

**BUFFALO COUNTY BOARD OF COMMISSIONERS  
BUFFALO COUNTY BOARD OF EQUALIZATION  
TUESDAY, JULY 9, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, July 9, 2024 at 9:00 A.M. and 9:30 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, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk’s office and County Board Room on July 3, 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 Lynch and seconded by Higgins to approve the June 25, 2024 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye ": Lynch, Higgins, Kouba, Maendele, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to ratify the following June 28, 2024 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

<b>GENERAL FUND</b>			
NET PAYROLL			354,471.09
AMERICAN FAMILY LIFE	I	PREMIUMS	1,552.84
RETIREMENT PLANS AMERITAS	R	EMPE RET	62,265.61
BUFFALO CO TREASURER	I	PREMIUMS	160,524.18
BUFFALO CO COURT	E	GARNISHMENT	161.25
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	6,369.22
FIRST NATIONAL BANK	T	FEDERAL TAXES	119,596.57
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,149.19
MADISON NATIONAL	I	LT DISABILITY	283.48
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,782.92
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,449.50
NE CHILD SUPPORT	E	CHILD SUPPORT	945.00
STATE OF NE	T	STATE TAXES	19,963.55
VISION SERVICE PLAN	E	EMPE VSP EYE	1,215.48
<b>ROAD FUND</b>			
NET PAYROLL			66,153.12
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,310.80
BUFFALO CO TREASURER	I	PREMIUMS	4,426.98
FIRST CONCORD	E	FLEX FUNDS	891.24
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,195.66
LANCASTER COUNTY COURT	E	GARNISHMENT	201.85
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	2,901.97
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 Morrow and seconded by Loeffelholz to approve the following transfer of County funds all per budget. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

FROM	100	GENERAL FUND	TO	2500	FEDERAL GRANT FUND	\$541.56
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Moved by Loeffelholz and seconded by Kouba to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele, Morrow and Klein. Motion declared carried.

<b><u>ROAD FUND</u></b>			
MACHINERY & EQUIPMENT FUEL	F	FUEL	3,803.00

Moved by Morrow and seconded by Higgins to accept the Clerk of the District Court June 2024 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to accept the Buffalo County Treasure June 2024 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele, and Klein. Motion declared carried.

Moved by Lynch and seconded by Higgins to accept the May 2024 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Loeffelholz, Maendele, Morrow and Klein. Abstain: Kouba. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Maendele and seconded by Loeffelholz to approve the Special Designated Liquor License applications filed by B&B Research and Investments L.L.C; Trade Name: The Village 1919: DBA The Village for event to be held at "The Farm" located at 51460 100<sup>th</sup> Road, Shelton, Nebraska on August 3, 2024. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Sheriff Neil Miller was present to answer any questions regarding the wire line 911 surcharge rate. Moved by Maendele and seconded by Kouba to leave the wire line 911 surcharge rate at .75 cents per line. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Executive Director Denise Zwiener, Behavioral Health Coordinator Tana Miller of the Buffalo County Community Health Partners were present for the following agenda item. After discussion, it was moved by Maendele and seconded by Kouba to authorize Chairman Klein to sign the American Rescue Plan Act (ARPA) of 2021 Grant Contract with The Buffalo County Community Health Partners with the following Resolution 2024-27. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

**RESOLUTION 2024-27**

WHEREAS, on March 11, 2021, the American Rescue Plan Act ( H.R. 1319), § 4001, ARPA") was signed into law providing federal funding relief for American workers, families, industries, and state and local governments; and

WHEREAS, on May 10, 2021, the United State Department of Treasury released an interim final guide on allowed uses of funds and allocated \$ 350 billion for state, local, territorial, and Tribal governments from the American Rescue Plan Act Fund; and

WHEREAS, Buffalo County has received funds to be used for purposes designated by ARPA, and

WHEREAS, after a requests from the various political subdivisions of this county were made to Buffalo County for ARPA funds, this Board's Budget Committee reviewed these requests and has made recommendations to this Board as to an allocation of some of the ARPA funds that have been received by this County, and

