klein, Loeffelholz, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Klein and seconded by Lynch to accept the May 2021 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Klein, Lynch, Kouba, Loeffelholz, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Klein to set the date of Tuesday, July 27, 2021 at 10:00 A.M. for Auditing Services Request for Proposal (RFP). Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Kouba, Loeffelholz, Lynch, and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Loeffelholz to set the date of Tuesday, August 10, 2021 at 10:00 A.M. for Request for Proposal (RFP) architectural design services for County owned property at 610 Central Ave, Kearney, Nebraska. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Klein, Kouba, Lynch and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the release of pledged collateral in the amount of \$2,086,383.75 for the Buffalo County Treasurer at Nebraskaland National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Kouba, Loeffelholz, Lynch and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral in the amount of \$4,130,000.00 for the Buffalo County Treasurer at Nebraskaland National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Kouba, Loeffelholz, Lynch and McMullen. Absent: Higgins. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the addition of pledged collateral in the amount of \$62,627,476.00 for the Buffalo County Treasurer at First National Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Kouba, Loeffelholz, Lynch and McMullen. Absent: Higgins. Motion declared carried.

Deputy County Attorney Andrew Hoffmeister arrived at the meeting.

After discussion and review of the County Sheriff's report, it was moved by Lynch and seconded by Kouba to approve the Special Designated Liquor License application filed by Audubon's Rowe Sanctuary for an event to be held on August 14, 2021. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Klein, Loeffelholz, Morrow and McMullen. Absent: Higgins. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Loeffelholz and seconded by Lynch to approve the Special Designated Liquor License application filed by The Village 1919 for an event to be held on August 7, 2021. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Klein, Kouba, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Election Commissioner Lisa Poff reviewed the Amendment to the Election Systems & Software LLC Agreement. Moved by Loeffelholz and seconded by Klein to authorize Chairman McMullen to sign the Amendment to the Election Systems & Software LLC

Agreement. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Kouba, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Following deliberation it was moved by Loeffelholz and seconded by Klein to oppose the 30 X 30 program created by the Federal Government with the following Resolution 2021-38. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Kouba, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-38**

WHEREAS, many of Buffalo County's businesses and its citizens are involved in or otherwise depend on industries that utilize and/or depend upon the private ownership of land and its resources, including, but not limited to, livestock grazing, agricultural and horticultural activities, oil and gas exploration and production, mining and mineral development, recreational industries, hunting and other outdoor recreation;

WHEREAS, these industries are important components of the Nebraska economy, and are major contributors to the economic and social wellbeing of Buffalo County and its citizens;

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Abroad (86 Fed. Reg. 7,619);

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030 which is called the '30 x 30" program;

WHEREAS, under the 30 x 30 program, approximately 680 million acres of our Nation's lands would be set aside and permanently preserved in its natural state, preventing the productive use of these lands and their resources;

WHEREAS, there is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008;

WHEREAS, placing private lands into permanent conservation status will cause dramatic and irreversible harm to the economies of many states, including Nebraska, and in particular rural counties such as Buffalo County whose citizens depend on the private ownership of land for their livelihoods;

WHEREAS, the 30 x 30 program, if implemented will conflict with the plans, policies and programs of Buffalo County as expressed in the County's Comprehensive Plan, adopted in 2012.

WHEREAS, conversion of land from private ownership to federal ownership typically results in removal of said land from the tax rolls of the applicable taxing entity, whereby diminishing the pool of total tax revenue available, and causing a potential for the burden of increased taxation for the remaining owners of privately held land;

WHEREAS, Executive Order 14008 directs the Secretary of the Interior, in consultation with other relevant federal agencies, to "submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, Local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Buffalo County, Nebraska, as follows:

1. The Board opposes the 30 x 30 program, including its objective of permanently preserving 30 percent of the Nation's land in their natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our lands.
2. The Board supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber.
3. The Board recognizes and supports the State of Nebraska's water rights system, including the doctrine of prior appropriation and other state laws and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under Nebraska law.
4. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost effective, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as a justification to set aside large tracts of land as preserves or open space to fulfill the 30 x 30 program's objectives.
5. The Board also maintains that any lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment of full and fair market value for all rights and interests acquired,

and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the wellbeing, health, safety, welfare, economy, and culture of Buffalo County, its businesses, and its citizens.

Deputy County Attorney Hoffmeister reviewed the Livestock Friendly County designation process. Brock Elsen addressed the Board. Moved by Loeffelholz and seconded by Kouba to apply for Livestock Friendly County designation with the following Resolution 2021-39. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Klein, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-39**

WHEREAS, the Buffalo County Board of Commissioners conducted a public hearing on July 13, 2021 after due publication and notice, and received comments from the public concerning designation as a Livestock Friendly County; and

WHEREAS, the Board of Commissioners of Buffalo County desires to develop the livestock production and processing sectors of Buffalo County's economy; and

WHEREAS, the Board of Commissioners of Buffalo County acknowledges that livestock is important to the economic well-being of Buffalo County; and

WHEREAS, the Board of Commissioners of Buffalo County intends to work with all other governmental jurisdictions within its boundaries in implementing livestock development within the county; and

WHEREAS, the Board of Commissioners of Buffalo County is committed to compliance with the Livestock Waste Management Act; and

WHEREAS, the Board of Commissioners of Buffalo County hereby commits to enter into a letter of understanding with the Nebraska Department of Agriculture agreeing to develop a plan to support the livestock industry in Buffalo County and to submit reports as directed by the Department.

NOW, THEREFORE, be it resolved and hereby declared that Buffalo County fully supports the Livestock Friendly County program in Nebraska and respectfully requests that its application for designation as a Livestock Friendly County be reviewed and approved by the Director of the Department of Agriculture.

