

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 14, 2021**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, December 14, 2021 at 9:00 A.M. and 9:45 A.M. Chairman Klein called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, 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 web site, and the bulletin boards located outside the County Clerk's office and County Board Room on December 9, 2021. Chairman Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Janice Giffin took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Moved by Higgins and seconded by Lynch to approve the November 23, 2021 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

Chairman Klein read into the record and presented a Resolution of Commendation to Jeri Jae DeKok. Moved by Loeffelholz and seconded by Morrow to approve the following Resolution 2021-78. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch and Klein. Motion declared carried.

RESOLUTION 2021-78

WHEREAS, Jeri Jae DeKok began her employment as Driver's License Clerk with the Treasurer's Office on December 6, 1991 and;

WHEREAS, Jeri Jae has now served Buffalo County for 30 years.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Jeri Jae be commended with a unanimous vote of appreciation for her dedicated and loyal service to Buffalo County for 30 years as Driver's License Clerk.

BE IT FURTHER RESOLVED that good wishes for health, happiness and prosperity be extended to Jeri Jae from this date forward.

Sheriff Neil Miller was present for the Swearing in of Deputy Sheriff Gordon Cudaback.

Moved by Morrow and seconded by Lynch to ratify the following December 3, 2021 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Motion declared carried.

GENERAL FUND			
NET PAYROLL			293,498.27
AMERICAN FAMILY LIFE	I	PREMIUMS	1,276.35
RETIREMENT PLANS AMERITAS	R	EMPE RET	50,337.29
BUFFALO CO TREASURER	I	PREMIUMS	122,957.50
CREDIT MANAGEMENT	E	GARNISHMENT	169.94
EMPOWER RETIREMENT	R	DEFERRED COMP	1,175.00
FIRST CONCORD	E	FLEX FUNDS	4,399.31
FIRST NATIONAL BANK	T	FEDERAL TAXES	102,443.76
KEARNEY UNITED WAY	E	DONATIONS	104.67
KATHLEEN A LAUGHLIN	E	GARNISHMENT	402.00
MADISON NATIONAL	I	PREMIUMS	1,005.90
MADISON NATIONAL	I	LT DISABILITY	302.98
NATIONWIDE RETIREMENT	R	DEFERRED COMP	1,860.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
NE DEPARTMENT OF REVENUE	E	GARNISHMENT	55.00
PRINCIPAL	E	DENTAL	3,228.16
STATE OF NE	T	STATE TAXES	17,693.90
VISION SERVICE PLAN	E	EMPE VSP EYE	861.95
ROAD FUND			
NET PAYROLL			54,989.42
AMERICAN FAMILY LIFE	I	PREMIUMS	1,060.70
RETIREMENT PLANS AMERITAS	R	EMPE RET	8,635.46
BUFFALO CO TREASURER	I	PREMIUMS	3,150.00

FIRST CONCORD	E	FLEX FUNDS	515.20
FIRST NATIONAL BANK	T	FEDERAL TAXES	16,214.25
MADISON NATIONAL	I	PREMIUMS	146.23
MADISON NATIONAL	I	LT DISABILITY	105.45
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	962.16
STATE OF NE	T	STATE TAXES	2,428.22
VISION SERVICE PLAN	E	EMPE VSP EYE	236.38
WEED FUND			
NET PAYROLL			4,994.76
RETIREMENT PLANS AMERITAS	R	EMPE RET	791.79
BUFFALO CO TREASURER	I	PREMIUMS	268.50
FIRST CONCORD	E	FLEX FUNDS	30.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,616.19
MADISON NATIONAL	I	LT DISABILITY	3.54
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	258.43

After discussion, it was necessary to table the early claim.

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

Buffalo County Juvenile Services Administrator Doug Kramer was present for the following agenda items to answer any questions on a Juvenile Services grant application and the amended Interlocal Agreement and Memorandum of Understanding with Sherman County. After discussion, it was moved by Kouba and seconded by Lynch to authorize Kramer to submit the Community based Juvenile Services Aid (CB) Grant program application. Upon roll call vote, the following Board members voted "Aye": Kouba, Lynch, Higgins, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to authorize Chairman Klein to sign the Interlocal Agreement and Memorandum of Understanding with Sherman County for Juvenile Services. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Motion declared carried.

