

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 23, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, April 23, 2024 at 9:00 A.M. and 9:45 A.M. Chairperson 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, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. Absent: Myron Kouba and Ronald Loeffelholz. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County web site, and the bulletin boards located outside the County Clerk's office and County Board Room on April 18, 2024. Chairperson 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 Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. Deputy County Attorney Andrew Hoffmeister and Deputy County Attorney Josiah Davis were present.

**REGULAR AGENDA**

Moved by Maendele and seconded by Lynch to approve the April 9, 2024 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Lieutenant Chad Hunt, Sargent Juli Byrne and Correction Officer Darwin Lainez-Rivas was present for the Proclamation of the National Corrections Officers and Employees Week. Commissioner Maendele read the proclamation and thanked those who serve Buffalo County. Moved by Maendele and seconded by Higgins to proclaim the week of May 5, 2024 through May 11, 2024 as "National Corrections Officers and Employees Week" in Buffalo County with the following Resolution 2024-12. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Lynch, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

**RESOLUTION 2024-12**

**PROCLAMATION**

**Name the Week of May 5, 2024 through May 11, 2024 as "National Corrections Officers and Employees Week" in Buffalo County**

**WHEREAS**, National Corrections Officers and Employees Week was first proclaimed on May 5, 1984, by President Ronald Reagan when he signed Proclamation 5187 creating "National Correctional Officers' Week", to recognize the men and women who work in jails, prison, and community corrections across the county; and

**WHEREAS**, National Correction Officers and Employees Week recognizes and honors that the duties of these officers have become increasingly complex and demanding; and

**WHEREAS**, National Correctional Officers and Employees Week recognizes the professionalism, dedication and courage exhibited by these officers throughout the performance of these demanding and often conflicting roles deserve our utmost respect; and

**WHEREAS**, National Correctional Officers and Employees Week in Buffalo County recognizes employees of the Buffalo County Sheriff's Office Corrections Division for their role in putting themselves in harm's way to advance a mission of protecting the public, staff, and inmates of Buffalo County.

**NOW THEREFORE, BE IT RESOLVED** that the Buffalo County Board of Commissioners hereby proclaim the week of May 5, 2024 through May 11, 2024 as "National Correctional Officers and Employees Week". All Buffalo County citizens are encouraged to pay tribute to the many Correctional Workers of the Buffalo County Jail for the vital public service they provide.

Commissioner Maendele read into the record Employee Recognitions for the following County Employees: Communications Officer Jennifer Girard for 1 year of service, Legal Assistant Sarah Purinton for 1 year of service, Deputy Public Defender Michelle Mitchell for 1 year of service, Truck Driver/ Operator Highway Ben Mankhey for 1 year of service, Correction Officer Darwin Lainez-Rivas for 1 year of service, Deputy County Attorney Kane Ramsey for 5 years of service, Child Support Enforcement Worker Tiffanie Richter for 5 years of service, Highway Superintendent John Maul for 25 years of service and Assistant Veteran Services Officer Clerk Sue Janssen for 36 years of service.

Moved by Morrow and seconded by Lynch to approve the following transfer of County funds all per budget. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

FROM	100	GENERAL FUND	TO	5400	WEED DISTRICT FUND	\$ 25,000.00
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Moved by Morrow and seconded by Lynch to approve the following April 2024 vendor claims submitted by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

<b>GENERAL FUNDS</b>			
ACCURATE CONTROLS	S	SVC	48,734.39
ADAMS CO SHERIFF	S	SVC	30.00
ADVANCED CORRECTIONAL HEALTHCARE	MC	MEDICAL	16,917.41
ALL CITY GARAGE DOOR	S	SVC	7,125.00
AMAZON CAPITAL SERVICES	E	EXPENSES	1,492.54
AMERICAN ELECTRIC COMPANY	SU	SUPPLY	53.28
MANDI J AMY	RE	REIMBURSE	45.00
APPLE MARKET	SU	SUPPLIES	123.61
ARCHANGEL DEVICE	EQ	EQUIP	3,199.68
NATHAN AREHART	RE	REIMBURSE	45.00
AT&T MOBILITY	U	PHONE SVC	3,246.94
ATS	EQ	EQUIP	1,267.27
AUTO VALUE PARTS STORE	SU	PARTS	231.16
RICHARD BEECHNER	E	MH BOARD	200.00
DELANEY BEHRENDT	RE	REIMBURSE	231.82
MELODIE TURNER BELLAMY	S	LEGAL	240.00
FRANCIS BIEHL	RE	REIMBURSE	4.69
BLACK HILLS ENERGY	U	UTILITIES	1,702.09
DREW BOHL	RE	REIMBURSE	45.00
BOYS TOWN	S	SVC	2,071.88
SCOTT BRADY	RE	REIMBURSE	12.06
NATHAN BRECHT	RE	REIMBURSE	45.00
D. BRANDON BRINEGAR	RE	REIMBURSE	23.44
MICHELLE BROADFOOT	RE	REIMBURSE	5.00
BRUNER FRANK SCHUMACHER	S	LEGAL	16,950.30
BUFFALO CO COMMUNITY PARTNERS	S	SVC	799.02
BUFFALO CO ATTORNEY'S OFFICE	E	EXPENSES	1,144.17
BUFFALO CO BAR ASSOCIATION	D	DUES	600.00
BUFFALO CO CLERK	RE	REIMBURSE	675.50
BUFFALO CO COURT	SU	SUPPLIES	25.15
BUFFALO CO COURT	S	LEGAL	2,627.93
BUFFALO CO MUTUAL AID ASSN	D	DUES	100.00
BUFFALO CO PUBLIC DEFENDER	RE	REIMBURSE	360.00
BUFFALO CO SHERIFF	E	EXPENSES	240.00
BUFFALO CO SHERIFF	E	EXPENSES	2,865.52
BUILDERS WAREHOUSE	SU	SUPPLIES	179.48
CANON SOLUTIONS AMERICA	S	MAINT	190.39
CAPITAL CITY TRANSFER SERVICE	E	TRANSPORT	2,511.25
CARPENTER-BRELAND FUNERAL HOME	E	TRANSPORT	465.00
MICHAEL D CARPER	S	LEGAL	1,695.00
RYAN C CARSON	RE	REIMBURSE	45.00
CENTRAL MEDIATION CENTER	S	SVC	1,560.00
CENTRAL NEBR CO ASSESSOR ASSOC	D	DUES	25.00
CENTRAL NE RENTALS	RT	RENT	330.00
CENTURY LUMBER CENTER	SU	SUPPLIES	31.20
CHARM-TEX INC	SU	SUPPLIES	4,184.40
CHARTER COMMUNICATIONS	S	SVC	99.98
CHEROKEE BUILDING MATERIALS	SU	SUPPLIES	338.37
CLAIRE CHOPLIN	S	LEGAL	20.00
JENNIFER CHURCH	RE	REIMBURSE	45.00
CITY OF KEARNEY	U	UTILITIES	3,719.48
CITY OF KEARNEY	RE	REIMBURSE	1,500.00
CITY OF KEARNEY	E	EXPENSES	65,734.12
CLAY CO SHERIFF	S	SVC	52.00
CLERK OF THE DISTRICT COURT	S	LEGAL	2,295.00