Moved by Loeffelholz and seconded by Lynch to oppose the National Heritage Area designation with the following Resolution 2021-40. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Klein, Kouba, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-40**

**Whereas**, Kansas Nebraska Heritage Area Partnership is pursuing a National Heritage Area designation encompassing 49 counties, (26 in Kansas, 23 in Nebraska, equaling 35,792 square miles) with a total population of 650,000;

**Whereas**, Congress has designated National Heritage Areas which encompass vast amounts of privately held land in order to highlight areas of specific interest. Citizens of this county appreciate efforts to encourage economic development, but oppose blanket designations that put dissenting private landowners in the unreasonable position of having to "opt out" of federally mandated boundaries;

**Whereas**, the establishment of a 49-county National Heritage Area would adversely influence local officials to pass zoning laws not otherwise needed in order to accommodate a National Heritage Area Management Plan developed by the National Park Service and approved by the Secretary of the Interior, thereby altering well-established processes for land use regulation;

**Whereas**, A National Heritage Area designation invites interference in local affairs by special interest groups who claim to be stakeholders, such as the National Park Service, animal rights activists and environmental groups who do not have the historical perspective or deeply felt stewardship responsibility of owners who have worked the land over several generations.

**Whereas**, the establishment a National Heritage Area in order to leverage federal and local matching funds based upon private property, without owner knowledge or consent, illustrates a violation of private property rights; The United States can no longer afford to borrow money to engage in endless expansion of dependency and regulation by the federal government with sunset provisions for NHAs that were never enforced, resulting in chronic dependency rather than free market activity.

**Whereas**, A fundamental interdependence exists between individual liberty and the ability to own property, the citizens of this county are very concerned that a National Heritage Area designation would deprive landowners of their ability to use and enjoy their property as they see fit;

**NOW THEREFORE BE IT RESOLVED:** That Buffalo County opposes the National Heritage Area designation of the 49-county region aforementioned, and likewise opposes the inclusion of this county within the 49-county designation map and does not wish to confer upon an unelected regional management entity the ability to establish or influence land use policy within the boundaries of this county.

### **ZONING**

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

Chairman McMullen opened the public hearing at 9:23 A.M. for a Code Amendment to Section 10.22, Buffalo Zoning Regulations, ensuring compliance with applicable rural structures and the 2012 IFC Section 510 Emergency Responder Radio Coverage, interconnectivity needs of emergency personnel and services. Deputy County Attorney Andrew Hoffmeister and Sheriff Neil Miller reviewed the proposed amendment. No one else addressed the Board and Chairman McMullen closed the public hearing at 9:32 A.M. Moved by Morrow and seconded by Kouba to approve the Code Amendment for Emergency Responder Radio Coverage interconnectivity needs with the following Resolution 2021-41. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Klein, Loeffelholz, Lynch and McMullen. Absent: Higgins. Motion declared carried.

#### **RESOLUTION 2021-41**

WHEREAS, on June 17, 2021, the Buffalo County Planning and Zoning Commission held a public hearing concerning amendments to Buffalo County's Zoning Regulations of Section 10.22, ensuring compliance with applicable rural structures and the 2012 IFC Section 510 Emergency Responder Radio Coverage, interconnectivity needs of emergency personnel and services. That Commission voted unanimously 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 13, 2021, this Board conducted a public hearing concerning a proposed amendment to Buffalo County's Zoning Regulations, 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 is adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below:

Amend Section 10.22 to add as a paragraph:

"NEED OF PROFESSIONAL DESIGN AND SUPERVISION TO OBTAIN ZONING PERMIT." All building construction and development shall be in conformity with these regulations. A licensed Engineer and/or Architect shall sign a letter of approval of plans, for a structure, to accompany any zoning permit. This professional statement shall also include a certification by the Engineer and/or Architect that the structure(s) on the zoning permit, after finished construction, is compliant with 2012 IFC SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE interconnectivity needs of emergency personnel and services. This provision applies to zoning permits issues for:

1. The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of comprised of greater than five thousand square feet of above-grade finished space. Any detached or attached sheds, storage buildings, and/or garages incidental to the dwelling are not included in the tabulation of finished space.
2. The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure comprised of:
  - A. An area greater than five thousand square feet of above-grade finished space,
  - B. A height that exceeds thirty feet, or
  - C. After completion of the erection of the permitted structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons.
  - D. Exempted from this requirement are:
    1. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure, the area of which are not included in the tabulation of finished space.
    2. The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons."

Chairman McMullen opened the public hearing for a Code Amendment of Buffalo County Zoning Regulations, including revisions of and/or additions to the following Sections: Section 3.3161 and Section 8.3, along with Section 5.12 (6) and Section 5.14 (18) Agriculture (AG) District, Section 5.22 (3) and Section 5.24 (13) Rural Conservation (RC) District, Section 5.32 (9) and Section 5.34 (18) Agricultural – Residential (AGR) District, Section 5.52 (16) and Section 5.54 (8) Commercial (C) District, and Section 5.62 (34) and Section 5.64 (5) Industrial (I) District, regarding signage as it relates to Definitions, Prerequisites, Permitted Principal Uses and Permitted Special Uses. Deputy County Attorney Andrew Hoffmeister reviewed the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:42 A.M. Moved by Lynch and seconded by Morrow to approve the Code Amendment with the following Resolution 2021-42. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Klein, Kouba, Loeffelholz and McMullen. Absent: Higgins. Motion declared carried.