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

Following discussion and review of the County Sheriff's report, it was moved by Morrow and seconded by Kouba to approve the Special Designated Liquor License application filed by The Village 1919 for events to be held on December 31, 2021. Upon roll call vote, the following Board members voted "Aye": Morrow, Kouba, Higgins, Loeffelholz, Lynch and Klein. Motion declared carried.

Moved by Morrow and seconded by Higgins to approve the addition of pledged collateral in the amount of \$101,791.74 for the Buffalo County Treasurer at Firstier Bank. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

ZONING

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

Chairman Klein opened the public hearing at 9:18 A.M. for a Zoning Map Amendment filed by Jeffrey R. Albers for property described as Part of Government Lot 4 in Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska. The applicant has requested to rezone approximately 24.39 acres from AG – Agriculture to AGR – Agricultural Residential. Jeffrey R. Albers was present to answer questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:23 A.M. (Vice Chairman Morrow excused herself from the meeting at 9:18 A.M.) Moved by Higgins and seconded by Kouba to approve the Zoning Map Amendment with the following Resolution 2021-79. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch and Klein. Absent: Morrow. Motion declared carried.

RESOLUTION 2021-79

WHEREAS, on September 27, 2021, Jeffrey R. Albers has applied for a Zoning Map Amendment with the Buffalo County Zoning Administrator, requesting that the following real estate property, hereinafter referred to as the "subject property", to wit:

A tract of land being part of Government Lot 4 in Section 18, Township 12 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of said Government Lot 4 and assuming the West line of said Government Lot as bearing N 01°56'24" W and all bearings contained herein are relative thereto; thence N 01°56'24" W and on the aforesaid West line a distance of 1,315.64 feet to the Northwest corner of said Government Lot 4; thence S 89°58'10" E and on the North line of said Government Lot a distance 957.5 feet; thence SOUTH a distance of 693.38 feet; thence EAST

and parallel with the South line of said Government Lot a distance 30.92 feet; thence SOUTH a distance of 621.0 feet to a point on the aforesaid South line; thence WEST and on the aforesaid South line a distance of 943.88 feet to the place of beginning,

EXCEPTING

A tract of land being part of Government Lot Four (4) in Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of Government Lot 4 in said Section 18 and assuming the South line of said Government Lot 4 as bearing EAST and all bearings contained herein are relative thereto; thence EAST on the aforesaid South line a distance of 794.88 feet to the ACTUAL PLACE OF BEGINNING; thence continuing EAST on the afore described course a distance of 149.0 feet; thence NORTH a distance of 375.36 feet; thence S 42°14'48" W a distance of 221.56 feet; thence SOUTH a distance of 211.36 feet to the place of beginning. Containing 1.00 acres, more or less,

AND EXCEPTING

The North 300.0 feet of the West 476.00 feet of Government Lot Four (4) in Section Eighteen (18), Township Twelve (12) North, Range Fifteen (15) West of the Sixth P.M. Buffalo County, Nebraska, NOW KNOWN AS: Lot One (1), A & H Ag Acres, an administrative subdivision being part of Government Lot 4 in Section 18, Township 12 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska,

be changed from the Agriculture (AG) District to the Agricultural – Residential (AGR) District. The property is in the name of Jeffrey R. Albers and Kayla M. Albers.

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

WHEREAS, on November 18, 2021, the Buffalo County Planning and Zoning Commission, following public hearing with notice as required, recommended approval of such proposed change in zoning on a 7-0 vote with no absences and no abstentions, and

WHEREAS, on December 14, 2021, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

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

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

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

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

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

Chairman Klein opened the public hearing for a Zoning Map Amendment filed by Jana L. Owens, CFO and Treasurer for Simplot AB Retail Sub, Inc. for property identified as tax parcel 660286130, and described as Part of Government Lot 1 in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska. The applicant has requested to rezone approximately 3.05 acres from AG – Agriculture to I – Industrial. (Vice Chairman Morrow rejoined the meeting at 9:24 A.M.) Mark Van Slyke was present to answer questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:28 A.M. Moved by Higgins and seconded by Loeffelholz to approve Zoning Map Amendment with the following Resolution 2021-80. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2021-80