WHEREAS, APRA provides funds to charitable and governmental entities to make necessary investments in structures and infrastructure, and

WHEREAS, Buffalo County pursuant to that committee's report on allocations, desires to allocate a portion of received ARPA Funds to the BUFFALO COUNTY COMMUNITY HEALTH PARTNERS, INC., a non-profit service Domestic Corporation, based in Kearney, Buffalo County, Nebraska, which is also known or referred to as "BUFFALO COUNTY COMMUNITY PARTNERS", hereinafter simply referred to as "PARTNERS" to assist that organization to pay for the Childcare Champions program. This financial assistance of ARPA Funds is needed because this community based charitable organization has suffered negative economic impacts as a result of the COVID- 19 public health emergency and there is a need for PARTNERS' community based services; and

WHEREAS, Buffalo County has determined that contracting with PARTNERS would yield efficiencies in time and process in the development and implementation of the goals of that organization.

NOW, THEREFORE BE IT RESOLVED BY BUFFALO COUNTY, NEBRASKA, ACTING BY AND THROUGH THE BUFFALO COUNTY BOARD OF COUNTY COMMISSIONERS that the Chairperson of this Board is hereby authorized, empowered,

and directed to execute an additional American Rescue Plan Act Agreement with the BUFFALO COUNTY COMMUNITY HEALTH PARTNERS, INC., for the financial assistance to PARTNERS to assist in the payment of the Childcare Champions Program, and to take all necessary steps required to complete the Project Agreement.

After discussion, the Board chose to table the American Rescue Plan Act (ARPA) of 2021 Grant Contract with The Village of Shelton until the next Board meeting on July 23, 2024.

Jonathan Nikkila, Co-Coach of the Kearney Catholic High School Foundation and was present for the following agenda item. After discussion, it was moved by Morrow and seconded by Lynch to authorize Chairman Klein to sign the American Rescue Plan Act (ARPA) of 2021 Grant Contract with The Kearney Catholic High School Foundation with the following Resolution 2024-28. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

### **RESOLUTION 2024-28**

WHEREAS, on March 11, 2021, the American Rescue Plan Act ( H.R. 1319), § 4001, ARPA") was signed into law providing federal funding relief for American workers, families, industries, and state and local governments; and

WHEREAS, on May 10, 2021, the United State Department of Treasury released an interim final guide on allowed uses of funds and allocated \$ 350 billion for state, local, territorial, and Tribal governments from the American Rescue Plan Act Fund; and

WHEREAS, Buffalo County has received funds to be used for purposes designated by ARPA, and

WHEREAS, after a requests from the various political subdivisions of this county were made to Buffalo County for ARPA funds, this Board's Budget Committee reviewed these requests and has made recommendations to this Board as to an allocation of some of the ARPA funds that have been received by this County, and

WHEREAS, APRA provides funds to charitable and governmental entities to make necessary investments in structures and infrastructure, and

WHEREAS, Buffalo County pursuant to that committee's report on allocations, desires to allocate a portion of received ARPA Funds to the KEARNEY CATHOLIC HIGH SCHOOL FOUNDATION, a non-profit service Domestic Corporation, based in Kearney, Buffalo County, Nebraska, which is also known or referred to as "KCHS", hereinafter simply referred to as "KCHS" to assist that organization to pay for their outdoor athletics structure/program. This financial assistance of ARPA Funds is needed because this community based charitable organization has suffered negative economic impacts as a result of the COVID- 19 public health emergency and there is a need for KCHS' community based services; and

WHEREAS, Buffalo County has determined that contracting with KCHS would yield efficiencies in time and process in the development and implementation of the goals of that organization.