#### **RESOLUTION 2021-42**

WHEREAS, on June 17, 2021, the Buffalo County Planning and Zoning Commission held a public hearing for amendments concerning signage as it relates to Definitions, Prerequisites, Permitted Principal Uses and Permitted Special Uses. The revisions are situated in Buffalo County’s Zoning Regulations of Section 3.3161 and Section 8.3, Section 5.12 (6) and Section 5.14 (18) Agriculture (AG) District, Section 5.22 (3) and Section 5.24 (13) Rural Conservation (RC) District, Section 5.32 (9) and Section 5.34 (18) Agricultural – Residential (AGR) District, Section 5.52 (16) and Section 5.54 (8) Commercial (C) District, and Section 5.62 (34) and Section 5.64 (5) Industrial (I) District. That Commission, with the following word change recommendation, voted unanimously, with one member absent, to recommend that this Board adopt the proposed amendments:

“8.32 Signs Allowed by Special Permit. Signs not meeting the criteria set out in Sec. 8.31 shall be allowed ~~any only~~ by special permit as allowed in the various zoning districts. Minimally these shall be required to:…” and

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

WHEREAS, on July 13, 2021, this Board conducted a public hearing concerning a proposed amendment to Buffalo County’s Zoning Regulations, 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 amendments are adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below:

“3.3161 SIGN or SIGNS shall mean, and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest. A Sign does not include a flag, pennant, or insignia of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

8.3 SIGNS. All signs, regardless of the need to obtain a zoning permit, shall not impair visibility along any street or road. The approval of the County Highway Superintendent is needed before placing a sign within fifty feet of public road street right-of-way to ensure no issues exist, as to visibility.

8.31. Signs Allowed as a Use by Right. The following signs are allowed as a use by right in the various zoning districts if listed in the particular district:

1. Signs erected by, or required by a public entity that has power to condemn,
2. Permanent sign(s) with an signage area of nine (9) square feet or less,
3. Permanent sign(s) for church(s) or cemeteries with a signage area of twenty (20) square feet or less, or
4. Temporary sign, whether affixed to the ground or on a trailer, with a signage area of thirty-three (33) square feet or less,
5. These signs are subject to any regulation State regulation when located within sight of a State or Federal Highway.

8.32 Signs Allowed by Special Permit. Signs not meeting the criteria set out in Sec. 8.31 shall be allowed only by special permit as allowed in the various zoning districts. Minimally these shall be required to:

1. Maintain as a minimum setback from all property lines a distance equal in feet to the square root of the area of the sign, plus the height, both measured in feet, rounded up, which said distance shall be measured from the nearest edge of the sign to any property line.
2. Have permission from the Nebraska Department of Transportation, if located along, or in, a Federal or State Maintained highway, or Buffalo County Highway Superintendent, or both, if placed on land that abuts a parcel abutting both state and locally controlled or maintained highways, streets, and/or roads. These agencies shall have the sole judgment as to whether the sign, either as erected or maintained, may obscure or otherwise physically interfere, or cause confusion with any official traffic sign, signal, or device, or obstruct or physically interfere with a driver’s view of approaching, merging, or intersecting traffic.
3. Meet the following, location, setback, and size limitations, unless a more limiting size is set out for the particularized use relating to the sign:

Specific size requirement for each zoning district are given in this table:

Zoning District	Agriculture (AG)		Agricultural - Residential (AGR)		Rural Conservation (RC)		Commercial (C)		Industrial (I)	
	I	II	I	II	I	II	I	II	I	II
<b>Sign Class</b>										
<b>Maximum Size (square feet)*:</b>	50	300	25	75	25	25	No Limit		No Limit	
<b>Maximum Height: (feet)</b>	10	35	10	20	10	10	35	50	35	50
<b>Space, Minimum Linear Distance Between Signs (feet):</b>	No Limit	1000	1 Per Lot		1 Per Lot		No Limit	250	No Limit	250
<b>Illumination Allowed:</b>	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes

<b>Minimum Distance from Intersection (feet):</b>		50	150	50	50	50	50	50	150	50	150
<b>Maximum Length (feet):</b>		10	30	10	15	10	10	30	30	30	30
<b>Minimum Distance from Public Property Use Land: Other than 8.32 (1)</b>		None	50	None	50	None	50	None	150	50	150
<b>Minimum Distance from Any Property Line:</b>		The square foot of the area of the sign, plus the height of the sign, both measure in feet, with each number rounded up prior to addition of the two.									

**\*All measurements are in feet.**

For purposes of Sign classification as either “I” or “IP” in this chart, the following definitions apply:

CLASS I SIGNS: Sign(s) that only advertise activities conducted on the property on which the sign(s) are located.

CLASS II SIGNS: All other outdoor advertising signage, which includes bill boards, which are not Class I signs, that are not excluded from other requirements of these zoning regulations or issued special use permits.”

4. “All zoning permits issued by Buffalo County are subject to any rule or regulation of the Nebraska Department of Transportation relating to placement of advertising signage. That Department’s regulations relating to sign(s) are adopted by reference as a part of these regulations. The state regulations shall apply with the area of their jurisdiction except where local zoning rules impose a stricter standard. In areas subject to state jurisdiction, the applicant shall be required to obtain a state permit prior to issuance of a county zoning permit. “

**ADDITIONAL AMENDMENTS TO EACH ZONING DISTRICT:**

**Amend A, AGR, RC, C, and I Districts to allow:**

USES by Right, with renumbering as necessary:

- 5.12 (6) Signs, As allowed in Sec. 8.31 (AG Agriculture District)
- 5.22 (3) Signs, As allowed in Section 8.31 (RC Rural Conservation District)
- 5.32 (9) Signs, As allowed in Section 8.31 (AGR Agricultural – Residential District)
- 5.52 (16) Signs, As allowed in Section 8.31 (C Commercial District)
- 5.62 (34) Signs, As allowed in Section 8.31 (I Industrial District)

USES by Special Use Permit, with renumbering as necessary:

- 5.14 (18) Signs, As Allowed in Sec. 8.32 (AG Agriculture District)
- 5.24 (13) Signs, As Allowed in Sec. 8.32 (RC Rural Conservation District)
- 5.34 (18) Signs, As Allowed in Sec. 8.32 (AGR Agricultural – Residential District)
- 5.54 (8) Signs, As Allowed in Sec. 8.32 (C Commercial District)
- 5.64 (5) Signs, As Allowed in Sec. 8.32 (I Industrial District)”.