WHEREAS, on October 18, 2021, filed by Jana L. Owens, CFO and Treasurer for Simplot AB Retail Sub, Inc., previously known as Pinnacle Agriculture Distribution, Inc., for property identified as tax parcel 660286130, have applied for a Zoning Map Amendment

with the Buffalo County Zoning Administrator, requesting that the following real estate property, hereinafter referred to as the “subject property”, to wit:

A tract of land being part of Government Lot 1, located in Section 30, Township 9 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 1 in Section 30, and assuming the West line of Government Lot 1 as bearing S 00°09’34” W and all bearings contained herein are relative thereto; thence S 00°09’34” W and on the west line of said Government Lot 1, a distance of 372.85 feet; thence S 89°29’20” E and parallel with the North line of said Government Lot 1, a distance of 745.68 feet to the Actual Place of Beginning; thence continuing S 89°29’20” E and parallel with the North line of Government Lot 1, a distance of 356.34 feet; thence N 00°09’34” E and parallel with the West line of said Government Lot 1, a distance of 372.84 feet to a point on the North line of said Government Lot 1; thence N 89°29’20” W and on the North line of said Government Lot 1, distance of 356.34 feet; thence S 00°09’34” W and parallel with the West line of said Government Lot 1, a distance of 372.85 feet to the place of beginning.

be changed from the Agriculture (AG) District to the Industrial (I) District. The property is in the name of Pinnacle Agriculture Distribution, Inc., now known as Simplot AB Retail Sub, Inc.

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

WHEREAS, on November 18, 2021, the Buffalo County Planning and Zoning Commission, following public hearing with notice as required, recommended approval of such proposed change in zoning on a 7-0 vote with no absences and no abstentions, and

WHEREAS, on December 14, 2021, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agriculture (AG) District to Industrial (I) District is approved, and

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

Chairman Klein opened the consolidated public hearings at 9:31 A.M. for two special use permits to install signages. Adam Marshall was present to answer questions. No one else addressed the Board and Chairman Klein closed the hearing at 9:34 A.M. Moved by Loeffelholz and seconded by Lynch to approve Special Use Permit applications for Adam Marshall, on behalf of McMarshall Investments, L.L.C., to install signages, located at 17675 Highway 30, Kearney, Nebraska 68845, and described as Part of Government Lots 2, 3, and 4, located in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following Resolution 2021-81 and Resolution 2021-82. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Motion declared carried.

RESOLUTION 2021-81

WHEREAS, Adam Marshall, on behalf of McMarshall Investments, L.L.C., has filed for a Special Use Permit, inventoried as Permit #2021-097, located at 17675 Highway 30, Kearney, Nebraska, 68845, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed October 25, 2021, to install signage on the following legal description:

All that part of Government Lots Two (2), Three (3), and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER, that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

hereinafter referred to as the “subject property”.

WHEREAS, on November 18, 2021, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 7-0 vote with no absences or abstentions, voted to forward this application to the County Commissioners, and

WHEREAS, on December 14, 2021, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, two exhibits were attached to the application:

1. The application of the Special Use Permit.
2. Site Plan with Proposed Location of Sign.

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:

- The subject property abuts Highway 30 to the North.
- Signage will be placed no closer to Highway 30 right-of-way than the required 13 feet, as shown in Section 8.3.
- The signage content will be regarding the business being conducted on the premises.

WHEREAS, this special use permit is found to be in compliance 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.

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

1. No additional conditions were placed on the project other than the sign shall remain in compliance with 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.

RESOLUTION 2021-82

WHEREAS, Adam Marshall, on behalf of McMarshall Investments, L.L.C., has filed for a Special Use Permit, inventoried as Permit #2021-098, located at 17675 Highway 30, Kearney, Nebraska, 68845, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application was filed October 25, 2021, to install signage on the following legal description:

All that part of Government Lots Two (2), Three (3), and Four (4) in Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, lying northerly of the northerly right-of-way line of the Union Pacific Railroad, EXCEPTING HOWEVER, that part deeded to the State of Nebraska by Warranty Deeds recorded in Book 153, Page 48 and Book 153, Page 95 and filed in the office of the Buffalo County Register of Deeds.

hereinafter referred to as the "subject property".

WHEREAS, on November 18, 2021, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Special Use Permit and on a 7-0 vote with no absences or abstentions, voted to forward this application to the County Commissioners, and

WHEREAS, on December 14, 2021, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, two exhibits were attached to the application:

1. The application of the Special Use Permit.
2. Site Plan with Proposed Location of Sign.

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:

- The subject property abuts Highway 30 to the North.
- Signage will be placed no closer to Highway 30 right-of-way than the required 13 feet, as shown in Section 8.3.
- The signage content will be regarding the business being conducted on the premises.