CLERK OF THE DISTRICT COURT	E	FEES	230.86
CLIA LABORATORY PROGRAM	E	FEES	248.00
COCHRAN LAW PC	S	LEGAL	5,290.00
KATHARINE COLLINS	RE	REIMBURSE	45.00
COMFY BOWL	RT	RENT	110.00
COMPASS FAMILY SUPPORT SERVICES	S	FAMILY SVC	2,307.50
CONSOLIDATED MANAGEMENT CO	S	SVC	57.25
CONSTRUCTION RENTAL	SU	SUPPLIES	144.00
CONTEMPORARY OBSTETRICS	MC	MEDICAL	721.13
COPYCAT PRINTING CENTER	S	SVC	1,511.33
COUNTRY PARTNERS COOPERATIVE	U	UTILITIES	255.51
DR. ANTHONY TATMAN	MC	MEDICAL	25.00
CULLIGAN OF KEARNEY	S	SVC	502.50
WENDY C CUTTING	S	SVC	160.70
DAN'S SANITATION	S	SVC	22.25
DENNISE DANIELS	RE	REIMBURSE	45.00
JOEL DANIELS	E	FEES	20.00
HEIDI DARBY	RE	REIMBURSE	48.95
DAS ST ACCOUNTING	S	IT SUPPORT	150.00
DAS STATE ACCTNG-CENTRAL FINANCE	S	NETWORK SVC	1,536.00
DAVIS LAW	S	LEGAL	1,947.86
JOSIAH DAVIS	RE	REIMBURSE	45.00
DAWSON CO SHERIFF'S OFFICE	E	FEES	100.91
DAWSON PUBLIC POWER DISTRICT	U	UTILITIES	3,509.20
DEWALD DEAVER L'HEUREUX LAW FIRM	S	LEGAL	1,898.50
DIER, OSBORN & COX	S	LEGAL	1,224.00
DONKEY TOWING & TRANSFER	S	TOWING	490.00
DOUGLAS CO SHERIFF	E	FEES	35.70
DOWHY TOWING & RECOVERY	S	TOWING	100.00
BRANDON DUGAN LAW	S	LEGAL	4,880.00
DYNAMIC IMAGING SYSTEMS	S	IT SUPPORT	17,413.00
EAKES OFFICE SOLUTIONS	SU	OFFICE SUPPLY	13,352.47
SHAWN EATHERTON	RE	REIMBURSE	45.00
EGAN SUPPLY COMPANY	SU	SUPPLIES	1,173.96
ELECTION SYSTEMS & SOFTWARE	E	EQUIP	5,755.24
ELN, LLC	RT	RENT	290.00
ENT PHYSICIANS OF KEARNEY PC	MC	MEDICAL	302.42
ENTERPRISE ELECTRIC KEARNEY	U	UTILITIES	4,485.86
MARSHA FANGMEYER, ESQ.	S	LEGAL	1,450.00
FARMERS AND MERCHANTS BANK	RT	BOX RENT	65.00
PAUL FARRELL	RE	REIMBURSE	45.00
FATHER FLANAGAN'S BOYS'HOME	S	SVC	5,638.60
FIBER PLATFORM	EQ	EQUIP	260.82
FIRST CARE MEDICAL PC	MC	MEDICAL	186.67
ANA FLORES CARDENAS	RE	REIMBURSE	45.00
FRONTIER	U	PHONE SVC	5,224.82
FYE LAW OFFICE	S	LEGAL	7,298.60
GALLS, LLC	EQ	EQUIP	1,198.34
GARCIA CLINICAL LABORATORY	MC	MEDICAL	107.50
CYNTHIA GEMBALA HUGG	S	SVC	77.35
GOVCONNECTION	EQ	EQUIP	4,913.44
GRAY LAW FIRM	S	LEGAL	1,120.00
GREAT PLAINS COMMUNICATIONS	S	SVC	990.60
JOSEPH ANDREW GRIFFITH	E	FEES	20.00
401 T, LLC	RT	RENT	210.00
HALL CO SHERIFF'S OFFICE	S	SVC	48.60
HAYES & ASSOCIATES	S	SVC	29,000.00
ANDREW W HOFFMEISTER	RE	REIMBURSE	45.00
HOLMES PLUMBING & HEATING	SU	SUPPLIES	479.18
HOMETOWN LEASING	EQ	LEASE	5,916.02
HORNER, LIESKE, MCBRIDE & KUHL	E	CREMATION	1,500.00
LISA R HUERTA	RE	REIMBURSE	45.00
IDEABANK MARKETING	E	EXPENSES	6,365.54
IDEAL PROFESSIONAL CLEANERS	S	REPAIR	220.35
ERIC INGEBRETSEN	RE	REIMBURSE	45.00
INTEGRATED SECURITY SOLUTIONS	EQ	EQUIP	1,432.00

ISAAC CONSTRUCTION	S	SVC	1,943.00
JACOBSEN ORR LAW FIRM	S	LEGAL	16,252.63
JOHNSTONE SUPPLY	SU	SUPPLIES	322.47
SHARON JOSEPH	RE	REIMBURSE	249.27
JUSTICE WORKS LLC	E	SUBSCRIPTION	236.00
KEARNEY CRETE & BLOCK CO	SU	SUPPLIES	536.90
KEARNEY TOWING & REPAIR CENTER INC	S	TOWING	210.80
KEARNEY WINNELSON CO	SU	SUPPLIES	1,458.38
KELLY KENNEDY	RE	REIMBURSE	25.00
NICK KILLOUGH	RE	REIMBURSE	45.00
KIMBALL CO SHERIFF'S OFFICE	S	SVC	18.50
KLEIN BREWSTER BRANDT & MESSERSMITH	S	LEGAL	25,319.66
JEFFREY C KNAPP	S	LEGAL	593.00
DOUG KRAMER	RE	REIMBURSE	45.00
KRONOS	S	MAINT	1,256.85
LANGUAGE LINE SERVICES	S	SVC	108.00
LINCOLN JOURNAL STAR	A	ADVERTISING	1,225.46
LIESKE, LIESKE & ENSZ	S	LEGAL	1,258.25
LINCOLN CO SHERIFF	S	SVC	51.60
DILLON LOESCHER	RE	REIMBURSE	45.00
STEPHEN G LOWE	E	MH BOARD	1,525.00
LYON FAMILY DENTISTRY	MC	MEDICAL	328.00
BILL MAENDELE	RE	REIMBURSE	111.22
MAGNET FORENSICS	E	EXPENSES	30,000.00
JOHN MARSH	RE	REIMBURSE	45.00
MARSHALL & SWIFT/BOECKH	D	DUES	498.95
LYNN MARTIN	RE	REIMBURSE	45.00
MASTERS TRUE VALUE	SU	SUPPLIES	101.29
MATTHEW BENDER & CO	S	SVC	862.17
SHARON MAULER	E	MH BOARD	200.00
COLTON MAXWELL	E	FEES	20.00
MCKESSON MEDICAL SURGICAL	SU	SUPPLIES	593.11
MENARDS	SU	SUPPLIES	2,725.63
MANDY M MEYER	E	MH BOARD	400.00
MICROFILM IMAGING SYSTEMS	E	SCANNING	1,225.00
MIDWAY CHEVROLET	S	REPAIR	1,000.00
MIDWAY CHRYSLER DODGE JEEP	EQ	VEHICLES	135,900.00
MIDWEST CARD & ID	S	SVC	7,554.21
MIDWEST CONNECT	S	SVC	5,722.41
MIDWEST EMERGENCY GRAND ISLAND INC	MC	MEDICAL	268.00
MIPS INC.	S	SUPPORT	5,838.20
MIRROR IMAGE CAR WASH	S	SVC	184.46
KOLTON MORSE	RE	REIMBURSE	45.00
MOTOROLA SOLUTIONS	EQ	EQUIP	2,521.10
NACO	E	REGISTRATION	55.00
NAPA AUTO PARTS	SU	SUPPLIES	1,873.61
NE CENTRAL TELEPHONE CO	U	PHONE SVC	183.20
NE HEALTH & HUMAN SERVICES	S	PT SVCS	1,284.13
NE PUBLIC POWER DIST	U	UTILITIES	194.47
NE PUBLIC POWER DISTRICT	U	UTILITIES	12,728.81
NE STATE FIRE MARSHAL	S	INSPECTION	216.00
NE INTERACTIVE	S	SVC	59.00
OPTK NETWORKS	S	SVC	1,253.24
NELSEN LAW OFFICE	S	LEGAL	336.90
ROBERT NELSON	RE	REIMBURSE	45.00
NE EMERGENCY SERVICE	E	REGISTRATION	1,005.00
NORTHWESTERN ENERGY	U	UTILITIES	5,513.69
O'BRIEN STRAATMANN REDINGER FUNERAL	E	CREMATION	4,600.00
OAK CREEK ENGINEERING	S	ENGINEERING	19,180.00
OVERHEAD DOOR CO OF KEARNEY	SU	SUPPLIES	300.00
ALYNA A PADILLA	E	FEES	20.00
PAWNEE CO SHERIFF'S OFFICE	S	SVC	27.80
PHELPS CO SHERIFF'S OFFICE	S	SVC	32.00
PHYSICIANS LABORATORY P.C.	S	SVC	3,901.50
PLATTE VALLEY COMMUNICATIONS	S	SVC	1,361.97
PLATTE VALLEY DENTAL CLINIC	MC	MEDICAL	1,462.00