Chairman McMullen opened the public hearing for a Code Amendment to the Buffalo County Zoning Regulations, regarding clarification and requirements of accesses, including revisions of and/or additions to the following sections: Section 3.3130, Section 3.3133, Section 3.3169, Section 3.3181, Section 5.12 (6), Section 5.16, Section 5.22 (2), Section 5.27, Section 5.32 (2), Section 5.36, Section 5.57, & Section 5.66, AND for Code Amendments to Buffalo County Subdivision Regulations, regarding clarification and requirements of accesses, including revisions of and/or additions to the following sections: Section 2.13, Section 2.23, Section 2.31, Section 2.34, Section 2.35, Section 4.02, Section 1.05, Section 1.06, and Section 4.12. Deputy County Attorney Andrew Hoffmeister reviewed the application. No one else addressed the Board and Chairman McMullen closed the hearing at 9:57 A.M. Moved by Loeffelholz and seconded by Morrow to approve the Code Amendment with the following Resolution 2021-43. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Klein, Kouba, Lynch and McMullen. Absent: Higgins. Motion declared carried.

**RESOLUTION 2021-43**

WHEREAS, on June 17, 2021, the Buffalo County Planning and Zoning Commission held a public hearing concerning amendments to requirements of accesses to Buffalo County Zoning Regulations, including revisions of and/or additions to the following sections: Section 3.3130, Section 3.3133, Section 3.3169, Section 3.3181, Section 5.12 (6), Section 5.16, Section 5.22 (2), Section 5.27,

Section 5.32 (2), Section 5.36, Section 5.57, & Section 5.66. Additionally, as part of said public hearing, Buffalo County Subdivision Regulations were also reviewed regarding accesses in the following sections: Section 2.13, Section 2.23, Section 2.31, Section 2.34, Section 2.35, Section 4.02, Section 1.05, Section 1.06, and Section 4.12.

That Commission voted unanimously, after the following word change and minimum lot width recommendation, to recommend that this Board adopt the newly proposed amendments,

1. **“Sec. 1.05 MINIMUM ACCESS REQUIREMENTS** No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein ~~have access,~~ abuts before and after subdividing, ~~to a~~ dedicated and maintained public street(s) and/or road(s), or private ~~roads or ways~~ streets as private streets are allowed to be created in this Resolution.”
2. **Section 4.02 (E).** All lots shall have a minimum of ~~ten (10)~~ twenty-five (25) feet width along a street or road.
3. **5.16 (3) MINIMUM LOT REQUIREMENTS - AG AGRICULTURE (AG) DISTRICT**  
Lots shall have a minimum of ten (10) twenty-five (25) feet lot width abutting any street or road.
4. **5.27 (3) MINIMUM LOT REQUIREMENTS - RC RURAL CONSERVATION (RC) DISTRICT**  
Lots shall have a minimum of ten (10) twenty-five (25) feet lot width abutting any street or road.
5. **5.36 (3) MINIMUM AREA AND YARD REQUIREMENTS - AGR AGRICULTURAL – RESIDENTIAL (AGR) DISTRICT**  
Lots shall have a minimum of ten (10) twenty-five (25) feet lot width abutting any street or road.

and

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

WHEREAS, on July 13, 2021, this Board conducted a public hearing concerning the proposed amendments to Buffalo County’s Zoning and Subdivision Regulations, 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 is adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below:

“3.3130 LOT: A parcel of land occupied or intended for occupation by a use permitted in this resolution and ~~fronting upon~~ abutting a ~~legally accessible~~ a street or road.

3.3133 LOT FRONTAGE: The front of a lot shall be construed to be the portion ~~nearest~~ abutting the street(s) or road(s).

3.3169 STREET OR ROAD: A ~~thoroughfare,~~ highway, street, avenue, road, or boulevard, not necessarily formally dedicated or acquired by the public, which affords principal means of access to or by abutting property. ~~with the~~ The terms street or road ~~being~~ are interchangeable.”

3.3181 YARD, FRONT: A yard extending from ~~the front lot line~~ an adjoining public or private street(s) to the closest edge of ~~the front of the building as determined and measured from the street to the building.~~ A lot that abuts two or more streets or roads shall be considered to have 2 or more front yards for any yard that adjoins a public street.

**Section 2.13 DOUBLE FRONTAGE LOT:**

“Double frontage lot means a lot that ~~has a frontage on~~ abuts 2 or more ~~nonintersecting~~ streets or roads.”

**Section 2.23 LOT** Lot means:

(a) A portion of real property containing at least the area required at the time it was created by the zoning district in which it is or was located for use, coverage, and yard space, exclusive of existing, laid out, proposed, or reserved streets, public ways, or roads, abutting at least one public street, road, or private ~~roadway,~~ street as a private street is allowed to be created in this resolution or

(b) a parcel of real property with a separate and distinct number or other designation shown on a final plat approved by the Buffalo County Board recorded in the office of the Register of Deeds for Buffalo County, Nebraska.

**Section 2.31, PRIVATE ROADWAY, WAY, EASEMENT, OR STREET:**

“Non-publicly accessed path, driveway, acquired and used for private purposes, which affords a means of access through nonpublic property to another parcel or parcels of property.”

**Section 2.34 ROAD:**

A ~~publicly accessed thoroughfare,~~ highway, road, avenue, or boulevard, not necessarily formally dedicated or acquired by the public, but accessed by the public, which affords principal means of access to or by abutting property.

**Section 2.35 STREET:**

A ~~publicly accessed thoroughfare,~~ highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street.”

**DESIGN STANDARDS:**

**Sec. 4.02 RELATION TO ADJOINING HIGHWAY, ROAD OR STREET SYSTEM**

**A. Arrangement of Streets** The arrangement of streets and roads in a new subdivision shall make provision for the continuation of the existing highways, roads, or streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street, road, and alley arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.