WHEREAS, this special use permit is found to be in compliance 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.

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

1. No additional conditions were placed on the project other than the sign shall remain in compliance with 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.

REGULAR AGENDA

The early claim Agenda item became available for the closing of the purchase of property known as 1406 1st Avenue in Kearney that was previously ratified on November 9, 2021. Moved by Kouba and seconded by Higgins to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

GENERAL FUND		
NEBRASKA TITLE CO	PROPERTY	150,502.25

After discussion it was moved by Morrow and seconded by Loeffelholz to allocate funds to the Village of Amherst for Sewage Treatments through American Rescue Plan Act (ARPA) funds with the following Resolution 2021-83. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch and Klein. Motion declared carried.

RESOLUTION 2021-83

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 political subdivision 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 state, local and tribal governments to make necessary investments in water and sewer infrastructure and Buffalo County may transfer funds to another governmental entity for the purpose of meeting ARPA's goals, and

WHEREAS, Buffalo County pursuant to that committee's report on allocations, desires to allocate a portion of received ARPA Funds to the Village of Amherst to assist that village in the construction, improvement, expansion, and renovation to its' municipal sewage system(s), to help with the payment of that system because the Village of Amherst has suffered negative economic impacts as a result of the COVID- 19 public health emergency; and

WHEREAS, Buffalo County has determined that contracting with the Village of Amherst would yield efficiencies in time and process in the development and implementation of the Villages Sewage Treatment.

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 the American Rescue Plan Act Agreement with the Village of Amherst for the financial assistance to the Village for the construction, improvements, expansion, and renovation to its municipal sewage system(s) for the duration of the Agreement, and to take all necessary steps required to complete this Agreement.

Following discussion it was moved by Morrow and seconded by Lynch to ratify Vice Chairman Morrow's signature on the admendment of the architect contract amounts with Wilkins Architecture Design and Planning for the 610 Central Central Project to also include the 2022 Avenue A Project. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz and Klein. Motion declared carried.

Deputy County Attorney Hoffmeister reviewed the next three Agenda items regarding the 610 Central Project. Succeeding conversation regarding changes and ratification of changes for Request for Proposals (RFP) on 610 Central Project, it was moved by Loeffelholz and seconded by Morrow to approve the Request for Proposal revised document. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch and Klein. Motion declared carried.

After discussion it was moved by Morrow and seconded by Loeffelholz to appoint Vice Chairman Sherry Morrow, Board Administrator Lynn Martin, Facility Director Steve Gaasch, Architect Jacob Sertich and Tom Weides to the selection committee for the Construction Manager process for the 610 Central Project. Upon roll call vote, the following Board members voted "Aye": Morrow, Loeffelholz, Higgins, Kouba, Lynch and Klein. Motion declared carried.

Following conversation it was moved by Loeffelholz and seconded by Kouba to authorize Chairman Klein, Vice Chairman Morrow and Commissioner Loeffelholz on behalf of the Board to meet with the appointed selection committee regarding the process for selecting Construction Manager with the bid selection process. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Motion declared carried.

After discussion it was moved by Loeffelholz and seconded by Lynch to ratify the Facility Director's signature on the Caterpillar Financial Services Corporation lease agreement dated October 7, 2021. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:59 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

BOARD OF EQUALIZATION

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

Moved by Loeffelholz and seconded by Morrow to approve Tax List Corrections numbered 4808 through 4811 submitted by County Assessor Skinner. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for RYDE Transit – Community Action Partnership of Mid-Nebraska for two 2014 Dodge Grand Caravans, a 2014 Chevy G2500, three 2014 Ford Cutaways, two 2008 Chevy Uplanders, three 2016 Ford Cutaways, five 2010 Ford Cutaways, six 2017 Ford E450 Cutaways, two 2010 Ford Expeditions, three 2010 Dodge Grand Caravans, a 2012 Chevy Crew Cab, a 2017 Chevrolet Express Van, three 2021 Ford E450 Cutaway and three 2018 Dodge Caravans. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Motion declared carried.