NOW, THEREFORE BE IT RESOLVED BY BUFFALO COUNTY, NEBRASKA, ACTING BY AND THROUGH THE BUFFALO COUNTY BOARD OF COUNTY COMMISSIONERS that the Chairperson of this Board is hereby authorized, empowered, and directed to execute an additional American Rescue Plan Act Agreement with the KCHS, for the financial assistance to KCHS to assist in the payment of the outdoor athletics programs/structure, and to take all necessary steps required to complete the Project Agreement.

### **ZONING**

Chairperson Klein opened the public hearing at 9:20 A.M. for the review, discussion and possible approval of the Buffalo County Zoning and Subdivision Regulations as part of the Buffalo County Comprehensive Plan, or the general plan for the improvement and development of the county outside of the jurisdiction of any city or village, as required per Neb. Rev. Stat. §23-174.06. Commissioner Loeffelholz presented the Buffalo County Board of Commissioners' Zoning Committee Meeting Report. He reported that on July 3, 2024, The Buffalo County Board of Commissioners' Zoning Committee met at 9:00 A.M. to discuss the proposed Zoning and Subdivision Regulations. Those in attendance were Dan Lynch, Bill Maendele, and Ron Loeffelholz, along with Zoning Administrator Dennise Daniels. The Zoning Committee, first and foremost, thanked The Planning Commission for all their hard work, time and effort to revise the regulations for the future of Buffalo County. The Zoning Committee, however, after review and discussion of the proposed Zoning and Subdivision Regulations, recommended referring the proposed Zoning and Subdivision Regulations back to The Planning Commission for discussion and revision based on the following considerations and recommendations: 1. Exceptions from Approval including Section 5.12, Section 5.14, Section 5.32, Section 5.34, Section 6.6, Section 5.44, Section 5.52, Section 5.54; 2. Ensuring all regulations support future developments/subdivisions occur along an existing paved road; 3. Rewording Zoning Regulations, Section 6.6 (B)(2) to "Any new or expanding livestock confinement facility/operation Greater than Class I, shall also be: No closer than one (1) mile from any property comprised of no less than 20 contiguous acres that is zoned AGR-1 or AGR-2."; 4. Rewording Subdivision Regulations, Section 1.05 to, "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 abuts with a minimum width of twenty-five (25) feet and has

access to, before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution (Resolution 7-13-2021).” No one else addressed the Board. Chairperson Klein closed the public hearing at 9:24 A.M. Moved by Maendele and seconded by Lynch to recommend re-referring the proposed Zoning/Subdivision Regulations to The Planning Commission for discussion and revision based on: 1. The Exceptions from Approval document enclosed in the Board’s packet; 2. Adding verbiage to ensure all regulations support future developments/subdivisions occur along an existing paved road; 3. Adding verbiage to Section 6.6, requiring livestock confinement operations maintain 1-mile setbacks from areas zoned AGR – 1 and AGR – 2; but areas zoned AGR – 1 and AGR – 2 will be required to be contiguously comprised of 20 acres or more; and 4. Adding verbiage, which requires a 25-foot abutment to a private or dedicated road, for all subdivisions of land. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to recess the regular meeting of the Board of Commissioners at 9:30 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Maendele, Kouba, Higgins, Morrow and Klein. Motion declared carried.

## **BOARD OF EQUALIZATION**

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

Moved by Maendele and seconded by Loeffelholz to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Rohrich for Community Action Partnership of Mid-Nebraska for a 2024 Ford Ranger XL Supercrew. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Lynch, Morrow and Klein. Abstain: Kouba. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve Motor Vehicle Tax Exemption as indicated on the application by County Treasurer Rohrich for University of Nebraska Foundation for a 2020 Ford Transit BB 148” Low ROO. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Chairperson Klein opened the Report of Destroyed Real Property form 425 hearing for Kerri Taylor at 9:31 A.M. No one addressed the Board. Chairperson Klein closed the hearing at 9:33 A.M. Moved by Lynch and seconded by Higgins to approve the Kerri Taylor Report of Destroyed Real Property form 425 for parcel 601118200 as presented. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