**B. Offsetting Streets to be avoided** Offset streets and roads should be avoided.

**C. Angle(s) of Intersections** The angle of intersection between streets should not vary more than 10 degrees (10) from a right angle.

**D. Stopping sight distance considerations** Proposed street intersections shall be located on existing streets and roads to provide stopping sight distance for 50 mph traffic on the existing street or road. Stopping sight distance shall be as described in the current AASHTO Standards at the time the subdivision is being proposed.

**E. All lots shall have a minimum of twenty-five (25) feet width along a street or road.**

#### **AG AGRICULTURE DISTRICT:**

##### 5.12 PERMITTED PRINCIPAL USES AND STRUCTURES...

(6). Single family, ranch, and farm dwellings on a parcel abutting ~~on~~ an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4 not of the same property;

##### 5.16 MINIMUM LOT REQUIREMENTS

1. The minimum lot area for AG uses shall be three (3) acres. By special permit, this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. (Resolution 8-10-04) All improved uses, other than general farming, ranging, pasturing, etc., shall be ~~adjacent to~~ on a parcel abutting an improved county road (above minimum maintenance road).

2. Single Family Dwelling, Lot Size:

(A) 3 acres, with the placement of a maximum of four single family dwellings per U.S. Government surveyed quarter section, on a parcel abutting ~~adjacent to~~ an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and four single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance.

#### **RC RURAL CONSERVATION DISTRICT:**

##### 5.22 PERMITTED PRINCIPAL USES AND STRUCTURES...

(2). Single family, ranch, and farm dwellings on a parcel abutting ~~on~~ an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4 not of the same property.

##### 5.27 MINIMUM AREA REQUIREMENTS:

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 utility distribution systems. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting ~~adjacent to~~ an improved county road (above minimum maintenance road).

2. Single Family Dwelling, Lot Size: (A) 3 acres, with the placement of a maximum of One (1) single family dwellings per U.S. Government surveyed quarter section, on a parcel abutting ~~adjacent to~~ an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and one single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance.

#### **AGRICULTURAL – RESIDENTIAL (AGR) DISTRICT:**

##### 5.32 PERMITTED PRINCIPAL USES AND STRUCTURES...

(2). Single family, ranch, and farm dwellings on a parcel abutting ~~adjacent to~~ improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from a livestock confinement facilities.

##### 5.36 MINIMUM AREA AND YARD REQUIREMENTS:

1. The minimum lot area for AGR uses shall be 3 acres\*. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting ~~adjacent to~~ an improved county road (above minimum maintenance road).

**Sec. 1.05 MINIMUM ACCESS REQUIREMENTS** No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein ~~have access,~~ abuts before and after subdividing, ~~to a~~ dedicated and maintained public street(s) and/or road(s), or private ~~roads or ways-~~ streets as private streets are allowed to be created in this Resolution.

**Sec. 1.06 EXEMPTED INSTANCES** These regulations shall not apply to the following:

A. **More than Ten Acres** To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land ~~has access by~~ abuts dedicated and maintained public road or street or private ~~road(s)~~ streets as private streets are allowed to be created as provided with this resolution.

**Section 4.12 ACCESS REQUIREMENTS** Access to and within a subdivision can be accomplished by use of private and public ways, streets, and/or roads. Public streets are permitted in any type of subdivision and are strongly encouraged.

**A. Public Street Access.** Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.

**B. Private Street Minimum Width and Operative as Grant of Easement(s) Utility Access and Occupation** Private Streets, when created under this Resolution, ~~may be permitted when the private street clearly provides~~ shall have a minimum street width of ~~rights-of-way~~ sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by ~~provides easements for~~ public utilities and ~~provide rights of access to public utilities without further approval or conveyance.~~

**C. Private Street Disclosure** Any plat containing private streets shall disclose the following on its plat: “One or more of the access easements shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by Buffalo County. The property owner and successor thereto agrees to not request road maintenance from Buffalo County until such time as the private streets are brought to the then applicable Buffalo County’s Subdivision Public Street Minimum Improvement Requirement standards”.

**D. Private streets grant access to public safety.** Private streets shall not be blocked to ingress and egress of government, emergency, or public service company vehicles.

**E. Private Street Maintenance** Private street maintenance shall be the sole responsibility of adjacent property owners and not the responsibility of Buffalo County.

**AG AGRICULTURE (AG) DISTRICT:**

5.16 MINIMUM LOT REQUIREMENTS

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

**RC RURAL CONSERVATION (RC) DISTRICT:**

5.27 MINIMUM LOT REQUIREMENTS

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

**AGR AGRICULTURAL – RESIDENTIAL (AGR) DISTRICT:**

5.36 MINIMUM AREA AND YARD REQUIREMENTS

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

**C COMMERCIAL (C) DISTRICT:**

5.57 HEIGHT AND AREAS REGULATIONS

1. General Requirements:

	Lot Area*** (Sq.' Ft.)	Lot Width*	Required Front Yard	Required Side Yard	Required Rear Yard	Height
<b>Permitted Uses</b>	40,000	100'	Greater of 50'* or 83'***	15'	15'	None

\* Measured from the abutting road or street right-of-way line.

\*\* Measured from center line of abutting road or street right-of-way.

\*\*\* Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by the Department of Environmental Quality or other agencies with 3 acres being exempt at the time of adoption of these regulations (Resolution 10-10-03)

**I INDUSTRIAL (I) DISTRICT:**

5.66 HEIGHT AND AREA REGULATIONS:

1. General Requirements

	Lot Area*** (Sq.' Ft.)	Lot Width*	Required Front Yard	Required Side Yard	Required Rear Yard	Height
<b>Permitted Uses</b>	None	100'	Greater of 50'* or	15'	15'	None

			83'***			
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\* Measured from the abutting road or street right-of-way line.

\*\* Measured from center line of abutting road or street right-of-way.