LISA POFF	RE	REIMBURSE	112.43
PRAIRIE VIEW APARTMENTS	RT	RENT	330.00
PRIME SECURED	S	SVC	10,688.37
PSYCHOLOGICAL RESOURCES	S	PSYCH TESTING	150.00
ROLAND WHITNEY	RT	RENT	175.00
QUILL CORPORATION	SU	SUPPLIES	368.51
KANE M RAMSEY	RE	REIMBURSE	45.00
RAPID FIRE PROTECTION	S	MAINT	4,994.00
REGION III BEHAVIORAL HEALTH SVCS	E	EXPENSES	86,712.99
RESOURCE SOFTWARE INTERNATIONAL LTD	E	SOFTWARE	1,425.00
BRENDA ROHRICH	RE	REIMBURSE	176.36
RUDOLPH LAW	S	LEGAL	2,225.00
RUTT'S HEATING & AIR CONDITIONING	SU	SUPPLIES	225.00
SAYLER SCREENPRINTING	S	SVC	233.25
BOWEN SCHOEN	RE	REIMBURSE	45.00
EMILY SERR	E	FEE	20.00
SHERWIN WILLIAMS	SU	SUPPLIES	846.23
SHREDDING SOLUTIONS	S	SVC	54.53
CRAIG SLEICHER	RE	REIMBURSE	45.00
MARTI SLEISTER	RE	REIMBURSE	45.00
TRENTON SNOW, LLC	RT	RENTAL	1,000.00
SOLID WASTE AGENCY LANDFILL	C	CONSTRUCTION	154.40
CHERYL STABENOW	RE	REIMBURSE	45.00
STAMM ROMERO & ASSOC	S	LEGAL	16,586.38
STATE OF NEBR PROBATION DIST 9	E	EXPENSES	6,264.61
STERLING COMPUTERS CORP	EQ	EQUIP	10,097.40
THOMAS S STEWART	S	LEGAL	3,056.00
STITCH 3 LLC	S	REPAIRS	240.00
SCOTT STUBBLEFIELD	RE	REIMBURSE	25.46
SUMMIT FOOD SERVICE	E	FOOD SVC	42,229.52
SUPERION	S	MAINT	5,589.73
MICHAEL J SYNEK	S	LEGAL	1,832.39
THE LAWN BUILDERS	SU	SUPPLY	1,096.36
THOMSON REUTERS - WEST	E	SUBSCRIPTION	3,805.21
THOMSON REUTERS-WEST	E	SUBSCRIPTION	795.79
THOMSON REUTERS - WEST	E	SUBSCRIPTION	813.05
TRANSIT WORKS	E	SOFTWARE	215.00
TRI CO GLASS	SU	SUPPY	1,700.00
TURNER BODY SHOP	S	TOWING	325.00
REBECCA TVRDIK ANDERSON	S	LEGAL	825.00
TYE & ROWLING	S	LEGAL	3,485.25
U.S. BANK	E	EXPENSES	23,968.15
U.S. BANK	E	EXPENSES	45.00
UNIVERSITY OF NE-LINCOLN	EQ	EQUIP	5,590.04
U.S DEPARTMENT OF AGRICULTURE	AP	BUDGET	11,686.81
MARC VACEK	RE	REIMBURSE	39.53
EPHRAIM VALENZUELA	RE	REIMBURSE	1,290.26
JERRY A. VAN WINKLE, PSYD	S	EVALUATION	1,078.55
VERIZON	U	TRACKERS	770.95
VERIZON WIRELESS	U	TELE SVC	714.61
RANDALL VEST	RE	REIMBURSE	83.75
VILLAGE OF MILLER	U	UTILITIES	25.00
VILLAGE UNIFORM	EQ	UNIFORM	102.08
THE WALDINGER CORPORATION	S	MAINT	25,615.13
WELLS FARGO BANKS ACCT ANALYSIS	E	FEES	69.72
WELLS FARGO	E	EXPENSES	125.00
WELLS FARGO	E	EXPENSES	930.06
WELLS FARGO	E	EXPENSES	1,071.18
WELLS FARGO	SU	SUPPLIES	347.78
AARON WENTZ	RE	REIMBURSE	45.00
WILKE'S TRUE VALUE	SU	SUPPLIES	50.99
WILKINS ARCHITECTURE DESIGN	S	RENOVATIONS	26,486.87
MELISSA L WILLIS	RE	REIMBURSE	45.00
LOYE WOLFE	RE	REIMBURSE	58.96
WOODS & AITKEN	S	CONSULTATION	450.00
WPCI	S	TESTING	184.00

YANDA'S MUSIC	EQ	EQUIP	5,820.90
YOUNG ELECTRIC	S	RENOVATION	1,165.00
MELANIE R YOUNG	RE	REIMBURSE	45.00
ERIC ZIKMUND	RE	REIMBURSE	45.00
ZOUL PROPERTIES	RT	RENT	330.00
<b><u>ROAD/HWY DEPT</u></b>			
AMAZON CAPITAL SERVICES	E	EXPENSES	243.59
ASK SUPPLY CO	SU	SUPPLIES	163.02
AUSSIE HYDRAULICS	S	REPAIRS	180.83
ARNOLD MOTOR SUPPLY/AUTO VALUE PART	SU	SUPPLIES	2,843.75
BARCO MUNICIPAL PRODUCTS	SU	SUPPLIES	1,189.89
BAUER BUILT	SU	SUPPLIES	262.50
BROADFOOT SAND & GRAVEL CO	G	GRAVEL	17,957.17
CENTRAL AG AND SHOP SUPPLY	S	REPAIRS	125.00
CFP-C-T	F	FUEL	105.12
COMFY BOWL	RT	RENTAL	105.00
CONSTRUCTION RENTAL	S	REPAIRS	22.00
EAKES OFFICE SOLUTIONS	SU	SUPPLIES	72.28
ENNIS PAINT CO	S	SVC	73,712.93
FARM PLAN	S	REPAIRS	4,835.66
FARMERS CO-OP ASSOCIATION	F	FUEL	178.50
FRIESEN CHEVROLET	F	FUEL	218.22
GARRETT TIRES & TREADS	S	REPAIRS	9,251.98
GLASS DOCTOR OF CENTRAL NE	S	REPAIRS	150.96
INTEGRATED SECURITY SOLUTIONS	EQ	EQUIP	2,612.00
JACK LEDERMAN CO	EQ	EQUIP	154.40
KERFORD LIMESTONE CO	G	GRAVEL	297.06
KONECRANES, INC	S	SVC	6,431.78
LINCOLN JOURNAL STAR	A	ADVERTISING	28.49
LIGHT AND SIREN	SU	SUPPLIES	694.00
MASTERS TRUE VALUE	SU	SUPPLIES	83.57
MATHESON TRI-GAS	S	REPAIRS	130.67
MENARDS - KEARNEY	SU	SUPPLIES	23.91
MID STATE ENGINEERING & TESTING	S	SVC	770.00
MIDWEST PETROLEUM EQUIPMENT	S	REPAIRS	590.53
NAPA AUTO PARTS	S	REPAIRS	8.88
NE TRUCK CENTER	S	REPAIRS	1,132.34
BOBBY NELSON	E	REIMBURSE	31.25
NMC, INC.	S	PARTS	2,645.31
PAUL BARTELS TRUCKING	G	GRAVEL	704.77
PAULSEN, INC	G	GRAVEL	7,325.97
POWERPLAN-MURPHY TRACTOR	S	REPAIRS	4,858.35
SAHLING KENWORTH INC	S	REPAIRS	306.60
SOUTHWEST GRAVEL PRODUCTS	G	GRAVEL	8,126.05
STERN OIL COMPANY	SU	SUPPLIES	3,914.59
TRAUSCH DYNAMICS	S	REPAIRS	724.81
TRUCK CENTER COMPANIES	S	REPAIRS	5,327.30
U.S. BANK	E	EXPENSES	2,525.15
WILKE CONTRACTING CORP	C	CONCRETE	56,586.33
WILKE'S TRUE VALUE	SU	SUPPLIES	25.99
WINZER	SU	SUPPLIES	650.13
<b><u>ROAD BUYBACK PROGRAM</u></b>			
SIMON CONTRACTORS	C	BRIDGE PROJ.	248,091.98
<b><u>VISITOR'S PROMOTION</u></b>			
KEARNEY VISITOR'S BUREAU	E	EXPENSES	49,118.00
<b><u>VISITOR'S IMPROVEMENT</u></b>			
KEARNEY VISITOR'S BUREAU	E	EXPENSES	49,117.00
<b><u>DEEDS PRESERVATION &amp; MODERNIZATION</u></b>			
MIPS INC.	S	SVC	257.03
<b><u>HEALTH INSURANCE FUND</u></b>			
BCBS HEALTH CLAIM EXPENSE	MC	HEALTH	207,472.24
HM LIFE MELLON GLOBAL CASH MGNT	MC	HEALTH	62,944.83
<b><u>STOP PROGRAM</u></b>			
SRN SYSTEMS	EQ	EQUIP	5,712.89
<b><u>DRUG FORFEITURES</u></b>			
US AIR PURIFIERS	EQ	EQUIP	9,439.96