Chairperson Klein opened the Permissive Exemption hearing for The Kearney Area Community Foundation at 9:34 A.M. President/CEO Judy Sickler was present to answer questions. No one else addressed the Board. Chairperson Klein closed the Permissive Exemption hearing at 9:36 A.M. Moved by Morrow and seconded by Maendele to approve The Kearney Area Community Foundation Permissive Exemption Application for parcel 603787100 as presented and as determined by the County Board to meet the statutory rules as required for exemption status. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Lynch, Kouba, Higgins, Loeffelholz and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to approve Tax List Corrections numbered 5043 through 5044 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. 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 9:38 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Maendele, Higgins, Kouba, Morrow and Klein. Motion declared carried.

## **REGULAR AGENDA**

Jon Cannon, Executive Director of the Nebraska Association of County Officials gave the Board an update.

Facilities Director Stephen Gaasch was present for the following two agenda items.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for Public Defender addition as published by Wilkins Architecture Design Planning, LLC. Bids were submitted by the following companies: Hackel Construction, Central Contracting Corporation and DTC Duncan-Theis Construction. The Facilities Committee will review the bids and report back on July 23, 2024 with a decision.

Facilities Director Gaasch discussed the asbestos survey proposals he received with the board. After discussion it was moved by Maendele and seconded by Lynch to accept the submitted proposal from Quad-C Consulting for the asbestos survey. Upon roll call vote, the following Board members voted “Aye”: Maendele, Lynch, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

## **ROAD DEPARTMENT**

Highway Superintendent John Maul was present to present his road report for the closing of Evergreen Road between 220 and 235 roads. Moved by Loeffelholz and seconded by Lynch to receive Highway Superintendent Maul's report to vacate portion of Evergreen Road between 220 and 235 roads (Petition was received by the Board in the June 25, 2024 meeting) and to set a Public Hearing of August 13, 2024 at 10:00 A.M with the following Resolution 2024-29. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Kouba, Higgins, Maendele, Morrow and Klein. Motion declared carried.

### **RESOLUTION 2024-29**

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:

A 66 foot public road (Evergreen Road) running north and south from the South Right of Way 235<sup>th</sup> Road to the North Right of Way Line of 220<sup>th</sup> Road, abutting part of the West Half of the Southwest Quarter and part of the West Half of the Northwest Quarter of Section 30, Township 11 North, Range 16 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska and abutting part of the East half of the Northeast Quarter and part of the East Half of the Southeast Quarter of Section 25, Township 11 North, Range 17 West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

NOW THEREFORE BE IT RESOLVED that Buffalo County Board of Commissioners sets down Tuesday, August 13, 2024, at 10:00 o'clock, a.m. as the date and time of public hearing regarding vacation or abandonment of this road, which hearing shall be conducted in the Buffalo County Boardroom, Buffalo County Courthouse, 16<sup>th</sup> & Central, Kearney, Nebraska.

RESOLVED FURTHER THAT a copy of this resolution shall be published for three consecutive weeks and notice shall be provided to landowners that have property abutting the road to be vacated or abandoned, by registered or certified mail no less than two weeks in advance of the hearing.

### **REGULAR AGENDA**

Chairperson Klein called for Citizen's forum. No one addressed the Board.

Chairperson Klein reviewed the following correspondence: Nebraska Department of Transportation sent an informational email regarding section 106 consultation, Project Name: US-6- Platte River. A copy was sent to Highway Superintendent John Maul. Children's Nebraska Behavioral Health Urgent Care sent an invitation to their ribbon cutting ceremony on September 30, 2024. Chairperson Klein called on each Board member present for committee reports and recommendations.

Chairperson Klein called for additional Citizen's forum. No one addressed the Board.

Chairperson Klein asked if there was anything else to come before the Board at 10:31 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, July 23, 2024.

ATTEST:

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Ivan H. Klein, Chairperson  
Buffalo County Board of Commissioners

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Heather A. Christensen  
Buffalo County Clerk

(SEAL)