

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 13, 2024**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, August 13, 2024 at 9:00 A.M. and 9:30 A.M. Vice Chairperson Morrow called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele and Sherry Morrow. Absent: 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 August 8, 2024. Vice Chairperson Morrow announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton, Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis and Deputy County Clerk Rachelle Warner were present.

REGULAR AGENDA

Moved by Loeffelholz and seconded by Higgins to approve the July 23, 2024 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Higgins and seconded by Lynch to ratify the following July 26, 2024 and August 9, 2024 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

JULY 26, 2024 PAYROLL

GENERAL FUND			
NET PAYROLL			343,006.14
AMERICAN FAMILY LIFE	I	PREMIUMS	1,577.14
RETIREMENT PLANS AMERITAS	R	EMPE RET	60,095.30
BUFFALO CO TREASURER	I	PREMIUMS	161,749.31
BUFFALO CO COURT	E	GARNISHMENT	44.37
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	6,337.97
FIRST NATIONAL BANK	T	FEDERAL TAXES	115,534.61
FURNAS COUNTY COURT	E	GARNISHMENT	259.80
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL	I	PREMIUMS	1,146.84
MADISON NATIONAL	I	LT DISABILITY	284.62
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,836.39
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,469.50
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.50
STATE OF NE	T	STATE TAXES	19,184.76
VISION SERVICE PLAN	E	EMPE VSP EYE	1,215.48
ROAD FUND			
NET PAYROLL			70,053.06
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,802.98
BUFFALO CO TREASURER	I	PREMIUMS	4,106.33
FIRST CONCORD	E	FLEX FUNDS	891.24
FIRST NATIONAL BANK	T	FEDERAL TAXES	20,238.25
MADISON NATIONAL	I	PREMIUMS	181.45
MADISON NATIONAL	I	LT DISABILITY	124.80
METLIFE	E	DENTAL	995.99
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	3,084.27
VISION SERVICE PLAN	E	EMPE VSP EYE	319.05
WEED FUND			
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	1714.88
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

AUGUST 9, 2024 PAYROLL

GENERAL FUND			
NET PAYROLL			336,767.35
AMERICAN FAMILY LIFE	I	PREMIUMS	1,541.07
RETIREMENT PLANS AMERITAS	R	EMPE RET	59,109.97
BUFFALO CO TREASURER	I	PREMIUMS	163,336.25
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FIRST CONCORD	E	FLEX FUNDS	7,107.97
FIRST NATIONAL BANK	T	FEDERAL TAXES	112,179.72
FURNAS COUNTY COURT	E	GARNISHMENT	259.80
KEARNEY UNITED WAY	E	DONATIONS	55.00
MADISON NATIONAL	I	PREMIUMS	1,152.33
MADISON NATIONAL	I	LT DISABILITY	292.58
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	3,852.08
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,469.50
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.50
STATE OF NE	T	STATE TAXES	18,625.60
VISION SERVICE PLAN	E	EMPE VSP EYE	1,221.29
ROAD FUND			
NET PAYROLL			66,911.80
AMERICAN FAMILY LIFE	I	PREMIUMS	733.69
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,317.05
BUFFALO CO TREASURER	I	PREMIUMS	4,110.14
FIRST CONCORD	E	FLEX FUNDS	816.24
FIRST NATIONAL BANK	T	FEDERAL TAXES	19,311.48
MADISON NATIONAL	I	PREMIUMS	181.36
MADISON NATIONAL	I	LT DISABILITY	118.83
METLIFE	E	DENTAL	993.77
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,922.60
VISION SERVICE PLAN	E	EMPE VSP EYE C	314.11
WEED FUND			
NET PAYROLL			5,474.69
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	3.81
METLIFE	E	DENTAL	56.94
STATE OF NE	T	STATE TAXES	263.88
VISION SERVICE PLAN	E	EMPE VSP EYE C	4.81

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

Moved by Maendele and seconded by Loeffelholz to approve the addition of pledged collateral in the amount of \$1,200,000.00 for the Buffalo County Treasurer at Nebraskaland Bank. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to approve the release of pledged collateral in the amount of \$1,000,000.00 for the Buffalo County Treasurer at Nebraskaland Bank. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

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

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

Moved by Higgins and seconded by Lynch to accept the Buffalo County Sheriff's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to accept the Buffalo County Treasurer's Distress Warrant report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve the following Resolution 2024-33 to authorize the transfer of uncollected taxes to inactive status. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