\*\*\* Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by the Department of Environmental Quality or other agencies with 3 acres being exempt at the time of adoption of these regulations (Resolution 10-10-03)

After review and discussion, it was moved by Loeffelholz and seconded by Klein to direct Zoning Administrator Daniels to send a letter of comment to the Nebraska Department of Environmental Quality regarding the Application of a Construction and Operating Permit of a concentrated animal feeding operation, filed by JKS Farms, LLC, in SW ¼, W ½, & SE ¼ of Section 27, Township 11 North, Range 15 West of the 6<sup>th</sup> p.m., Buffalo County, Nebraska. Zoning Administrator Daniels will provide comment, on behalf of the Buffalo County Board of Commissioners, to the Nebraska Department of Environmental Quality referencing any applicable Buffalo County Zoning Regulations for the proposed livestock expansion. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Kouba, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **REGULAR AGENDA**

Chairman McMullen acknowledged receipt of the road petition filed with the County Clerk on June 23, 2021 to vacate a portion of road located in Armada Township and directed the County Clerk to forward this petition to Highway Superintendent John Maul. Superintendent Maul will conduct a study and report back to this Board within 30 days.

On June 22, 2021 the Board of Commissioners conducted a public hearing for the road vacation petition that was filed on April 5, 2021 with the County Clerk referred to as portions of five roads located in Armada Township. Each road vacation will be considered individually for decision as Roads 1 through 5 as shown on the map presented as an Exhibit. Moved by Klein and seconded by Lynch to vacate portions of road described as Road 1 on the map and legal description in Resolution 2021-34, initiated by Board action with the following Resolution 2021-44. Upon roll call vote, the following Board members voted "Aye": Klein, Lynch, Kouba, Loeffelholz, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-44**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way, originally described on the public road records of Buffalo County as:

One- half mile of Bison Road (if extended) a road, commencing at the Southeast corner of Section Twenty-One (21) and the Southwest corner of Section Twenty-Two (22); thence running north for one-half mile, as the road is situated between and abutting the East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-One (21) and the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, hereinafter simply referred to as "subject public road"

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2021-34 that set June 22, 2021, at 9:30 o'clock a.m., in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, Resolution 2021-34 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on June 22, 2021, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held June 22, 2021, the Board set July 13, 2021, at 9:30 o'clock a.m., the first public hearing following the public hearing, as date and time for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.

2. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
3. All necessary public publications and notices to adjoining landowners have been given.
4. The public records concerning the creation of the subject public road reflect that this road was created by prior action of this Board. It was opened by petition of adjoining landowners.
5. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued use and occupation of the same by any public utilities that now occupy the public right-of-way.
6. No public purpose would be served to keep the subject public road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road One-half mile of Bison Road (if extended) a road, commencing at the Southeast corner of Section Twenty-One (21) and the Southwest corner of Section Twenty-Two (22); thence running north for one-half mile, as the road is situated between and abutting the East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-One (21) and the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska., shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road shall revert to private ownership to the owner(s) of the adjacent real estate, divided one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Resolution shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

1. East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-One (21) and the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska.,

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of July 13, 2021.

Moved by Loeffelholz and seconded by Kouba to vacate portion of road located in Armada Township as shown on the map as Road 2 and as described in Resolution 2021-34, initiated by Board action with the following Resolution 2021-45. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Klein, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-45**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way, originally described on the public road records of Buffalo County as:

One-half mile of Buckboard Road (if extended) a road, commencing at the Southeast corner of the Northwest Quarter of Section Twenty-Two (22) and the Southwest corner of the Northeast Quarter of Section Twenty-Two (22); thence running north for one-half mile, as the road is situated between and abutting the West Half of the Northeast Quarter (W ½ NE ¼) of Section Twenty-Two (22) and the East Half of the Northwest Quarter (E ½ NW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, hereinafter simply referred to as "subject public road"

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2021-34 that set June 22, 2021, at 9:30 o'clock a.m., in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, Resolution 2021-34 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on June 22, 2021, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held June 22, 2021, the Board set July 13, 2021, at 9:30 o'clock a.m., the first public hearing following the public hearing, as date and time for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
3. All necessary public publications and notices to adjoining landowners have been given.
4. The public records concerning the creation of the subject public road reflect that this road was created by prior action of this Board. It was opened by petition of adjoining landowners.
5. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued use and occupation of the same by any public utilities that now occupy the public right-of-way.
6. No public purpose would be served to keep the subject public road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road: One-half mile of Buckboard Road (if extended) a road, commencing at the Southeast corner of the Northwest Quarter of Section Twenty-Two (22) and the Southwest corner of the Northeast Quarter of Section Twenty-Two (22); thence running north for one-half mile, as the road is situated between and abutting the West Half of the Northeast Quarter (W ½ NE ¼) of Section Twenty-Two (22) and the East Half of the Northwest Quarter (E ½ NW ¼) of Section Twenty-Two (22), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road as shall revert to private ownership to the owner(s) of the adjacent real estate, divided one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Resolution shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

The West Half of the Northeast Quarter (W ½ NE ¼) of Section Twenty-Two ( 22) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, and

The East Half of the Northwest Quarter (E ½ NW ¼) of Section Twenty-Two (22) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of July 13, 2021.