<b>COVID AMERICAN RESCUE PLAN</b>			
ANDERSON FORD LINCOLN MERCURY MAZDA	EQ	VEHICLE	18,294.00
JONES AUTOMOTIVE	EQ	VEHICLE	24,003.07
MOTOROLA SOLUTIONS	EQ	EQUIP	156,118.00
SCHNEIDER GEOSPATIAL	S	SVC	22,632.00
<b>INHERITANCE TAX</b>			
EAKES OFFICE SOLUTIONS	SU	SUPPLIES	8,520.00
<b>WEED FUND</b>			
AUSSIE HYDRAULICS	SU	SUPPLIES	31.72
ARNOLD MOTOR SUPPLY/AUTO VALUE PART	F	FUEL	145.07
BULLDOG GRAPHICS	EQ	EQUIP	62.50
INTEGRATED SECURITY SOLUTIONS	S	SVC	272.00
WINZER	EQ	EQUIP	255.55
<b>911 EMERGENCY SERVICE</b>			
CENTURYLINK	U	PHONE SVC	1,758.05
FRONTIER	U	PHONE SVC	1,275.20
LANGUAGE LINE SERVICES	S	SVC	86.40
NE CENTRAL TELEPHONE CO	U	TELE SVC	109.99
PLATTE VALLEY COMMUNICATIONS	U	TELE SVC	1,417.67
SUPERION, LLC	E	FEES	1,361.28

Moved by Higgins and seconded by Morrow to ratify the following April 19, 2024 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Lynch, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			339,834.47
AMERICAN FAMILY LIFE	I	PREMIUMS	1,552.84
RETIREMENT PLANS AMERITAS	R	EMPE RET	59,899.92
BUFFALO CO TREASURER	I	PREMIUMS	161,718.66
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	6,170.88
FIRST NATIONAL BANK	T	FEDERAL TAXES	113,388.17
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,148.07
MADISON NATIONAL	I	LT DISABILITY	283.14
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,808.12
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,449.50
NE CHILD SUPPORT	E	CHILD SUPPORT	945.00
STATE OF NE	T	STATE TAXES	18,787.82
VISION SERVICE PLAN	E	EMPE VSP EYE	1,215.48
<b>ROAD FUND</b>			
NET PAYROLL			64,727.41
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,366.26
BUFFALO CO TREASURER	I	PREMIUMS	4,606.18
FIRST CONCORD	E	FLEX FUNDS	1,024.57
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,721.80
MADISON NATIONAL	I	PREMIUMS	167.60
MADISON NATIONAL	I	LT DISABILITY	115.19
METLIFE	E	DENTAL	953.64
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,845.36
VISION SERVICE PLAN	E	EMPE VSP EYE	304.62
<b>WEED FUND</b>			
NET PAYROLL			5,474.65
RETIREMENT PLANS AMERITAS	R	EMPE RET	870.45
BUFFALO CO TREASURER	I	PREMIUMS	320.65
FIRST CONCORD	E	FLEX FUNDS	104.16
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,714.88
MADISON NATIONAL	I	LT DISABILITY	3.82
METLIFE	E	DENTAL	56.97
STATE OF NE	T	STATE TAXES	263.88
VISION SERVICE PLAN	E	EMPE VSP EYE	4.81

Moved by Maendele and seconded by Morrow to approve the release of pledged collateral in the amount of \$11,634.63 for the Buffalo County Treasurer at First National Bank of Omaha. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins, Lynch and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the release of pledged collateral in the amount of \$150,000.00 for the Buffalo County Treasurer at FirsTeir Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the addition of pledged collateral in the amount of \$200,000.00 for the Buffalo County Treasurer at FirsTeir Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

County Clerk Christensen informed the Board that the only bid received for the Radio Project Jail Portables was from Sunny Communications sent via email. After discussion it was moved by Maendele and seconded by Higgins that the delivery method was not in compliance with the bid request and that the bid date be reopened and be extend until the next meeting on May 14, 2024 at 9:00A.M.

After discussion and review of the County Sheriff's report, it was moved by Maendele and seconded by Morrow to approve the Special Designated Liquor License application filed by B&B Research and Investments LLC; Trade Name: Village 1919, DBA: The Village for an events to be held at "The Farm" located at 51460 100<sup>th</sup> Road Shelton, NE 68876 on May 25, 2024. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins, Lynch and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Higgins and seconded by Lynch to approve the Special Designated Liquor License application filed by The Wandering Well for an events to be held at "Knobel Barn" located at 3070 Odessa Rd Kearney, NE 68845 on May 4, 2024. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Maendele, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Deputy County Attorney Hoffmeister was present for the discussion of the Interlocal agreement with the Ag Association. Hoffmeister proposed an executive session and delaying the decision for the Interlocal agreement with the Ag Associate until later in the meeting.

Chairperson Klein reviewed the following correspondence. City of Kearney sent a letter regarding the Annexation of Oak Creek Park Center Fourth with Resolution 2024-36. Miller & Associates Consulting Engineers P.C. sent a post card invitation to their 23<sup>rd</sup> Annual Golf Tournament on May 24, 2024 located at Awarii Dunes Golf Course. Mosaic sent a letter requesting Buffalo County to be a sponsor for an upcoming event on October 23, 2024. Nebraska Commission on Law Enforcement and Criminal Justice sent a letter regarding the Jail Standard Inspection Report. National Association of Counties (NACo) sent a letter about the annual celebration of National County Government Month in April. To celebrate there is an attached children's book written and illustrated by the NACo using new generative Artificial Intelligence (AI) applications. Concerned Citizen sent a letter with signatures requesting maintenance for safety concerns in Odessa.

## **ZONING**

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

Chairperson Klein opened the public hearing at 9:21 A.M. for an Administrative Subdivision filed by Jacob Reiter, of Olsson, on behalf of Steven L. Reiter and Michele M. Reiter, to be known as "Reiters Corner." This property is located in Part of the Southeast Quarter of the Southwest Quarter, in Section Sixteen (16), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Jacob Reiter was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:24 A.M. Moved by Higgins and seconded by Lynch to approve the Administrative Subdivision with the following Resolution 2024-13. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Maendele, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

## **RESOLUTION 2024-13**

WHEREAS, Jacob Reiter, of Olsson, on behalf of Steven L. Reiter and Michele M. Reiter, hereinafter referred to as "applicants", has filed for an Administrative Subdivision to be known as "Reiters Corner", with the Buffalo County Clerk and/or Zoning Administrator, and

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

WHEREAS, on April 23, 2024, this Board conducted a public hearing now and finds:

1. The proposed "Reiters Corner" is in the Agriculture (AG) Zoning District for Buffalo County, Nebraska.
2. The remaining portion of the subdivided tract, presently owned by Steven L. Reiter and Michele M. Reiter, referred to as Parcel 360141000, and situated in part of the Southwest Quarter, Section Sixteen (16), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, complies with the minimum lot size of this zoning district; any remnant property not subdivided and owned by Steven L. Reiter and Michele M. Reiter, amounts to roughly 147.27 acres.