RESOLUTION 2024-33

BE IT RESOLVED that the County Treasurer having presented a list of delinquent Personal Property taxes and persons owing same to the County Board of Commissioners, with the request that the taxes be placed on an inactive status, and stating that Distress Warrants have been certified for the collection of said taxes to the Sheriff of Buffalo County for two or more years and said taxes are uncollectible; and having stated that the inactive tax list is reviewed annually and if taxes are found to be collectible, Distress Warrants are again issued against the persons for collection of said taxes, all of which, being in accordance with Nebraska Statutes in such cases, the County Board of Commissioners hereby authorize the transfer of said taxes to an inactive status. 77-1738.

After discussion it was moved by Kouba and seconded by Lynch to approve the Emergency Protective Care (EPC) Agreement with Region 3 Behavioral Health Services for July 2024 through June 2026. Upon roll call vote, the following Board members voted "Aye": Kouba, Lynch, Higgins, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to ratify Chairperson's signature on Kroger Opiate settlement. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

Moved by Higgins and seconded by Lynch to ratify Vice Chairperson's signature on the Annual Federal Funds Purchase Certification for Nebraska Department of Transportation (NDOT). Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Maendele and seconded by Higgins to the Ratification of Chairperson's signature on opposition letter to Nebraska State Senators regarding LB 9 sections 34-38 and 40-42. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried.

After discussion and review of the County Sheriff's reports, it was moved by Loeffelholz and seconded by Kouba to approve the Special Designated Liquor License applications filed by B&B Research and Investments LLC; Trade Name: Village 1919, DBA: The Village for two events to be held at "The Farm" located at 51460 100th Road Shelton, NE 68876 on September 7, 2024 and September 14, 2024. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

After discussion and review of the County Sheriff's report, it was moved by Maendele and seconded by Higgins to approve the Special Designated Liquor License applications filed by The Wandering Well for an event to be held at "Knobel Barns" located at 3070 Odessa Road Kearney, NE 68845 on September 14, 2024. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried.

Vice Chairperson Morrow reviewed the following correspondence. Foundation of Kearney Catholic High School sent a card thanking the Board for their support with the new outdoor recreation facility being built at Kearney Catholic. Buffalo County Community Partners sent a letter requesting the completion of a survey for the Community Health Needs Assessment and they attached a QR code link to the survey. Vice Chairperson Morrow called on each Board member present for committee reports and recommendations.

ZONING

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

Vice Chairperson Morrow opened the public hearing at 9:16 A.M. for a Preliminary Plat Application filed by Trenton Snow, Registered Land Surveyor on behalf Brent Carmody, CEO of Carmody Farms, L.L.C. This property is for a Preliminary Subdivision to known as "Eagle Hill Estates". This property is located Part of the South Half of the North Half and Part of the South Half, situated in Section Twenty-Seven (27), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Deputy County Attorney Andrew Hoffmeister presented the application to the Board. Registered Land Surveyor Snow and Brent Carmody were present to answer questions. No one else addressed the Board and Vice Chairperson Morrow closed the hearing at 9:23 A.M. Moved by Higgins and seconded by Lynch to approve the Application for Preliminary Subdivision, "Eagle Hill Estates", located Part of the South Half of the North Half and Part of the South Half, situated in Section Twenty-Seven (27), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2024-34. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Maendele and Morrow. Absent: Klein. Motion declared carried.

RESOLUTION 2024-34

WHEREAS, at the July 18, 2024, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation to proposed "Eagle Hill Estates", a 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 August 13, 2024, this Board, after public hearing, considered approval of the preliminary plat for "Eagle Hill Estates", and

WHEREAS, the plan of development appears to be compliant with Buffalo County's Subdivision Resolution, with no relaxations or additional requirements, other than the requirements set forth in the drainage study and grading plan, presented with the application.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that Buffalo County, on a preliminary basis, approves the proposed "Eagle Hill Estates", a subdivision located in Part of the South Half and the North Half and Part of the South Half, situated in Section Twenty-Seven (27), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

FURTHER RESOLVED that is not approval of a Final Plat and a copy of this Resolution is not to be filed against the foregoing real estate.