Moved by Kouba and seconded by Morrow to vacate portions of road located in Armada Township as indicated on the map as Road 3 and described in Resolution 2021-34, initiated by Board action with the following Resolution 2021-46. Upon roll call vote, the following Board members voted "Aye": Kouba, Morrow, Klein, Loeffelholz, Lynch and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-46**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way, originally described on the public road records of Buffalo County, or on the road closing petition, as:

A portion of Birch Road, a road commencing at the Southwest corner of the Southwest Quarter of Section Twenty-Six (26) and the Southeast corner of the Southeast Quarter of Section Twenty-Seven (27); thence running north for 1980 feet as the road is situated between and abutting that portion of the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Six (26) and that portion of East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-Seven (27), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, hereinafter simply referred to as "subject public road"

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2021-34 that set June 22, 2021, at 9:30 o'clock a.m., in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, Resolution 2021-34 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on June 22, 2021, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held June 22, 2021, the Board set July 13, 2021, at 9:30 o'clock a.m., the first public hearing following the public hearing, as date and time for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road: A portion of Birch Road, a road commencing at the Southwest corner of the Southwest Quarter of Section Twenty-Six (26) and the Southeast corner of the Southeast Quarter of Section Twenty-Seven (27); thence running north to the Southwest corner of the North Half of the North Half of the Southwest Quarter (N1/2N1/2SW1/4) of Section Twenty-Six (26) and to the southeast corner of the North Half of the North Half of the Southeast Quarter(N1/2N1/2SE1/4) of Section Twenty-Seven (27) as the road is situated between and abutting that portion of the West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Six ( 26) and that portion of East Half of the Southeast Quarter ( E ½ SE ¼) of Section Twenty-Seven (27), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road shall revert to private ownership to the owner(s) of the adjacent real estate, divided one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Resolution shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

The West Half of the Southwest Quarter (W ½ SW ¼) of Section Twenty-Six (26) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska, and

That portion of East Half of the Southeast Quarter (E ½ SE ¼) of Section Twenty-Seven (27), all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P. M. Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of July 13, 2021.

Moved by Loeffelholz and seconded by Kouba to vacate portions of road located in Armada Township as indicated on the map as Road 4 and described in Resolution 2021-34, initiated by Board action with the following Resolution 2021-47. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Klein, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

#### **RESOLUTION 2021-47**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way, originally described on the public road records of Buffalo County as:

One-half mile of 235<sup>th</sup> Road, a road commencing at the Southwest corner of the Southwest Quarter of Section Twenty-One (21) and the Northwest corner of the Northwest Quarter of Section 28; thence running East for one-half mile as the road is situated between and abutting the South Half of the Southwest Quarter (S ½ SW ¼) of Section Twenty-One (21) and the North Half of the Northwest Quarter ( N ½ NW ¼) of Section Twenty-Eight (28) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, hereinafter simply referred to as "subject public road"

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2021-34 that set June 22, 2021, at 9:30 o'clock a.m., in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, Resolution 2021-34 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on June 22, 2021, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held June 22, 2021, the Board set July 13, 2021, at 9:30 o'clock a.m., the first public hearing following the public hearing, as date and time for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road: One-half mile of 235<sup>th</sup> Road, a road commencing at the Southwest corner of the Southwest Quarter of Section Twenty-One (21) and the Northwest corner of the Northwest Quarter of Section 28; thence running East for one-half mile as the road is situated between and abutting the South Half of the Southwest Quarter (S ½ SW ¼) of Section Twenty-One (21) and the North Half of the Northwest Quarter (N ½ NW ¼) of Section Twenty-Eight (28) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road shall revert to private ownership to the owner(s) of the adjacent real estate, together with rights of access to Highway 183 where this now abandoned road existed, divided one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Resolution shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

The South Half of the Southwest Quarter (S ½ SW ¼) of Section Twenty-One (21) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, and

The North Half of the Northwest Quarter (N ½ NW ¼) of Section Twenty-Eight (28) all in Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of July 13, 2021.

Moved by Lynch and seconded by Loeffelholz to vacate portions of road located in Armada Township as indicated on the map as Road 5 and described in Resolution 2021-34, initiated by Board action with the following Resolution 2021-48. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Klein, Kouba, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **RESOLUTION 2021-48**

WHEREAS, a Petition to vacate a road, alley, or other public way has been properly filed for the following described road, alley, and/or public way, originally described on the public road records of Buffalo County as:

A Road (not named) one mile of an East to West Road, or any portion there of as the same is situated between and abutting the South Half of the South Half (S½ S ½) of Section Twenty-Nine (29) and the North Half of the North Half (N ½ N ½) of Section Thirty-Two (32), Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, hereinafter simply referred to as "subject public road"

And,

WHEREAS, the Buffalo County Highway Superintendent has made a study of the use being made of the subject public road and has submitted a written report to the Board recommending that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board adopted Resolution 2021-34 that set June 22, 2021, at 9:30 o'clock a.m., in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> and Central, Kearney, Nebraska, as the time, date and place for public hearing for this Board to consider whether the subject public road should be abandoned or vacated with notice as provided by law, and

WHEREAS, Resolution 2021-34 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on June 22, 2021, this Board conducted a public hearing to consider vacation or abandonment of the subject public road. No one appeared to object to this vacation or abandonment request, and

WHEREAS, at conclusion of the public hearing held June 22, 2021, the Board set July 13, 2021, at 9:30 o'clock a.m., the first public hearing following the public hearing, as date and time for a decision to be given by this Board, as an agenda item, to consider and take action to vacate or abandon or refuse vacation or abandonment of the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The subject public road proposed to be vacated or abandoned is not within the zoning jurisdiction of the zoning jurisdiction of a city of the metropolitan, primary, or first class.
3. All necessary public publications and notices to adjoining landowners have been given.
4. The public records concerning the creation of the subject public road reflect that this road was created by prior action of this Board. It was opened by petition of adjoining landowners.
5. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued use and occupation of the same by any public utilities that now occupy the public right-of-way.
6. No public purpose would be served to keep the subject public road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, NOW COMPRISED AS THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road: A Road (not named) one mile of an East to West Road, or any portion there of as the same is situated between and abutting the South Half of the South Half (S $\frac{1}{2}$  S  $\frac{1}{2}$ ) of Section Twenty-Nine (29) and the North Half of the North Half (N  $\frac{1}{2}$  N  $\frac{1}{2}$ ) of Section Thirty-Two (32), Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, and the title or right-of-way to this road shall revert to private ownership to the owner(s) of the adjacent real estate, together with rights of access to Highway 183 where this now abandoned road existed, divided one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

ALSO RESOLVED, as required by Sec. 39-1725, Rev.Stat.Neb., a copy of this Resolution shall be filed and indexed against the following described properties, that are believed to be adjacent to the described, now vacated public road, or affected by its vacation, with Buffalo County making no representations or giving any warranties concerning the now vacated road to properties reverting to parties owning the following described parcels of real estate:

The South Half of the South Half (S $\frac{1}{2}$  S  $\frac{1}{2}$ ) of Section Twenty-Nine (29), Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska, and

The North Half of the North Half (N  $\frac{1}{2}$  N  $\frac{1}{2}$ ) of Section Thirty-Two (32), Township Eleven (11) North, Range Eighteen (18) West of the 6<sup>th</sup> P.M. Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of July 13, 2021.