3. An additional remainderment, situated in part of the Southeast Quarter of the Southwest Quarter, in Section Sixteen (16), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, also, owned by Steven L. Reiter and Michele M. Reiter, described as parcel 360141050, is comprised of 2.24 acres and, as indicated by public record, was originally subdivided in 2002, prior to the enactment of zoning, as a separate and distinct parcel of property.
4. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02, together with other provisions applicable, thereto.
5. 160th Road is a county-maintained, open public road and it abuts the subdivision on its south side. The width of 160th Road meets this county's minimum width standards.
6. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title as concerns Buffalo County's interests based upon the title search documents delivered to that office by applicant.
7. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of "Reiters Corner", an administrative subdivision being located in part of the Southeast Quarter of the Southwest Quarter in Section Sixteen (16), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairperson Klein opened the public hearing at 9:24 A.M. for a Final Plat filed by Mitch Humphrey, licensed land surveyor, on behalf of Eric C.D. Roubicek and Heather Roubicek, to be known as "Roubicek Subdivision." This property is located in part of North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Humphrey was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:29 A.M. Moved by Maendele and seconded by Morrow to approve the Final Plate with the following Resolution 2024-14. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins Lynch, and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

#### **RESOLUTION 2024-14**

WHEREAS, on March 26, 2024, The Buffalo County Zoning Administrator received a request for Final approval for "Roubicek Subdivision", and

WHEREAS, on July 12, 2018, at the request of the applicant for subdivision, the Buffalo County Board of Adjustment, considered, and approved, the following requests for relaxation:

1. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66 feet (Section 4.03 Subdivision),
2. Relaxation of the width of street to be 66 feet (Section 4.03 Subdivision),
3. Relaxation of access from public street or road (Section 4.13 (Subdivision)),
4. Setback of 50 feet from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution).

WHEREAS, on August 16, 2018, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation to Eric C.D. Roubicek and Heather Roubicek, for a preliminary plat for subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission, that have been forwarded to this Board, and reviewed by this Board, and

WHEREAS, on September 11, 2018, The Buffalo County Board of Commissioners, after public hearing, considered approval of the preliminary plat, and later, this Board approved the proposed preliminary plat, under Resolution 2018-38, with the following relaxations:

5. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66' (Section 4.03 Subdivision),
6. Relaxation of the width of street to be 66' (Section 4.03 Subdivision),
7. Relaxation of access from public street or road (Section 4.13 (Subdivision)),
8. Set back of 50' from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution).

WHEREAS, on June 17, 2021, The Buffalo County Planning Commission, after a public hearing, forwarded proposed code amendments of The Buffalo County Zoning and Subdivision Regulations, regarding clarification and requirements of accesses, to The Buffalo County Board of Commissioners. On July 13, 2021, The Buffalo County Board of Commissioners, by simple majority, approved the amendments, as presented, under Resolution 2021-43. These code amendments caused the proposed subdivision, to not be in compliance with the amended zoning/subdivision code resolutions, and

WHEREAS, on, or around, September 11, 2023, The Buffalo County Zoning Office received an Application for Final Plat for "Roubicek Subdivision", filed by Mitch Humphrey, Registered Land Surveyor, for the same tract of land, and

WHEREAS, on, or around October 10, 2023, during the regular meeting of the Buffalo County Board of Commissioners, The Buffalo County Zoning Administrator, denied the Application for Final Plat, known as "Roubicek Subdivision" because as of October 10, 2023, the subdivision, as proposed, was no longer compliant under zoning and subdivisions, then, in effect. Thereafter the Board, by simple majority, voted in favor of The Buffalo County Zoning Administrator's recommendation of denial, and

WHEREAS, on December 14, 2023, at the request of the applicant for subdivision, the Buffalo County Board of Adjustment, considered, and approved, the following requests for relaxation:

1. Relaxation of Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road,
2. Relaxation of Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street,
3. Relaxation of Buffalo County Subdivision Regulations, Section 2.35, defining a street,
4. Relaxation of Buffalo County Subdivision Regulations, Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road.

WHEREAS, on February 15, 2024, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation for the preliminary plat for subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and

WHEREAS, on March 12, 2024, The Buffalo County Board of Commissioners, after public hearing, with no opposition, approved the proposed preliminary plat, under Resolution 2024-07, with the following relaxations:

1. Relaxation of Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road,
2. Relaxation of Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street,
3. Relaxation of Buffalo County Subdivision Regulations, Section 2.35, defining a street,
4. Relaxation of Buffalo County Subdivision Regulations, Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road.

WHEREAS, the plan for development appears to be compliant with Buffalo County's Subdivision Resolution and The Board approved the proposed final plat with the following relaxations:

1. Relaxation of adopted subdivision standards related to maximum length of a cul-de-sac and width of street to be 66 feet (Section 4.03 Subdivision),
2. Relaxation of the width of street to be 66 feet (Section 4.03 Subdivision),
3. Relaxation of access from public street or road (Section 4.13 (Subdivision),
4. Setback of 50 feet from Lot Boundaries for existing improvements on Lot 2 (5.36 Zoning Resolution),
5. Relaxation of Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road,
6. Relaxation of Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lands abut a dedicated and maintained public street, public road, or private street,
7. Relaxation of Buffalo County Subdivision Regulations, Section 2.35, defining a street,
9. Relaxation of Buffalo County Subdivision Regulations, Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road.

WHEREAS, the land is in the Agricultural – Residential (AGR) Zoning District for Buffalo County, Nebraska,

WHEREAS, there is no remnant parcel, presently owned by Eric C.D. Roubicek and Heather Roubicek situated in the North Half of the Southwest Quarter in Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska,

WHEREAS, one or more of the access easement(s) shown on the plat does not meet state and/or county standards for inclusion in the secondary road system. The access easement(s) will not be maintained by Buffalo County.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, in regular session with a quorum present, that Buffalo County, on a final basis, approves the proposed Roubicek Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Chairperson Klein opened the public hearing at 9:30 A.M. for an Amendment to a Special Use Permit filed by Andrew Dewhirst, on behalf of Larry D. Wells, Sole Member of Foothill Farms, L.L.C. to erect 385-foot guyed tower, with accompanying equipment, for tax parcel 500197100, described as Part of the Southeast Quarter, situated in Section Seventeen (17), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Larry D. Wells was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:34 A.M. Moved by Higgins and seconded by Lynch to allow a 120 day extension to the Special Use Permit erect 385-foot guyed tower, with accompanying equipment, for tax parcel 500197100 with the following Resolution 2024-15. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Maendele, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

### **RESOLUTION 2024-15**

WHEREAS, on March 25, 2024, Andrew Dewhirst, agent, and Larry D. Wells, property owner and Sole Member of Foothill Farms, L.L.C., requested an extension to the construction start date of a Special Use Permit for a 385-foot guyed tower, with accompanying equipment, approved under Resolution 2024-02, and later, amended under 2024-02A.

WHEREAS, one application, which showed an application date of October 20, 2023, was filed by Andrew Dewhirst, on behalf of Larry D. Wells, property owner and Sole Member of Foothill Farms, L.L.C., with the Zoning Administrator on, or around, October 20, 2023, to erect 385-foot guyed tower, with accompanying equipment, on the correctly identified, and below-described legal description.

LEASE AREA

BEING A TELECOMMUNICATIONS LEASE PARCEL LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 18 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF BUFFALO, STATE OF NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 17; THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, S00°47'21"E, 1259.96 FEET; THENCE DEPARTING SAID EAST LINE, S89°12'39"W, 956.55 FEET TO THE POINT OF BEGINNING; THENCE S00°00'00"E, 78.87 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING S00°00'00"E, 6.13 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE CONTINUING, S00°00'00"E, 15.00 FEET; THENCE S90°00'00"W, 100.00 FEET; THENCE N00°00'00"W, 21.12 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE CONTINUING N00°00'00"W, 78.88 FEET; THENCE N90°00'00"E, 50.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUING, N90°00'00"E, 50.00 FEET TO A POINT OF BEGINNING.

CONTAINING 10,000 SQUARE FEET OR 0.230 ACRES MORE OR LESS.

30-FOOT ACCESS/UTILITY EASEMENT

BEING A STRIP OF LAND 30.00 FEET IN WIDTH LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 18 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF BUFFALO, STATE OF NEBRASKA, LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT POINT "B" AS DESCRIBED ABOVE; THENCE N90°00'00"E, 21.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "E"; THENCE CONTINUING N90°00'00"E, 346.60 FEET; THENCE S69°06'20"E, 223.78 FEET TO THE WESTERLY RIGHT-OF-WAY OF TURKEY CREEK ROAD AND THE END OF SAID STRIP OF LAND.

EXCEPT ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF TURKEY CREEK ROAD.

25-FOOT ACCESS/UTILITY EASEMENT

BEING A STRIP OF LAND 25.00 FEET IN WIDTH LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 18 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF BUFFALO, STATE OF NEBRASKA, LYING 12.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT "E" AS DESCRIBED ABOVE; THENCE N00°00'00"W, 32.50 FEET TO THE END OF SAID STRIP OF LAND.