Moved by Lynch and seconded by Kouba to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for Christian Student Fellowship for a 2018 Ford Transit 350 Van and a 2006 Chevy Express Van. Upon roll call vote, the following Board members voted "Aye": Lynch, Kouba, Higgins, Loeffelholz, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Kouba to approve Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Sidwell for Sonshine World for a 2003 Chevrolet Express Cutaway Bus, a 2010 Ford Econoline Van and a 2013 Ford Econoline Van. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and 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 10:04 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Kouba, Higgins, Lynch, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

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

Chairman Klein instructed County Clerk Giffin to open and read aloud the submitted bids for the 2022 Asphalt Projects. A Bid was submitted from Werner Construction, Inc. The Road Committee and Highway Superintendent will review the bid and come back with recommendations at the next meeting on December 28, 2021.

On November 23, 2021 the Board of Commissioners conducted a public hearing for the road vacation petition that was filed on August 30, 2021 with the County Clerk referred to as 265th Road between Apache and Arrow Roads. Moved by Loeffelholz and seconded by Lynch to vacate a portion of 265th Road between Apache and Arrow Roads and legal description in Resolution 2021-65, initiated by Board action with the following Resolution 2021-84. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Motion declared carried.

RESOLUTION 2021-84

WHEREAS, this Board, by petition request, is considering whether to vacate the following described road, alley, and/or public way, originally described on the public road records of Buffalo County as:

A road named 265th Road, a road commencing from the East line of Apache Road which is the approximate Southwest corner of the Southwest Quarter of Section Seven (7), Township Eleven (11) North, Range Eighteen (18) West and the approximate Northwest corner of the Northwest Quarter of Section 18; thence running East for approximately one mile of a curved road to the West line of Arrow Road being the approximate Southeast corner of the Southeast Quarter of Section 7, Township 11 North, Range 18 West and the approximate Northeast corner of the Northeast Quarter of Section 18, Township 11 North, Range 18 West, as the road is abutting and being located in part of the South Half of the South Half of Section 7, Township 11 North, Range 18 West and abutting part of the Northwest Quarter of the Northwest Quarter and abutting part of the Northeast Quarter of the Northeast Quarter of Section 18, Township 11 North, Range 18 West, all in Buffalo County, Nebraska.

hereinafter simply referred to as "subject public road", parts of which are within the zoning jurisdiction of the Village of Miller, Buffalo County, Nebraska,

And,

WHEREAS, the Buffalo County Highway Superintendent has made a written study of the use being made of the subject public road. His report recommended that the subject public road be vacated; and

WHEREAS, after receiving the written report from the Buffalo County Highway Superintendent, this Board on October 12, 2021, adopted Resolution 2021-65. This Resolution set the time, date, and place of public hearing as November 23, 2021, at 10:00 o'clock a.m., in the Buffalo County Boardroom, Buffalo County Courthouse, 16th and Central, Kearney, Nebraska. The purposes of this public hearing was for this Board to receive testimony and other evidences as to whether the subject public road should or should not be abandoned or vacated, all done with notice as provided by law, and

WHEREAS, a copy of Resolution 2021-65 was published for three consecutive weeks and notice of the public hearing was also given no less than two weeks in advance of the hearing to owners of land adjoining the subject public road to be vacated or abandoned by registered or certified mail, and

WHEREAS, on November 23, 2021, this Board conducted a public hearing to consider whether Buffalo County should or should not vacate or abandon the subject public road. Further, if vacated, the Board was to consider, how and under what conditions, the public road would be vacated. No one appeared to object to this vacation or abandonment request, and

WHEREAS, after the public hearing held November 23, 2021, the Board set December 14, 2021, at 10:00 o'clock a.m., as the date and time for a decision to be given by this Board, as an agenda item, to consider and to take action to vacate or abandon, or to not vacate or abandon, the subject public road as in the judgment of this board and the public good may require, and

WHEREAS, this Board finds that:

1. The Buffalo County Highway Superintendent has recommended vacation or abandonment of the subject public road.
2. The subject public road proposed to be vacated or abandoned is partially within the zoning jurisdiction of the zoning jurisdiction of the Village of Miller. It is not a prerequisite that a village or city of the second class consent to the vacation of

a road within the particular municipality's zoning jurisdiction. Miller has not responded after being given notice of the public hearing.