Vice Chairperson Morrow opened the public hearing at 9:24 A.M. for a Preliminary Plat Application filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Benjamin G. Hirschfeld and Christie Hirschfeld and Harry W. Whitley III and Correne E. Whitley. This tract of land is for a Preliminary Subdivision to known as "Amity Hills Subdivision". This tract of land is located in part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Deputy County Attorney Andrew Hoffmeister presented the application to the Board. Craig Bennett was present to answer questions. No one else addressed the Board and Vice Chairperson Morrow closed the hearing at 9:29 A.M. Moved by Loeffelholz and seconded by Higgins to approve the Application for Preliminary Subdivision, "Amity Hills Subdivision", for tract of land located in part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2024-35. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

RESOLUTION 2024-35

WHEREAS, on, or around, February 27, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for "Amity Hills Subdivision", filed by Craig Bennett, of Miller and Associates Consulting Engineers, P.C., for a tract of land being part of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-015, in the Buffalo County Zoning Records.

WHEREAS, on, or around March 26, 2024, during the regular meeting of the Buffalo County Board of Commissioners, The Buffalo County Zoning Administrator, denied the Application for Preliminary Plat, known as "Amity Hills Subdivision" because the subdivision, as proposed, was noncompliant 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 May 16, 2024, 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;
5. Relaxation of Buffalo County Subdivision Regulations, Section 4.03, requiring all roads ending in a cul-de-sacs be less than 600 feet in length;
6. Relaxation of Buffalo County Subdivision Regulations, Section 4.11, regarding minimum requirements for road design;
7. Relaxation of Buffalo County Subdivision Regulations, Section 4.12 (A), requiring all subdivisions have access via dedicated public streets or roads;
8. Relaxation of Buffalo County Subdivision Regulations, Section 4.12 (B), which require a minimum street width of sixty-six feet; and
9. Relaxation of Buffalo County Subdivision Regulations, Section 5.01, which require all subdivisions be graded to the standards as set out in Chapter 4; and
10. Relaxation of Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”.

WHEREAS, on July 18, 2024, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation to the proposed 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

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

FURTHER RESOLVED that this resolution is not an approval of a Final Plat and a copy is not to be filed against the foregoing real estate until the Final Plat is approved.

Moved by Loeffelholz and seconded by Higgins 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, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

BOARD OF EQUALIZATION

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

Vice Chairperson Morrow opened the motor vehicle exemption hearing for the Seneca Sunrise at 9:30 A.M. Director of Seneca Sunrise Linda Zinnell was present to answer questions. No one else addressed the Board. Vice Chairperson Morrow closed the motor vehicle exemption hearing at 9:32 A.M. Moved by Higgins and seconded by Kouba to approve the Seneca Sunrise Permissive Exemption Application for 35% as presented by County Treasurer Rohrich 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": Higgins, Kouba, Loeffelholz, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Community Action Partnership of Mid-Nebraska for a 2015 Chevy Malibu. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Maendele and Morrow. Abstain: Kouba. Absent: Klein. Motion declared carried.

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

Moved by Loeffelholz and seconded by Lynch to accept 2024 Cemetery Report from County Assessor. A copy will be on file with the County Clerk's Office. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:35 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

ROAD/ HIGHWAY DEPT

Highway Superintendent John Maul was present for the following agenda items.

Highway Superintendent Maul reviewed the One & Six Year Road and Bridge Review and a copy will be on file with the County Clerk's Office.

Moved by Loeffelholz seconded by Maendele to set public hearing date of Tuesday, September 10, 2024 at 9:45 A.M. for the 2024-2025 One & Six Year Road and Bridge Program. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz seconded by Lynch to authorize Vice Chairperson Morrow to sign the Annual Certification of Program Compliance and Signing Resolution 2024-36 for Nebraska Board of Public Roads Classification and Standards. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele and Morrow. Absent: Klein. Motion declared carried.

RESOLUTION 2024-36

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county shall be signed by the County Board Chairperson and shall include the resolution of the governing body of the county authorizing the signing of the certification.

Be it resolved that the County Board Chairperson of Buffalo County is hereby authorized to sign the County Annual Certification of Program Compliance.