UTILITY EASEMENTS

BEING THREE STRIPS OF LAND 30.00 FEET IN WIDTH LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 18 WEST OF THE 6<sup>TH</sup> P.M., COUNTY OF BUFFALO, STATE OF NEBRASKA, LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINES:

(STRIP ONE)

BEGINNING AT POINT "A" AS DESCRIBED ABOVE; THENCE S60°00'00"E, 256.07 FEET TO THE END OF SAID STRIP OF LAND.

(STRIP TWO)

BEGINNING AT POINT "C" AS DESCRIBED ABOVE; THENCE S60°00'00"W, 256.06 FEET TO THE END OF SAID STRIP OF LAND.

(STRIP THREE)

BEGINNING AT POINT "D" AS DESCRIBED ABOVE; THENCE N00°00'00"W, 263.80 FEET TO THE END SAID STRIP OF LAND.

SIDELINES OF SAID STRIPS OF LAND ARE TO BE LENGTHENED AND/OR SHORTENED TO PREVENT GAPS AND/OR OVERLAPS.

hereinafter referred to as the "subject property".

WHEREAS, on November 16, 2023, the Buffalo County Planning and Zoning Commission conducted a public hearing on the Special Use Permit Application. Thereafter, that Commission on an 8-0 vote with one absence and no abstentions, voted to forward this application to the County Commissioners with a "favorable" recommendation, and

WHEREAS, on January 9, 2024, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, six exhibits were attached to the application:

1. The Application of the Special Use Permit.
2. Overview of Special Use Permit Application.
3. Topographic Survey.
4. Tillman Infrastructure Project Scope.
5. Fall Zone Certification.
6. Assessor Data from gWorks (GIS source).

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

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

- The application has been submitted for the construction of a 385-foot Guyed tower, with accompanying equipment.
- The proposed tower and accompanying equipment will be situated on a 100-foot by 100-foot leased area.
- Applicant's entrance to the property is noted on the Tillman Infrastructure, Overall Site Plan shows a 30-foot access and utility easement.
- There will be three additional 30-foot Guy Wire Easements notated on the Tillman Infrastructure, Overall Site Plan.
- A sign should be constructed at the entryway of the premises on Turkey Creek Road. The sign should give a street address for public safety reasons such as 911 emergency addressing and for public information. The address assigned to the tower location is 7370 Turkey Creek Road.
- The subject property abuts on the west side of Turkey Creek Road, which is a county-maintained road.
- The facility shall have a back-up generator of sufficient size to handle applicant or applicant's successor's power to maintain communications in event of public power outage. Such generator shall be capable of handling public communications at the same historic delivery rate as that provided by public power usage.

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

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

WHEREAS, THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a majority vote of its members, approved the applicant's requested Special Use Permit, subject, however, to the following:

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

WHEREAS, the special use permit, shown with the above-stated conditions, on January 9, 2024, under Resolution 2024-02, was approved by The Buffalo County Board of Commissioners.

WHEREAS, on January 11, 2024, it was discovered there was an error in the legal description of the subject property on the original resolution, 2024-02. To prevent further error, this Board corrected and approved the typographical errors under Resolution 2024-02A.

WHEREAS, on March 25, 2024, Andrew Dewhirst, agent, and Larry D. Wells, property owner and Sole Member of Foothill Farms, L.L.C., requested an extension to the construction start date of the above-described Special Use Permit for a 385-foot guyed tower, with accompanying equipment, as approved under Resolution 2024-02 and later amended under Resolution 2024-02A.

WHEREAS, on April 23, 2024, the Board, after public hearing and review of the Special Use Permit, found that the request for a maximum of 120-day extension from the date of this meeting, should be approved.

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

NOW THEREFORE, BE IT RESOLVED THAT THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a vote of majority of its members, approved a maximum of 120-day extension from the date of this meeting, for the construction start date of the Special Use Permit, as originally approved under Resolution 2024-02 and later amended under 2024-02A.

BE IT RESOLVED, that a copy of this Resolution shall be filed against the subject property as described on Page 1 and Page 2.

Chairperson Klein opened the public hearing at 9:34 A.M. for a Special Use Permit application filed by Kelly McCoy, of Paulsen, Inc., on behalf of Pamela Kim Triplett, Trustee of the Pamela Kim Triplett Revocable Trust dated June 22, 2018, to operate a sand/gravel quarry and a portable concrete production pit, on tax parcel 520128000, described as Part of Government Lot 8 and Government Lot 9, and Part of the North Half of the Southwest Quarter, South of Interstate 80, situated in Section Nine (9), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, AND North of the County Line, situated in Section Sixteen

(16), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Kelsey Shiers was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:43 A.M. Moved by Higgins and seconded by Lynch to approve the Special Use Permit application to operate a sand/gravel quarry and a portable concrete production pit, on tax parcel 520128000 with the following Resolution 2024-16. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

### **RESOLUTION 2024-16**

WHEREAS, Kelly McCoy, of Paulsen, Inc., on behalf of Pamela Kim Triplett, Trustee of the Pamela Kim Triplett Revocable Trust dated June 22, 2018, property owner, has filed for a Special Use Permit, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application, which shows an application date of January 30, 2024, was filed with the Zoning Administrator on February 12, 2024, to operate a sand/gravel quarry and a portable concrete production pit on the below-described legal description.

A tract of land being part of Government Lots 8 and 9 and part of the North Half of the Southwest Quarter lying South of Interstate 80 all in Section 9, Township 8 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as follows: assuming the North-South Quarter Section line of said Section 9 as bearing N 01°13'00" E and all bearings contained herein are relative thereto, the place of beginning being the intersection of the South Boundary of Interstate 80 and the aforesaid North-South Quarter Section Line; thence N 82°42'54.5" W on and along the said South Boundary of Interstate 80 a distance of 1,423.62 feet to a point of curvature; thence on and along a 783.51 foot radius curve to the left to a point, said point being S 84°50'10.9" W a chord distance of 349.57 feet from the last described point; thence S 00°15'16.4" W a distance of 864.45 feet; thence S 88°27'00" W a distance of 749.9 feet to a point on the West Line of said Section 9; thence S 00°10'00" W on and along said West Line a distance of 12.10 feet; thence S 85°58'24.9" E and on and along the present North High Bank of the Platte River a distance of 617.78 feet; thence S 86°31'32.7" E a distance of 362.15 feet; thence N 81°19'02.7" E a distance of 223.02 feet; thence S 89°59'51.8" E a distance of 236.41 feet; thence N 70°03'13.6" E a distance of 351.21 feet; thence N 88°25'19.1" E a distance of 321.87 feet; thence N 89°11'24.5" E a distance of 413.62 feet to a point on the North-South Quarter Section Line; thence leaving said North High Bank N 01°13'00" E a distance of 645.06 feet to the place of beginning (containing 34.08 acres, more or less), Together with accretions to Government Lots 8 and 9 in Section 9, Township 8 North, Range 17 West more particularly described as follows: assuming the North-South Quarter Section Line of said Section 9 as bearing N 01°13'00" E and all bearings contained herein are relative thereto; referring to the point of intersection of the South Boundary of Interstate 80 and the aforesaid North-South Quarter Section Line; thence S 01°13'00" W a distance of 645.06 feet to the ACTUAL PLACE OF BEGINNING, said point being the present North High Bank of the Platte River; thence S 89°11'24.5" W on and along the present North High Bank of the Platte River a distance of 413.62 feet; then S 88°25'19.1" W a distance of 321.87 feet; thence S 70°03'13.6" W a distance of 351.21 feet; thence N 89°59'51.8" W a distance of 236.41 feet; thence S 81°19'02.7" W a distance of 223.02 feet; thence N 86°31'32.7" W a distance of 362.15 feet; thence N 85°58'24.9" W a distance of 617.78 feet to a point on the west line of said Section 9; thence leaving said High Bank S 02°10'00" W a distance of 2,183.0 feet to a point on the Geographic Centerline of the Platte River; thence downstream on and along said Geographic Centerline S 80°16'08.1" E a distance of 613.70 feet; thence S 88°43'00.9" E a distance of 489.01 feet; thence N 78°59'37.2" E a distance of 234.29 feet; thence S 84°57'27.8" E a distance of 291.84 feet; thence N 84°12'11.6" E a distance of 339.31 feet; thence S 88°12'45.1" E a distance of 321.56 feet; thence S 83°36'34.1" E a distance of 45.07 feet; thence leaving said centerline of N 06°23'25.9" E a distance of 2,375.43 feet to the place of beginning (containing 125.40 acres, more or less of which 1.654 acres, more or less, are presently being used for road purposes on the West side) and all accretions abutting thereto; BUT EXCEPTING a tract of land in the North Half of the Southwest Quarter and part of Government Lot 8 of said Section 9, described as follows: Referring to the Northeast Corner of said Quarter Section; thence southerly a distance of 1,194.02 feet along the east line of said quarter section to a point on the southerly Interstate 80 right of way line; thence westerly deflecting 096°04'00" Right, a distance of 1,320.59 feet along the southerly Interstate 80 right of way line to the point of beginning; thence westerly deflecting 000°00'00" a distance of 103.03 feet along said right of way line; thence westerly on a 783.51 foot radius curve to the left, deflection to the initial tangent being 000°00'00" a distance of 352.54 feet; subtending a central angle of 025°46'48" to a point on the west line of the property owned by the Grantor(s); thence southerly deflecting 071°15'01" left, a distance of 266.92 feet along the west line of the property owned by the Grantor(s); thence easterly deflecting 090°00'00" left, a distance of 450.00 feet; thence northerly deflecting 090°00'00" Left, a distance of 290.00 feet to the point of beginning (containing 3.07 acres, more or less); AND FURTHER EXCEPTING: ROW = 0.54 acres, less 0.51 Acres existing ROW = 0.03 Acres new taking. Beginning at a point on the section line and 1,548.02 feet south of the meander corner common to said Sections 8 & 9, thence 667.92 feet along the section line on a bearing S 02°30'42" W, thence 33 feet East, thence 407.92 feet on a bearing N 02°30'42" E, thence 4.4 feet east, thence 260 feet on a bearing N 02°22'45" E, thence 36.9 feet West to the point of beginning. Permanent Easement = 0.07 acres. Beginning at a point 37.4 feet East of the section line and 1,808.2 feet South of the meander corner common to said Sections 8 & 9, thence 35 feet East, thence 85 feet on a bearing N 02°22'45" E, thence 35 feet west, thence 85 feet on a bearing S 02°22'45" W. Temporary Easement – 0.37 Acres. Beginning at a point 33 feet east of the Section line and 1,808.02 feet south of the meander corner common to said Sections 8 & 9, thence 407.92 feet on a bearing S 02°30'42" W (parallel to the section line), thence 40.04 feet east, thence 407.92 feet on a bearing N 02°22'45" E, thence 39.4 feet west to the point of beginning.