3. All necessary public publications and notices to adjoining landowners have been given.
4. The public records of this county reflect that this road was created in 1893 by petition for the opening of a public section line road. This is evidenced in County Supervisors/Commissioners' minutes found in Book 3, Page 579.
5. The action to vacate or abandon this public road was initiated by petition.
6. No conditions or reservations should be retained by the public as concerns this road if it is vacated or abandoned, other than the continued use and occupation of the same by any public utilities that now occupy the public right-of-way together with the ability of any public utility that now occupies the public right-of-way shall have the right of re-entry after vacation or abandonment to perform maintenance, replacement, and repair work on facilities located within the vacated public right-of-way.
7. No public purpose would be served to keep the subject public road open.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, BY ADOPTION OF THIS RESOLUTION BY A NO LESS THAN A TWO-THIRDS MAJORITY VOTE that the following described public road named 265th Road, a road commencing from the East line of Apache Road which is the approximate Southwest corner of the Southwest Quarter of Section Seven (7), Township Eleven (11) North, Range Eighteen (18) West and the approximate Northwest corner of the Northwest Quarter of Section 18; thence running East for approximately one mile of a curved road to the West line of Arrow Road being the approximate Southeast corner of the Southeast Quarter of Section 7, Township 11 North, Range 18 West and the approximate Northeast corner of the Northeast Quarter of Section 18, Township 11 North, Range 18 West, as the road is abutting and being located in part of the South Half of the South Half of Section 7, Township 11 North, Range 18 West and abutting part of the Northwest Quarter of the Northwest Quarter and abutting part of the Northeast Quarter of the Northeast Quarter of Section 18, Township 11 North, Range 18 West, all in Buffalo County, Nebraska, shall be and hereby is vacated and abandoned by the County of Buffalo, State of Nebraska, and the title or right-of-way to this road shall revert to private ownership to the owner(s) of the adjacent real estate, divided one-half on each side thereof, subject however to the continued occupation, if any, of any public utility now occupying the now abandoned and vacated road.

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

1. The South half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) and South half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Seven (7) all in Township Eleven (11) North, Range Eighteen (18) West of the 6th P. M. Buffalo County, Nebraska, and
2. The North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) and the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Eighteen (18), all in Township Eleven (11) North, Range Eighteen (18) West of the 6th P. M. Buffalo County, Nebraska.

ADDITIONALLY RESOLVED that this vacation shall be effective upon adjournment of this Board regularly scheduled meeting of December 14, 2021.

Moved by Lynch and seconded by Loeffelholz to authorize Chairman Klein to sign on behalf of the County Board the Annual Certification Program Compliance for Nebraska Board of Public Roads Classification and Standards with the following Resolution 2021-85. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Kouba, Morrow and Klein. Motion declared carried.

RESOLUTION 2021-85

SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT FORM 2021

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 detail the requirements that must be met in order for a county to qualify for an annual Incentive Payment; and

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31st of each year) the appointment of the County Highway Superintendent(s) to the NDOT using the Year-End Certification of County Highway Superintendent; and

Whereas: The NDOT requires that such certification shall also include a copy of the documentation of the county highway superintendent's appointment, i.e., meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable) and Class of License (if applicable), the type of appointment,

i.e., employed or under contract (consultant, or interlocal agreement with another county and/or incorporated municipality), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of Buffalo County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form(s).

Chairman Klein reviewed the following correspondence. Former Commissioner Dean Woodman's family sent an appreciation thank you note after his passing. Emmett Maul's Family sent a thank you note for the sympathy plant. The Village of Shelton sent a public hearing notice and a map for proposed redevelopment plan of Matt Andrews Construction on real estate located along Ayers Street for the meeting to be held December 16, 2021 at 7:30 P.M. The City of Kearney sent the Planning Commission Agenda for December 17, 2021 meeting. Norman Kincaide sent National Heritage Area (NHA) information packet with the summary of operations. Nebraska Public Service Commission sent a certification of the original order know as Application No. 911-073/PI-232 adopting the Next Generation 911 Funding Model Implementation Plan. Chairman Klein called on each Board member present for committee reports and recommendations.

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

Chairman Klein asked if there was anything else to come before the Board at 10:20 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, December 28, 2021.

ATTEST:

Ivan Klein, Chairman
Buffalo County Board of Commissioners

Janice I. Giffin
Buffalo County Clerk

(SEAL)