Following discussion it was moved by Loeffelholz and seconded by Lynch to accept the land transfers to Buffalo County for Project 7467(1) and authorize Chairman McMullen to sign the transfer statements to be recorded. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Klein, Kouba, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Klein and seconded by Kouba to approve preliminary plans, specifications and estimates for Project BRO-7467(1) Poole South with Resolution 2021-49. Upon roll call vote, the following Board members voted "Aye": Klein, Kouba, Loeffelholz, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

**RESOLUTION 2021-49**



**Whereas:** Buffalo County (County) and State entered into an LPA Program Agreement for State to assist County in the development and construction of an LPA Federal-aid transportation project;

**Whereas:** The State or the design consultant has developed the project plans to the point where they are ready to submit to State's PS & E Section for final edits for a bid letting;

**Whereas:** The LPA Program Agreement requires the County to review the preliminary PS & E package and either request modification or approve them as acceptable at this stage.

**Whereas:** County wishes to approve the preliminary PS & E package as prepared.

**Be It Resolved by the Board of Commissioners of Buffalo County that:**

The Chairman, William McMullen, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the County's approval of the preliminary PS & E package.

NOOR Project Number: BR0-7467(1)

NOOR Control Number: 42844

NOOR Project Description: Poole South

Moved by Loeffelholz and seconded by Klein to recess the regular meeting of the Board of Commissioners at 10:42 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Kouba, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

### **BOARD OF EQUALIZATION**

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

Chairman McMullen opened the scheduled Permissive Exemption Hearing. Assessor Skinner indicated that she agreed with the exemption application. No one else addressed the Board and Chairman McMullen closed the hearing at 10:43 A.M. Moved by Klein and seconded by Lynch to approve the application filed by Kearney Family Young Men's Christian Association on parcel number 606534505 as 100% exempt for tax year 2021. Upon roll call vote, the following Board members voted "Aye": Klein, Lynch, Kouba, Loeffelholz, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Klein and seconded by Kouba to approve Tax List Corrections numbered 4784 through 4792 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Klein, Kouba, Loeffelholz, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to approve the Valuation Changes submitted by County Assessor Skinner for BSB Investments on parcel 602066886. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Kouba, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for University of Nebraska Foundation on a 2018 Toyota Rav 4. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Kouba, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Kouba and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for Community Action Partnership of Mid-Nebraska for a 2015 Hyundai Sonata, three 2009 Chevy Colorado's, a 2018 Dodge Journey, a 2019 Dodge Journey, a 2015 International, a 2004 Chevy G3500, a 2004 Carry On Utility, two 2017 Chevy Equinox's, a 2014 Sharp Enclosed, a 2007 Droyal Enclosed, 2011 Hyundai, a 2003 Pontiac Montana, two 2011 Dolittle Trailers, a 2015 Chevy Trax, a 2015 Chevy Malibu, a 1999 Dodge Caravan, a 1999 GMC Sierra Pickup, a 2001 Dodge Intrepid, two 2002 Chevy Malibu's, two 2010 Hyundai Santa Fe's, a 2008 Chrysler Town & Country, a 2011 Chevy Malibu, a 1999 Dodge Caravan, a 2001 Chevy Impala, a 2010 Ford Transit Connect, a 2010 Dodge Caravan, a 2013 Ford Explorer, a 2004 Ford Freestar, two 2009 Chevy C3500's, a 2009 Chevy K2500, a 2011 Chevy K2500, a 2013 Mazda MX6, a 2011 Ford Ranger and a 2009 Chevy Cobalt. Upon roll call vote, the following Board members voted "Aye": Kouba, Loeffelholz, Klein, Lynch, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Klein and seconded by Lynch to approve the Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Jean Sidwell for the R.Y.D.E. Transit-Community Action Partnership of Mid-Nebraska for a 2021 Ford CARES E450 Cutaway and three 2021 Ford E450 Cutaway's. Upon roll call vote, the following Board members voted "Aye": Klein, Lynch, Kouba, Loeffelholz, Morrow and McMullen. Absent: Higgins. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:50 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Klein, Kouba, Morrow and McMullen. Absent: Higgins. Motion declared carried.

## **REGULAR AGENDA**

Jerad Reimers representing Congressman Adrian Smith presented updated reports from the Congressman's office.

Chairman McMullen called on each Board member present for committee reports and recommendations. Chairman McMullen reviewed the following correspondence. Nebraska Department of Transportation sent the Federal Funds Purchase Program list with what each county will receive in March 2022. NIRMA sent a letter regarding upcoming Employment Practices Seminars. Department of Environment and Energy sent letter regarding notice of Application Received for JKS Farms, LLC Concentrated Animal Feeding Operation. City of Kearney sent a letter in preparation for the Joint City of Kearney Buffalo County meeting held July 8, 2021. The City of Kearney also sent the Agenda for the Planning Commission meeting July 16, 2021 and a letter regarding the Annexation of Millennial Estates Fifth Addition.

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

Chairman McMullen asked if there was anything else to come before the Board at 11:01 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, July 27, 2021.