hereinafter referred to as the "subject property".

WHEREAS, on March 21, 2024, the Buffalo County Planning and Zoning Commission conducted a public hearing on the Special Use Permit Application. Thereafter, that Commission on an 7-0 vote with two absences and no abstentions, voted to forward this application to the County Commissioners with a "favorable" recommendation with some conditions recommended by that Commission, all of which this Board had approved as set out later in this Resolution, and

WHEREAS, on April 23, 2024, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, four exhibits were attached to the application:

7. The Application of the Special Use Permit.
8. "Attachment 1", Legal Description
9. Development Application with Legal Description
10. Parking Plan

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

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

- The Application for Special Use Permit has been submitted for the operation of a Sand/Gravel Quarry and a Portable Concrete Production Pit.
- As a permanent Gravel/Sand Pit, this use shall be subject to annual review by The Board of Commissioners.
- A portable concrete production pit is permitted to operate on the subject property, hereinafter described, for a maximum of 4-years, starting/commencing from date of this meeting.
- The subject property abuts on the east side of Odessa Road, which is a county-maintained all-weather road.
- Applicant's proposed entry access to state or county highways on its application are subject to and under the directions and approval of the appropriate state engineer or county staff.
- Applicant or its' successor shall construct a sign at the entryway of the premises on Odessa Road. The sign should state the street address of this operation for public safety reasons. That address is 77 Odessa Road. The sign shall also state the owner of the operation and provide contact numbers for the operator.
- This operation, its' equipment, and piling of by-product and inventory shall have 50-foot setback from any property line.
- After cessation of operation, the applicant or its' successor shall restore all areas to its original state.

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

8. Be compatible with and similar to the use permitted in the district, and
9. Not be a matter which should require re-zoning of the property, and
10. Not be detrimental to adjacent property, and
11. Not tend to depreciate the value of the surrounding structures or property, and
12. Be compatible with the stated intended use of the district, and
13. Not change the character of the district, and
14. Be in accordance with the Comprehensive Plan.

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

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

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

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

Chairperson Klein opened the public hearing at 9:43 A.M. for a Special Use Permit application filed by Jay Sporer, of Sporer Land Development, Inc., on behalf of Pamela Kim Triplett, Trustee of the Pamela Kim Triplett Revocable Trust dated June 22, 2018, to operate a Crushed Concrete Processing/Storage Site, on part of tax parcel 520128000, described as Part of Government Lot 8 and part of Government Lot 9, and Part of the North Half of the Southwest Quarter, South of Interstate 80, situated in Section Nine (9), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Ryan Chrisman with Sporer Land Development, Inc., was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:50 A.M. Moved by Higgins and seconded by Morrow to approve the Special Use Permit application to operate a Crushed Concrete Processing/Storage Site, on part of tax parcel 520128000 with the following Resolution 2024-17. Upon roll call vote, the following Board members voted "Aye": Higgins, Morrow, Lynch, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

**RESOLUTION 2024-17**

WHEREAS, Jay Sporer, of Sporer Land Development, Inc., on behalf of Pamela Kim Triplett, Trustee of the Pamela Kim Triplett Revocable Trust dated June 22, 2018, property owner, has filed for a Special Use Permit, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application, which shows an application date of February 5, 2024, was filed with the Zoning Administrator on February 7, 2024, to operate a Crushed Concrete Processing/Storage Site on the below-described legal description.

A tract of land being part of Government Lots 8 and 9 and part of the North Half of the Southwest Quarter (N1/2 SW1/4) lying South of Interstate 80 all in Section Nine (9), Township Eight (8) North, Range Seventeen (17) West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska, more particularly described as follows: assuming the North-South Quarter Section line of said Section 9 as bearing N 01°13'00" E and all bearings contained herein are relative thereto, the Point of Commencement being the intersection of the South Boundary of Interstate 80 and the aforesaid North-South Quarter Section Line; thence N 82°42'54.5" W on and along said South Boundary of Interstate 80 a distance of 1,221.36 feet to the POINT OF BEGINNING; thence continuing N 82°42'54.5" W and on said South Boundary a distance of 99.23 feet; thence S 00°15'16.4" W a distance of 287.35 feet; thence N 89°44'28" W a distance of 450.27 feet; thence S 00°15'16.4" W a distance of 597.53 feet; thence N 88°27'00" E a distance of 549.02 feet; thence N 00°15'16.4" E a distance of 855.41 feet to the Point of Beginning. Containing 8.05 acres, more or less.

hereinafter referred to as the "subject property".

WHEREAS, on March 21, 2024, the Buffalo County Planning and Zoning Commission conducted a public hearing on the Special Use Permit Application. Thereafter, that Commission on a 7-0 vote with two absences and no abstentions, voted to forward this application to the County Commissioners with a "favorable" recommendation, all of which this Board had approved as set out later in this Resolution, and

WHEREAS, on April 23, 2024, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, five exhibits were attached to the application:

11. The Application of the Special Use Permit.
12. Letter of Intent.
13. Agent Letter.
14. Legal Description/Parking Plan.
15. Development Permit.

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

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

- All concrete inventory must be removed from the site by the end of five years from date of this meeting.
- The subject property abuts on the east side of Odessa Road and Wildwood Road, which are county-maintained roads.
- The applicant will be required to enter into a Road Maintenance/Improvement Agreement with Buffalo County to improve, if needed, and maintain with its' own equipment and materials, the county road(s) that the applicant intends to use. The road used by the applicant is identified as Wildwood Road, being located from its' intersection with Odessa Road, extending, therefrom, east and in a southeasterly direction to the northeast corner of the above-mentioned legal description.
- Applicant's proposed entry access to state or county highways on its application are subject to and under the directions and approval of the appropriate state engineer or county staff.
- All crushing machinery, equipment of applicant, and inventory shall be set back 50-foot from the south right of way of Wildwood Road and any property line. Equipment can be placed at entry area at Wildwood Road, so as to discourage and/or block unauthorized entrance in the crushing/recycling area.
- Applicant or its' successor shall construct a sign at the entryway of the premises on Odessa Road. The sign should state the street address of this operation for public safety reasons. That address is 77 Odessa Road. The sign shall also state the owner of the operation and provide contact numbers for the operator.
- All areas must be restored to its original state after cessation of concrete crushing and selling of inventory.