After discussion it was moved by Loeffelholz and seconded by Higgins to amend the 1985 Poole Street Vacation Resolution with Resolution 2024-37. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

RESOLUTION 2024-37

Whereas, on June 4, 1985, the Buffalo County Board of Supervisors considered a petition to vacate certain streets, alleys, and/or streets in the unincorporated Village of Poole. After that meeting, the Beaver Township was offered the roads in the event that Buffalo County vacated the streets. According to the minutes, the streets requested to be vacated in Poole were described as:

1. North Avenue from "A" Street to the North boundary of Poole
2. Lot 10, Block 5, Beaver Township (road running Northeast)
3. "A" Street from the West end of the Public Road to North Avenue, and

Whereas, on October 29, 1985, the Buffalo County Board of Supervisors, after not receiving a response from Beaver Township, held further hearings regarding the requested vacation. Thereafter, the Board passed a Resolution to Vacate Public Street that is set out in the minutes of that meeting. The Board did not vacate Item 2. The Board, by Resolution adopted that date, vacated the following portions of the following described public Street and Avenue situated in the unincorporated Village of Poole:

1. "North Avenue from "A" Street to the North boundary of Poole"
2. "A" Street from the West end of the Public Road to North Avenue"

With the vacated portions of the Street and Avenue described to be "divided between the legal landowners whose property abuts or is adjacent to the above-described public road; and by this Resolution, title does revert to said property owners in accordance with the determination made by the Buffalo County Surveyor," and

Whereas, at the time of the adoption of the foregoing Resolution of Vacation, the law for disposition of the vacated Street was: "If the County Board fails to specify in a Resolution as to the disposition of right-of-way, and if there shall be nonuse of such right-of-way for any public purpose for a continuous period of not less than ten years, the right-of-way shall revert to the owners of the adjacent real estate, one-half on each side thereof." All as set out in Sec. 39-1725, Neb.Rev.Stat., and

Whereas, at the time of the adoption of the Resolution of Vacation for the above described Street and Avenue, it was not required that the Vacation Resolution be filed against the impacted parcels of ground and a copy of the Resolution was not filed. Additionally, the Resolution, as was common for the time it was adopted, did not describe the parcels within the Resolution to be filed against, and

Whereas, due to an offset in the intersection of "A" Street and North Avenue of twenty (20) feet as compared to "A" Street extended to the East, a reversion of "A" Street as to Lot 1, Block 1, in the unincorporated Village of Poole, Buffalo County, Nebraska, the description needs a more exacting description as to exactly where "A" Street's vacation exists, and

Whereas, the County Board, now comprised and constituted as a Board of County Commissioners, has received a request for a Minor Subdivision change for some of the lands abutting the Street and Avenue mentioned in the 1985 Resolution, and

Whereas, the Buffalo County Attorney's Office has informed the Board that after a review of the Original Plat of the unincorporated Village of Poole, that "A" Street, wherein, it intersects North Avenue, as situated among Blocks 1, 2, and 3, as to its' laid out and platted. Furthermore, there is a need to describe with more particularity, what parts of the street intersection were in fact vacated,

with the underlying public policy that road vacations should be strictly construed so as to not impair public access to and through Streets that were not included in the request to Vacate. Accordingly, that office has suggested that the foregoing Resolution be amended to describe more precisely the portions of "A" Street and North Avenue that were vacated and that a copy of the revised Resolution be filed against the described parcels of real estate abutting the Street and Avenue that were Vacated, and

Whereas, the following language has been suggested to describe the portions of the public Street and Avenue that were vacated in light of the public policy described:

1. All that part of "A" Street running Easterly and Northeasterly from its' West edge, the same being the East side of a public Section line road that runs North to South between Sections 25 and 26, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, now known as "Poole Road" to the West line of North Avenue, all being in the unincorporated Village of Poole, Buffalo County, Nebraska, and abutting Lots 1, 15, 32, 33, 34, 35, 36, 37, 38, and 39, Block 1, and Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 2, all in the Village of Poole, Buffalo County, Nebraska, and
2. All that part of North Avenue running Northwesterly from the South line of Lot 8, Block 3, in the unincorporated Village of Poole, Buffalo County, Nebraska, if extended Southwesterly, to the North line of said unincorporated Village of Poole, said line being the East to West ¼ Section line in Section 25, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and abutting Lots 8, 9, 10, 11, 12, 13, 14, 15, and 16, Block 3, and Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, all in the Village of Poole, Buffalo County, Nebraska, and

Whereas, this Board has reviewed the Road Record Book of Buffalo County, regarding the surveys and records of this County's public roads. Of particular note is an "Official Buffalo County Dependent Resurvey" done January 6, 1986, by Lee W. Wells, Deputy County Surveyor, that was filed in the Buffalo County Survey Record Repository in the records of the unincorporated Village of Poole. The survey is consistent with the proposed revised language regarding the vacation of "A" Street and North Avenue, and