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

15. Be compatible with and similar to the use permitted in the district, and
16. Not be a matter which should require re-zoning of the property, and
17. Not be detrimental to adjacent property, and
18. Not tend to depreciate the value of the surrounding structures or property, and
19. Be compatible with the stated intended use of the district, and
20. Not change the character of the district, and
21. Be in accordance with the Comprehensive Plan.

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

1. The applicant and operation shall adhere to the conditions as previously set out in this Resolution.

2. The applicant and operation shall remain in compliance with any and all State and Federal regulations.

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

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

Chairperson Klein opened the public hearing at 9:51 A.M. for Code amendments with renumbering as necessary, in the following sections: Section 5.14, Permitted Special Uses of the Agriculture (AG) District, Section 5.24 Permitted Special Uses of the Rural Conservation (RC) District, Section 5.34, Permitted Special Uses of the Agricultural – Residential (AGR) District, Section 5.54, Permitted Special Uses of the Commercial District, and Section 5.64, Permitted Special Uses of the Industrial (I) District regarding mineral extraction. Deputy County Attorney Hoffmeister was present to answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:55 A.M. Moved by Higgins and seconded by Maendele to approve the Code amendments with renumbering as necessary with the following Resolution 2024-18. Upon roll call vote, the following Board members voted "Aye": Higgins, Maendele, Lynch, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

### **RESOLUTION 2024-18**

WHEREAS, on March 21, 2024, the Buffalo County Planning and Zoning Commission held a public hearing for amendments to Buffalo County Zoning Regulations, Section 5.14, Permitted Special Uses of the Agriculture (AG) District; Section 5.24, Permitted Special Uses of the Rural Conservation (RC) District; Section 5.34, Permitted Special Uses of the Agricultural – Residential (AGR) District; Section 5.54, Permitted Special Uses of the Commercial District; Section 5.64, Permitted Special Uses of the Industrial (I) District with renumbering as necessary, regarding mineral extraction.

That Commission voted unanimously, with two absences and no abstentions, to recommend that this Board adopt the proposed amendment, and

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

WHEREAS, on April 23, 2024, this Board conducted a public hearing concerning proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below, and renumbering as necessary:

#### **Amend The Buffalo County Zoning Regulations, with renumbering as necessary, the following language:**

- Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery and/or earth moving surface equipment. (Resolution 3-24-09).

#### **in the following sections:**

- Section 5.14, Permitted Special Uses of the Agriculture (AG) District
- Section 5.24, Permitted Special Uses of the Rural Conservation (RC) District
- Section 5.34, Permitted Special Uses of the Agricultural – Residential (AGR) District
- Section 5.54, Permitted Special Uses of the Commercial District (**Addition**)
- Section 5.64, Permitted Special Uses of the Industrial (I) District

Chairperson Klein opened the public hearing at 9:55 A.M. for Code amendments with renumbering as necessary, in the following section, Section 9.42, Procedures for Requesting a Variance, regarding notice requirements and deadlines to schedule hearing. Deputy County Attorney Hoffmeister was present to answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:57 A.M. Moved by Higgins and seconded by Lynch to approve the Code amendments with renumbering as necessary with the following Resolution 2024-19. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Maendele, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.



## RESOLUTION 2024-19

WHEREAS, on March 21, 2024, the Buffalo County Planning and Zoning Commission held a public hearing for an amendment to Buffalo County Zoning Regulations, Section 9.42, with renumbering as necessary, regarding notice requirements and deadlines to schedule hearing.

That Commission voted unanimously, with two absences and no abstentions, to recommend that this Board adopt the proposed amendment, and

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

WHEREAS, on April 23, 2024, this Board conducted a public hearing concerning proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendment,

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the following amendment is adopted with amending language generally shown by underlining as additions and strikethrough as deletion, as reflected below, and renumbering as necessary:

~~9.42 The Chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. NOTICE The Board shall also notify provide notice to the interested parties ten (10) days prior to the hearing date, in the case of which includes the hearing date, time and place of the hearing. The prescribed method of giving notice, unless otherwise specifically changed by the action being taken, shall be as follows:~~

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

**B. Publication** Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County.

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

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

Moved by Maendele and seconded by Loeffelholz to recess the regular meeting of the Board of Commissioners at 9:58 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Maendele, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

### BOARD OF EQUALIZATION

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

Chairperson Klein opened the public hearing at 9:59 A.M. for a permissive exemption for Nebraska Aids Project. Deputy County Assessor Vawser was present, no one else addressed the Board. Chairperson Klein closed the hearing at 10:00 A.M. After discussion Moved by Maendele and seconded by Higgins to approve the permissive exemption waiver request for the Nebraska Aids Project. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Lynch, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Chairperson Klein opened the public hearing at 10:00 A.M. for a permissive exemption for Two Rivers Public Health. Deputy County Assessor Vawser was present, no one else addressed the Board. Chairperson Klein closed the hearing at 10:04 A.M. Moved by Morrow and seconded by Higgins to approve the permissive exemption waiver request for the Two Rivers Public Health and authorize Assessor Meusch to consider the Permissive Exemption with a public hearing. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Abstain: Lynch. Motion declared carried.

Chairperson Klein opened the public hearing at 10:05 A.M. for a Motor Vehicle Tax Exemption for VSL Kearney LLC. County Treasurer Rohrich was present Chairperson Klein closed the hearing at 10:07 A.M. Moved by Morrow and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Brenda Rohrich for the VSL Kearney LLC, for a 2017 Chevrolet Impala Sedan and a 2002 Ford E350 Bus. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Brenda Rohrich for the American Red Cross for a 2017 Dodge Grand Caravan Passenger Van. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 10:09 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Lynch, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

### **REGULAR AGENDA**

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for Courthouse Addition. No Bids were submitted at this time. After discussion it was moved by Maendele and seconded by Higgins to allow the bid date to be reopened and extend the bid date until Tuesday, May 28, 2024. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Lynch, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for Extension Building Addition. No Bids were submitted at this time. After discussion it was moved by Morrow and seconded by Lynch to allow the bid date to be reopened and extend the bid date until the next meeting on Tuesday, May 14, 2024. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Lynch and seconded by Morrow to set a bid date of Tuesday, May 14, 2024 for vending machine service at Ravenna Lake. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Chairperson Klein called for Citizen's forum. Tom McCoy from Kearney was present and spoke to the board. No one else addressed the Board.

Moved by Morrow and seconded by Maendele to enter into Executive Session at 10:12 A.M. regarding contract negotiations. In addition to the Board members responding to roll call, Buffalo Deputy County Attorney Hoffmeister, Facilities Director Stephen Gaasch and Zoning Administrator Daniels were present. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Lynch, Higgins and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Maendele and seconded by Higgins to move out of Executive Session at 10:51 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Lynch, Morrow and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the Interlocal agreement with the Buffalo County Agricultural Association with the following Resolution 2024-20. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Maendele and Klein. Absent: Kouba and Loeffelholz. Motion declared carried.

### **RESOLUTION 2024-20**

WHEREAS Buffalo County and the Buffalo County Agricultural Association desire to enter into and have an Interlocal Government Agreement for addition of parking area, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses, shared expenses, supervision, administration, and other issues as more specifically addressed in that agreement, and

NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself and Buffalo County Agricultural Association, all as set forth in the minutes of this meeting and this Board authorizes the Chairperson to sign this agreement on behalf of Buffalo County, that the proposed Agreement be delivered to the Association for their review and consideration together with any changes the Association might suggest, and to do all necessary acts to carry out the provisions of this Interlocal agreement.

Chairperson Klein asked if there was anything else to come before the Board at 10:49 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, May 14, 2024.

ATTEST:

\_\_\_\_\_  
Ivan H. Klein, Chairperson  
Buffalo County Board of Commissioners

\_\_\_\_\_  
Heather A. Christensen  
Buffalo County Clerk

(SEAL)