NOW THEREFORE, BE IT RESOLVED that this Board's October 29, 1985, Resolution regarding the vacation of the above-described Street and Avenue in the unincorporated Village of Poole, be revised and amended to read that the following described portions of the public Street and Avenue are vacated and abandoned by Buffalo County with one-half of the vacated right-of-way to revert to adjoining properties, with the vacated Street and Avenue described as:

1. All that part of "A" Street running Easterly and Northeasterly from its' West edge, the same being the East side of a public Section line road that runs North to South between Sections 25 and 26, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, now known as "Poole Road" to the West line of North Avenue, all being in the unincorporated Village of Poole, Buffalo County, Nebraska, and abutting Lots 1, 15, 32, 33, 34, 35, 36, 37, 38, and 39, Block 1, and Lots 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 2, all in the Village of Poole, Buffalo County, Nebraska, and
2. All that part of North Avenue running Northwesterly from the South line of Lot 8, Block 3, in the unincorporated Village of Poole, Buffalo County, Nebraska, if extended Southwesterly, to the North line of said unincorporated Village of Poole, said line being the East to West ¼ Section line in Section 25, Township 12 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and abutting Lots 8, 9, 10, 11, 12, 13, 14, 15, and 16, Block 3, and Lots 1, 2, 3, 4, 5, 6, and 7, Block 2, all in the Village of Poole, Buffalo County, Nebraska, and

RESOLVED FURTHER, as provided by laws passed subsequent to the 1985 Vacation a certified copy of this Resolution dated Tuesday, October 29, 1985, together with the aforementioned Survey dated January 6, 1986 by Lee W. Wells, Deputy County Surveyor, L.S. No. 315, and a copy of the Plat of Poole, recorded in the Buffalo County Register of Deeds Office at Plat Book 1 Page 136 with the Amended full and complete legal description of the Vacated Street and Avenue designated on said Plat, and shall be filed against the above described parcels of real estate, that abut the portions of the Street and Avenue vacated in this Resolution, all of which are situated in the unincorporated Village of Poole, Buffalo County, Nebraska.

REGULAR AGENDA

Vice Chairperson Morrow called for Break at 9:51 A.M. and return at 10:03 A.M.

Vice Chairperson Morrow opened the public hearing at 10:03 A.M. for the road vacation petition referred to as a portion of Evergreen Road between 220th Road and 235th Road. Buffalo County residents Billy Dibbern and Dale Taubenheim spoke in favor of the road vacation. No one else addressed the Board and Vice Chairperson Morrow closed the road vacation petition public hearing at 10:10 A.M. According to States Statutes a decision cannot be made at this time. It was moved by Maendele and seconded by Loeffelholz to recommend a decision to be made regarding road closer on the August 27, 2024 Board meeting. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch and Morrow. Absent: Klein. Motion declared carried.

FACILITIES

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

Moved by Maendele and seconded by Higgins to set a bid date of September 10, 2024 at 8:30A.M. for the proposal for building demolition, which is set to begin on October 14, 2024. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried.

Facilities Director Gaasch was present to present a review of the Current Construction Projects in Buffalo County.

Moved by Maendele and seconded by Kouba to appoint Commissioner Higgins as the County representative for change order requests on pending construction projects. Change orders that were approved by the County representative will be ratified at the following Board of Commissioner meeting. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Loeffelholz, Lynch and Morrow. Abstain: Higgins. Absent: Klein. Motion declared carried.

REGULAR AGENDA

Moved by Loeffelholz and seconded by Higgins to enter into Executive Session at 10:23 A.M. regarding contract negotiations. In addition to the Board members responding to roll call, County Attorney Shawn Eatherton, Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis, Board Administrator Lynn Martin and Facilities Director Stephen Gaasch were present. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to move out of Executive Session at 10:42 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Moved by Maendele and seconded by Kouba to amend the previous motion to set a bid date of September 10th for the proposal for building demolition to state "Moved by Maendele and seconded by Higgins to set a bid date of September 10, 2024 for the proposal for building demolition, which is set to begin on November 12, 2024. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch and Morrow. Absent: Klein. Motion declared carried." Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Maendele and Morrow. Absent: Klein. Motion declared carried.

Vice Chairperson Morrow called for Citizen's forum, No one addressed the Board.

Vice Chairperson Morrow asked if there was anything else to come before the Board at 10:44 A.M. before she declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, August 27, 2024.

ATTEST:

Sherry L. Morrow, Vice Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)